

**PAPER NUMBER: 2015/BOARD/433**

**MINUTES**

**Scottish Charity Regulator (OSCR) Board meeting**

**Held on Wednesday 9 September at 10am at OSCR Offices, 9 Riverside Drive, Dundee**

**Present:** The Very Rev Dr Graham Forbes, Chair  
 Prof. David Harrison, Vice Chair (via telecon)  
 David Hughes Hallett, Board Member  
 Pat Armstrong, Board Member  
 Shona Ulrichsen, Board Member  
 Prof. Stuart Cross, Board Member (from 10.30am)  
 Fiona Ballantyne, Board Member

**In attendance:** David Robb, Chief Executive  
 Martin Tyson, Head of Registration  
 Laura Anderson, Head of Enforcement  
 Judith Turbyne, Head of Engagement  
 Judith Hayhow, Head of Support Services  
 Moira Cathcart, Senior Legal Advisor  
 Nicola McBain, Board Secretary  
 Paul Ingram, Scottish Government (Observer)

|           |   | <b>ACTION</b> |
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| <b>1.</b> | <b>Apologies</b><br><br>Apologies were received from Kaliani Lyle.  |               |
| <b>2.</b> | <b>Declarations of interest</b><br><br>Declarations of interest were noted from Graham Forbes and David Harrison in respect of the Higher Education Governance Bill referenced in agenda item 5. Shona Ulrichsen declared an interest regarding Girl Guides in relation to the analysis of non-submitting charities included as an Annex to the CEO's Report. |               |

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| 3. | <p><b>Agenda item 1: Minutes of previous meeting</b></p> <p>The minutes of 24 June 2015 were approved.</p> <p><b>Matters Arising:</b> The Head of Support Services is to follow up with all Board Members on the Board's Annual Self-Assessment Checklist. She also noted that the traffic light system on the OSCR dashboard will be added into the next quarter's submission.</p>   | JH |
| 4. | <p><b>Horizon scanning</b></p> <p>The Board members gave updates on issues of relevance to OSCR's work from their recent experience and personal perspectives. Themes discussed included the delayed announcement of the Scottish budget and its impact on charity operations and the sector's stability, positive engagement from the sector on the Fairer Scotland consultation and the impact of the new Big Lottery funding arrangements.</p>   |    |
| 5. | <p><b>Agenda Item 2: CEO's Report</b></p> <p>The Chief Executive introduced paper 429.</p> <p><b>Registration and Enforcement cases:</b> Verbal updates were given on significant cases.</p> <p><b>Engagement:</b> The Board noted the confirmed dates for the Meet the Charity Regulator events and asked the Board attendance at each meeting be confirmed by email.</p> <p>The Head of Engagement advised that the new web-logo that charities can use on their website to show they are on the charity register will be a direct link through to the charity's register page.</p> <p><b>Projects:</b> The Head of Engagement updated the Board on the Targeted Regulation project. She advised that there had been very positive participation by staff at the workshops in September, and the ideas from these will soon be discussed by the Change Group and SMT. Models for improvement will then be taken back to an all staff session in December. The plan is to start introducing visible external changes from April 2016 onwards.</p> <p>The CEO highlighted the non-submitting charity analysis contained as an Annex to the paper. This analysis is being examined by the Change Group as to how this should impact internal policies.</p> | JT |

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|    | <p>The Board noted the number of serial non-submitting charities compared to those who non-submit once, advising the focus should be on these, specifically those of a medium to high income where staff are most likely employed. They also felt the additional analysis looking at the crossover between non-submission cases and inquiries/compliance cases would add value to the discussions on future policy decisions.</p> <p>Possible sanctions were also discussed such as publishing a list of charities, as well as proactive engagement work to support new charities and prevent them from becoming non-submitters.</p> <p><b>Policy &amp; Operating Environment:</b> The CEO advised that Alex Neil, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights has re-arranged his visit to the February 2016 meeting.</p> <p>The Board were pleased to see OSCR's engagement with the Scottish Government and Scottish Parliament on a range of policy issues including the Higher Education Governance Bill and Wild Fisheries Reform.</p> <p>The CEO also advised that we are monitoring the progress of both the Education Scotland Bill and (at Westminster) the Protection of Charities Bill.</p> <p><b>Corporate Services/Staffing</b> The Board noted the update in respect of staffing, welcoming the reduction on sickness absence levels and increased monitoring of these at a local level.</p> |    |
| 6. | <p><b>Agenda Item 3: Performance Report</b></p> <p>The Head of Support Services introduced paper 430.</p> <p>The Management Information was noted, and it was agreed to add arrows indicating increases/decreases to highlight trends.</p> <p>The Dashboard has now been populated with quarter one figures and the Board welcomed the accessible format. Traffic lights as indicated in matters arising will be included in the next submission.</p> <p>The Head of Support Services advised that OSCR's accounts had now been laid before parliament. The Finance Summary was noted by the Board.</p>  | JH |

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| 7. | <p><b>Agenda item 4: Audit Committee Minutes from 17 June 2015.</b></p> <p>The Chair of the Audit Committee introduced paper 431.</p> <p>He advised there were no outstanding issues in respect of the External Audit and the Board noted the minutes presented.</p> <p>The Head of Support Services advised that a further meeting of the Audit Committee with SMT was held in early September to discuss Best Value. This had been a very positive discussion where they had reviewed the outcomes set in the Corporate Plan, and identified from evidence collected that we can demonstrate the value added from OSCR's activities.</p> <p>It would be important that public value can be demonstrated clearly and that we can evidence that we are focusing on the areas that have most impact. A paper on our planned approach here will be submitted to the Board</p>   | SMT |
| 8. | <p><b>Agenda item 5: The Regulation of Fundraising</b></p> <p>The CEO introduced paper 432. This paper advised the Board of the recent developments in this area as we await the publishing of both the SCVO Review of Fundraising in Scotland and the Etherington/NCVO review in England &amp; Wales.</p> <p>Various themes were emerging in respect of the recommendations that may be made by both reviews, and the Board were asked to consider these and give a steer on what future action OSCR should take.</p> <p>In discussion the Board noted that OSCR may have a greater role in regulating fundraising in future, and that this may also take the form of providing greater support to charities in relation to good complaint handling practice. It was also noted that it may be necessary to review the CCEW 'lead regulator' role in respect of Cross Border charities to ensure OSCR's locus and 'value add' is clearer.</p> <p>It was agreed that the Chair would write to the Cabinet Secretary with OSCR's views on Fundraising, so he is aware of our position prior to both reports being published.</p> | DR  |
| 9. | <p><b>Any other business</b></p> <p>No other business was noted.</p>  |     |