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MINUTES

Scottish Charity Regulator (OSCR) Board meeting

**Held on Wednesday 10 February 2016 at 11am at OSCR, Quadrant House
Dundee**

Present: The Very Rev Dr Graham Forbes, Chair
Prof. David Harrison, Vice Chair
David Hughes Hallett, Board Member
Shona Ulrichsen, Board Member
Prof. Stuart Cross, Board Member
Fiona Ballantyne, Board Member
Kaliani Lyle, 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
Sonia Johnston, IoD Board Experience (Observer)

		ACTION
1.	Apologies Apologies were received from Pat Armstrong, Board Member.	
2.	Declarations of interest Declarations of interest were noted from Graham Forbes, David Harrison and Stuart Cross in respect of the Higher Education Governance Bill referenced in agenda item 3.	
3.	Agenda item 1: Minutes of previous meeting The minutes of 10 February were approved. Matters Arising: The CEO updated the Board on the International Charity Regulators Event. The event had	

	<p>proved useful with connections made with a number of other regulators working on common areas of development for example online services.</p>	
<p>4.</p>	<p>Agenda Item 2: Horizon Scanning</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 lobbying by charities, reserve policies, conflicts of interest with commercial partners and changes to funding structures.</p>	
<p>5.</p>	<p>Agenda Item 3: CEO Report</p> <p>The Chief Executive introduced paper 438.</p> <p>Registration and Enforcement cases: Verbal updates were given on significant cases.</p> <p>Engagement: The Board noted the 96% approval rating for the meet the charity regulator events and thanked staff for their organisation and running of these.</p> <p>In respect of banking it was advised that OSCR has been working with partners on guidance for charities and banks, and this will be discussed further at the Gathering on 17 February 2016. An evidence note of the issues highlighted to OSCR and others has also been compiled which will be shared with banks.</p> <p>The CEO advised that along with an input on banking, the Gathering event will also seek to celebrate OSCR's 10th Birthday, reflecting on the past and outlining our future plans on Targeted Regulation.</p> <p>Targeted Regulation: On Targeted Regulation the CEO advised that the staff had been working on the implementation of the changes, while also developing and initiating a communications strategy to inform the sector of the changes.</p> <p>One of the changes to be introduced from April 2016 is Notifiable Events. This scheme will put the onus on charities to inform OSCR as and when certain events occur rather than at the annual return stage.</p>	

	<p>The Board welcomed the move to a more risk-led approach.</p> <p>Policy & Operating Environment: The CEO updated the Board on the various areas of legislation and policy OSCR has been commenting on.</p> <p>In respect of Land Reform, Ministers will be under a duty to develop guidance for all landowners on community engagement. We have indicated that we will work with Scottish Government on any guidance in relation to charities.</p> <p>On the Higher Education Governance Bill the Head of Registration advised that following the proposed stage two amendments from Scottish Government, OSCR's position remains unchanged, and also there are no issues in respect of the Education (Scotland) Bill.</p> <p>The CEO advised that the PAC Committee report on Coatbridge College had recommended that the Colleges Good Governance Task Group work with OSCR on possible additional powers. The Head of Registration attends this group, and as well as considering this we are working with the SFC on updating our MOU so as to define our relationship further – the SFC is the lead regulator.</p> <p>In England and Wales the Protection of Charities Bill text has now been agreed and the Board will be sent a summary for their information.</p> <p>Finally the Head of Enforcement thanked the Board for their input into topics of SORP Research. The SORP Committee are considering these and she will update the Board in due course.</p> <p>Corporate Services/Staffing: The Board noted the update in respect of staffing and absence levels.</p> <p>Governance: The Board noted the progress in respect of the appointment of two new Board members in 2016.</p>	<p>NM</p> <p>LA</p>
6.	<p>Agenda item 4: Performance Report</p> <p>The Head of Support Services introduced paper 439.</p> <p>The Management Information and Corporate Dashboard were noted by the Board. They asked that the statutory deadlines be highlighted further within the Management</p>	<p>JH</p>

	<p>Information.</p> <p>On the Management Accounts they were also advised of the 2016/17 budget allocation. For 2015/16 there were noted overspends in the areas of Communication; however it was advised that this was a result of increased engagement activity including events and two consultations on guidance.</p>	
<p>7.</p>	<p>Fundraising Update</p> <p>The Head of Engagement introduced paper 440. The Board were asked to consider and discuss the emerging options for the regulation of fundraising in Scotland, specifically the possible impact on OSCR, and give their view on the way ahead.</p> <p>OSCR is an observer on the working group taking forward the options that emerged from the fundraising summit held in November 2015. They have been developing and analysing these options, which will be consulted on with both the sector and public before a preferred option is presented later in 2016.</p> <p>Discussing the options the Board considered the following issues:</p> <ul style="list-style-type: none"> • The public expectation that OSCR should be involved in fundraising regulation to some extent. • How any model would work with what is proposed in England and Wales and the impact on cross border charities. • Future proofing for any option. • Powers, sanctions and resources OSCR would need for any option to work. • Public engagement needed. <p>The Boards view on the options were noted and will be feedback as part of the sector consultation and at the working group.</p>	<p>JT</p>
<p>8.</p>	<p>OSCR Board Self Assessment Checklist 2015</p> <p>The Head of Corporate Service introduced paper 441. It was a summary of the self assessment checklist completed by the Board in late 2015, and asked for the Board comment on future actions arising from the comments.</p> <p>The Board noted the comments made in each of four assessment areas, and advised that as part of future</p>	<p>DR</p>

	<p>meetings would like to consider future corporate planning and long-term vision work in respect of the sector and OSCR.</p> <p>Two new Board members will be joining at the next meeting in May and it was agreed it would be beneficial to start this work then. On new Board members, it was advised that consideration should be given to induction, learning previous lessons in this area, and also early consideration should be given to individual development needs.</p>	
<p>9.</p>	<p>AOCB</p> <p>The Chair and other Board members formally thanked the two departing Board members (Fiona Ballantyne and David Hughes Hallet) for their very significant contribution to the Regulator's work and wished them well for the future.</p>	