

Consultation and Participation Strategy

1. Introduction

The Office of the Scottish Charity Regulator (OSCR) regulates around 24,000 charities, including community groups, universities, care providers and religious charities, which touch the lives of almost everyone living in Scotland. This Consultation and Participation Strategy sets out how we will seek the views of charities and those who have an interest in charities when we are making policy or when we are introducing changes to our procedures that affect charities. In doing so, it continues and develops OSCR's previous Consultation and Participation Strategy.

2. Background

OSCR is a Non-Ministerial Department and is accountable to the Scottish Parliament. OSCR is required to act in a way that is accountable, consistent, transparent and targeted only at cases in which action is needed.

We believe that to achieve our vision of a flourishing and trusted charity sector, we must promote dialogue with those affected by our policies, from charities to the general public. Consulting with our stakeholders enables us to make more informed decisions. It allows us to hear the views of the wide range of people involved with the work of charities, and benefit from their varied and practical experience. For stakeholders, consultation is an opportunity to influence policy or procedures that may affect them.

OSCR has a number of statutory duties in respect of consultation and participation. Section 9 of the Charities and Trustee Investment (Scotland) Act 2005 obliges OSCR to consult with charities and others before it issues guidance on how it determines whether a body meets the charity test. In addition the Public Services Reform (Scotland) Act 2010 places a broader duty on OSCR to ensure continuous improvement in user focus in our work. This will require the involvement of users of the services we scrutinise in the design and delivery of our services. This strategy is consistent with that duty.

On an annual basis OSCR already carries out an annual survey of stakeholders to collect their views on the charity sector and our performance. OSCR also holds an open annual meeting in Scotland to inform stakeholders of our progress and hear their views. Details of past and future events and surveys are available on our website.

This document explains the principles we will observe when consulting and encouraging broader participation; what we mean by consultation and participation; when we expect to consult or invite participation; and the range of methods we will use to reach our stakeholders.

3. What are the principles OSCR will adhere to when consulting and seeking participation?

Regardless of the form of consultation or participation that we adopt for a particular policy or procedure, OSCR will adhere to the following principles as part of this strategy:

- Consistent - Consultation and participation are essential and must form an integral part of our planning processes.
- Timely – Consult at the earliest reasonable opportunity, ensuring that there is scope to influence the policy or procedure.
- Candid – Be clear about what can be influenced by the consultation and what cannot.
- Structured – Allow stakeholders sufficient time to respond, with at least 12 weeks allowed for responses in a formal consultation.
- Clear – Present clearly written, concise documents that set out the purpose of the exercise and are easily understood by the people we are consulting with.
- Inclusive – Disseminate our consultations as widely as possible within the groups they are intended to reach, making particular efforts to target those groups that are hardest to reach.
- Proactive – Consider and address any barriers posed by disability, geography or language or any other barrier that prevents equal access to the consultation.
- Proportionate – Identify as a priority the groups most affected by a policy or procedure and target respondents effectively within the constraints of OSCR resources by working through representative or umbrella groups. We will also be mindful of the impact of the consultation on those being consulted.
- Responsive – Analyse all responses and provide appropriate feedback on how responses have influenced policies or procedures.
- Transparent – Make public the consultation documents and the comments of stakeholders or the membership of reference groups unless they elect to keep their responses confidential.

4. Defining consultation and participation exercises

OSCR will both engage in a broad dialogue with stakeholders and also seek the views of its stakeholders on specific issues when developing new policies, new guidance or new procedures. There are several different types of consultation or participation and we may use more than one type in any consultation exercise. We define the principal types as follows:

- Full consultation – written, time-bound, formal process to gather views from all stakeholders.
- Reference group exercise – a process to gather views from a group with expertise in a specific policy/procedure. This may include academics, sector representatives, professional advisers, umbrella groups or service users.
- User group exercise – use a group of people from the sector and interest groups who are most affected to test or review the feasibility of proposed changes in a policy/process.
- Open or ‘blue sky’ consultation – open to anyone, as with the full consultation, but less structured.

We will decide whether to consult and how that consultation takes place in line with our statutory obligations and with our obligation to be accountable, consistent, transparent and proportionate. We will choose the appropriate type of consultation depending on who will be affected by the proposed change, the extent of the impact we expect the change will have, what stage we are at in developing the policy or procedure, and other factors, such as any legal requirements.

OSCR will use the following forms of consultation:

Type of consultation or participation	When will we use it?	Characteristics	Purpose
Full consultation	A significant new or revised policy or working practice that will have considerable impact on all charities and other stakeholders	Formal, time-bound, publicly available Anyone may participate Respondents normally to be given at least 12 weeks to provide	Consider all stakeholder views to enhance and inform policy/procedure before finalising

		views Feedback to be published	
Reference group exercise	When considering new or revised policy/procedures that affects all or some charities	May be targeted only at stakeholders who will be affected Not time-bound or formal	Work as a sounding board to inform new policy/procedures Consider views of those most affected and consequences for them
User group exercise	When a policy or procedure that affects all or some charities is at an advanced stage and close to being implemented	May be targeted at a group of specialist users or selected group who represent users Usually bound by time-scale of project Less scope to influence the project, except in terms of its practical effects	Ensure that the policy or procedure is fit for purpose Screen for unintended consequences

5. Method of consultation or participation

There are a great variety of communications methods we can use to reach our stakeholders in during a consultation or participation exercise. These continue to evolve as social media and online communications become more prevalent and sophisticated. Therefore, we will not prescribe the exact method that we will use in a consultation or participation exercise but these will be chosen in a way that adheres with the principles of this strategy that are set out above. In line with best practice, we will seek to use more than one method of involving stakeholders when we consult with them. The ways that we may use include:

- Written consultation documents, including questionnaires
- Focus groups – with selected representatives
- Face-to-face interviews – with selected representatives
- Surveys and questionnaires – open or selective; including online surveys
- Open meetings, including OSCR’s annual open meeting, or workshops. E-communications
- Communications in the press
- Social media communications tools
- Pilots
- Surveys including OSCR’s annual survey of stakeholders.

6. Broader dialogue with its stakeholders

Consultation is not the only way in which OSCR carries out a dialogue with its stakeholders. There are many routes through which any interested parties can give us their views and suggestions about our policies and practice on an ongoing basis.

Our website is our principal communications tool and OSCR guidance, policies and corporate documents are available there, and contact details are published there allowing anyone to contact us by email, phone or post with comments and suggestions.

We have Memorandums of Understanding with other regulators and other organisations we work with, outlining the terms of each relationship and of how ideas can be exchanged.

We have a proactive outreach programme that works with umbrella bodies, membership organisations and professional advisers, primarily to help to encourage and facilitate charities’ compliance with Scottish charity law. This programme fosters dialogue with key representatives of the charities sector to deepen our understanding of the changing landscape in which they operate.

Published: August 2010

Updated: January 2017