

Consultation on Review of the Children (Scotland) Act 1995 Response from the Scottish Charity Regulator

1. Background

1.1 The Scottish Charity Regulator

The Scottish Charity Regulator (OSCR) is established under the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act) as a Non-Ministerial Department forming part of the Scottish Administration. OSCR is the registrar and regulator of charities in Scotland. There are currently over 24,000 charities registered in Scotland.

2. Consultation response

Our response to this consultation focuses solely on the proposals set out in Part 4 of the consultation paper to regulate Child Contact Centres, which are often registered charities.

Where concerns are raised with us about Child Contact Centres these usually relate to the service a user has experienced. In many cases these are not matters that fall within OSCR's regulatory remit: in the first instance, it is for the charity trustees to make sure that the charity complies with applicable legislation and standards. Where they fail to do so, that may be a breach of their general duties under the 2005 Act as charity trustees, and may be of regulatory interest to us.

In our experience having a robust, accessible complaints procedure which addresses service delivery and provides a means of review beyond the individual charity's trustees is a key element in helping charity trustees to deal appropriately with service delivery issues. Relationship Scotland's overarching complaints procedure is helpful and it is good to see that they are undertaking a benchmarking exercise on this respect.

We note the arguments for and against regulation and would support setting clear standards for child contact centres, along with a proportionate approach to regulation, bearing in mind the small size of many of these charities.

We can see the value in having national policies and consistent standards for all Child Contact Centres. We note the position in the rest of the UK, as outlined in 4.15 of the consultation paper, and although it is not clear on what basis CAFCASS would make a referral this would appear to be a model that could usefully be explored.

The proposal set out in 4.21, only regulating places that are wholly or mainly used as Child Contact Centres, needs clarification. Does this include the 'pick up and drop off' facility, as well as the supported and supervised contact services?

3. Conclusion

OSCR has welcomed the opportunity to respond to this consultation and looks forward to the development of the legislation.

We are content for the information provided to be released in full, including contact details. Should you wish to discuss any aspect of the response please contact:

Caroline Monk, Engagement Manager (Policy and Guidance)

caroline.monk@oscr.org.uk

01382 346839