



Office of the Scottish Charity Regulator (OSCR) Consultation on proposals for the monitoring of cross border charities

A Response by WRVS

24 November 2008

About WRVS

WRVS is a charity registered in Scotland (SC 038924) and in England and Wales (1015988). It is also a limited company registered at Companies House (2520413). WRVS operates across the UK.

WRVS wants every older person to have the opportunity and choice to get more out of life. We enable older people to do so by delivering practical support through the power of volunteering and working to publicise and address the issues that affect older people. We also provide in-the-field support to the emergency services.

Our many services are entirely reliant on our 55,000 volunteers, 11,500 of whom are in Scotland. These dedicated Scots, men and women of all ages and backgrounds, deliver hundreds of community-based projects including meals on wheels services, good neighbour befriending schemes and community transport initiatives. We have, in Scotland alone, over 200 emergency services teams involving more than 2300 people and well over 50 established hospital operations supporting visitors, patients and staff.

As a charity operating across the UK we have an obvious interest in the regulatory environment that affects us and with that in mind we offer the following response to OSCR's proposals:

Q5. Do you consider the information being sought to be reasonable and easy to provide?

Not entirely but we can only properly answer this question with reference to the detail sought by OSCR as per our answers to the subsequent questions.

Q6. If not, what would be the problems you might encounter?

It would be relatively straightforward for us to provide an "estimated percentage of activity in Scotland as a percentage of the whole" (Section A5 on the draft information return) precisely because only an *estimate* would be required.

As far as Sections A1 – A3 are concerned, we could probably provide figures for our *frontline* Scottish operations if it proved necessary as their funding arrangements lend themselves to such a presentation but we wish to note that we would have to do this specifically for OSCR, as we do not normally disaggregate our figures in this way. It would be very difficult (and perhaps ultimately impossible) for us to allocate an accurate percentage of the cost of central functions (eg marketing, ICT & web design, personnel, media, human resources) to Scotland as we do not organise or apportion central functions in a way that would make such

a calculation at all straightforward. Given that is the case, the information we might provide with respect to Sections A1 – A3 may well simply arrive at a similar total to that which would be given in response to A5.

Q7. Do you have any suggestions for how the Information Return could be easily modified?

We consider Questions B1 and B2 to be reasonable but this is really only because there is no difference between our Scottish aims and activities and our UK aims and activities and we do not carry them out differently between the two countries.

We are not sure why, in order to fulfil its purpose, OSCR needs the information that Question B3 might elicit and we are concerned that OSCR may be straying into the territory of disproportionate regulation.

Provided OSCR has information about a UK charity's board structure and can be sure of the position of the trustees in relation to that charity as a whole why does OSCR require a breakdown of the internal management structure? And down to what level would it require such a breakdown? Our understanding is that; beyond the trustees, there is no need or legal requirement for OSCR to identify - in *advance* of making an 'inquiry' under the Charities and Trustee Investment (Scotland) Act 2005 ('the Act') - every single person who *might*, in some possible future, be deemed to be 'in management or control' as per the Act. We respectfully suggest that the information sought by Question B3, and so the question itself, is unnecessary.

Q8. How long would you expect to take to complete the Information Return?

As far as Sections A1-A4 are concerned; disaggregating the information we hold in order to provide the mixture of accuracy and estimate to which we refer above would take up to one working day. However, once we had put an appropriate system in place, it would subsist for future years thus we could subsequently expedite the task more easily.

With the caveat that we hope to see Question B3 removed; the rest of the form should take no more than an hour or so.

Q9. Do you consider there to be any further ways in which OSCR and the Charity Commission for England and Wales could work together in this context?

The proposed information return is evidence that OSCR is already concerned – in the opinion of WRVS; probably unnecessarily – with how much of the information available to the Charity Commission from UK wide charities accurately describes their Scottish activity. Most charities that are able to disaggregate this information do so in annual reports, should any given charity feel that doing so serves a useful purpose. However, a charity whose mission and activities are identical across the UK should not be expected to re-describe itself for a regulatory reason only when the information it is being asked to provide is already available to OSCR from the information the charity has submitted to the Charity Commission.

We are concerned that this approach to regulation offers more by way of administrative convenience to the regulator than it does to the protection of the public (which we well understand to be the ultimate aim of the Act) or, for that matter, to the efficient and lawful operation of UK charities.

We suggest that the information provided to the Charity Commission by UK charities is currently good enough to ensure the protection of the public. We believe it to be an extremely good thing that OSCR is prepared to accept that information for its own regulatory purposes. As long as OSCR continues to do so and does not place extra and disproportionate burdens on UK charities we are content with the current working arrangements between the two regulatory bodies.

Q10. What other information do you think would be useful for OSCR to collect?

We strongly believe OSCR already collects quite enough information to allow it to do its job properly and we do not think it needs to collect any more.

Q11. Is there anything further that you think OSCR should be doing with the information that it collects?

No. We think the current functioning of the Scottish regulatory regime, including the way information is made available, is adequate to protect the public, to enable OSCR to discharge its responsibilities and to encourage the efficient and lawful operation of UK, and indeed Scottish, charities.

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