


cvs fife

Myra Watson
 Charity Bill Consultation
 Voluntary Issues Unit
 Scottish Executive Development Department
 2-G Victoria Quay
 EDINBURGH
 EH6 6QQ

12 August 2004

Dear Ms Watson

Draft Charities and Trustee Investment (Scotland) Bill

Having considered carefully the draft Charities and Trustee Investment (Scotland) Bill and the accompanying Consultation Document, I am writing on behalf of the Board of Directors of CVS Fife to offer our comments. We have attempted, where possible, to relate our comments to the relevant sections of the Bill.

Sections 7-8 Charitable Purposes and Public Benefit

CVS Fife welcomes the introduction of 13 "charitable purposes". The new definition is appropriate and relevant and, by recognizing many more activities as charitable, will be of tremendous benefit to a great many voluntary organisations.

We are concerned, however, that the definition of "public benefit" has not been more clearly and specifically defined. We would suggest that, in fact, there would be merit in identifying a range of criteria against which "public benefit" might be measured in order that decisions might be reached through a fair and consistent approach. It is essential that there is a shared understanding of the meaning of "public benefit".

Sections 24-33 Role of OSCR

The role and responsibilities of OSCR as contained within the draft Bill would appear to be entirely appropriate for a regulatory agency. However, whilst the Bill recognizes the need for close co-operation between the two regulatory agencies in the United Kingdom with regard to organisations operating in more than country, and whilst OSCR is required to work closely with other Scottish regulating agencies, we believe that there is a need to ensure, somehow, that those other regulating agencies will be obliged to work with

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Alison Cameron - Manager



INVESTOR IN PEOPLE

OSCR. At present, voluntary organisations are scrutinized rigorously by a wide range of agencies, mainly in relation to funding but also in terms of service delivery and standards. Many of these agencies are already requesting the same information that will be sought by OSCR – namely, annual accounts, annual reports, details of committee membership. We fully support the role of OSCR in regulating charities – but would suggest therefore, that other agencies should be required to recognize OSCR as the source of information on issues relating to charitable status and governance. In the case of smaller voluntary organisations, it is often the local authority that determines the environment within which they operate and in many situations, as the main funder, the local authority will consider it appropriate to intervene in the governance of an organisation. If the principle of proportionality is to be applied, then it is particularly important, therefore, that local authorities and other agencies monitoring and regulating voluntary sector activity work in partnership in order to avoid the smaller organisations being completely overwhelmed by reporting requirements.

It is essential that the legislation recognizes the need for certain charities to limit access to information about charity stewards/trustees in the interests of confidentiality and personal safety.

Section 50 Charity Stewards

We do not consider the term “charity steward” to be appropriate and would support use of the term “charity trustee”.

We are concerned that the legislation must ensure that voluntary organisations remain independent and that the process of appointing charity stewards/trustees ensures that they are. This should mean, for example, that the number of government appointments (including local government) to Boards of charities should be restricted.

We would welcome further discussion and debate on the issue of paid staff taking up positions on a charity Board.

Sections 38 – 42 Charitable Incorporated Organisation

We welcome the proposal to introduce a new legal form, the charitable incorporated organisation.

Section 64 Fundraising

We are satisfied with the current proposals, given that the Bill includes a reserve power to allow further statutory regulation of fundraising if Ministers feel that self-regulation has not been effective in improving public confidence.

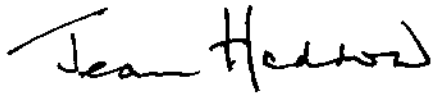
Costs of Implementation

Whilst fully supporting the role of the charity regulator, it is important that the cost of complying with the new requirements does not incur any significant costs, particularly for smaller charities.

Finally, we welcome the draft Bill. It will create a more appropriate, more flexible legislative framework to support charitable activity throughout Scotland.

We hope that these comments are helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jean Haddow". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Jean Haddow
Chair