

REGULATING SCOTLAND'S

CHARITIES 2023

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download resources and submit your questions
for the Q&A session later today.





Welcome to Regulating Scotland's Charities 2023

Maureen Mallon, OSCR Chief Executive



THANK YOU

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OSCR's vision for the next three years

Marieke Dwarshuis, OSCR Board Chair



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OSCR's refreshed approach to our inquiries

Laura Anderson, Senior Manager Higher Risk Cases & Quality Assurance
Kenny Mathers, High Volume Casework & Risk Assessment Manager



Roadmap

- Setting the context
- Our Inquiry Policy and Concerns Form
- Inquiry work in practice



Context

25,000 charities
on the Register



196 concerns

received since 1
April 2023



638 concerns

received 1 April 2022
to 31 March 2023

What does this
mean?

- Variety
- A lack of clarity
- A need for improvement

New Inquiry Policy

- 638 concerns 2022-23
- 563 concerns 2021-22

For OSCR to deal with?

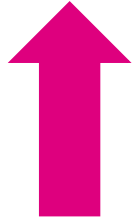
80-100%

60-80%

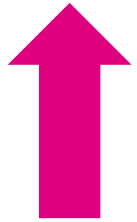
Less than 60%



What was happening?



Number of concerns coming in



Number of concerns that were not for OSCR to deal with



Experience of others?

Context



The issues

Lack of clarity about what charity trustees are responsible for

Misunderstanding of OSCR's role as a charity regulator

Different regulators do different things – but that's not always clear

OSCR's need for clarity and evidence



The improvements

- Communications about our role and our work
- Making it easy for everyone to understand
- Ensuring concerns reach the right place as quickly as possible
- Helping us obtain the information we need

The main changes

Our Policy

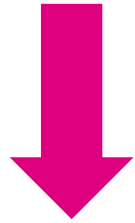
- Respective roles
- Issues that are not for OSCR
- What OSCR may investigate
- What to expect

Concerns Form

- Based on the principles in the Policy
- More detail requested
- Built-in intelligence
- Evidence can be attached



What are the results so far?



Received fewer concerns overall



Significant reduction in the number of concerns submitted that are not for OSCR



Concerns where there is a genuine regulatory issue contain better quality information and evidence

OSCR's inquiry work in practice





Initial assessment

- Is OSCR the right place to deal with this?
- The severity of the issue
- Evidence provided
- Other information available
- Other issues
- Prioritisation
- A need for urgent action

Making inquiries

- Plan how to examine key regulatory issues and what information is required
- Contacting the charity to inform them of our inquiry and obtain information
- Analysing information – what does it all mean?
- Using our powers where needed
- Forming conclusions

The end of an inquiry

Deciding what to do in response to our conclusions

Recommendations to charity trustees

Taking robust action where required

Publishing inquiry reports

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OSCR's Regulatory Priorities

Martin Tyson, Head of Regulation & Improvement
John Fellows, Senior Manager Digital & Communications



Key priorities 2023-26:

ONE

We will ensure the public have access to the information they need about charities in Scotland and how they are regulated.

TWO

We will provide charities with the tools and guidance they need to meet regulatory obligations.

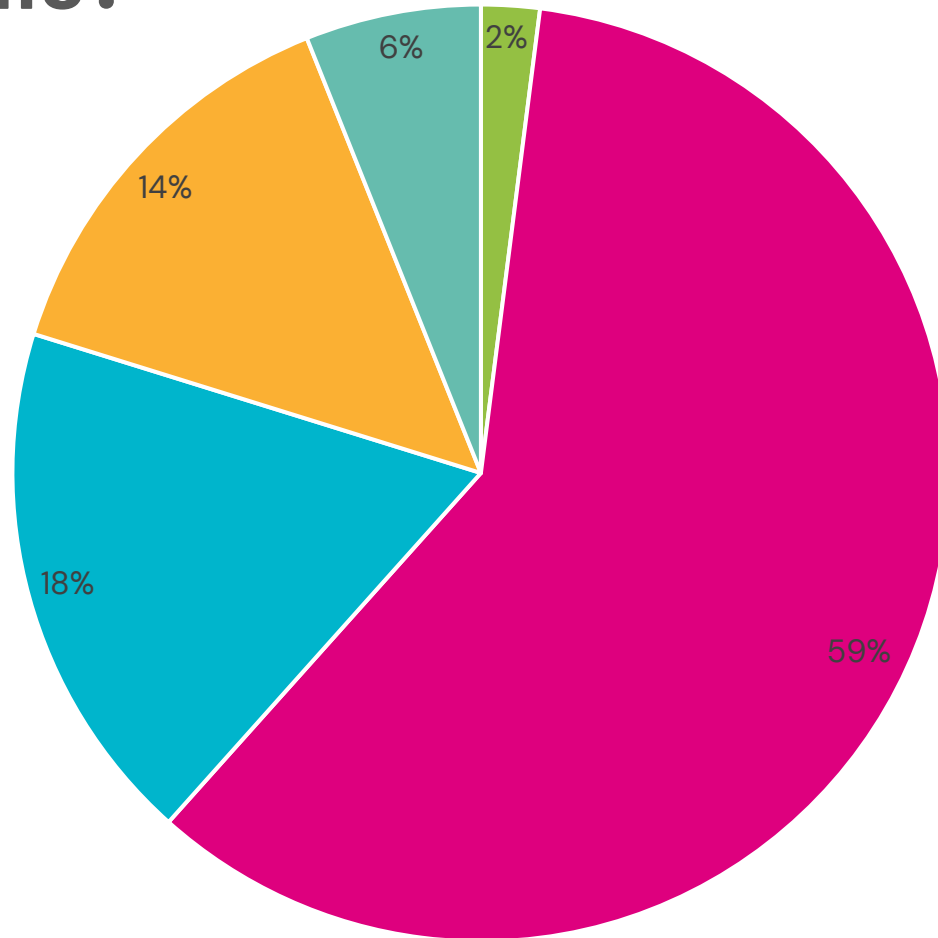
THREE

We will deliver smart, responsive and effective regulation that positively impacts on Scotland's charity sector and its beneficiaries.

What does that mean for a sector that looks like this?



...and this?



Profile of charities by income

- Not known
- £0 to £24,999
- £25,000 to £99,999
- £100,000 to £499,99
- £500,000+

Making choices

Proportionate

Accountable

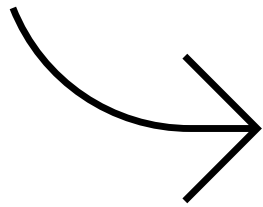
Consistent

Transparent

Targeted

So... 'Regulatory Priorities'?

How do we
make those
choices?



Regulatory
decisions

Shaping
conversations

Explaining what
we'll do

Setting
expectations



What do people expect from the Regulator?

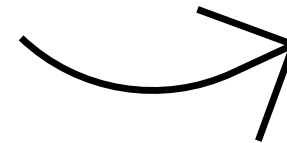
- 'Bad cop'
- Inspectorate
- Ombudsman
- Advisor

Question:

What word or short phrase would sum up your expectation of OSCR as a regulator?

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So, what does that mean for regulation?

Public expectation = enforcement

Reality = complicated 

Persistent failure
to comply

Misconduct vs
misunderstanding

Helping trustees to
comply

Shaping public
expectations

A background image showing a business meeting. In the foreground, a person's hands are holding a clipboard with a document featuring various charts and graphs. The document includes a bar chart, a pie chart, and a line graph. The person is wearing a brown blazer. In the background, other people in business attire are visible, though out of focus. A large pink rectangular box is overlaid on the center of the image, containing white text.

Charities that fail to engage with the regulator and demonstrate to the public how they make a difference



Misuse of charitable assets for private gain



Charity trustees' understanding of core governance matters and activities can be flawed and incomplete

A photograph of a business meeting. In the center, a woman with her eyes closed and hands covering her ears appears distressed or overwhelmed. To her left, a man in a suit and glasses is gesturing with his hands as if speaking. To her right, another man is partially visible, also in a suit. The scene is set around a wooden conference table with a laptop, a smartphone, and a white coffee cup. A large green rectangular box is overlaid on the center of the image, containing white text.

Poor relationships and conflict within charities and between charities and communities

A person's hands are shown counting coins in a clear glass jar on a desk. In the background, a calculator and some papers are visible, suggesting a financial or administrative setting. The scene is brightly lit, likely from a window on the left.

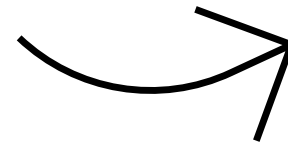
Charities' management of their reserves may not be sufficiently active to make best use of resources

Question:

Are these priorities the ones you would expect OSCR to focus on? If not, what's missing – or what should go?

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