



## Consultation Response to Strengthening Scottish Charity Law

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

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Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Frances Harrower, Secretariat to the Good Governance Steering Group

Phone number 07725 557342

Address

c/o Colleges Scotland  
Argyll Court  
Castle Business Park  
Stirling

Postcode

FK9 4TY

Email

frances.harrower@collegesscotland.ac.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No

## Consultation Response to Strengthening Scottish Charity Law

### Introduction

The Good Governance Steering Group (GGSG) is the college sector's advisory body on all matters relating to college governance in Scotland. The GGSG prepares and publishes the sector's Code of Good Governance as well as advising and recommending any areas for improvement. Its membership (outlined in Annex 1) includes key college sector representatives (chairs, principals, board secretaries, finance directors), Scottish Government, Scottish Funding Council, National Union of Students Scotland (NUS), Colleges Scotland, College Development Network, *Scottish Trades Union Congress (UNISON/EIS)* and the *Office of the Scottish Charity Regulator (OSCR)*.

The GGSG welcomes the opportunity to respond to the Strengthening Scottish Charity Law consultation. Whilst the GGSG has chosen not to respond to each individual question set out in the consultation paper within the response, the following comments are offered as possible areas for consideration.

### Key Points

The GGSG accepts, in principle, the six proposals outlined in the response however, would seek further clarity on the following proposals:

#### **Proposal Two: *An internal database and external register of charity trustees***

Whilst there is no objection to this proposal, given that all college board members are public appointments and this information is already recorded by the Scottish Government, we would remind OSCR of duplicating existing registers. For example, in terms of an expanded list of disqualified trustees, college board members would only ever be excluded by Ministers on the basis of rigorous investigations.

#### **Proposal Four: *A power to issue positive directions to charities***

Whilst there are no objections to this proposal, we would remind the Scottish Government that board appointments in the college sector are at the direction of Ministers and as such, college legislation would precede charity legislation in that context.

As such we would advise there is a need to ensure that OSCR is clear and consistent in the application of powers and in taking relevant legislation into account.

# Annex 1

## Membership of the Good Governance Steering Group

1. Ken Milroy MBE, Regional Chair, North East Scotland College (Chair)
2. David Newall, Chair, Glasgow Clyde College
3. Janie McCusker, Chair, Glasgow Colleges' Regional Board
4. Michael Foxley, Chair, Highlands and Islands Further Education Regional Board
5. Joanna Campbell, Principal and Chief Executive, Dumfries & Galloway College
6. Margaret Cook, Principal and Chief Executive, Perth College UHI
7. Douglas Wilson, Clerk to the Board, Glasgow Kelvin College
8. Marianne Philp, Director: Governance and Compliance, Fife College
9. Penny Davis, Consultant/Secretary, Glasgow Colleges' Regional Board
10. Hazel Robertson, Vice Principal – Finance and Corporate Services, Borders College
11. Claire Jamieson, Head of Governance, The Scottish Government
12. Martin Fairbairn, Chief Operating Officer and Deputy Chief Executive, Scottish Funding Council
13. NUS Scotland
14. Shona Struthers, Chief Executive, Colleges Scotland
15. Gordon Hunt, Head of Leadership, Governance & Research, College Development Network
16. Stuart Brown, National Officer – Further and Higher Education, EIS
17. John Gallacher, Scottish Organisation (Further Education Lead), UNISON Scotland
18. Martin Tyson, Head of Casework, OSCR.