

**Charities and Trustee Investment (Scotland) Act 2005
Charities and Benevolent Fundraising Regulations**

Response of the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities supports the Scottish Executive's intention to 'reform the regulatory regime for charities in order to support the charities sector and to safeguard the public interest in relation to charities.' We regard both objectives as vitally important to the continuation of an active and effective charitable sector.

1. Do you agree the approach adopted in the draft regulations that they should apply to all benevolent fundraising, and not just fundraising for registered charities?

We do agree with this approach in order to enhance public confidence in donating and in the sector generally.

2. Do you agree that the legislation should not include too much detail on the form of contract in the regulations or do you think that the regulations should set out more detailed requirements?

We agree that the relationship between professional fundraisers collecting on behalf of a named benevolent body should be formally set out in a contract at the outset of their relationship. The requirement should not, however, be too onerous, and the regulations should not therefore stipulate more detail than is necessary to provide OSCR with the means of monitoring the sector and contacting the parties concerned. We support the view of the Institute of Fundraising that the regulations should be general enough to permit the continued use of the wide range of contracts in current use.

3. Do you agree with our decision to require all benevolent fundraisers to make a general statement about whether or not they are being paid?

In the interests of transparency we do agree that the public is entitled to this information.

4. Do you agree that commercial participators and professional fundraisers should be required to indicate that they have more information, in written format, which the donors may choose to see if they wish to know more about the commercial participator/professional fundraiser's remuneration?

We support the proposal that this information should be available to potential donors in order to enable them to make informed decisions. In our view the blanket provision of a general statement together with notification that additional information is available on request provides an appropriate balance for both informing the general

public and minimising the administrative burden on charities, benevolent bodies and commercial participators/professional fundraisers.

5. Do you agree that the regulations should not limit the definition of professional fundraiser by setting out that a paid fundraiser must receive to be classed as a professional fundraiser?

Yes.

6. Do you agree with our decision to include provisions relating to the refund of monies to donors? If you agree are you happy with the provisions outlined in this consultation paper?

We do agree and are happy with the provisions outlined.

7. Do you agree with our decision to include provisions relating to the availability of documents and the transmission of property from professional fundraisers/commercial participators to benevolent bodies?

Yes.

8. Do you agree that 6 months from the date the proposed regulations come into force is an appropriate period of grace for professional fundraisers and commercial participators to agree new contracts with benevolent bodies that meet the requirements in the regulations?

We agree that, in most cases, 6 months will provide sufficient time for professional fundraisers and commercial participators to agree new contracts. However, as pointed out on p13 of the consultation paper, some of these may work for benevolent bodies only occasionally and on a more informal basis and it may take longer for them to be made aware of new regulations and to put a contract in place. We are concerned that benevolent bodies should not lose the services of these occasional workers who may regard the development of a contract as a matter of considerable magnitude and difficulty and may prefer to stop working than tackle what they see as a complex and onerous requirement. We therefore suggest that mechanisms should be put in place to support the compliance of smaller professional fundraisers and commercial participators and that they should enjoy an extended grace period of a year.

9. Do you agree that all offences in these draft regulations are equal in severity? If not, which ones are more severe, and which are less severe?

The severity of the offence depends on whether it was committed intentionally or due to a lack of knowledge or understanding, and we would emphasise that dishonesty is clearly more serious than an accidental breach of regulations.

10. Does the RIA provide an accurate picture of the impact of the proposed regulations and the other options? Do you have any comments on the RIA? Are you able to provide further information which might help expand or improve the RIA?

We support option 2, the implementation of the draft charities and benevolent fundraising regulations. We do not believe the institution of a statutory regulation scheme to be necessary and are of the view that a mix of statutory and self regulation will provide the public with adequate reassurance whilst minimising the administrative burden to charities and benevolent bodies.

Note: The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.

In preparing this response we have consulted widely among members of the Scottish Jewish community.