



Office of the Scottish Charity Regulator: Draft Charity Test Guidance
Response from the Scottish Council of Jewish Communities

[Click here](#) to read the consultation paper

The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland. SCoJeC advances public understanding about the Jewish religion, culture and community, by providing information and assistance to educational, health, and welfare organisations, representing the Jewish community in Scotland to Government and other statutory and official bodies, and liaising with Ministers, MSPs, Churches, Trades Unions, and others on matters affecting the Jewish community. SCoJeC also provides a support network for the smaller communities and for individuals and families who live outwith any Jewish community or are not connected with any Jewish communities, and assists organisations within the Scottish Jewish community to comply with various regulatory requirements. SCoJeC also promotes dialogue and understanding between the Jewish community and other communities in Scotland, and works in partnership with other organisations and stakeholders to promote equality, good relations, and understanding among community groups.

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

Section A: Draft Guidance as a whole

1. Are you able to find your way around the draft Guidance?

Yes No

The structure of the draft Guidance is clear and straightforward, and the use of internal links from and back to the menu makes it easy to identify and jump to relevant sections. The single exception to this is that, after having clicked on a link to the glossary, it is necessary to scroll back through the whole document to find and continue reading from the point at which the link was clicked. The glossary is the only section without a “back to the top” link, so it is not even possible to jump back up to the index in order to link to the top of the relevant section. We suggest that the online version of the Guidance should either open glossary explanations in a small pop-up window beside the relevant section, or at least open the glossary explanations in a new tab or window, so that the section being read remains available in the original tab or window.

2. Overall, is the draft Guidance clear and easy to understand?

Yes No

The language used is simple without being patronising, and the explanations are comprehensive. In particular, while the Guidance is not repetitive, each section stands alone, so that anyone wishing to find out about a single issue can do so without having to read all 84 pages. Page layout is very clear, making it easy to identify key issues.

3. Are there any gaps in the draft Guidance? If so, what?

Yes No

4. Are the examples used clear and helpful?

Yes No

Are there any others you think should be included?

Sections (c), (g), (i), and (m) do not currently include case studies but, since some people will only want information about a single charitable purpose, it would be helpful to include examples in every section.

5. Are the purple links to the explanation of terms helpful?

Yes No

Links to the glossary are helpful but, as we have already said, it is then difficult for a reader to find his or her way back to the relevant section of the Guidance. Please see our response to Q.1 for possible solutions to this problem.

6. Are there any sections of the draft Guidance that you think could be clearer or require more detail?

The Guidance is both clear and comprehensive, but, as suggested above, would benefit from the addition of case studies in sections (c), (g), (i), and (m).

7. If you are familiar with the current Meeting the Charity Test Guidance, which version of the Guidance do you find most helpful and why?

Original Meeting the Charity Test Guidance Draft Charity Test Guidance

The structure, format, and wording of the new draft Guidance are much clearer than the original Guidance, and, for those reading it online, and with the single exception of the glossary which we have mentioned above, the internal links make it easy to move around the document. The external links, for example to relevant legislation, are also helpful.

Section B: Charitable purposes

8. Do you have any comments on the content and/or structure of the charitable purposes section?

Yes No

The layout of each section is clear and the text is comprehensive and accessible.

9. Is our explanation of the charitable purposes clear?

Yes No

10. Does the draft Guidance help you to understand the difference between activities and purposes and how OSCR will consider whether activities relate to a particular purpose?

Yes No

Section C: Public benefit, Private benefit, Undue restrictions, Disbenefit

11. Do you have any comments on the content of the above sections in the draft Guidance?

In common with the rest of the Guidance, these sections have been written in simple, straightforward language, with the result that the content is clear and accessible, as well as being comprehensive.

12. Do you have any comments on the structure of the above sections in the draft Guidance?

The content is ordered in a way that makes each section clear and easily understood, and the page layout is uncluttered and accessible.

13. Do you have any comments on the approach to decision making on the above sections in the draft Guidance?

Each step in the decision-making process is clearly set out in the Guidance. The various steps in the process are fair and straightforward.

Section D: Exceptions (use of assets, ministerial control, party political purposes)

14. Is it clear what the specific exceptions are and what they mean?

Yes.

15. If not, how can we clarify these sections?

N/A

Section E: General

16. Do you have any other comments on the draft Guidance?

This document is a great improvement on the current Guidance in terms both of content and accessibility.

Equality Impact Assessment

17: Do you think the draft Guidance will have an impact (positive or negative) on any of the protected characteristic groups listed?

- Age
- Disability

- **Gender reassignment**
- **Marriage and civil partnership**
- **Pregnancy and maternity**
- **Race**
- **Religion or belief**
- **Sex**
- **Sexual orientation**

Because of the increased clarity of both content and layout, the draft Guidance should have a positive impact on all charities and organisations, including those working in the area of any of the protected characteristics, that wish to register as charities, and will greatly benefit their administrative staff, many of whom may be volunteers.

Our own research concurs with section 3.8 of the EIA, which indicates lower levels of internet use among older people. In the recent past, OSCR has had a “web only” policy, only publishing documents online, and this has had a negative impact on trustees, many of whom are in an older age group, and on charities which, even though operating on a shoestring, have had to print multiple copies of various documents from the internet in order to distribute these to trustees and other relevant people. We therefore suggest that the “Age” section of the table in 4.2 should be amended in line with the “Disability” section explicitly to include the provision of hard copies of the Guidance.

In addition to the areas mentioned in section 3.8 of the EIA, which indicates significantly lower internet use among older people, particularly older women, and those with longstanding health conditions, there is ample evidence of lower than average internet use among people living in poverty¹, and the importance of producing all Guidance (not only this document) in hard copy as well as online cannot be over-emphasised.

¹ Poorest still lag far behind despite rising internet use (NPI, 2014)

<http://npi.org.uk/blog/income-and-poverty/poorest-still-lag-far-behind-despite-rising-internet-access/>