



**Alzheimer Scotland**  
*Action on Dementia*

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

20 August 2004

Dear Ms Watson

**Draft Charities and Trustee Investment (Scotland) Bill**

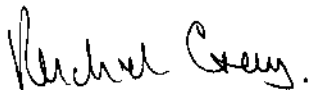
Alzheimer Scotland would like to make the following comments:

1. There is much in the bill that is both timely and should increase public confidence in the sector. This is particularly important for Scotland, which hitherto has had no real equivalent of the English Charity Commission. The bill is largely appropriate to modern expectations of what a charity is and how it should be controlled with greater accountability and transparency.
2. The regulations that accompany the legislation but which are not yet available for scrutiny, will be crucial in determining if there is a good balance in how much the sector is being enabled/over controlled.
3. It is to be welcomed that for many charities the greatest impact of the Office of the Scottish Charity Regulator (OSCR) should be in the provision of information and development of best practice rather than to admonish.
4. The effectiveness of the legislation will depend on how well run OSCR turns out to be and whether the volume of work it will attract can be well managed given its resources. In particular we wonder whether it will be able to be effective in continuously reviewing charitable status such as on an annual basis.
5. In particular it will be judged on its ability to be proactive in acting swiftly when misdemeanours come to light and in reacting to wrong accusations against a charity or charity employee. We note that recent scandals such as that surrounding the charity Moonbeams included their ability to hide their true fundraising costs from their published accounts. It is not clear whether the proposed legislation would enable OSCR to be alert to this kind of practice.
6. The crucial area of fundraising control is to be by self-regulation through the Institute of Fundraising (IOF) and it is unclear how well this will work though it is good in principle that the professionalism of the IOF is recognised. The two areas of

fundraising control that are addressed in the bill: that of PFOs and regulation of public collections have not been at the heart of public concern about charity scandals.

7. The term trustee is in common usage with respect to charities and is generally understood by the public. We feel that the new proposed term of charity steward will lead to unnecessary public misunderstanding.
8. Chapter 2: The Charity Test – list of charitable purposes  
(k) We would prefer the wording: **the provision of care to older people** rather than the aged as this is an anachronistic usage.
9. We fully support the detailed response of the Institute of Fundraising on all fundraising aspects of the Bill.

Yours sincerely

A handwritten signature in cursive script that reads "Rachel Guy".

Rachel Guy  
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