

## **Mainstreaming Equalities: Proposals for Consultation (OSCR) Response of the Scottish Council of Jewish Communities**

**1) OSCR proposes to carry out impact assessments on all our policy to see which equality issues need addressing. What policy/function areas of OSCR do you think will most benefit from such an assessment either generally, or in areas specific to your organisation?**

We support the intention that equalities should be mainstreamed “*into all decisions and activities*” but emphasise that there should, nonetheless, be an identifiable individual and/or department whose job it is to advise and monitor progress to ensure that the intention is being put into practice throughout the organisation.

**2) What do you think would be useful and relevant information for OSCR to collect to inform our equality approach either generally or in areas specific to your organisation?**

OSCR should enquire which equality “strands” are involved in the administration of the charity and which are beneficiaries. These should not be limited to the nine referred to in the Scotland Act, but should be expanded to include, for example, whether they are active in rural or urban areas. This will enable OSCR to discover whether organisations from across the whole of Scottish society are registering as charities or whether there may be some sectors that are unaware of the benefits of charitable status. Collecting this information should not entail much additional work since much of it is already requested when charities first register. It may, however, be necessary to adjust the format in which it is collected so that it can be easily collated.

In addition, OSCR should enquire in what format and language the charity would prefer to receive information, their preferred means of contact (letter, e-mail, telephone, textphone etc), times during which the charity will not be contactable, and why. In addition there should be an open question inviting charities to provide any other information that will help OSCR to provide them with a better service. A form could be included with the annual return to enable charities to confirm or update information.

**3) Thinking about how OSCR has communicated with charities and stakeholders, how effective has this been and are there other methods of communication we should be thinking about?**

- OSCR’s level of communication has been excellent, but only with those charities that are already aware of OSCR, and that have adequate time and facilities to enable them to monitor OSCR’s website and take advantage of the services OSCR provides.

Communication with other charities has been less effective, as evidenced by the large quantity of organisations that have appeared on the lists of charities to be removed from the Register. We are aware that a number of active charities working in the Jewish community appeared on each of these lists, and, without

our intervention to alert them to their potential loss of charitable status all would have continued to advertise themselves as charities in good faith, entirely unaware that they had been removed from the Register. The fact that several of these organisations were operated by professional lawyers or accountants adds to the concern about the efficacy of OSCR's communications to date.

In the light of our experience it is probable that many other charities that have now been removed from the register are also still active, but are just as unaware of the threat of delisting as they were of earlier communications, and are now unaware that they no longer have charitable status.

- We understand that OSCR's own figures indicate that only around 56% of charities have e-mail access (information derived from annual returns) and also that only 1200 out of the more than 20000 charities on the Register have registered to receive OSCR's e-bulletin. We are, therefore, concerned at the proposal "*to focus on web publication*" (p7 consultation document). Although, as stated, it may indeed be "*the most cost-effective way for OSCR to communicate with over 22,000 charities, their advisers and the public*" our experience and OSCR's own information indicate that it is unlikely to be an effective way of communicating with its constituency. Conventional methods of communication must, therefore, be retained alongside electronic, and guidance and other documents must be readily available in hard copy. Since annual return forms are sent out in hard copy, a compilation of important information since the last return should be included with the form.
- There are differing levels of computer literacy, even among those organisations that do have computer access, and we are concerned that, since pdf documents on the OSCR website do not have their own web address, some organisations may find it difficult to access these. All documents should be allocated a direct web address so that clicking on a link immediately opens the relevant document.
- We appreciate the difficulties involved in contacting so many, often small charities especially when office bearers may change with great frequency and would suggest two measures for consideration:
  - The vast majority of charities operate bank accounts, and, as long as the charity is active, will necessarily have to inform the bank when signatories change. Charities are used to supplying supporting documentation for this, and it would not, therefore, be unduly onerous on them to require the completion of a notification form confirming or changing their contact details for the bank to forward to OSCR. The banks would, naturally have to be consulted on this proposal which would also support their own measures to prevent money-laundering. To minimise the additional work involved, OSCR could agree a common form with all the banks, and provide self-carboning forms, one copy of which would be pre-addressed to OSCR.
  - We have already mentioned that, as a result of our regular monitoring of OSCR's website, we were able to alert a number of charities that they risked losing charitable status in time for them to contact OSCR to ask for a

review. There are a number of umbrella organisations such as our own in different sectors, many of which have already established good communications with OSCR. We suggest that OSCR could capitalise on these relationships by using such umbrella organisations as a resource, and in particular to:

- request umbrella organisations to disseminate specific information to each of their constituencies,
- approach the relevant umbrella for help in making contact with “lost” charities in that sector. We recognise that it may not always be possible to identify a charity in this way, but it would not require a great leap of imagination to identify an appropriate umbrella body for a synagogue, RC or CoS church, an African or Pakistani society, or a parent-teacher association. Not all such attempts at contact would be successful, but it would provide OSCR with an additional route to re-establish communications.

#### **4) Thinking about OSCR and particularly any direct experience you have had of OSCR, what barriers do you think exist in terms of accessibility? How do you think OSCR can overcome these barriers?**

- We have already commented on unnecessary barriers resulting from the inappropriate reliance on electronic communications. A related issue was highlighted when we were contacted for help by a charity that requested OSCR for copies of the Charity Trustee duties to distribute to its trustees. The charity in question had been advised by OSCR that the guidance was not available in hard copy and that they should either advise trustees to read the information online or else print out copies to distribute. This is not an appropriate response to a small organisation anxious to ensure that its trustees understand their responsibilities. Not everyone has access to a computer – and even if they do, many people find it easier to read from paper rather than screen. However, the cost of printing copies of the document for each trustee may be beyond the means of a small charity.
- We are concerned that the consultation paper misinforms readers that “*OSCR has an established Communications Strategy which outlines the various communication channels available*” and invites people to “*Contact OSCR, using the details provided ... for a copy of our Communication Strategy.*” When we did so, we were informed that the Communications Strategy is not yet available as it has still to be finalised.
- Some charities serving minority groups may be concerned at recent media reporting implying that “public benefit” must be provided to the population at large. OSCR should, therefore, recognise the importance of charitable organisations in building social capital in Scotland and publicise more widely the guidance included in section 7.3 of “Meeting the Charity Test”, in particular that an organisation “*can be considered to provide benefit to the public, even though in some cases the actual number of beneficiaries may be quite small. For example.....where the organisation offers benefit to all members of a specific ethnic group in a rural locality where the actual number of people who may benefit is very small.*”

**5) OSCR staff will need some diversity training. What equality issues do you think they should be aware of? What are the practical issues they should incorporate into their working practices?**

“Equality” does not mean that everyone should have or do the same but rather that there should be equal access to opportunities such as registering as a charity, benefiting from advice and guidance, making or responding to a complaint – and responding to consultations such as this. See our response to questions 3, 4 and 7 for practical suggestions to achieve this.

It is essential that all diversity training is accurate and appropriate for the people for whom they are intended. Ideally materials and, where possible, the training itself, should be provided by authoritative sources from within the relevant community. As a minimum, teaching materials must be referred to the relevant community for checking. When this does not take place errors may frequently be incorporated and these may result in a negative impression of the community concerned.

Staff should be aware that there are differences even within individual communities. So, for example, one Jewish or Muslim person may be happy to shake hands with a person of the opposite gender whilst another is not, and one may be quite happy to eat food that another will decline on religious grounds.

**6) Does the existing Enquiry and Intervention Policy address the possible equality issues?**

The policy sets out OSCR’s commitment to acting in a manner that is fair, informed, consistent etc, but equality issues are implied rather than explicitly stated, and there is little indication as to how these aims are to be met in a way that addresses any equality issues that might arise. In many cases this could be addressed quite simply, for example, the commitment to “*provide a copy of this policy or direct the charity to the policy on the website*” could be amended to state explicitly that the policy can be provided in a variety of formats to meet the needs of the complainant and of the subject of OSCR’s enquiry.

**7) Even if you do not read the Enquiry and Intervention Policy, what do you think would be the main equality issues which arise during an investigation from the perspective of a charity or an individual complainant?**

In common with other areas of OSCR’s work, the main equality issue relating to the Enquiry and Intervention Policy will be accessibility in all its guises.

- **Effective communication** is obviously of the greatest importance. This may require:
  - the use of plain English in documents
  - the availability of written materials in languages other than English (including Braille, Moon etc)

- the provision of interpreters. The provision of interpreters is more important - and cost-effective – than translating a large number of printed publications into indeterminate numbers of languages.

We recognise that OSCR may not easily be able to procure an appropriate interpreter, and that charities may themselves have a responsibility to help facilitate communication by providing this service. However, it is important that OSCR retains responsibility for the translation of all key guidance and information material in order to ensure that the meaning is not inadvertently changed by a well-meaning translator who does not him/herself understand the full import of the English original.

- **Physical accessibility** of OSCR's premises or any other location suggested for a meeting or hearing.
- **Awareness of relevant cultural or religious factors**, for example:
  - times when either the complainer or the representatives of the charity may be uncontactable (eg. observant Jewish people will not sign for post or answer the telephone on Saturday or festivals This could potentially impact upon the timescales for responding to complaints or submitting an appeal.)
  - suitability of location (eg. some Muslims may not wish to attend a meeting in premises where alcohol is served).

## **Conclusion**

We welcome the opportunity to participate in this consultation, both by means of this response and at a focus group. We monitor the OSCR website at least weekly and find it informative, and in general we have been pleased with the quality of information we have received from OSCR and with the response we have received when contacting OSCR whether by e-mail or telephone. We are, however, aware that other organisations that do not have even the limited time or resources that we are able to devote to this work, and are, furthermore, aware that some of these have experienced problems – to the extent that some of them would have lost charitable status had we not been able to alert them to the fact that they appeared on the list of charities with which OSCR had lost contact. This level of breakdown in communications is clearly problematic for both OSCR and the charities concerned, and it is vital that, so far as possible, measures are implemented to ensure that contact can be maintained with small, non-professional charities as well as with larger charities that have more time to devote to administration.

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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.