

**Charities and Trustee Investment (Scotland) Act 2005**  
**Consultation on options for future charity appeals route in Scotland**  
**Response from the Scottish Council of Jewish Communities**

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There are many charities that operate in or for the benefit of the Scottish Jewish community, or for particular groups within that community. They do much valuable work and rely very heavily on the goodwill of members of the community both to provide services and also to administer their organisations. The Scottish Council of Jewish Communities is concerned that such organisations should be supported to continue to provide the best service possible to their beneficiaries, and we therefore supported the introduction of the Scottish Charity Appeals Panel (SCAP), which was intended to provide a "simple and user-friendly" appeals process. In view of the fact that so few appeals have been raised since its creation, we accept the decision to abolish SCAP, but, since an effective appeals mechanism is essential, we strongly welcome the Scottish Government commitment *"to maintaining an appeals route for charities unhappy with a decision of the Office of the Scottish Charity Regulator."*

**What is your preferred option to replace the Scottish Charity Appeals Panel?**

Replacement with either the Court of Session or Sheriff Court would be retrograde, since these would both be more costly than the present system, and so would place the appeals process out of the reach of small charities. Since it is important that the appeals process is not only independent, but is widely perceived to be so, we also reject the option of charging the OSCR Board with this responsibility. Charities, particularly those that are volunteer-led, require stability, and, since the tribunal service is about to undergo changes, we also reject the proposal to merge SCAP with another tribunal body.

Our preference is for option 5, which will provide for adequate consideration of the new charity appeals process as part of the ongoing tribunals review.

We are, however, concerned that since *"This option will not be available immediately ... the Scottish Government would have to look at an alternative option for the charity appeals route in the short term."* (para 47). We emphasise that charity appeals – and other - procedures must be straightforward and consistent in order to increase the probability that the correct processes are followed, and not such as to set trustees up to fail. We would not, therefore, welcome the abolition of SCAP until its permanent replacement has been established.

In view of this, we welcome the commitment that *"the Scottish Government has made clear its intention that SCAP will remain until such time as a suitable replacement is established."* (para 26) Since public consultation about the tribunals service is expected *"by the summer of 2010"* (para 45), but the powers to be introduced by the Public Service Reform Bill will not be in place until *"at least late 2010"* (para 25), we do not believe that including SCAP in the tribunals review would cause an unacceptable delay.

If an interim change is unavoidable, we would prefer the temporary merging of SCAP with another tribunal body to any of the other options.

**What, in your view, are the key features of a new charity appeals route?**

The charity appeals route must be, and be seen to be objective, impartial, and accessible. It must not be so costly, and its procedures must not be so complex, as to be a bar to its use even by small volunteer-led charities.

**Are there any other options which you would like to be considered at this time?**

No.

**Are there any other issues regarding the functions or operation of the new appeals route which you wish to raise at this time?**

We are concerned that timescales allocated to particular stages in the appeals process should not be impractical for small volunteer-led charities. Recent proposals relating to planning law, and the Protection of Vulnerable Groups Act, have set timescales of only two weeks *from posting* of information to them during which applicants must respond in order not to be penalised either financially, or in terms of continuing the process. Whilst the majority of businesses can provide continuous staff cover when employees are ill or on annual leave, this is not the case for the majority of small volunteer-led charities, and it is not uncommon for people to go on holiday for longer than a fortnight at a time. We therefore urge that the time allowed for charities to respond to new information provided to them during the appeals process should be adequate, and suggest that one month would be an appropriate period.

**Conclusion**

We welcome the opportunity to comment on the future charity appeals route in Scotland, and urge that the replacement for SCAP should be readily accessible to all charities in Scotland, whatever their size and level of funding.

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Note: The Scottish Council of Jewish Communities (SCoJeC) 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. SCoJeC is Scottish Charity SC029438, and its aims are to advance public understanding about the Jewish religion, culture and community. It works with others to promote good relations and understanding among community groups and to promote equality, and represents the Jewish community in Scotland to government and other statutory and official bodies on matters affecting the Jewish community.

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