

POLICY STATEMENT FOR JOINT WORKING
OSCR AND THE BIG LOTTERY FUND



1. Purpose

- 1.1 The purpose of this policy statement is to set out the arrangements for joint working and sharing of information between the Office of the Scottish Charity Regulator (OSCR) and the Big Lottery Fund (BIG).

2. Context

- 2.1 Under section 1 of the Charities and Trustee Investment (Scotland) Act 2005 (2005 Act) OSCR is responsible for the operation of an effective regulatory framework for Scotland including the granting of charitable status, maintenance of a public register of charities, the investigation of apparent misconduct and facilitation and monitoring of compliance with the 2005 Act.
- 2.2 BIG was formed following the merger of the National Lottery Charities Board and the New Opportunities Fund on the commencement of the National Lottery Act 2006. BIG is one of the distributors of Lottery funding. It is a non-departmental public body, and is accountable to Parliament both for the public funds that it distributes to grant holders to deliver projects, and the outcomes of these projects.
- 2.3 Charities are frequently funded by BIG, and both OSCR and BIG recognise the opportunities for joint working and sharing of information. OSCR and BIG will specifically work together on issues of misconduct and mismanagement, as well as supporting a flourishing sector by supporting its development and continuous improvement.

3. Objectives

- 3.1 The objectives of this statement are to:
- ensure effective liaison on matters relating to functions in which both organisations have a mutual interest; and
 - set out the circumstances in which OSCR and BIG will share information and collaborate operationally.

4 Sharing of information

- 4.1.1 Section 24 of the 2005 Act permits the disclosure of information between OSCR and any person, government department, local authority, police officer or body discharging functions of a public nature where the disclosure is made for any purpose connected with the discharge of the relevant person's or body's statutory functions.
- 4.1.2 All organisations that apply to BIG have agreed that BIG may share information with other Lottery distributors, government departments, organisations providing matched funding and other organisations and individuals with a legitimate interest in Lottery applications and grants, or for the prevention or detection of fraud.

4.1.3 Both OSCR and BIG will encourage the mutual disclosure and exchange of information where appropriate, in order to maximise the efficiency and effective delivery of their respective functions. They will ensure that information is disclosed in a manner that is efficient, proportionate and fully in compliance with the Human Rights Act 1998, the Data Protection Act 1998 and applicable Freedom of Information legislation.

5 Areas for joint working

5.1 Operational liaison

5.1.1 OSCR and BIG undertake to share information, evidence and generally collaborate on casework on individual charities where there is evidence of maladministration, misconduct or poor practice and including areas covered in OSCR's published whistle blowing guidance¹.

5.1.2 Where BIG is aware, as a result of any audit or investigative activity, of the identity of any charity which appears to be directly involved in non-charitable activity or the misapplication of charitable funds, it will inform OSCR.

5.1.3 In order to facilitate the flow of information in relation to individual cases, OSCR and BIG will appoint single points of contact (SPOCs).

5.1.4 Any sharing of information will be conveyed to the relevant SPOCs. If the matter is to be reported in either direction, the SPOCs will first consult each other, preferably by telephone, and later in writing, to provide:

- a briefing on the case, including actions that have already and are likely to be taken. Where appropriate, information about previous involvement with the organisations and individuals should be included; and
- written details of the name, telephone number and email address of the relevant case officer.

5.1.5 The SPOCs will ensure that:

- the disclosure of information and referral of individual cases are screened and processed with an appropriate degree of uniformity and speed; and
- any general information, intelligence, announcement or warning that either OSCR or BIG considers impact directly on the other must be brought to the attention of the other and it must be disseminated appropriately within OSCR and BIG.

¹ <http://www.oscr.org.uk/Whistleblowingguidance.stm>

5.1.6 SPOC's will also be available to provide general advice about OSCR's or BIG's organisation or procedures.

5.1.7 It should be noted that neither OSCR nor BIG will disclose information received under the terms of this Memorandum to any other person or body without first consulting the disclosing party and subject to such conditions which are agreed, unless there are exceptional circumstances which make the urgent disclosure necessary.

5.2 Policy liaison

5.2.1 Along with the operational commitments both OSCR and BIG are committed to appropriate liaison on policy matters. Liaison will be as appropriate and will deal with issues that are likely to have an impact upon the work of the other such as any new legislation, development of any new policy or relevant guidance, or novel or complex cases.

5.3 Other assistance

5.3.1 As part of their respective staff training programmes, both OSCR and BIG will ensure that their staff are made aware of the differing organisational, operational and legal frameworks. To facilitate this, appropriate staff will be offered familiarisation visits.

5.3.2 In order to support joint working and outreach, OSCR and BIG will explore the opportunity to co-operate on presentations and seminars. Furthermore, and specifically in areas of mutual interest, each will invite representation on working groups either as part of any consultative programme or work on specific sector issues.

5.3.3 OSCR and BIG will collaborate on external communications or handling external media interest where there is a matter of mutual interest.

6 General

6.1 Both organisations are committed to the principles of continuous improvement and therefore will monitor the working arrangements contained in this policy statement. An annual review will be carried out and this will examine all aspects of the policy statement in order to identify areas for improvement and best practice. Representatives of OSCR and BIG will meet when necessary, and there will be at least one formal policy meeting per year.

6.2 Whilst it is intended that the arrangements in this statement should apply generally, it is recognised that some circumstances will require special handling. Nothing in this statement prevents the making of arrangements to meet specific exceptional needs.

6.3 Any disagreement arising from the interpretation of this statement will be referred to the Chief Executives of OSCR and BIG, who will endeavour to resolve it within the spirit implicit in the co-operation arrangements. The statement will be amended if necessary to reflect the agreed outcome of the referral.

7. Points of contact

Area of Liaison	OSCR	BIG
Development of strategic policy	Chief Executive	Director of Scotland
Development of operational policy	Head of Enquiry & Investigations	Head of Programmes - Scotland
All operational liaison	Head of Enquiry & Investigations	Head of Programmes - Scotland
Legal issues	Senior Legal Advisor	Deputy Director, Legal Services and Governance
Communications & Media	Senior Communications Officer	Head of Communications and Marketing - Scotland

**Signed on behalf of the Office of the Scottish Charity Regulator
By Jane Ryder Chief Executive**

**Signed on behalf of the Big Lottery Fund
Dharmendra Kanani, Director Scotland**

Approved July 2009