

Response by the Society of Biology to the Charity Commission consultation on its future direction

10 January 2011

Summary

The Society supports a less interventionist, co-regulation, approach from the Charity Commission with higher transparency and greater comparability of data to aid self regulation. On-line reporting should be simplified, clearer advice issued and greater risk based innovation encouraged. One to one advice should be focussed on smaller charities, primarily through the current help-line approach and less case work, with support for peer review and endorsement of sector specific advisory services to replace some existing Charity Commission led work.

Any changes must ensure the public's trust in the sector is retained. Transparency and comparability of data specific to the diverse sectors within the charity world can help deliver that.

Introduction

The Society of Biology welcomes the opportunity to comment on the future direction of the Charity Commission. We are a single unified voice for biology: advising Government and influencing policy; advancing education and professional development; supporting our members, and engaging and encouraging public interest in the life sciences.

The Society represents a diverse membership of over 80,000 - including practicing scientists, students and interested non professionals - as individuals, or through the learned societies and other organisations who constitute our 70 member organisations.

We are a Learned Society as are over 50 of our organisational members representing a very specific section within the third Sector. Learned Societies play a unique role in personal and professional development within the UK and have an important part to play in delivery of the Government's vision of a "Big Society", often able to provide highly specialised advice.

The work of Learned Societies is reliant on a clear and transparent regulatory framework and we believe the Charity Commission should use the current review to move to a simpler structure with reduced duplication of reporting.

Reporting requirements

The current system duplicates reporting and makes analysis of returns more complex than is necessary. In this respect, the memorandum of Understandings agreed with other regulators is helpful and should be expanded. A single on-line entry should be mandatory which may need to be tailored for key categories of charities. Charities vary enormously yet reporting requirements do not

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offer the flexibility needed to reflect this. Learned Societies are, for example, very different from disability charities. The entry for small charities should be basic, easy to complete and free of charge. Use of PDF attachments, such as the formal set of accounts, should be seen as supplementary but not scrapped. The focus of short free text reporting should be based on outcomes / impact.

Charities must be given the freedom to demonstrate their impact in a variety of ways. The current requirement to include impact information in the annual accounts, even if a dedicated impact report is published is a waste of charitable resource.

Although the Commission reports support for a risk based approach to regulation we do not feel this is the case for much of the guidance available. For example, charities could be far more dynamic if actively encouraged to reduce duplication of effort, collaborate, share resources and to be innovative in the way they finance their work. This requires a far less risk adverse approach to capitalisation of the sector and interpretation of governance boundaries.

Monitoring trends in on-line submissions to seek clarification where significant deviations from historic (or sector) norms are spotted would be useful provided a flexible approach was adopted that reflected the diversity of the sector.

Advice and guidance

The Charity Commission should use transparency, comparability and devolved self-regulation to regulate the sector with strong penalties for non-compliance. In line with this, and given funding restrictions, the Society of Biology believes the Commission should step back to some degree shifting to a model that allows decisions to be taken by individual charities against a back drop of clear, substantial guidance with less expectation of one to one advice, especially for medium and larger charities. We recognise that some good guidance is already available but it needs to encourage reasonable and balanced risk more.

As a Charity that has both organisational and individual members the Society of Biology is well placed to see the benefits of charities sharing infrastructure and processes. The Charity Commission should actively seek to encourage inter-sector collaboration through encouragement or requirement of Trustees to take a wider view of public benefit including the value of shared resource. This is particularly true of financing.

A useful model in considering a more hands-off approach may be European standards for manufactured goods or services whereby use of an accepted standard is seen as automatic compliance (the onus would be on the Commission to prove non-compliance) whilst other approaches are still permitted albeit that the onus would then be on the Charity to prove compliance if challenged.

The Society does not believe that the Commission needs to continue to offer one to one advice for medium and larger charities at a case level if the above approach is taken with robust risk-balanced guidance available. Decisions would then be more clearly solely for Trustees using their own risk based approach. A substantial help line however will remain essential, primarily for smaller charities. Larger charities could have a new role to play in peer review to help bolster

advice. The Charity Commission may want to consider endorsement, with modest financial support, for sector led advisory activity.

We believe that the intervention of the Charity Commission in cases on non-compliance should continue to be risk based taking into account both size and impact of the breach. If there is high transparency and easier comparability of data between charities, external analysts and members of the public will inevitably contribute to the compliance agenda. This should help enhance trust and public confidence.

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