

## Guidance for the completion of the new OSCR Annual Return from 1 April 2016

From 1 April 2016, the questions that charities are asked to complete on their OSCR Annual Return changed. This guidance has been written to assist those completing the Annual Return. This should ensure congregations provide appropriate and consistent answers to the various questions. OSCR are encouraging everyone to submit their form online.

Some sections of the form may be pre-populated but it is important to check that these sections are correct.

### Section A

Check the existing details and correct where appropriate.

#### Gross Income and Expenditure

These should be the figures disclosed in your Annual Accounts.

Note - *if there have been capital payments/expenditure from endowments these should be excluded.*

#### Charity Activity

All congregations should tick "*Undertake religious activities*". If appropriate tick "*Provide grants or donations to others*", "*Provide facilities*" and "*Deliver services*". It is unlikely "*Campaign*" should be ticked. "*None of the above*" should never be ticked.

#### Income from Investments

If you have income from the Church of Scotland Investors Trust or other investments, other than bank interest, please tick "Yes". This does not include income received by the General Trustees on behalf of the congregation in respect of holdings in the Consolidated Fabric and Stipend funds.

### Section B

#### B1 Governing document

Both the Model and Unitary deeds are reviewed regularly by the Legal Questions Committee and changes are made periodically by the General Assembly.

Therefore, if you operate under either of these constitutions you should tick "*In the last 12 months*". For all other constitutions you need to tick the appropriate box.

*"We do not know what our governing document is"* - no one should be ticking this box. If you do not know what constitution you operate under you must contact the Church's Law Department.

*"We do not have a copy of our governing document"* - your copy of your Model or Unitary deed should be in your Property Register or similar safe place. Again, no one should be ticking this box. A copy of the model and unitary constitutions can be downloaded from [http://www.churchofscotland.org.uk/resources/subjects/law\\_circulars#constitutions](http://www.churchofscotland.org.uk/resources/subjects/law_circulars#constitutions). If assistance is required please contact the Church's Law Department.

Note - if you operate under a *Quoad Omnia* constitution it is unwritten so you will not be able to find a copy - the unitary deed is the declaratory form of a *Quoad Omnia* constitution.

### B2 Number of trustees

If you have at least 3 trustees please tick “Yes”. If you have less than 3 trustees please contact your Presbytery Clerk immediately.

### B3 Internal control procedures

In terms of good governance you should be able to tick all these boxes other than the last question which should be left blank if you do not employ staff.

- “Trustees are provided with information about the financial performance of the charity at least every 6 months” - this should be the minimum requirement.
- “Cheque books are kept in a secure place with access only by nominated persons” - this does not mean a locked safe. The cheque book should be somewhere with no general public access, e.g. treasurer’s home.
- “More than one person authorises significant payments or expenditure” - as per General Assembly Regulations
- “Funds are banked without deduction of expenses” - this is best practice.
- “Where the charity employs staff, statutory deductions (tax and NIC) are made from employees’ wages and regularly paid to HMRC” - this should be the case if you employ staff.

### B4 Payments and benefits to charity trustees

You should be completing exactly the same information you have provided in your Annual Accounts in respect of trustee remuneration.

### B5 Charity structure

As per OSCR instructions you should answer “No”.

Note - *all congregations are component elements of the Designated Religious Charity, The Church of Scotland, Scottish Charity No SC011353. Your entry on the Scottish Charity Register will show The Church of Scotland is your parent but no consolidated accounts are produced.*

### B6 Significant sources of funding

This is unlikely to be “Yes”. If you believe “Yes” should be ticked you should contact the Stewardship & Finance Department for advice.

## **Section C**

### **Only to be completed by charities with income of £250,000 and more**

The appropriate figures should be extracted from your Annual Accounts. If advice is required please contact the Stewardship & Finance Department.

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