



Eighteen and Under



01382 206222

Mr. Fraser Moore,
Compliance and Investigation Team,
OSCR,
2nd Floor,
Quadrant House,
9, Riverside Drive,
Dundee.
DD1 4NY.

Letter No 18

5th April, 2009.

Dear Mr. Moore,

Your Reference MI/INQ/09-1342

With reference to your letter dated 23rd March 2009 I now enclose the information you requested. I note that your letter states that you have been given information that there have been some changes to our trustees since our last set of audited accounts. This is indeed the case but these changes were, in fact, made by the management committee in order to address concerns similar to those raised in your letter.

Eighteen And Under now only has one trustee who is connected, in terms of section 68(2)(a)(iii) of the Charities and Trustee Investment (Scotland) Act 2005 (**the Act**), to a paid employee. Further details are provided in the attached document.

The trustee in question remains a trustee in order to guide our relatively new, smaller, management committee through the process of becoming a company limited by guarantee. The smaller committee is a result of actions previously taken by the management committee to address concerns similar to those raised in your letter. For the reasons further described in the attached document, it is envisaged that the trustee in question will step down as a trustee when Eighteen And Under moves to company limited by guarantee status.

In relation to the one current trustee described above and other trustees that have been connected to paid staff in the past (see attached document), Eighteen And Under can confirm that the management committee has at all times taken steps to ensure that trustees do not take part in decisions in which they might have, or could be perceived to have, a conflict of interest. We would be happy to share the minutes of relevant past management committee meetings with OSCR in order to demonstrate this. Furthermore, the charity believes that the conditions set out in section 67(3) of the Act have been met in relation to remuneration of each relevant connected person.

Eighteen And Under, 1 Victoria Road, Dundee, DD1 1EL, (tel) 01382 206222 website: www.18u.org.uk
Reg. Charity No. SCO 26688



GLOBAL CAMPAIGN FOR VIOLENCE PREVENTION
CAMPAGNE MONDIALE POUR LA PREVENTION DE LA VIOLENCE
VIOLENCE PREVENTION ALLIANCE / ALLIANCE POUR LA PREVENTION DE LA VIOLENCE

We at Eighteen And Under are fully committed to best practice in all we do and if there is anything at all which you think would help us to improve this, or indeed anything we have inadvertently done wrong, please let me know and we will rectify this immediately.

Separately, Eighteen And Under would like to notify OSCR that it is currently in dispute with Dundee City Council regarding allegations made by the Council in relation to services provided by Eighteen And Under. Should OSCR have any further questions in this regard, we should be happy to assist.

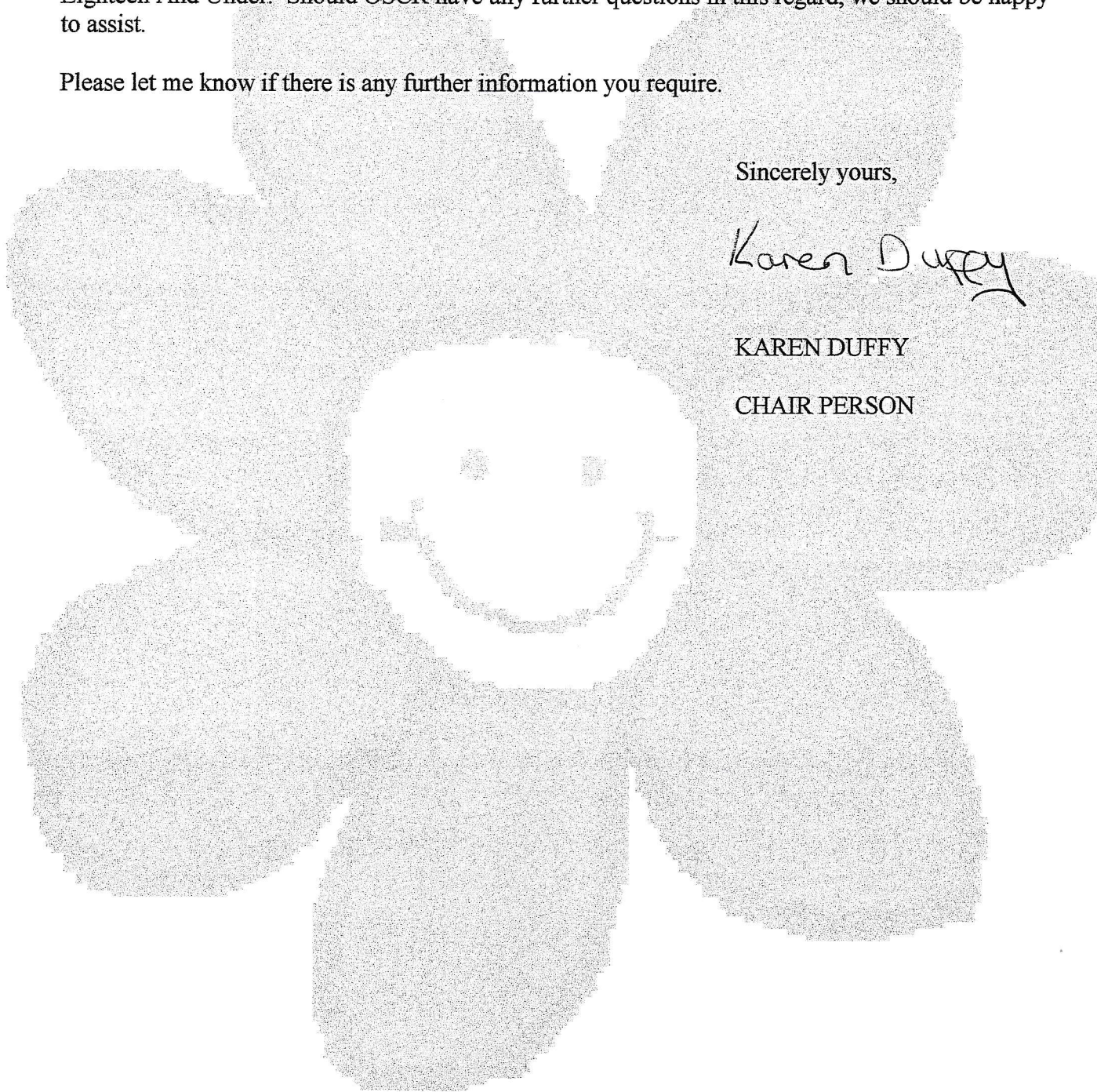
Please let me know if there is any further information you require.

Sincerely yours,

A handwritten signature in black ink that reads "Karen Duffy". The signature is written in a cursive style with a large, stylized 'K' and 'D'.

KAREN DUFFY

CHAIR PERSON



CURRENT MANAGEMENT COMMITTEE OF EIGHTEEN AND UNDER

KAREN DUFFY
LISA CALLANDER
BARRY EGGLETON
TRACEY MURRAY
JOSEPH LUMBASI
GWEN DOCHERTY

At the time our last accounts were prepared three members (out of nine) of Eighteen And Under's management committee were connected to paid staff (in terms of section 68(2) of the Charities and Trustee Investment (Scotland) Act 2005 (**the Act**)). This was discussed several times at management committee meetings in 2008 and, whilst the management committee was of the view that it had appropriate procedures in place to meet the requirements of sections 66 and 67 of the Act, it was agreed that the situation did not lend itself to achieving best practice easily. Changes were, therefore, implemented as follows:

- Sharron Matthew, whose sister is a paid employee and was a connected person in terms of section 68(2)(b) of the Act, resigned from the committee on the 9th May 2008.
- Sandra Hutton, who was connected with a paid employee pursuant to section 68(2)(a)(iii) of the Act and Norman Clark, who was connected with a paid employee pursuant to section 68(2)(a)(i) of the Act, resigned from the management committee on the 24th November 2008 but this was not put to the management committee until the next meeting on 13th December 2008 at which the resignations were accepted.

In April 2008 Barry Eggleton informed members of the management committee that he had entered into a relationship with an employee. Barry and the employee are connected pursuant to section 68(2)(a)(iii) of the Act¹.

Owing to Barry's experience, the management committee decided that it was in the best interests of the charity that Barry should remain a trustee only for a short-term period (and resign thereafter).

The management committee has since resolved that the charity will proceed to change its legal status to a company limited by guarantee and engaged the services of solicitors in February 2009 to assist in the process. Eighteen And Under has been advised that, to ensure best practice and compliance with sections 66 and 67 of the Act and relevant duties under the Companies Act 2006, it would be advisable for Barry to step down from acting as a Trustee. It is, however, envisaged that Barry will remain a trustee until dissolution of the unincorporated charity in order to assist with the transfer process.

Eighteen And Under can confirm that each individual trustee (and the management committee as a whole) has taken steps, in accordance with section 66(c)(ii) of the Act, to avoid potential conflicts of interest arising. Eighteen & Under would be happy to provide details of the steps taken, should OSCR require.

In relation to section 67(2)(b) of the Act, Eighteen And Under believes that the conditions set out in section 67(3) have been met and would be happy to provide further details to OSCR as required.

¹ For information purposes only, and in the interests of responding fully to OSCR's inquiry, the employee in question is, in turn, related to two other employees of Eighteen And Under though neither of those two employees are connected to Barry in terms of section 68(2) of the Act.

However, in order to ensure best practice is achieved, the charity has taken, and is taking, the steps outlined above.

Our solicitors have drafted up documentation for the change in legal form process and Eighteen And Under envisages being in a position to provide this documentation to OSCR shortly.

Eighteen And Under, mindful of its data protection obligations, is more than happy to assist OSCR with its inquiries and is willing to provide further detail as required in response to specific questions from OSCR.