

**Special SOPA Committee Meeting**  
**Thursday 18<sup>th</sup> February 2016 11.30 – 14.30**  
**Business Centre, City Chambers, High Street**

**Note of Meeting**

**Participants**

Tom Berney	Chairperson & U3A Scotland
Glenda Watt	Co-ordinator & City of Edinburgh Council
Val Bissland	Centre for Life Long Learning, University of Strathclyde
Barbara Barnes	Alzheimer Scotland
Mary Benson	West Lothian Senior Peoples Forum
Helen Biggins	Seniors Together South Lanarkshire
Diana Findlay	Age Scotland and Borders Older People's Service Forum
Bill Johnston	Scottish Seniors Alliance
Mike Lynch	Voluntary Action Orkney
Donald Macleod	Highland Senior Citizens Network
Brian Martin	STUC
Bill McDonald	Renfrewshire Seniors Forum
Betty Milton	A City for All Ages Advisory Group Edinburgh
James Miller	Joint North Ayrshire Elderly Forum
John McAllion	Dundee Pensioners' Forum
Jeanette Pieper	Scottish Pensioners Forum
Tim Puntis	LGBT Age, Scotland
Alan Sidaway	National Pensioners Convention Scotland & Vice Chair of SOPA
Rob Snodgrass	Grey Matters
Christine Wilson	Scottish Human Development

**In attendance**

Ian Glover	Scottish Government, Equality Unit
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**Apologies**

Alison Clyde	Generations Working Together
Mike Liddle	Scottish Government
Sandra McGregor	Make It Happen Forum, Falkirk
Rohini Sharma Joshi	Trust Housing Association
Catherine Hewitt	Scottish Government
Bashir A Malik	Interfaith Association Edinburgh and Scotland
Eileen Wallace	Stirling Reference Group for Older People
John White	Dumfries and Galloway Over 50's Group

**1. Background information**

On 5<sup>th</sup> February 2016, Tom Berney had issued a message to the SOPA Committee urging its members to attend the meeting on 18<sup>th</sup> February to discuss two draft constitutions attached to the message. Tom reiterated background information on the future of SOPA, (Appendix 1 contains the detail of his message) including the following points:

- City of Edinburgh Council will cease to host SOPA from 31 March 2016
- Glenda Watt will leave her post at the council on the same day but she is willing to continue her role as the SOPA co-ordinator with the committee's support
- With the committee's support, Tom will continue to be the chair of SOPA for his present term of office or until the first AGM under the new constitution
- How consideration had been given to a number of options for the future of SOPA with the full knowledge of the Scottish Government and that no other proposals had been received

The Agenda for SOPA's special meeting was issued to all committee members mid afternoon on Wednesday 17<sup>th</sup> February 2016. Following this Tom Berney and Glenda Watt received an 'open letter' from Brian Martin, STUC representative for consideration at SOPA's special meeting.

Other SOPA committee members received the same 'open letter' at about the same time but the message accompanying it was different. It stated the following:

*"Please find attached a copy of a letter being sent to the Chair of SOPA and the SOPA Administrator on behalf of the Scottish Pensioners Forum, the Scottish Seniors Alliance and the Scottish Trades Union Congress, all represented on the SOPA Committee.*

*A copy of this letter is also being sent to those service providing organisations represented on the SOPA Committee and to the Scottish Government representatives on it. In addition, a letter along the same lines is being sent by the General Secretariat of the STUC to Alex Neil, MSP as the relevant Scottish Government Minister.*

*We hope that you will have time to read the letter before the meeting tomorrow and to contribute to discussion of it.*

*Brian Martin*

*for the SOPAFUTURE Alliance"*

## **2. Welcome and introductory remarks**

Tom welcomed everyone to the meeting, including Alan Spinks who is representing the Scottish arm of the National Federation of Occupational Pensioners. Diana Findlay announced that the name of the group in the Scottish Borders will be changed and Rob Snodgrass said that he had been asked to represent Oban and Kintyre on SOPA subject to a vote at the next meeting and that membership of these groups included approximately 200 older people.

## **3. Counter proposal contained in 'open letter' from SSA, SPF & STUC (See accompanying PDF file).**

Tom said that while every member group on the Committee was free to pursue its own actions, it was disappointing that the three members (SSA, SPF, and STUC) had written to the Cabinet Secretary before there had been any discussion of their

proposals. He felt that it created an unfortunate divisive atmosphere which could undermine older people's credibility with the government.

However, Tom proposed that there should be a wide ranging discussion of their and the other proposals about SOPA's future.

Tom invited Brian Martin, Bill Johnston and Jeanette Piper to present their proposal in a free and open discussion. Following their presentation Tom said that as he and other members had only received the proposal the night before the meeting he would ask a number of questions in an attempt to clarify the reasons for the counter proposal and what the 'alliance' saw as SOPA's future role and activities as he felt it was important to establish what SOPA was going to do before deciding how to organise it.

Glenda was invited to recap on the reasons for the pathway to SOPA becoming a SCIO. This included outlining the exploration of many options to host SOPA, such as COSLA, a university, a local authority, SCVO, Age Scotland and other older people's organisations.

During a long, lively and sometimes heated exchange, the following points were made from the floor. About midway through the discussion, Brian and Bill asked that another person chair the meeting. Tom invited a vote and Alan Sidaway counted. 10 people voted for Tom to remain in the chair while 4 people voted for another person to take the chair. 1 person abstained from the vote.

Several points were made with mediating assistance from Donald Macleod:

- SOPA is perceived to be a 'critical friend' to the Scottish Government in advancing equality and tackling discrimination
- The counter proposal seems to be a squabble over territory and power, it does not seem to be in the best interests of older people
- The clauses inserted into grant agreements that prevent charities from lobbying government are just in England. OSCR and SCVO have been made aware of this proposed change but charities in Scotland are allowed to campaign but under no circumstances can they align to or support any political party. This article was published in the Guardian on 16<sup>th</sup> February but just refers to England:  
<http://www.theguardian.com/society/2016/feb/06/charities-barred-from-using-government-grants-to-lobby-ministers>
- It is important that the chairperson does not speak to much but allow discussion and summarise points
- Although the Scottish Government has indicated that SOPA will be granted the same funding as last year, this cannot yet be confirmed

- SOPA's bid for Scottish Government first quarter funding had to be submitted by 5<sup>th</sup> February 2016 and a bid is expected from SOPA by 16 March 2016 for the remainder of the year
- Many committee members did not understand the reasons for changing SOPA
- One person said he did not have a problem with the suggestions in the counter proposal but stated that the process of bringing them forward was undermining and non democratic.
- One person said that the discussion had been a good way to ensure all issues and concerns were on the 'table'

At around 13.20, it was agreed that the open discussion should cease. Following lunch the group would reconvene to formally debate the current path suggested by SOPA and the counter proposal suggested by SSA, SPF and STUC.

Tom invited Brian Martin, Bill Johnstone and Jeannette Piper to outline their proposal as described in the 'open letter'. Tom invited questions, clarification and a reply by the proposers.

Glenda recapped on the route to SOPA becoming a SCIO. Tom invited questions, points for clarification and then Glenda's reply. In her reply, Glenda stated that it would not be SOPA that would cause a division in the Scottish Older People's movement in Scotland as stated in the 'open letter'. Rather, the division had already been created through actions of the three groups and particularly by SPF who had issued a note of its October 2015 meeting to all members containing, errors and vitriol towards SOPA.

Glenda was applauded for her points. Jeanette Piper said that the SPF minutes referenced by Glenda had not been accepted by the SPF committee.

Tom invited the group to take a vote on both proposals and Alan Sidaway was asked to undertake the count. The result was:

14 for the SOPA charitable status

5 for the 'open letter' counter proposal

1 abstention

Tom declared the charitable status option carried. Brian Martin, STUC said he was resigning from the committee.

As it was 2.30, it was agreed that a discussion on the draft constitutions would take place at the next SOPA Committee meeting on Thursday 3 March 2016.

Dear SOPA Committee

**Background to the Agenda for SOPA Committee Meeting on Thursday 18<sup>th</sup> February 2016, Business Centre, City Chambers, Edinburgh.**

Refreshments from 11.00 for the meeting at 11.30. We will aim to finish by 2.30 and lunch will be provided.

We will discuss the draft SOPA constitutions attached and the attendance of a Minister at the SOPA Committee on 3 March 2016.

I thought it would be helpful to provide some detail to aid our discussion and decision making on 18th February about the Agenda item on "The Future of SOPA. It is an important follow – on from our meetings on 19th November 2015 and 21 January 2016 so I hope you will all try to attend.

The background is that SOPA's Business Plan for 2015/16 includes a task to identify another host for SOPA as the City of Edinburgh Council will cease to host SOPA from 31 March 2016. Although Glenda will leave her post at the Council on 31 March she will be willing to continue to be the SOPA Coordinator and with your support I will continue to be the SOPA Chair for my present term of office or until the first AGM under the new constitution.

As you know, discussions began on this task during the summer of 2015 and the Committee made a number of useful suggestions on the possibility of an alternative host or arrangement. With the full knowledge of the Scottish Government, consideration was given to relocating to Age Scotland, SCVO, COSLA, a university, or another existing charitable organisation dealing with older people.

The Committee considered that it was important for SOPA to retain its distinct and independent identity and that the SOPA Chair and Coordinator should look at possible models of a Scottish Charitable Incorporated Organisation (SCIO) and what this means for the existing committee and SOPA arrangements. I have received no other proposals. Do please look at the SCVO website at <http://www.scvo.org.uk/setting-up-a-charity/> for more information on this subject.

I'm now able to send you the attached two draft constitutions for your consideration which once agreed and registered with OSCR would transfer SOPA into a registered Scottish Charitable Organisation. They are inevitably more formally worded than our present constitution, but they reflect as closely as possible our present structure of a committee made up of representatives appointed by their own organisations. They would also allow us to continue with all of the type of consultation and representational work we have been doing for the last few years.

The main difference between the constitutions is that one is a single tier basis in which every committee member would be required to be a trustee of the charity; and the other is a two tier structure consisting of members who have the right to attend members meetings and elect people to serve on the Board of Trustees from amongst its membership. We have been strongly advised by SCVO that the latter (i.e. two tier model) would be the more appropriate for our type of charity.

Dealing with constitutions can often be bit painstaking, so I am hoping that at our meeting on 18th February that we do not get too bogged down in the detailed wording of the draft documents though, of course, significant amendments can be proposed and discussed. The important thing will be that we carefully consider their principles and implications and how best we can continue to promote SOPA's objectives as a voice for older people.

We have been advised that the format of these constitutions would be acceptable to OSCR (the Office of the Scottish Charity Regulator) but, of course, we would have to submit a constitution to them for approval. That seems to take about three months, so to preserve SOPA's continuity we should do it as soon as possible. I hope, therefore, that you will be able to get authority from your organisations allowing you to decide on their behalf as soon as possible.

I'm sure we all want SOPA to continue to develop and while this transition phase is bound to be a bit fraught. However, with goodwill I'm sure once we get over the bureaucratic hurdles we will find a new structure which will let us build on our strengths.

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For ease of reference I have listed some of the points we should consider and discuss with a view to hopefully agreeing our future arrangement, in principle at the meeting on 18th February 2016.

General type of organisation, Scottish principal office, purposes, powers, liability, general structure

Committee who are Charity Trustees, number, eligibility, appointment, termination of office, register of charity trustees, office-bearers, powers, general duties, code of conduct

Decision-making by the Charity Trustees, AGMs and committee meetings, notice, procedure, voting at committee meetings, written resolutions, minutes

Administration, operation of accounts, accounting records and annual accounts

Miscellaneous winding up, alterations to the constitution, interpretation

Tom Berney, Chair, Scottish Older People's Assembly