



Charity Commission for England and Wales

2004 Departmental Report

*Presented to Parliament by the Secretary of State for
the Home Department and the Chief Secretary to the Treasury
by Command of Her Majesty July 2004*



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Introduction

The Charity Commission is established by law as the regulator and registrar for charities in England and Wales. It fulfils this role by:

- enabling charities to maximise their potential within an effective legal, accounting and governance framework, keeping pace with developments in society, the economy and the law;
- promoting sound governance, better working and accountability; and
- securing compliance with charity law and dealing with abuse and poor practice.

At the end of March 2004, there were around 165,000 “main” charities listed on the Commission’s Central Register of Charities, together with over 27,000 subsidiary charities. The gross annual income of the main charities exceeded £32 billion and they had assets of over £70 billion.

Charities make a vital contribution to the social and economic life of the country. They must operate for the public benefit and independently of government or commercial interests. To be effective they must command the confidence of their stakeholders, beneficiaries and the public. The Charity Commission’s role is to regulate charities and the legal and governance framework within which they operate so as to promote the effective use of charity resources and help justify that confidence.

This report sets out the Commission’s aim, functions and structure together with its performance and use of resources in 2003-04 and its priorities and targets for the coming year. A full review of the Charity Commission’s activities and achievements in 2003-04 was covered in its formal Annual Report to the Home Secretary and Parliament, which was on 6 July 2004.

Aim, Objectives and Priorities

Aim

The Commission's aim is to provide the best possible regulation of charities in England and Wales in order to increase charities' efficiency and effectiveness and public confidence and trust.

Objectives	Key activities
<p>1. Enabling charities to maximise their potential within an effective legal, accounting and governance framework, keeping pace with developments in society, the economy and the law</p>	<ul style="list-style-type: none"> • Determining the charitable status of organisations • Taking legal decisions in order to empower transactions or change governing provisions, where doing so will improve the administration of charities or allow their resources to be used more effectively • Working with charities, umbrella bodies and the rest of Government to develop the legal and accounting framework within which charities operate, and to develop and promote appropriate standards • Undertaking a programme of review visits to larger charities
<p>2. Promoting sound governance, better working and accountability</p>	<ul style="list-style-type: none"> • Promoting efficiency, good trusteeship and effective administration by providing trustees and others with information in the form of leaflets, presentations and - increasingly - by electronic means • Providing guidance and advice to trustees and others on matters affecting the efficiency and proper administration of particular charities, and charities in general • Keeping the Register of Charities up-to-date and accurate, and providing public access • Requiring the submission of annual accounts and returns; monitoring, and pursuing the issues arising • Publishing and monitoring compliance with regulatory reports on best practice and accountability within the sector
<p>3. Securing compliance with charity law and dealing with abuse and poor practice.</p>	<ul style="list-style-type: none"> • Evaluating, and where appropriate investigating, allegations and suspicions of maladministration or abuse • Enforcing the submission of late annual returns and accounts • Working in partnership with other regulators and cooperating with prosecuting authorities • Protecting charity assets through the use of statutory powers • Developing intelligence systems

The Commission's strategic priorities are set in the context of a number of significant drivers and developments. These include:

- current issues in the charitable sector, including the independence and accountability of charities and how they should be regulated;
- recommendations in the Strategy Unit report 'Private Action – Public Benefit', many of which are now reflected in the draft Charities Bill;
- substantial increases in the volume of demand-led casework dealt with by the Commission over the past few years;
- government priorities for Civil Service modernisation and reform and improvements in the quality, capability and customer focus of the services it delivers;
- the use of eBusiness solutions to improve service delivery, quality, transparency and the effectiveness of regulation.

During 2003-04, the Commission has done a significant amount of work to address these issues and challenges and prepare the ground for further consolidation and enhancement of its regulatory role and approach.

In particular, it has further strengthened and communicated its regulatory approach. Greater emphasis has been placed on focusing activities more clearly on areas of risk and opportunity and

working closely with other regulators, the sector and its representatives. By taking account of materiality and proportionality in casework, more resources have been devoted to the regulation of larger and higher risk charities. At the same time, the Commission's monitoring and intelligence capacity has been improved and there is now a sharper focus to investigation and enforcement work.

Further initiatives that have been successfully implemented include:

- significant improvements to the on-line register of charities;
- the publication of regulatory reports on: small charities and reserves; managing the key events in the life of a charity; and Membership Charities;
- the overhaul and relaunch of the Commission's website, offering a more comprehensive range of advice and information to charities and the public;
- the introduction of a strategy and change function within the Commission to ensure successful programme and project management and coordination;
- preparations for opening an office in Wales (from 1 April 2004).

As a result of these initiatives, the Commission is achieving:

- more effective use of charity resources, delivered through better regulation of charities and the sector;

- greater understanding of and clearer beneficial influence on charity administration;
- greater effectiveness of its own activities in relation to enabling, providing advice and guidance and preventing, detecting and remedying abuse and poor practice.

The Commission is committed to achieving further improvement and change in the way it manages and delivers its services. In this context, it has been working closely with the Home Office on the draft Charities Bill and following up the recommendations from the Strategy Unit report 'Private Action – Public Benefit'. Key areas currently being taken forward include:

- the introduction of checks on the public character of charities;
- revised guidelines on campaigning by charities;
- the possible introduction of Standard Information return, which larger charities may be required to complete as part of their Annual Report and Accounts;
- strengthening the links with the police, local authorities and other regulators by means of protocols on joint working;
- achieving greater transparency in the conduct of the Commission's business by opening Board meetings to the public.

The Commission is also continuing to invest in e-business initiatives in order to bring more services 'on line', spread information about charities and the way they operate and generally improve the operational efficiency, particularly through the introduction of an Electronic Records and Document Management System.

Departmental Structure

Governance and Management Structure

The Charity Commission is a non-ministerial department. The Charity Commissioners are appointed by the Home Secretary. The Chief Charity Commissioner is the permanent head of the department and its Accounting Officer. There are four non-executive Commissioners, two of whom are legally qualified. Following the enactment of the Charities Bill, the number of non-executive Commissioners is likely to be increased.

The Board comprises all five Commissioners, and four Directors responsible respectively for legal services, operations, policy and strategy and resources. It is responsible for the strategy and future direction of the Commission. Corporate decisions affecting the day to day operations of the Commission are delegated to the Executive Group which comprises the Chief Commissioner, the Directors and the Head of Strategy and Change. The Directors' duties include implementing the programmes and

policies arising from the Board and ensuring effective service delivery.

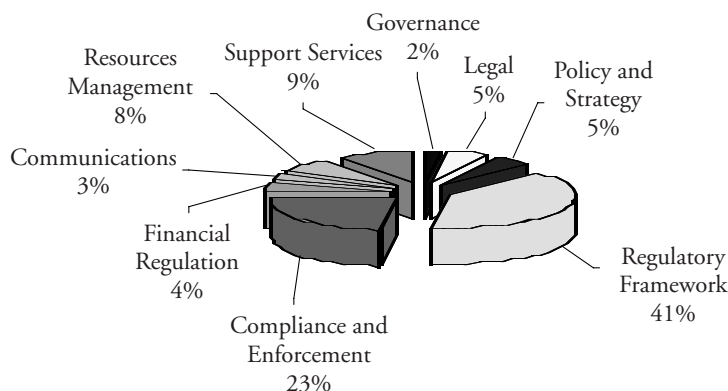
The high level management structure of the Commission as at March 2004 is shown in Appendix 1.

In January 2004, the Home Office and the Charity Commission announced changes to the senior management structure of the Commission, in response to recommendations in the Strategy Unit report. Two new senior posts have been created, which will replace that of the Chief Commissioner. A non-executive Chair of the Charity Commission (Geraldine Peacock) has been appointed by the Home Secretary, and a full time Chief Executive (Andrew Hind) has been appointed by the Commission, who will also be the Accounting Officer.

Use of Resources

The Commission employs some 590 staff at its London, Liverpool and Taunton offices. In the year 2003-04 the allocation and deployment of staff resources was as follows.

Staff deployment by activity



Reporting Against Targets

Service Delivery Agreement

The Commission's Service Delivery Agreement (SDA) sets out in broad terms how:

- its high-level objectives will be achieved
- performance will be improved
- it will focus on the needs of customers
- human and IT resources will be managed to achieve improvement
- it is taking steps to improve policy making in line with the Modernising Government White Paper.

Details of revisions to the SDA to reflect the Commission's 2002 Spending Review settlement are set out later in this report.

Performance against targets in 2003-04

Table A shows the Commission's performance against its objectives and SDA targets to 31 March 2004. The indicators show the Commission's effectiveness in meeting its objectives in terms of timeliness and outcomes.

Table A: Departmental objectives and SDA targets – position at 31 March 2004				
Objective 1: enabling charities to maximise their potential within an effective legal, accounting and governance framework, keeping pace with developments in society, the economy and the law				
SDA target or other measure	Performance indicator	Target outturn	Target date	Achievement to 31/3/04
1. Process a successful application within an average of 88 days of receipt.	Turnaround time (working days) for determining charitable status.	88 days	31/3/04	69
2. Increase the effectiveness of the legal frame work by undertaking 3,500 cases where the Commission exercises its legal authority.	Number of cases where legal authority is exercised.	3,500	31/3/04	5,140

Table A: Departmental objectives and SDA targets – position at 31 March 2004

Objective 1: enabling charities to maximise their potential within an effective legal, accounting and governance framework, keeping pace with developments in society, the economy and the law

SDA target or other measure	Performance indicator	Target outturn	Target date	Achievement to 31/3/04
3. Increase the percentage of cases where legal authority is exercised at the Commission's instigation to 10% by 2003-04	Number of cases where legal authority is exercised at the Commission's instigation	350	31/3/04	757
4. Improve the framework within which charities operate for their proper purposes by delivering at least three authoritative regulatory reports on issues affecting the charitable sector, and ensuring compliance with their recommendations among the appropriate charities.	Deliver three authoritative regulatory reports.	3	31/3/04	3

Table A: Departmental objectives and SDA targets – position at 31 March 2004

Objective 2: promoting sound governance, better working and accountability

SDA target or other measure	Performance indicator	Target outturn	Target date	Achievement to 31/3/04
1. Improve the effectiveness of charities' operations by undertaking 24,500 cases annually where the Commission gives substantive advice on governance or administration.	Number of cases where substantive guidance on governance and administration is given	24,500	31/3/04	27,896
2. Initiate giving substantive guidance on governance and administration in 10% of all guidance cases.	Number of instances of guidance being given at the Commission's instigation	2,450	31/3/04	3,274
3. Monitor the target groups of charities (charities with an annual income over £10k).	% of charities' accounts and annual reports received: £250k+	97.5%	31/3/04	97.5%
	£100k-£250k	95%	31/3/04	94.4%
	£10k-£100k	87%	31/3/04	87.2%
Maintain an accurate Register by obtaining and accurately processing register check forms.	% of database entries complete and accurate (verified by independent audit).	95%	31/3/04	100%
5. Undertake at least 600 visits to charities having a total combined income of at least £525 million per year.	Number of visits conducted	600	31/3/04	604
	Total income of charities	£525m	31/3/04	£957.7m

Table A: Departmental objectives and SDA targets – position at 31 March 2004

Objective 3: securing compliance with charity law dealing with abuse and poor practice

SDA target or other measure	Performance indicator	Target outturn	Target date	Achievement to 31/3/04
1. Increase the cost effectiveness of the use of the Commission's investigative resources so that at least 90% of all investigations undertaken lead to concerns being substantiated and rectified.	Number of investigation cases where irregularity corrected as a percentage of all investigations carried out.	90%	31/3/04	91%
2. Increase the number of investigations undertaken to 315 annually from 2002-03	Number of investigations undertaken	315	31/3/04	423
3. Increase sums protected by investigations to £28.6m.	Sums protected by investigations	£28.6m	31/3/04	£23.3m
4. Show the effectiveness of review visits by identifying the need for the Commission's legal authority to be exercised.	% of charities receiving a review visit that require the exercise of legal authority as a consequence of the visit.	6%	31/3/04	6.7%
	% of such legal authorities exercised within 12 months of the final report of the visit.	90%	31/3/04	91%

Table B: Impact measures – position at 31 March 2004

Objective	Impact Measure	Benchmark 2002-03	Achievement to 31/3/04
To ensure that charities are able to operate for their proper purposes within an effective legal, accounting and governance framework	Resources made available for charitable use as a result of the Commission exercising its legal authority	£560 million	£606.1m
To improve the governance, accountability, effectiveness and efficiency of charities	% of charities deriving benefit as a result of guidance given	8.6%	13.6%
To identify and deal with abuse and poor practice	Number of reports of abuse or poor practice	660	615

The Commission’s principal customer service target is expressed through its Service First indicator for the turnaround time for correspondence. As shown in Table C, performance to March 2004 of 6.3 working days is well within the target of an average of 15 working days per item. Overall, 93% of items were responded to within 15 days, above the target of 90%.

Table C: Service First standard for correspondence - position at 31 March 2004

Objective	SDA target or	Performance other measure	Target indicator	Target outturn	Achievement date
Departmental commitment to Service First	Respond to correspondence within an average of 15 working days	15 days average to answer action items	15 days	31/3/04	6.3 working days

Progress against other SDA targets is set out in Table D.

Table D: Other SDA targets	
SDA target or other measure	Progress to 31 March 2004
Plan to meet electronic government needs in line with Government targets (electronic records by end of 2004; access to services by end of 2005)	Interim targets achieved.
Ensure real efficiency gains of at least 2.5% per year	Efficiency gains of around 3% have been achieved
Take forward the departmental Better Quality Service (BQS) programme in accordance with plan	BQS programme completed. Rolling programme of internal strategic reviews underway.
Reduce sickness absence to an annual average of 7.3 days per person by December 2003	Average of 8.54 days per person. Although the target has not been achieved, absence management and health promotion measures now in place have substantially reduced absence levels during the year.
Develop indicators for new work arising from the SR2000 settlement	Reflected in revised Departmental SDA.

Service Delivery Agreement for 2004-06

Key performance targets

Table E: Departmental objectives and SDA targets for 2004-06	
Objective 1: enabling charities to maximise their potential within an effective legal, accounting and governance framework, keeping pace with developments in society, the economy and the law	
Targets	
1a	Process a successful application for registration within an average of 87 days of receipt in 2004-05, falling to 86 days in 2005-06.
1b	Increase the effectiveness of the legal framework by undertaking 3,500 cases where the Commission exercises its legal authority in each year. Of these, 365 will be initiated by the Commission in 2004-05, rising to 385 by 2005-06.
1c	Improve the framework within which charities operate by producing at least three authoritative regulatory reports per year on issues affecting the charitable sector, monitoring compliance with their recommendations among the appropriate charities.
Impact measure: charity resources made available for more effective deployment as a result of the Commission exercising its legal authority.	

Objective 2: promoting sound governance, better working and accountability

Targets

2a Improve the effectiveness of charities' operations by undertaking 24,750 cases in 2004-05 where the Commission gives substantive guidance on governance and administration, rising to 25,000 by 2005-06. Of these, 10% will be initiated by the Commission.

2b Obtain the accounts and annual reports of the following percentages of charities and ensure that all causes for concern are identified and resolved:

Annual income of charity

	Over £250,000	£100,000 – £250,000	Over £10,000 and less than £100,000
In 2004-05	97.6%	95.5%	88%
In 2005-06	97.7%	96%	89%

2c Percentage of database entries complete and accurate (verified by independent audit): 96% in 2004-05, rising to 97% in 2005-06.

2d Undertake at least 600 visits to charities per year. In 2004-05, the combined income of the charities visited will be £562 million. This will rise to £600 million in 2005-06.

Impact measure: percentage of charities deriving benefit as a result of guidance given.

Objective 3: securing compliance with charity law and dealing with abuse and poor practice

Targets

- 3a Increase the cost effectiveness of the use of the Commission's investigative resources by ensuring that at least 90% of all investigations undertaken lead to concerns being substantiated and rectified. There will be at least 315 investigations conducted per year.
- 3b Sums protected by investigations will rise from £29.3 million in 2004-05 to £30 million in 2005-06, including those that arise at the instigation of the Commission rising from £3.8m in 2004-05 to £5m by 2005-06.
- 3c Exercise the Commission's legal authority in 6% of charities receiving a review visit as a consequence of that visit and ensure that 90% of such legal authorities are exercised within 12 months of the final report of the visit.

Impact measure: number of cases of abuse or poor practice found

Measuring performance

The key performance targets are embedded within the Commission's corporate and business plans which are monitored internally on a monthly basis and reported to the Board quarterly. Additional assurance of the integrity of performance information is attained through:

- the department's Resource Management and Audit Unit;
- internal audit reviews (by independent auditors appointed by the Commission);
- internal and external consultation with stakeholders on quality and delivery of results;
- annual reviews of performance measures and targets;
- the use of internal performance indicators within the business plans to underpin key performance targets and inform on the distribution of resources.

Strategies for improving performance

All performance improvement projects are specified in the department's corporate and business plans and are monitored quarterly. The key priorities of the Commission's improvement programme include:

- the consolidation and development of approaches to managing change, project based working and knowledge management;
- a review of the wider application of the Business Excellence Model;
- a rolling programme of internal strategic reviews of functions and divisions of the department;
- continuing a comprehensive management development programme to provide stronger leadership;
- monitoring activity costs, to reflect efficiency gains made by the department.

Better Regulation

The Charity Commission has developed a package of regulatory measures that will ease administrative and other burdens and restrictions on the activities of charities. These measures were originally due to be taken forward using Regulatory Reform Orders. However it is now hoped that they will be included in the Charities Bill when it is formally introduced. The Commission is supporting the Home Office Active Communities Directorate's work on the Bill.

The measures are not controversial and Regulatory Reform Order option should be capable of being taken up again if the Bill should fail.

During 2003/4 the Commission has assessed the effectiveness of the 'lighter touch' approach adopted for the regulation of the 110,000 registered charities with gross annual incomes of less than £10,000 during 2002 and plans to develop this further. Such charities are also able to advise the Commission of alterations to their governing documents in a simplified way.

It is now proposed to introduce a more proportionate approach to working with medium sized charities (gross annual income from £10,000 to £10 million),

building on the experience gained from the changed approach to small charities. This work should come to fruition during this reporting year.

A feature of this new approach that is particularly worth noting is the lowering of the standard of the test to be applied where trustees are seeking to be paid for all forms of services/employment (but not trusteeship) so less intervention is required by us when approval is requested. Building on this, we will be issuing guidance and declaration forms to enable trustees to seek our approval without the need for detailed examination by us. We will also be incorporating de minimis principles in relation to trustee payments for medium charities and to many regulatory issues involving small and medium charities.

Finally, we have published "The Charity Commission and Regulation", which although it is not a formal consultation paper is the first formal articulation of our regulatory position and the way in which we hope to lighten the regulatory load on low risk areas.

Diversity

The Commission's Equality and Diversity Action Plan continues to provide a robust framework for service delivery and management practice. Diversity objectives are included in all job plans and training on valuing diversity has been extended to all staff. The Commission has also published its Race Equality Scheme as required under the Race Relations (Amendment) Act 2000, which was prepared in consultation with a variety of stakeholders.

Departmental Investment Strategy

The majority of the Commission's capital expenditure is on IT equipment and systems. The scale and nature of this investment is changing as arrangements are put in place with the private sector for the delivery of IT systems and services. The Strategy is available on the Commission's website.

Recruitment Practice

The Commission maintains its commitment to open and transparent appointment systems. Recruitment is carried out on the basis of fair and open competition and selection on merit in accordance with the code laid down by the Civil Service Commissioners' Recruitment Code.

As shown in Table 5, there was no use of permitted exceptions to fair and open competition in 2003-04.

Senior Civil Service Staff

The Commission has 8 full time SCS staff (including the Chief Charity Commissioner) plus four part time non-executive Commissioners. There are no salaries that are determined by the Permanent Secretaries' Remuneration Committee.

Health and Safety

The Commission promotes a consultative approach to health and safety in line with the HSE strategy for corporate responsibility and managed health and safety functions. The Commission has established a health and safety committee and a definable strategy to meet legislative requirements. A series of focus groups has been convened to address a range of hazards and risks. This will lead to the production of model risk assessments and safe systems of work.

Core Tables

Table 1: Total Public Spending for the Charity Commission (£millions)

	1998-99 Outturn	1999-00 Outturn	2000-01 Outturn	2001-02 Outturn	2002-03 Outturn	2003-04 Estimated Outturn	2004-05 Plans	2005-06 Plans
Consumption of resources:								
Delivering a service that gives the public confidence in the integrity of charity	20	20	21	23	25	26	29	30
Total Resource Budget	20	20	21	23	25	26	29	30
<i>of which:</i>								
Resource DEL ^(1,2)	20	20	21	23	25	26	29	30
Capital Spending:								
Delivering a service that gives the public confidence in the integrity of charity	1	#	1	1	2	1	1	1
Total Capital Budget	1	#	1	1	2	1	1	1
<i>of which:</i>								
Capital DEL ⁽¹⁾	1	#	1	1	2	1	1	1
Total Public Spending ⁽³⁾	21	20	21	23	27	27	29	30

(1) Departmental Expenditure Limits, (DEL) set as part of the 2002 Spending Review

(2) of which, resource 'near-cash' DEL

	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
	19	20	21	22	26	26	28	29

(3) Total public spending calculated as the total of the resource budget plus the capital budget, less depreciation

Cash amounts below £0.5 million

Table 2: Administration Costs for the Charity Commission (£ millions)

	1998-99 Outturn	1999-00 Outturn	2000-01 Outturn	2001-02 Outturn	2002-03 Outturn	2003-04 Estimated Outturn	2004-05 Plans	2005-06 Plans
Gross Administration Costs								
Other	8	8	9	9	9	11	13	13
Paybill	12	12	12	14	15	15	16	17
Total Gross Administration Costs	20	21	21	23	24	26	29	30
Related administration cost receipts	-#	-#	-#	-#	-#	-#	-#	-#
Total Net Administration Costs	20	21	21	23	24	26	29	30
Analysis by Activity:								
Developing a service that gives the public confidence in the integrity of charity	20	21	21	23	25	26	29	30
Total Net Administration Costs	20	21	21	23	24	26	29	30
Controls and Limits: Administration Costs								
Limits (Net) for Gross Controlled Areas:								
Charity Commission for England and Wales	20	21	21	23	24	27	29	30
Total Net Limits for Gross Controlled Areas	20	21	21	23	24	27	29	30
Note: changes in definitions of administration cost limits, on a net basis, since last year's Departmental Report								
Total net administration costs limits on Stage 1 Resource Accounting and Budgeting (RAB)	19	20	21	23	24	25	28	29
plus additional non-cash items from move to full RAB, as part of 2002 Spending Review	#	#	#	#	1	1	1	1
less removal of some administration costs associated with front-line service provision	—	—	—	—	—	—	—	—
less additional allowable receipts	-#	-#	-#	-#	-#	-#	-#	-#
gives figures in table above	20	21	21	23	24	26	29	30

Table 3: Capital Employed (millions)

	1998-99 Outturn	1999-00 Outturn	2000-01 Outturn	2001-02 Outturn	2002-03 Outturn	2003-04 Forecast Outturn	2004-05 Projected	2005-06 Projected
Assets on balance sheet at end of year:								
Fixed assets	1	1	1	1	2	3	4	4
Intangible	—	—	#	#	—	—	—	—
Tangible	1	1	1	1	2	3	4	4
<i>of which:</i>								
Plant and machinery	1	1	1	1	2	3	4	4
Current assets	1	2	2	2	1	3	2	2
Creditors (<1 year)	-2	-1	-1	-1	-1	-3	-2	-2
Creditors (>1 year):								
Provisions	-#	-1	-#	-#	-#	-#	-#	-#
Capital employed within department	#	1	2	2	2	3	4	4

Cash amounts below £0.5 million

Table 4: Staff Numbers

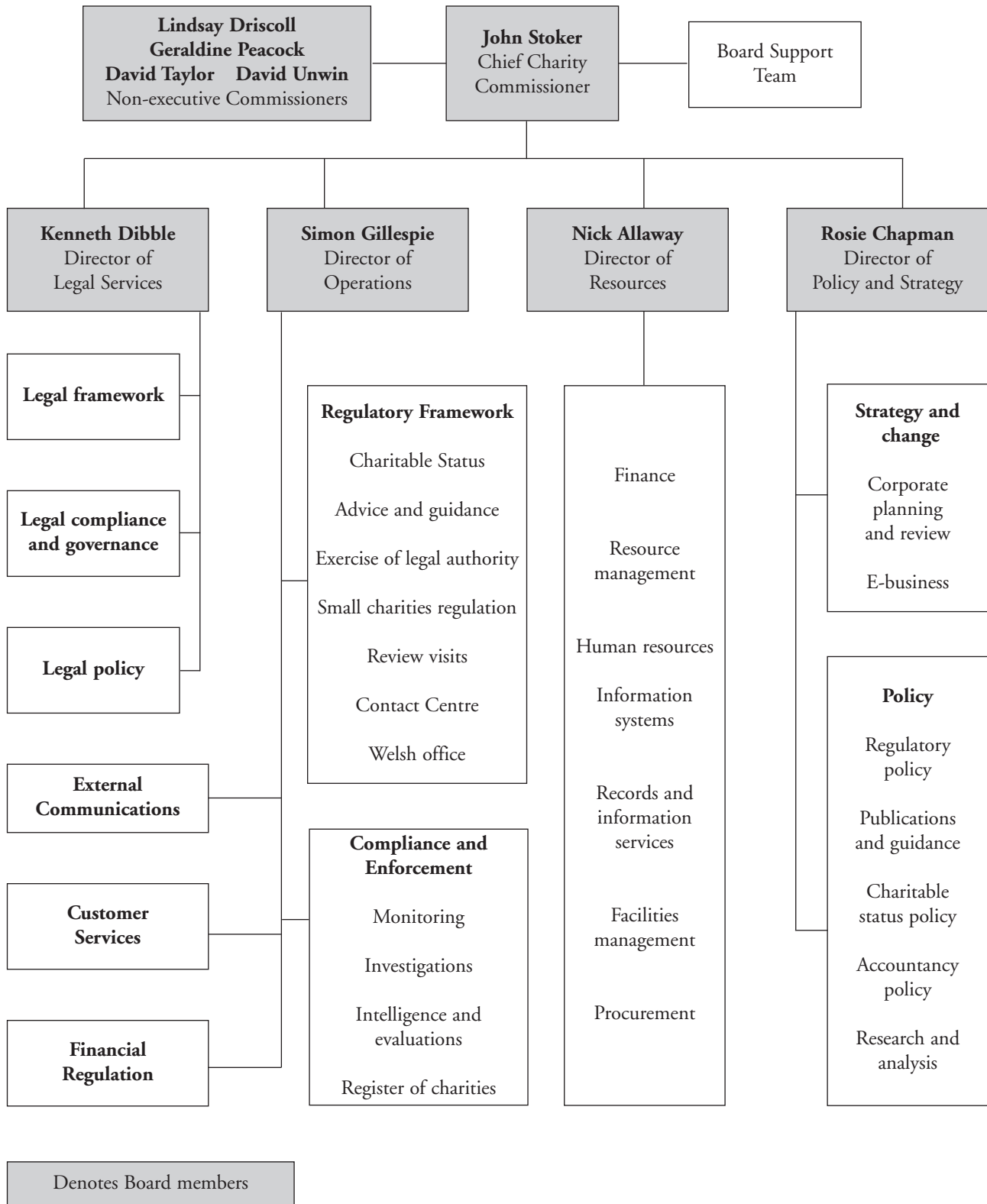
	1999-00 Actual	2000-01 Actual	2001-02 Actual	2002-03 Actual	2003-04 Outturn	2004-05 Projected	2005-06 Projected
CS FTEs	536	501	520	570	594	594	594
Overtime	2	7	5	3	2	2	2
Casuals	8	24	30	10	3	3	3
Total	546	532	555	583	599	599	599

Table 5: Recruitment

Pay band	Total number of appointments	Permitted exceptions to fair and open competition*	Number of female staff	Staff of ethnic minority origin	Staff with disability
1	15	0	10	3	0
2	6	0	4	0	0
3	24	0	15	2	0
4	3	0	2	0	0
5	8	0	6	1	0
6a	5	0	4	0	0
6b	1	0	1	0	0
SCS	3	0	2	0	1
Total	65	0	44	6	1

Appendix 1

Organisational structure and functions 31 March 2004





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