

Appendix 1

NHS
Yorkshire
Ambulance Service
NHS Trust



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Approved Draft Updated - Board of Directors/Corporate Trustee, ~~31 January 2017~~

27 March 2018

CHARITABLE FUNDS COMMITTEE

<u>TITLE</u>	<u>QUALITY COMMITTEE</u>	<u>REVIEWED BY</u>
<u>Date Approved</u>	<u>Reason for Revision</u>	<u>Charitable Funds Committee</u> <u>231117</u> <u>Trust Executive Group 041217</u>
<u>27 Mar 2018</u>	<u>Approved by Board of Directors</u> <u>including:</u> i. <u>4. – Membership updated</u> i. <u>7. – Frequency amended to</u> <u>quarterly</u> i. <u>8.2 (i) – added ‘Deliver the</u> <u>strategy for the charity</u> <u>approved by the Corporate</u> <u>Trustee</u> i. <u>9.3 – amended to quarterly</u> <u>reports</u> i. <u>9.9 – updated to joint</u> <u>approvals i.e. 2 persons</u> i. <u>12.1 – clarified ‘Board of</u> <u>Directors as the Corporate</u> <u>Trustee’</u>	

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Author: _____ Trust Secretary
 Board Approved: _____ 27 March 2018
 Date of Next Review: _____ March 2019

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TERMS OF REFERENCE

CHARITABLE FUNDS COMMITTEE

1. PURPOSE

The Charitable Funds Committee has been established by the Corporate Trustee (the Board of Directors of Yorkshire Ambulance Service NHS Trust) to make and monitor arrangements for the control and management of the Charity's funds, and to effect the delegation of day-to-day responsibility, to ensure that the Charity's funds are exercised within appropriate controls and governance.

The Charity's new mission is:

"Saving more lives across Yorkshire and The Humber, by enabling EVERYONE to respond to a medical emergency in the appropriate way and by supporting those who deal with such emergencies."

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2. OBJECTS

The Objects of the Charity are:

"The trustees shall hold the trust fund upon trust to apply the income, and at their discretion, so far as may be permissible, the capital for any charitable purpose or purpose relating to the National Health Service wholly or mainly for the [Tees, East and North Yorkshire Ambulance Service NHS Trust]."

Model Declaration of Trust (20 October 1999)

as amended by Supplemental Deed of Declaration (14 December 2006) to, "for the Yorkshire Ambulance Service NHS Trust."

3. CONSTITUTION

Yorkshire Ambulance Service NHS Trust Board of Directors [the Board] was appointed as Corporate Trustee of the charitable funds by virtue of Statutory Instrument 2006, No. 1627 2006. In accordance with the Trust's Standing Orders and its role as a Corporate Trustee for any funds held in trust, either as charitable or non-charitable funds, the Board has established a Charitable Funds Committee [the Committee] to administer those funds.

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4. MEMBERSHIP

The membership of the Committee will comprise:

- two Non-Executive Directors, one of whom will act as Chairman deputised by the other;
- the Executive Director of Finance (deputised by the Head of Financial Services) ~~and a second member of the Trust Executive Group~~;
- Director of Corporate Affairs
- Head of Financial Services;
- ~~Trust Secretary~~;
- Fund Manager-;
- Head of Corporate Communications

5. QUORUM

The Committee will be quorate if three members are present, including one Non-Executive Director and one Director.

6. ATTENDANCE AT MEETINGS

The Committee may require the attendance for advice, support and information routinely at the meeting from:

- ~~Executive Director of Operations or their nominated Deputy~~;
- Any other employee;
- External advice.

7. FREQUENCY

~~Meetings of the Charitable Funds Committee, reporting to the Charity Trustees, shall will be held not less than twice a year quarterly per annum. Other meetings will be held as required.~~

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8. PRINCIPLES

8.1 The Committee has been established by the Board to make and monitor arrangements for the control and management of the Trust's charitable funds.

8.2 Within the budget, priorities and spending criteria determined by the Board as Corporate Trustee, and consistent with the requirements of the Charities Act 2011 (or any modification of that Act), to apply the charitable funds in accordance with their respective governing documents the Committee will:

- Deliver the strategy for the charity approved by the Corporate Trustee

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- i-ii. seek to maximise funds available to the Charity
- ii-iii. seek to maximise the benefit to patients served by the Yorkshire Ambulance Service, both directly and through the enhancement of staff welfare
- iii-iv. spread the benefit of its disbursements as widely as possible across communities and staff within the region
- iv-v. ensure that there are clear links for the majority of its expenditure between the immediate object of the disbursement and benefit to the public
- v-vi. direct expenditure to items and projects outside the normal scope of Yorkshire Ambulance Service budgets
- vi-vii. be prepared to purchase medical equipment only in line with Trust Policy and in agreement with the Executive Medical Director, and normally for trials, pilots or to enhance services above those normally delivered through exchequer funding
- vii-viii. ensure that restricted funds are spent on the prescribed purposes
- viii-ix. honour as far as possible any wishes expressed by donors of unrestricted funds, subject to compliance with Standing Orders, Standing Financial Instructions and the above principles

9. SCOPE AND DUTIES

- 9.1 To ensure that the Trust policies and procedures for charitable funds investments are followed.
- 9.2 To make decisions involving the sound investment of the charitable funds in a way which both preserves their capital value and produces a proper return consistent with prudent investment and ensuring compliance with the:
 - Trustee Act 2000
 - Charities Act 2011
- 9.3 To receive ~~at least twice a year~~ quarterly reports on the expenditure and investment decisions of funds and balances held.
- 9.4 To oversee and monitor the functions performed by the Executive Director of Finance as defined in the Trust's Standing Orders and Standing Financial Instructions.
- 9.5 To receive reports from the Executive Director of Finance or their Deputy, of authorised expenditure up to the value of £2,500 and requests for expenditure that has been refused.

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- 9.6 To determine a financial strategy for the Charity setting out which charitable activities are to be supported for the current year and in outline for the following two years.
- 9.7 To receive reports from the Executive Director of Finance or their Deputy, of authorised expenditure and requests for expenditure that has been refused.
- 9.8 To approve all individual charitable fund expenditure in excess of £10,000, and to approve any expenditure not within the financial strategy. Expenditure over £50,000 must be approved by the Corporate Trustees (Board of Directors) acting as Corporate Trustees.
- 9.9 Individual items of expenditure below £10,000 that fall within the scope of the strategy set for the year will be approved jointly by the Fund Manager and Head of Financial Services; that is 2 approvals are required, or nominated alternatives, under the over-arching approval provided by the agreed strategy.
- 9.10 To appoint and monitor progress of a fund raising and expenditure group to manage the day to day activities of the charity and its fund, within the terms of the Charity's strategy
- 9.11 To ensure that funds held on trust are monitored appropriately and audited at least annually.
- 9.12 To investigate any activity within its Terms of Reference.
- 9.13 It is authorised to seek any information it requires from any employee and all employees are directed to co-operate with any request made by that committee.
- 9.14 To obtain outside legal or other professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers this necessary.

10. DELEGATED POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR OF FINANCE AND PERFORMANCE

- 10.1 The Executive Director of Finance has prime responsibility for the Trust's Charitable Funds as defined in the Trust's Standing Financial Instructions. The specific powers, duties and responsibilities delegated to the Executive Director of Finance are:
- Provide guidelines in respect of donations, legacies and bequests, fundraising income
 - Responsibility for the management of the investment funds held on Trust
 - Ensure appropriate banking services are available to the Charity

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- Prepare reports to the Board including the Annual Account
- Production of the Annual Report to the Charity Commission
- Production of the Annual Financial Statement of Fund held

10.2 The Corporate Trustee has delegated the following:

- Approval of expenditure up to an individual limit of £10,000 and up to the total set out in the financial strategy for the year to the Head of Financial Services or, when absent, the Deputy Director of Finance
- Individual items of expenditure of between £10,000 and £25,000, so long as this is within the overall total set by the financial strategy, to be approved by the Committee Chairman and the Deputy Director of Finance or the Head of Financial Services and the Executive Director of Finance (or the Chief Executive in their absence)
- Individual items of expenditure over £25,000 but less than £50,000 to be approved by the Charitable Funds Committee

11. AUTHORITY

11.1 The Committee is empowered with the responsibility for the day to day management of the investments of the charitable funds in accordance with the investment strategy set down from time to time by the Corporate Trustee.

11.2 The Committee shall have power to delegate day to day management of the investments to the Executive Director of Finance.

11.3 In exercising this power the Committee will ensure that:

- there are in place adequate internal controls and procedures which will ensure that the power is being exercised properly and prudently
- the banking arrangements for the charitable funds are kept entirely distinct from all of the Trust's NHS other funds
- separate current and deposit accounts are minimised consistent with meeting expenditure obligations

12. REPORTING

12.1 The minutes of the Committee will be submitted to the next available Audit Committee meeting and the Board of Directors as the Corporate Trustee.

12.2 The Committee will produce an annual report detailing the activity during the year and the Committee's objectives for the next financial year, and a Trustee's report which will accompany the Annual Financial Statement of Fund held. These will be presented to the Audit Committee and the Board.

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- 12.3 The Committee will submit a report to each Audit Committee Meeting on the activities of the Charitable Funds Committee, to provide assurance on the discharge of its responsibilities delegated from the Corporate Trustee.
- 12.4 To submit the Annual Accounts of the Charity to the Corporate Trustees (Board of Directors) on an annual basis.

13. FREQUENCY

- 13.1 The Committee will meet not less than twice per annum.
- 13.2 Additional meetings will be convened by the Committee Chairman as necessary. The Committee Chairman will ensure that, if an additional meeting(s) are held virtually, these must be recorded and the minutes reviewed and approved by the Trust Board.

14. ACCOUNTABILITY

The Committee is accountable to the Board of Directors as Corporate Trustees.

15. GOVERNANCE OVER THE USE OF CELEBRITIES

- 15.1 It is acknowledged that celebrities are widely used for fundraising however an appropriate and robust governance structure should be in place to protect the public, staff, the Trust and the celebrity.
- 15.2 Any fundraising activity will follow the guidance established for the Fund, and should be approved by the Trust's Corporate Communications team to ensure consistency with the Trust's values. Any legal agreements made by the Charity will be reviewed and agreed by the Trust's legal department as identified in the fundraising procedure notes. This will include the governance arrangements in relation to fundraising by celebrities for and on behalf of the YAS Charity.

16. MONITORING AND REVIEW

- 16.1 The Committee will review its compliance with these terms of reference through its annual report to the Trust Board.

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16.2 The Terms of Reference of the Committee will be reviewed by the Committee and submitted for approval by the Trust Board of Directors annually.

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Board Approved: ~~27 Feb 2018~~ 31 January 2017
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