



## TERMS OF REFERENCE OF THE CHARITABLE CHARITABLE FUNDS COMMITTEE

### 1. Purpose

\_\_\_\_\_The Charitable Funds Committee has been established by the Corporate Trustee (the Board of Directors) Trust Board to make and monitor arrangements for the control and management of the Charities' Charity's funds and to effect the transfer delegation of day-to-day trustee responsibility to ensure that the Charity's recipients of funds are exercised within appropriate controls and governance.

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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)."

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### 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 2002-2006, No. 1627 2006 and its Board serves as its agent in the administration of the charitable funds held by the Trust. 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 Trust

Board has established a Charitable Funds Committee [the Committee] to administer those funds.

### 34. Membership

The Committee shall consist of two Non-Executive Directors, one of whom will act as Chair, the ~~Deputy Chief Executive and~~ Executive Director of Finance and Performance or their nominated Deputy, the Financial Projects Manager, the Fundraiser, Head of HR Business Partners, Head of Corporate Communications and at least one staff member from Operations.

### 45. Quorum

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

### 56. 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;
- ~~Director of Corporate Affairs and~~ Trust Secretary;
- Any other employee;
- External advice.

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### 67. Frequency

Meetings shall be held not less than three times a year.

### 78. Principles

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

78.2 Within the budget, priorities and spending criteria determined by the ~~Trust Board~~ as Corporate Trustee, and consistent with the requirements of the Charities Act ~~1993~~ 2011 (or any modification of that Act), to apply the charitable funds in accordance with their respective governing documents the Committee will:

Comment [AA1]: The 2011 Act consolidated all previous legislation

i. Seek to maximise funds available to the Charity;

• ii. seek to maximise the benefit to patients served by the Yorkshire Ambulance Service, both directly and through the enhancement of staff welfare;

• iii. spread the benefit of its disbursements as widely as possible across communities and staff within the region;

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- iv. 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. direct expenditure to items and projects outside the normal scope of Yorkshire Ambulance Service budgets;
- vi. 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. ensure that restricted funds are spent on the prescribed purposes;
- viii. 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.

## **89. Scope and Duties**

- 89.1** To ensure that the Trust policies and procedures for charitable funds investments are followed.
- 89.2** 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:
  - Trustee Act 2000;
  - The Charities Act 2011
- 89.3** To receive at least three times a year reports on the expenditure and investment decisions of funds and balances held.
- 89.4** To oversee and monitor the functions performed by the ~~Deputy Chief Executive and~~ Executive Director of Finance and Performance as defined in Standing Financial Instructions.
- 89.5** To receive reports from the ~~Deputy Chief Executive and~~ Executive Director of Finance and Performance or their Deputy, of authorised expenditure up to the value of £2,500 and requests for expenditure that has been refused.
- 89.6** To approve all individual charitable fund expenditure in excess of £2,500. Expenditure over £50,000 must be approved by the Trust Board.
- 8.7** To make recommendations to the Trust Board as appropriate.
- 8.8** Review the Annual Financial Statement of Funds held on Trust before submission to the Audit Committee, ensuring compliance with Department of Health and Charity Commission guidance on fund raising and accounting for all funds held on trust.
- 89.9** Determine policies for Investment, Reserves and Disbursement of the Charitable Funds held on trust.

- | **89.10** To appoint and monitor progress of a Fund Raising Group.
- | **89.11** To ensure that funds held on trust are monitored appropriately and audited at least annually.
- | **89.12** To investigate any activity within its Terms of Reference.
- | **89.13** 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.
- | **89.14** 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.

| **910. Delegated Powers and Duties of the ~~Deputy Chief Executive and~~ Executive Director of Finance and Performance**

- | **109.1** The ~~Deputy Chief Executive and~~ Director of Finance and Performance 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 ~~Deputy Chief Executive and~~ Director of Finance ~~and Performance~~ 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 Trust;
  - Prepare reports to the Trust Board including the Annual Account;
  - Production of the annual report to the Charity Commission;
  - Production of the Annual Financial Statement of Fund held.

- | **109.2** The Corporate Trustees have delegated the following:
  - Approval of expenditure up to an individual limit of £1,000 and £12,000 in total per annum to the Associate Director of Finance and in their absence the Financial Projects Manager;
  - Joint approval with two signatories, of individual expenditure between £1,000 and £2,500 with a total per annum of £30,000, to the Associate Director of Finance/Financial Projects Manager and the ~~Deputy Chief Executive and~~ Executive Director of Finance and Performance (or the Chief Executive in their absence).

| **4011. Authority**

- | **4011.1** The ~~Charitable Funds~~ 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.

**4011.2** The ~~Charitable Funds~~ Committee shall have power to delegate day to day management of the investments to the Executive Director of Finance and Performance.

**4011.3** 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.

### **4412. Reporting**

**4412.1** The minutes of the ~~Charitable Fund~~ Committee will be submitted to the next available Audit Committee meeting.

**4412.2** The ~~Charitable Fund~~ Committee shall 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.

**4412.3** The ~~Charitable Funds~~ Committee shall submit a report to each Audit Committee Meeting ~~to inform that Committee of on~~ the activities of the Charitable Funds Committee, ~~and~~ to provide assurance on the discharge of its responsibilities delegated from the its role as Corporate Trustee, ~~and its independence whilst acting as Corporate Trustee.~~

**Comment [AA2]:** The Charitable Funds Committee is not to be confused with the Corporate Trustee, i.e. the Board of Directors whose accountability cannot be delegated.

### **13. Accountability**

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

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