



**Paper Ref**  
 TB22.014

<b>Meeting Title</b> Trust Board Meeting in Public	<b>Meeting Date</b> 28 April 2022
<b>Reporting Committee</b>	Charitable Funds Committee
<b>Committee Chaired By</b>	Phil Storr – Associate Non-Executive Director
<b>Lead Executive Director</b>	Kathryn Vause, Executive Director of Finance
<b>Date of Last Committee Meeting[s]</b>	7 April 2022

**Summary of Key Matters Considered and Decisions Taken**

- The meeting was held via videoconference and was quorate. The chair reflected on current operational pressures on the Trust and its staff and the importance of the Charity’s support for the health and wellbeing of staff and volunteers.
- The Committee reviewed the Terms of Reference and proposed work plan for 2022-23. The ToR were agreed but it was decided to review them again in light of the capacity review and sooner than 12 months. The ToR and workplan were recommended for approval.
- The Committee considered a draft treasury and investment policy and discussed the risk appetite of the Charity and how this can be incorporated into the policy. The committee asked for amendments to the draft policy to reflect risk appetite and for a revised and updated version to be circulated.
- A proposal was presented for the creation of a death in service provision for serving employees and volunteers, following experience during COVID-19 and Charity support. The committee agreed to this provision and the creation of a new designation to the value of £15,000 per year to support this work, operated through the HR and developing the hardship fund application process to support this.
- The Committee discussed the financial update which updated on expenditure to the end of February 2022 including the award of hardship payments, support for CPADs and a range of grants including YAS Rugby and the dementia project. There was expenditure against specific funding and designations with the provision of a range of community engagement materials, health and wellbeing support and the memorial forest. The charity remains in a strong financial position and is monitoring its levels of reserves, which remains high; designations were previously approved for 2022-23 at the January 2022 meeting. As part of an update on plans for expenditure on the community engagement designation for 2022-23, the committee received a presentation from community engagement on their workplans for the year, in support of delivering the strategy and outline of likely areas of expenditure, which the committee supported. On the NHS Charities Together grants, the committee ratified an expenditure decision on health and wellbeing, with the balance of the grant deferred to the hardship fund. Following an update on timeline, scope and budget, it was agreed to request an extension to the grant to fund the volunteer and falls project from NHS Charities Together, following a review by the Trust.



- The Committee received an update on actions relating to the audit and role of CFRs in fundraising. Progress was noted, although there was some further work to do following analysis of the number of CFR schemes by the Community Resilience team which has identified additional schemes falling into scope. Actions were being tracked and progress was due on setting up branch schemes and the transfer of funds.
- The Committee reviewed the fundraising plan and identified the need for further work to be undertaken on developing the longer term strategy for the Charity for the next 3 to 5 years and work would begin on this, outside of the committee.
- The Committee was provided with an update on the financial systems and processes for the Charity. Following a review of suppliers and systems, the committee supported the recommendation to purchase and implement the Harlequin Charitable Accounting system in 2022/23.
- The Committee received progress reports on two areas of funding – the memorial wood and 999 EMS research conference. Planting at memorial wood had taken place, with a working party working on development at the site, with involvement from staff. Plans for a seating area were agreed and quotes have been requested for the construction of a pond and path around the site which will be surrounded by a wildflower meadow. A draft budget and timescale were set out, with likely areas of expenditure and committee agreed to financial support of up to £40k for the memorial wood. On the 999 EMS research conference, the event had been split with a virtual element already completed and a face to face event in September. Interest was positive, with tickets sold and therefore likely financial risk was low, with the Charity being recognised for its support.

**Risks Identified / Matters of Concern and Mitigating Actions**

- The Committee reviewed the risk register and there are continued reductions in the risks, (2 closed, 4 reduced and a further one to be reduced shortly) leaving the Charity in a much-improved position with its risk log.
- An audit of the YAS Charity is currently underway, with initial findings due at the end of April, which will be reported to the next committee meeting.

**Matters requiring Board level consideration and/or approval**

- The Board, as Trustee, are asked to approve the Terms of Reference and YAS Charity workplan, as recommended by the CFC.
- The Board are asked to support the recommendation to create a death in service provision and designation for staff and volunteers.
- The Board are asked to support the recommendation to purchase the recommended charitable accounting system.

Date of next Committee Meeting

5 July 2022



## **TERMS OF REFERENCE**

### **CHARITABLE FUNDS COMMITTEE**

#### **1. PURPOSE**

1.1 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.

1.2 The Charity's 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."*

#### **2. OBJECTIVES**

2.1 The objectives 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 "Yorkshire Ambulance Service NHS Trust".

#### **3. CONSTITUTION**

3.1 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.

#### **4. MEMBERSHIP**

4.1 The membership of the Committee will comprise: -

- Two Non-Executive Directors (or Associate Non-Executive Directors), one of whom will act as Chairman deputised by the other

- Executive Director of Finance (deputised by the Head of Financial Services)
- Associate Director of Corporate Affairs
- Head of Financial Services
- Charitable Fund Manager
- Head of Communications and Community Engagement
- Chief Executive of YAS NHS Trust
- Head of Community Resilience

## **5. QUORUM**

- 5.1 The Committee will be quorate if three members are present, including one Non-Executive Director (or Associate Non-Executive Director) and one Director.

## **6. ATTENDANCE AT MEETINGS**

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

- Any other employee;
- External advice.

## **7. PRINCIPLES**

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

- 7.2 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
- Seek to maximise funds available to the Charity
- Seek to maximise the benefit to patients served by the Yorkshire Ambulance Service, both directly and through the enhancement of staff welfare
- Spread the benefit of its disbursements as widely as possible across communities and staff within the region
- Ensure that there are clear links for the majority of its expenditure between the immediate object of the disbursement and benefit to the public
- Direct expenditure to items and projects outside the normal scope of Yorkshire Ambulance Service budgets
- 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
- Ensure that restricted funds are spent on the prescribed purposes
- 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.

## 8. SCOPE AND DUTIES

- 8.1 To ensure that the Trust policies and procedures for charitable funds investments are followed.
- 8.2 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.
- 8.3 To receive quarterly reports on the expenditure and investment decisions of funds and balances held.
- 8.4 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.
- 8.5 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.
- 8.6 To receive reports of authorised expenditure and requests for expenditure that have been refused.
- 8.7 To approve all individual charitable fund expenditure in excess of £10,000, and to approve any expenditure not within the financial strategy. Approval may be given by a quorum of the Committee by email for £25,000 and less. Expenditure over £50,000 must be approved by the Corporate Trustee (Board of Directors) acting as Corporate Trustees.
- 8.8 Individual items of expenditure between £5,000 and £10,000 that fall within the scope of the strategy set for the year will be approved jointly by the Charitable Fund Manager and Head of Communications and Community Engagement. Two approvals are required or nominated alternatives, under the over-arching approval provided by the agreed strategy.
- 8.9 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.
- 8.10 To ensure that funds held on trust are monitored appropriately and audited at least annually.
- 8.11 To investigate any activity within its Terms of Reference.
- 8.12 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.
- 8.13 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.

## **9. DELEGATED POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR OF FINANCE**

9.1 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
- 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. AUTHORITY**

10.1 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.

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

10.3 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

## **11. REPORTING**

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

11.2 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.

11.3 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.

11.4 To submit the Annual Accounts of the Charity to the Corporate Trustees (Board of Directors) on an annual basis.

## **12. FREQUENCY**

- 12.1 The Committee will meet not less than twice per annum and ideally quarterly wherever possible.
- 12.2 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.

## **13. ACCOUNTABILITY**

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

## **14. GOVERNANCE OVER THE USE OF CELEBRITIES**

- 14.1 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.
- 14.2 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.

## **15. MONITORING AND REVIEW**

- 15.1 The Committee will review its compliance with these terms of reference through its annual report to the Trust Board.
- 15.2 The Terms of Reference of the Committee will be reviewed by the Committee and submitted for approval by the Trust Board of Directors annually.

Reviewed and updated April 2022

## CHARITABLE FUNDS COMMITTEE WORKPLAN 2022-23

Standing Agenda Items	Meeting Date	Forward Plan / Specific Assurance / Items for approval / discussion 2022/23
<p><b>Preliminary Items</b>  Declaration of Members Interests  Minutes of Last Meeting  Action Log and Matters Arising  Issues raised at Trust Board</p> <p><b>Finance &amp; Governance</b>  Finance Report including:  <ul style="list-style-type: none"> <li>○ Income</li> <li>○ expenditure and investment[s]</li> <li>○ Approvals /refusals</li> </ul> </p>	7 April 2022	Review Terms of reference Investment policy Death in service support Fundraising plan Update on Internal Audit Actions Memorial Forest Community engagement Research conference
<p>Risk Register</p> <p><b>Charity Activity and Fund Raising</b>  NHS Charities Together update</p>	5 July 2022	Financial system update Report on internal audit Charity Capacity
<p><b>For Information</b>  Charity Commission Updates (as required)</p>	4 October 2022	Update on Internal Audit Actions Charitable Funds Annual Report and Accounts 2021-22 (Sign off) Trustee Annual Report Review
<p><b>Closing Business</b>  AOB  Summary of Items to raise with Trustee</p>	10 January 2023	Operational budget Fund Designations 2023-24 (Annual) Update on Internal Audit Actions