

TRUST BOARD
31st January 2013

TITLE	Creation of a Charitable Funds Committee
EXECUTIVE SUMMARY	<p>The Terms of Reference of the Finance Committee include the following under its duties: -</p> <ul style="list-style-type: none"> • Review the finances of the Charitable Funds <p>In order to separate out the governance of the Charity and give more focus to its operations, including expenditure in accordance with donors wishes, it has been proposed that a separate Charitable Funds Committee be created.</p> <p>Draft Terms of Reference have been drawn up and are attached. On the basis that a separate Charity Committee is what is required, the Trust Board is asked to review and approve these draft Terms of Reference so that they can be taken forward.</p>
ASSURANCE (Risk) / IMPLICATIONS	The Trust Board assures itself that the Trust has sufficient arrangements in place to discharge its duties under relevant legislation and that appropriate scrutiny is given to the finances and governance of the Charity.
STAKEHOLDER / PATIENT IMPACT AND VIEWS	None obtained to date.
EQUALITY AND DIVERSITY ISSUES	None identified.
LEGAL ISSUES	None identified.
The Trust Board is asked to:	Discuss and approve the separation of the Charity from the Finance Committee based on the attached Terms of Reference.
Submitted by:	Simon Marshall, Director of Finance and Information
Date:	22 nd January 2013
Decision:	For Approval

**TRUST BOARD
31st January 2013**

Creation of a Charitable Funds Committee

Charitable Funds Committee

Draft Terms of Reference

Constitution and Membership

The Ashford and St. Peter's Hospitals Charitable Fund (Charity Registration Number 1058567) is governed by the Trust Deed which was approved by the Trustee. Under the terms of the deed the Charitable Fund is administered and managed by the Trustee, the Board of the Ashford and St. Peter's Hospitals NHS Foundation Trust as a body corporate.

The membership of the Committee will comprise the Chairman of the Trustee, the Chief Executive, the Director of Finance and Information, two Non-Executive Directors and a Governor nominated by the Council of Governors.

The quorum will be three members.

Members will be expected to attend 50% of the meetings per year.

Either the Chairman or the Chief Executive, but normally not both, will attend each meeting.

Attendance

A representative of the fundholders, to be appointed by the Committee, will also attend the meetings.

External advisers may attend as necessary at the request of members.

The Secretary of the Trust Board (or their nominee) will act as Secretary to the Committee.

Frequency

The Trustees shall normally meet at least twice yearly and at such other times as the Trust shall require.

Authority

The Trustees derive their authority to act from the Trust deed of the NHS Trust Charitable Fund, approved by the Trustees.

Duties

The Trustees are responsible for the overall management of the Charitable Funds. They are required to:

- take overall responsibility for activities, including appeals;
- give strategic direction in accordance with objects and fulfilment of public benefit;
- make decisions for proper control and management;

- ensure proper governance;
- ensure adequate financial resources;
- oversee the management of investments;
- act prudently in protecting assets;
- ensure compliance with governing documents, laws and obligations imposed by donors;
- review and manage risks;
- establish fundraising, reserves and investment policies;
- set annual budget and plans; and
- induct new trustees effectively.

Accountability

The Trustees are accountable to the Charity Commission for the proper use of the charitable funds and to the public as a beneficiary of those funds.

The Head of Corporate Affairs will therefore ensure that the Annual Report/Accounts are published on the Foundation Trust's website.

The Director of Finance and Information will ensure that all necessary reports and returns are made to the Charity Commission.

Reporting

The minutes of Committee meetings will be formally recorded and submitted to the Trust Board.

The Committee will review these Terms of Reference on an annual basis and report to the Trust Board accordingly.

Reviewed by the Committee:

Approved by the Trust Board: