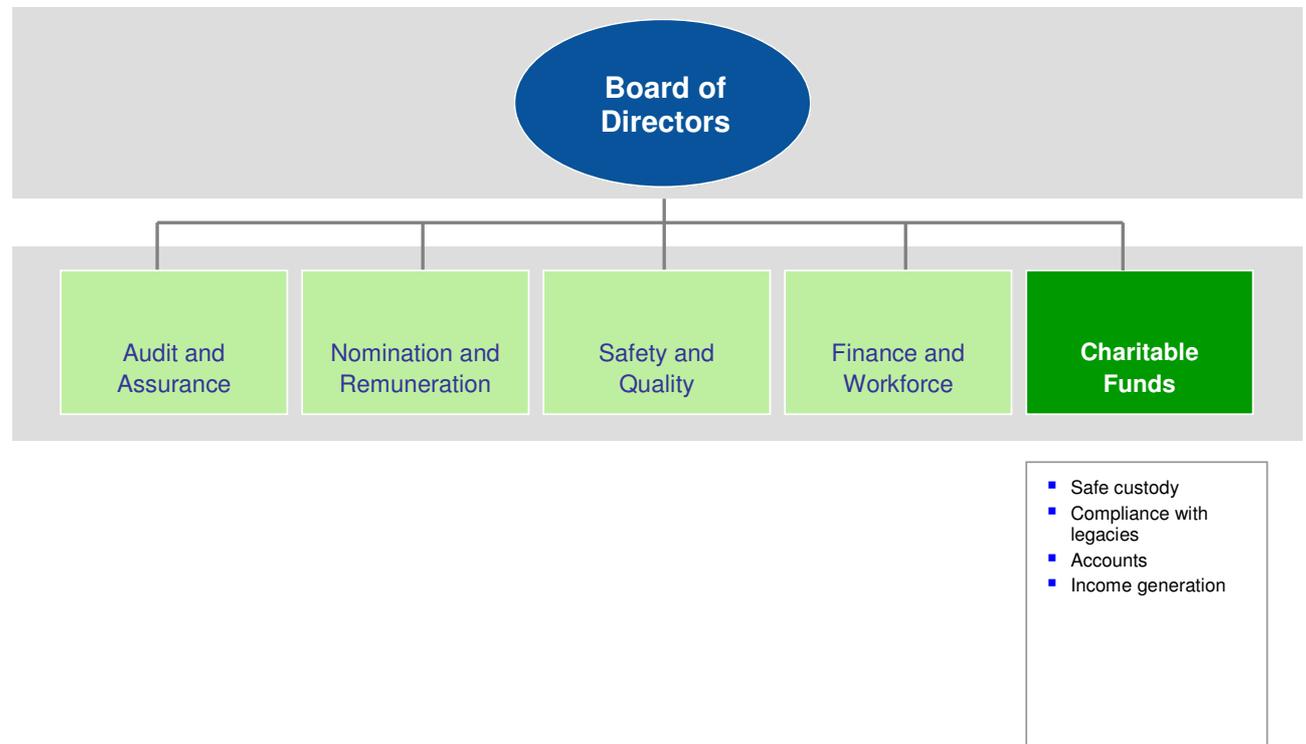


## Charitable Funds Committee



### Summary purpose and authority

To oversee the generation, management, investment and disbursement of charitable funds within the regulations provided by the Charities Commission and to ensure compliance with the laws governing charitable funds.

# **Charitable Funds Committee: Terms of Reference**

## **1. Background**

Surrey & Sussex Healthcare NHS Trust Charitable Fund was formed from the merger of Crawley Horsham and East Surrey Charitable Funds in April 2001.

Powers of the Trustees are contained within the original Trust Deed which was registered on 26 March 1996.

The Charity Registration number is 1054072.

## **2. Constitution**

The Charitable Funds Committee is established under the direction of the Trust Board (as stated in Standing Order 4.8 (5)).

The Surrey and Sussex Healthcare NHS Trust is the Corporate Trustee of the Charity governed by the law applicable to Trusts, principally the Trustee Act 2000 and the Charities Act 2011.

The NHS Trust Board has devolved responsibility for the on-going management of funds to the Charitable Funds Committee, which administers the funds on behalf of the Corporate Trustee. As such the Committee acts independently of the Board.

Members of the Committee are not individual trustees under charity law but act as agents on behalf of the Corporate Trustee.

## **3. Relationships**

Board upwards for information only. No sub committees.

## **4. Membership**

The Committee shall be represented by both non-executive and executive directors. It shall be chaired by a Non-Executive Director and the membership shall include two Executive Directors, one of which shall be the Chief Finance Officer.

Agreed membership is as follows:

**Trust Chair (Chair)** Non Executive Director (if for any reason the Chair is unable to attend they will nominate another member to chair the meeting)

**Other Members**      2 x Non Executive Directors  
                                 Chief Finance Officer (CFO)  
                                 Chief Nurse (links to patient experience)

Director of Corporate Affairs  
Director of Information and Facilities  
Head of Financial Accounts  
Fundraising Co-ordinator  
Head of Communications

## **5. Attendance**

- A quorum shall be no fewer than 4 members present – 2 x Executive Directors (Chief Finance Officer / Deputy plus Chief Nurse / Deputy) plus 2 x Non-Executive Directors.
- In the absence of a quorate member, decisions will be followed up with the appropriate member.

## **6. Administration**

- An agenda shall be available prior to each meeting and allow for additional items under General Business to be added to at the commencement of each meeting
- Minutes will be taken by the CFO Executive Assistant (EA).
- Responsibility for the running of the meetings and their organisation sits with the Head of Financial Accounts, with resource provided from the CFO EA
- Review Date July 2013

## **7. Frequency**

- The Charitable Funds Committee shall meet at least three times a year.
- 1 hour meetings, dates and times will be advertised in advance.
- Notification of changes will be made available to all members in advance by the Chair.
- It is permissible for the Charitable Funds Committee to make decisions, as required, off line where, for example, the next committee does not fall within a suitable time line or where the committee at which the decision / approval was to be made was not quorate.

## **8. Authority**

The Group is autonomous and acts independently of the Trust Board but shall report to the Board for information (please see constitution).

The Committee delegates authority as follows:

- For authorising spend above £2,000: the Chief Finance Officer and the Chair of the Committee
- For amendments to existing funds and establishing new funds: The Chief Finance Officer should authorise these changes subject to published procedures.
- For the procurement of goods and services: The authorised fund managers will procure goods and services in line with published procedures.
- For day to day management and administrative functions, including changes to Fund Managers: The Head of Financial Accounts subject to published procedures.
- For the approval of cheque payment runs: Two senior managers in accordance with the cheque approval mandate

## 9. **Monitoring Effectiveness**

- The Committee will undertake an annual review of its performance against its work plan in order to evaluate the achievement of its duties. This review will inform the Committees annual report to the Board.

## **Core Duties**

### 1. **Safe Custody**

- To authorise expenditure where an individual item has a value of more than £2,000 in line with the Trust's Scheme of Delegation.  
Note on delegated authority: Amounts below £2,000 can be approved by Fund Managers, above £2,000 they must be authorised by the Chief Finance Officer and the Chair of the Committee and reported to the Committee.
- To review the income and expenditure transactions for all funds and to be satisfied (through the NHS Trust's accounting systems) that there is an appropriate and robust system of control over income and expenditure.
- To ensure that policies and procedures are in place to meet the requirements of the Charities Commission and the laws governing charitable funds.

### 2. **Compliance**

- To act on behalf of the Trust (as Trustee) in satisfying the duties and responsibilities of trustees in managing the funds.  
Note on delegated authority: for day to day management and administrative functions, including changes to Fund Managers: The Head of Financial Accounts is the authorised decision maker, subject to published procedures.

- To authorise/agree the establishment of new funds and new charities  
Note on delegated authority: The Chief Finance Officer should authorise new funds subject to published procedures.
- To review legacies received and ensure that the Trust complies with the terms of the legacy
- To encourage the appropriate use of Charitable Funds and to ensure Fund Managers to carefully consider the use of these funds based on the Donor's intentions/wishes.
- To receive and review all audit reports on charitable funds and to monitor implementation of audit recommendations.
- The Executive Committee will recommend priorities for purpose of fund-raising.

### **3. Investments & fund raising**

- To oversee the investment strategy of the Charitable Funds as required by the Trustee Investment Act 1961 and the NHS Acts
- Consider future charitable campaigns including the nature of events and objectives
- To improve strategy, monitor implementation and functionality of the fund-raising operational group
- To ensure that donations and investment income or losses are attributed to individual funds appropriately.

### **4. Accounts and similar requirements**

- The Draft Trustee Annual report (TAR) is reviewed and approved by the committee ahead of review by external audit. The TAR includes the annual accounts. The Chair of the Committee will be given delegated authority to approve any further changes to be made to the Draft TAR outside of committee.
- The Committee will adopt the TAR and the Chair and Chief Finance Officer will sign it off in line with the requirements of the Charities Commission and the laws governing charitable funds..
- An on-line submission is made of the Annual Return (paper copies of the return are no longer available). The return is completed by the Head of Financial accounts and reviewed by the CFO prior to submission to the Charities commission. The deadline for the return is 10 months after the financial period end date and in the case of this charity this will be the 31st January.
- The Trustee Annual Report will be the formal report to the Trustee (the Trust) describing the status of the charity.

### **5. Other functions**

- To consider matters requested by the Trust Board.