

TRUST BOARD PUBLIC – NOVEMBER 2013

Agenda Item Number: 226/13
Enclosure Number: (13)

Subject:	Terms of Reference for the Charitable Funds Committee
Prepared by:	Katie Lumsden, Charitable Funds Accountant
Sponsored by:	Peter Mellor, Director of Corporate Affairs
Presented by:	Peter Mellor, Director of Corporate Affairs
Purpose of paper	Requires Trust Board approval/ratification
Key points for Trust Board members <i>Briefly summarise in bullet point format the main points and key issues that the Trust Board members should focus on including conclusions and proposals</i>	The Board is asked to ratify the Term of Reference for the Charitable Funds Committee.
Options and decisions required <i>Clearly identify options that are to be considered and any decisions required</i>	To ratify the Terms of Reference.
Next steps / future actions: <i>Clearly identify what will follow the Trust Board's discussion</i>	Not applicable.
Consideration of legal issues (including Equality Impact Assessment)?	Not applicable.
Consideration of Public and Patient Involvement and Communications Implications?	Not applicable.

Links to Portsmouth Hospitals NHS Trust Board Strategic Aims, Assurance Framework/Corporate Risk Register	
Strategic Aim	Not applicable
BAF/Corporate Risk Register Reference (if applicable)	Not applicable
Risk Description	Not applicable
CQC Reference	Not applicable

Committees/Meetings at which paper has been approved:	Date

CHARITABLE FUNDS COMMITTEE TERMS OF REFERENCE

1. Constitution

The Trust Board hereby resolves to establish a committee to be known as the Charitable Funds Committee. The Charitable Funds Committee has no executive powers, other than those specifically delegated in these Terms of Reference.

2. Purpose

The purpose of Charitable Funds Committee is to:-

- Approve charitable funds expenditure in accordance with charitable funds policies.
- Receive and review the portfolio update.
- Update and maintain charitable funds policies and procedures in accordance with Charity Commission guidance.
- Receive and approve annual expenditure plans
- Participate in drafting the charitable funds annual report and accounts.
- Monitor progress in attaining Rocky Appeal targets.
- Ensure that costed proposals for new appeals are presented to the Executive Management Team (EMT) and Trust Board.

3. Objectives

The objectives of the Committee are as follows:-

- As stated in the Trust Deed, 'funds are held for any charitable purpose or purposes relating to the services provided by Portsmouth Hospitals NHS Trust'.
- The Charity is registered with the Charity Commission under registration number 1047986.
- The mission of the charity is to serve the patients of Portsmouth Hospitals NHS Trust by providing additional facilities and equipment, supporting research programmes and innovation in the development of services and education of both patients and staff.
- The Trust is the sole corporate trustee of the Charity and the individuals who are responsible for the management of the corporate body, ie Trust Board, are not themselves trustees of the charity, merely agents acting on behalf of the corporate body.
- The corporate body must act through individuals to express its will, and therefore if the corporate body commits a breach of duty as trustee, it will have done so as a result of a breach by the directors or other officers. However, the corporate body, as sole trustee, remains accountable for actions taken for and on its behalf.
- The Committee is authorised by the Trust board to carry out any activity within its Terms of Reference.
- To take necessary action to ensure that charitable funds are spent within a reasonable time.
- The Audit Committee retains delegated responsibility from the Trust Board as corporate trustee for agreeing the charitable funds investment.
- Ensure that any procedural documents which fall within the remit of the Committee are appropriately written, ratified and monitored for compliance in accordance with the Policy for Development and Management of Procedural Documents, and, if appropriate, the

National Health Service Authority (NHSLA) Risk Management Standards or the Clinical Negligence Scheme for Trusts (CNST) Maternity Services Risk Management Standards.

- Establish, develop and maintain systems and processes for the regular evaluation and monitoring of compliance against any relevant internal and external assessment, standards or criteria.

4. Authority

The Charitable Funds Committee is authorised by the Trust Board to investigate or approve any activity within its Terms of Reference. 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 the Committee.

The Committee is authorised by the Trust Board to obtain outside legal or other independent professional advice, and to secure the attendance of outsiders with relevant experience and expertise if it considers this necessary.

5. Membership

The Trust Board Chairman will appoint the Chair and Deputy Chair of the Committee. The Chairman of the organisation shall not be a member of the Committee.

The Committee shall consist of:

Voting Membership

- 1 Non-Executive Director
- 1 Executive Director or nominated deputy

Non-Voting Membership

- Charitable Funds Accountant
- Head of Fundraising
- Appeals Co-ordinator
- 1 x Governor Representative
- 1 x Patient Experience Representatives
- A minimum of 2 Fund Representatives

6. Attendance

Attendance is required at all meetings. Members unable to attend should indicate in writing to the Committee 7 days in advance of the meeting (except in extenuating circumstances of absence). In normal circumstances any members who are unable to attend must nominate a deputy who is appropriately briefed to participate in the meeting.

A register of attendance will be maintained and the Chair of the Committee will follow up any issues related to the unexplained non attendance of members. Should continuing non-attendance of a member jeopardise the functioning of the Committee, the Chair will discuss the matter with the member and, if necessary, seek a substitute or replacement.

7. Administration

The Rocky Appeals Administrator shall be Secretary to the Committee, whose duties in this respect will include:-

- In consultation with the Chair develop and maintain an annual reporting schedule to the Committee.

- Collation of papers and drafting of the agenda for agreement by the Chair of the Committee.
- Take the minutes and keep a record of matters arising and issues to be carried forward
- Advise the group on scheduled agenda items
- Agree the action schedule with the Chair and ensure circulation within 48 hours of each meeting.
- Maintain a record of attendance.

8. Meetings

- Meetings will be held on a bi-monthly basis.
- Meetings will be for no longer than two hours maximum.
- The meeting will have a predetermined agenda that will be sent out to Committee members one week before the scheduled meeting date.
- Items for the agenda must be sent to the Committee Secretary 2 weeks prior to the meeting. Urgent items only may be raised under any other business.

9. Reporting

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

10. Quorum

The meeting will be quorate with one Non-Executive Director and one Executive Director or nominated deputy in attendance.

11. Review

The Terms of Reference will be reviewed on an annual basis and ratified by the Trust Board.

12. Monitoring Effectiveness

In order that the Committee can be assured that it is operating at maximum effectiveness in discharging its responsibilities, as set out in these terms of reference and, if necessary, to recommend any changes to the Trust Board as appropriate trustee, the Chair will ensure that once a year the following is undertaken and reported to the next meeting of the Committee:-

- The objectives set out in section 3 were fulfilled.
- Members attendance was achieved 75% of the time.
- Agenda and associated papers were distributed 7 days prior to the meetings.
- The action schedule was circulated within 48 hours on 80% of occasions.

Terms of Reference ratified by:	Date of ratification:
Charitable Funds Committee	22.09.2011
Trust Board	05.01.2012
Trust Board	Awaiting ratification November 2013
Review Date	November 2014