

## Board of Directors

Thursday, 05 July 2018

<b>Report Title:</b>	<b>Approval of Charitable Funds Resolutions</b>
<b>Executive/NED Lead:</b>	Barbara Buckley, Chief Medical Officer
<b>Report author(s):</b>	Mandy Jordan, Head of Charity
<b>Previously considered by:</b>	Click here to enter text

**Approval**

**Discussion**

**Information**

**Assurance**

### Executive summary

The Joint Charitable Funds Advisory Board, Ipswich Hospital NHS Trust Charitable Funds & Sponsorship Committee and Colchester University Hospitals NHSFT Charitable Funds Committee and both former Trust Boards acting in their capacity as Corporate Trustee agreed to merge the two former organisation's corporate trustee charities on the partnership date effectively closing the existing Colchester Hospitals Charity and transferring the fund balances, commitments and any investments to the existing Ipswich Hospital Charity. Both Boards approved the basis for the charity transaction as set out below at their May meetings.

The granting of the monies to the existing Ipswich Hospital Charity (as the larger of the two charities) was approved by both Boards on the basis that the name of the Ipswich Hospital Charity would be simultaneously amended to East Suffolk & North Essex NHS Foundation Trust Charitable Funds (to be known across the acute sites and for marketing purposes as Colchester & Ipswich Hospitals Charity). A Deed has been forwarded to the Chair for signature and sealing via the Company Secretary to effect the name change (copy attached for information).

On the partnership date the assets of the two existing NHS charities automatically transfer to the new Trust. The new Trust Board become the Corporate Trustee of both.

The Trust Boards acting in their separate capacity as Corporate Trustee also approved the simultaneous removal of the 21 Linked Charities (7 former Ipswich and 14 Colchester) as they have no organisational use given that they relate to historic departments and divisions. The new Trust Board acting as Corporate Trustee is therefore required to formally approve the resolutions attached to effect the removal of these linked charities from the partnership date. For clarification, this does not affect the 275+ designated funds which will retain their own objectives and will transfer to the partnership charity.

In addition, it is a Charity Commission requirement that the grant of the monies from one charity to the other is formally recorded by the Corporate Trustee. Likewise acceptance of the monies into the new partnership charity together with any related restrictions as to their use requires a formal record of the Corporate Trustee.

The following pages therefore set out the various resolutions as mentioned above for approval by the East Suffolk & North Essex NHS Foundation Trust Board acting in their capacity as Corporate Trustee of the partnership charity, East Suffolk & North Essex NHS Trust Charitable Funds.

Once the resolutions have been passed at Trust Board meeting it is requested that an extract of the minutes is forwarded to the Charitable Funds Accountant and the Head of Charity for submission to the Charity Commission.

<b>Action Required of the Board of Directors</b>
<b>The Board is asked to approve the resolutions in the attached document</b>

<b>Link to Strategic Objectives (SO)</b>		<b>Please tick</b>
SO1	Improve quality and patient outcomes	<input checked="" type="checkbox"/>
SO2	Provide better value for money	<input checked="" type="checkbox"/>
SO3	Sustain and improve access to services that meet the needs of the population	<input checked="" type="checkbox"/>
SO4	Deliver a sustainable, skilled workforce	<input type="checkbox"/>

<b>Risk Implications for the Trust</b> <i>(including any clinical and financial consequences)</i>	<b>If we do not effect the attached resolutions the merged charity may not be compliant with the Charity Act, resulting in a failure to conduct the business of the charity until resolved</b>
<b>Trust Risk Appetite</b>	Compliance/Regulatory: The board has a minimal risk appetite when it comes to compliance with regulatory issues. It will meet laws, regulations and standards unless there is strong evidence or argument to challenge them

<b>Legal and regulatory implications</b> <i>(including links to CQC outcomes, Monitor, inspections, audits, etc)</i>	Charity legislation and the Charity Commission as regulator
<b>Financial Implications</b>	There are potential financial implications if this is not executive correctly
<b>Equality and Diversity</b>	None noted