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| **TRUST AND CHARITABLE FUNDS COMMITTEE TERMS OF REFERENCE** | |
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| **Name of Committee:** | Trust and Charitable Funds Committee |
| **Chair:** | The Chair of the Finance and Investment Committee shall be the Chair of the Trust and Charitable Funds Committee. |
| **Other Members:** | In addition to the Chair of the Committee, there will be at least one additional Non-Executive Director  The membership of the Committee shall also include:   * Chief Finance and Investment Officer * Executive Director of Patient Services   The Board will review the Committee’s membership annually as part of the Committee Effectiveness Review.  The Committee shall have access to relevant charities’ expertise amongst its members or the senior staff supporting it. Ideally at least one Non-Executive Director member should have recent charity experience  Other Directors or Officers of the Trust may attend by invitation. |
| **Quorum:** | Four members.  Any Board Member may attend a meeting of the Committee and will count towards the quorum. |
| **Deputies:** | A member of staff who is a member of the Committee may appoint a named deputy to attend a particular meeting in their place. A deputy should be nominated only in exceptional circumstances, for a particular meeting and not as a way of a committee member regularly avoiding attendance at a committee meeting.  On each occasion the member should approach the Committee Chairman, cc the Trust Secretary, to ask agreement for the named deputy to attend in their stead, to count towards the quorum and to have full voting rights.  If it appears that the meeting will have a minority of full members, the Chairman will confer with the Trust Secretary as to whether the meeting should be re arranged. |
| **Frequency of Meetings:** | Meetings to be held at least twice per year, with additional meetings where necessary. |
| **Inputs:** | Charitable Funds Performance Reports  Fund Managers’ Expenditure Plans |
| **Outputs:** | The confirmed minutes of each meeting to be presented to the next available meeting of the Trust Board.  The Chair of the Committee to provide an oral or written report to the next available meeting of the Trust Board.  Annual committee review by Chair (November).  Annual Report and Accounts to Trust Board for approval.  Charities Commission Annual Return |
| **Training requirements for the Chairman and Members:** | To be reviewed and decided by the Committee. |
| **Frequency of Review of the Committee’s terms of reference:** | The terms of reference of the Committee shall be reviewed by the Trust Board at least annually. |
| **Committee Secretary:** | Corporate Services Manager |

**1. Purpose**

1.1 The Trust and Charitable Funds Committee is a formal Committee of the Trust Board, acting for the Corporate Trustee (the Trust) in all charitable fund matters in relation to the Barnet, Enfield and Haringey Mental Health NHS Trust Charity, (Registered Charity Number 1103407), including all subsidiary funds, except day to day management of fund-raising, which is an executive function of the Barnet, Enfield and Haringey Mental Health NHS Trust.

1.2 These matters cover all regulatory and compliance issues related to the Charities Acts (“CAs”) and the Charities Statement Of Recommended Accounting Practice 2005 (“SORP 2005”), and responsibility for all policies relevant to the charitable trust funds.

Note: The Corporate Trustee referred to above is a Trustee appointed under section 22 of the Trustee Act 2000. The Charities Acts referred to above are those enacted in 1960, 1992, 1993 and 2006, whose provisions remain in force.

1.3 The Committee’s main purpose is to ensure that charitable funds are managed in line with agreed policies on investment, disbursement and fund raising.

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| **2.** | **Duties** | |
|  | Oversee Fund Objectives and Strategy | |
|  | 2.1 | To ensure individual funds are managed in accordance with the objects of the umbrella registration with the Charity Commission and in accordance with the further objectives of any subsidiary registrations or special funds. |
|  | 2.2 | Consider recommendations for fund raising strategies from Fund Managers and subsequently monitor the strategies and any major appeals, including budgets and targets/milestones. |
|  | 2.3 | Review the fund holding strategies to ensure that there is a clear purpose for accumulating funds. |
|  | Controls Assurance | |
|  | 2.4 | To ensure there is compliance with all relevant regulatory, legal and code of conduct requirements. This includes the Charities Acts 1960, 1992, 1993 and 2006 and the requirements of the Statement of Recommended Accounting Practice for Charities 2005 ("SORP 2005"). |
|  | 2.5 | To ensure there is compliance with relevant requirements as set out in the current assurance framework, including the NHS Resilience review. |
|  | 2.6 | Act for the Corporate Trustee in all matters relating to the annual "Statement of Trustee's Responsibilities". |
|  | 2.7 | Review external reports, where applicable, relating to the charitable fund. |
|  | Financial Reporting | |
|  | 2.8 | Review/amend and recommend to the Trust Board and Audit Committee the Annual Report & Accounts for approval. |
|  | 2.09 | Monitor in-year performance reports. |
|  | Expenditure Approval | |
|  | 2.10 | Ensure all expenditure is in furtherance of charitable activities and subject to authorisation within laid down limits. |
|  | Investment of Surplus Funds | |
|  | 2.11 | Monitor the investment arrangements for surplus funds and authorise all changes to the policy. |
|  | 2.12 | Ensure that any direct investments comply with necessary legislation. |
|  | 2.13 | Authorise the use of an investment advisor or "pooled fund" manager to invest on behalf of the General Charitable Fund and/or specifically designated funds. |
|  | 2.14 | Monitor the investment advisor's work and investment policy via quarterly reports from the advisor. |
|  | 2.15 | Annually appraise the performance of the investment advisor. |
|  | Other Matters | |
|  | 2.16 | Authorise the establishment of any new funds (subsidiary funds under the umbrella registration). |
|  | 2.17 | Authorise the winding up and closure of any funds under the umbrella registration. |
|  | 2.18 | Investigate any charitable activity within the Committee’s terms of reference, including seeking any information required from any employee. |
|  | 2.19 | Obtain legal or other independent professional advice and secure the attendance of outsiders with relevant experience and expertise, if considered necessary. |
| **3.** | **Communication** | |
|  | Oral/written reports by Chair to Trust Board on Committee meetings.  Minutes available to Trust Board. | |
| **4.** | **Permanency** | |
|  | Permanent | |
| **5.** | **Papers** | |
|  | Agenda to be cleared with the Chief Finance & Investment Officer and the Chairman of the Committee.  Papers to be circulated at least five days in advance of meetings | |
| **6.** | **Reporting Lines** | |
|  | Trust Board  Audit Committee | |
| **7.** | **Accountabilities** | |
|  | Accountable to:   * Trust Board, to be discharged through the minutes of meetings and reports from the Chairman and Chief Finance & Investment Officer to the Board.   Accountable for:   * All Subsidiary Funds and committees under the umbrella registration. | |