

**Charitable Fund Committee
Terms of Reference**

<p>Purpose</p>	<p>Status and overall purpose of the Charitable Fund Committee</p> <p>Bradford Teaching Hospitals NHS Foundation Trust (“the Trust”) is the sole Corporate Trustee of Bradford Hospitals Charity (“the Charity”). The responsibility for the management and use of funds held by the Charity lies with the Trust’s Board of Directors.</p> <p>The Charitable Fund Committee (“the Committee”) is a Committee of the Board of Directors. Its purpose is to provide assurance to the Board that the Trust’s charitable activities are within the law and regulations set by the Charity Commissioners for England and Wales and to ensure compliance with the charity’s own governing document.</p> <p>It does not remove from the Board the overall responsibility for this area but provides a forum for a more detailed consideration of charitable matters and allows for direct contact with the Charity Commissioners where necessary.</p> <p>Scope and Objects of the Charity</p> <p>The Charity has as its sole objective to use its funds:</p> <p>“For any charitable purpose or purposes relating to the NHS wholly or mainly for the services provided by Bradford Teaching Hospitals NHS Foundation Trust”.</p> <p>The Charity seeks to achieve this objective, giving consideration to general guidance on public benefit, by two main routes.</p> <p>Firstly, the Corporate Trustee works to identify significant projects to which it can contribute or which it can wholly fund. It actively enhances the refurbishment of wards and clinical areas from basic specifications to higher quality.</p> <p>Secondly, there are hundreds of staff working at a sub-fund level to identify small but valuable differences where Charitable Fund monies can deliver benefits to patients / staff, such as attendances at extra training courses or conferences.</p> <p>What is Public Benefit?</p> <p>To be charitable, spending must demonstrate sufficient public benefit in what it aims to achieve.</p> <p>Patient focused expenditure within the NHS (unless directed mainly towards private patients) will generally meet this public benefit test.</p>
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Responsible to	Board of Directors
Delegated authority	<p>The Committee is authorised by the Board of Directors to monitor all aspects of activity within Bradford Hospitals Charity as set out within its governing document registered with the Charity Commission.</p> <p>The Committee is authorised by the Board of Directors to obtain as and when required external independent professional advice through normal business processes and to secure the attendance of outside parties with relevant experience and expertise if this is considered to be appropriate.</p>
Powers of Trustees and their responsibilities	<p>Trustees have and must accept ultimate responsibility for directing the affairs of a Charity, and ensure that it is solvent, well-run, and delivering the charitable outcomes for which it has been set up.</p> <p>Bradford Teaching Hospitals NHS Foundation Trust is a corporate body and is the Corporate Trustee of the Charity, acting through the Trust's Board of Directors. Members of the Board of Directors and the Committee must act in accordance with the responsibilities and duties of charity Trustees as set out below.</p> <ol style="list-style-type: none"> 1. Ensure the Charity is carrying out its purposes for the public benefit 2. Comply with the Charity's governing document and the law 3. Act in the Charity's best interests 4. Manage the Charity's resources responsibly 5. Act with reasonable care and skill 6. Ensure the Charity is accountable
Duties	<p>The duties of the Committee are to:</p> <ul style="list-style-type: none"> • Ensure that the Charity complies with current legislation; • Review new legislation and its impact on the Charity; • Set and review an investment policy for the Charity; • Appoint brokers to manage the Charity's funds if required; • Review the performance of the Charity's investments as managed by its brokers; • Set and review an investment policy including the use of investment gains; • Review individual fund balances within the overall Charity on a regular basis; • Seek expenditure plans from individual fund holders where funds are currently not being used; • Agree guidance and procedures for fund holders; • Review audit recommendations;

- Review the Annual Accounts for the Charity; and
- Review the Annual Reports for the Charity.

The Committee may delegate any of its powers or functions to a subcommittee of two or more members but the terms of any such delegation must be recorded in the minute book.

The Committee has the power to delegate all investment decisions to the appointed investment broker.

Financial Controls

Financial controls are an essential part in assuring all stakeholders that a charity's property is safeguarded, is managed efficiently and that sound governance arrangements exist.

The Chief Finance Officer is responsible for implementing an internal control system which clearly shows areas of responsibility and lines of authority. These are set out in the following internal documents set by the Committee in the governing document.

- Expenditure policy
- Investment policy
- Reserve policy

Annual Report and Return of Accounts

Acting on behalf of the Corporate Trustee, the members of the Committee must comply with their obligations under the Charities Act 2011 (as amended) with regard to:

- the keeping of accounting records for the Charity;
- the preparation of annual statements of account for the Charity;
- the auditing, or independent examination, of the statements of account of the Charity;
- the preparation of an annual report and the sending of it together with the statements of account to the Charity Commission; and
- the preparation of an annual return and its transmission to the Charity Commission.

Accounts must be prepared in accordance with the provisions of any Standard of Recommended Practice (SORP) issued by the Charity Commission.

Sub-Groups	Charity Operational Committee
Chairing arrangements	<p>General meetings shall be chaired by the Non-Executive Director appointed as Chair of the Committee.</p> <p>If there is no such person or he or she is not present, a Non-Executive Director nominated by the Committee members shall chair the meeting.</p>
Membership	<p>The Committee membership shall comprise:</p> <p>Three Non-Executive Directors, one of whom shall be appointed as Chair of the Committee</p> <p>The Chief Executive</p> <p>The Chief Finance Officer</p> <p>The Chief Operating Officer</p> <p>An individual shall cease to be a member of the Committee if he or she;</p> <ul style="list-style-type: none"> • Ceases to be a Director of the Trust; or • Is disqualified from acting as a Trustee by virtue of section 178 of the Charities Act 2011 (as amended).
In attendance	The Deputy Director of Finance and Board Secretary will be in attendance.
Secretary	Secretarial support will be provided by an Executive Assistant.
Quorum	<p>No business shall be transacted at any general meeting unless a quorum is present. A quorum is a minimum of three Committee members including at least one Executive and one Non-Executive Director.</p> <p>Each member shall have one vote but if there is an equality of votes the person who is chairing the meeting shall have a casting vote in addition to any other vote he or she may have.</p>
Frequency of meetings	<p>The Committee shall meet four times per year unless the Committee agrees a different meeting schedule.</p> <p>A minimum period of notice is required to hold any general meetings of the Committee of at least seven calendar days.</p> <p>The members present at a meeting may resolve that the meeting shall be adjourned.</p> <p>At the request of the Chair, the Committee may hold meetings by</p>

	telephone, video link or by email exchange. Normal rules relating to quoracy will apply to such meetings. These meetings will be deemed as standard meetings of the Committee.
Circulation of papers	Papers will be distributed a minimum of four clear working days in advance of the meeting.
Reporting	<p>The Committee must keep minutes of all:</p> <ul style="list-style-type: none"> • meetings of the Committee and sub-committees including the names of the members present at the meeting; and • the decisions made at the meetings and where appropriate the reasons for the decisions. <p>The Chair of the Committee is responsible for reporting to the Trust Board on those matters covered by these terms of reference through a regular written report. The minutes of the Committee shall also be submitted to the Trust Board for information and assurance. The Chair of the Committee shall draw to the attention of the Trust Board any issues that require disclosure, or may require executive action. The Committee will present a written annual report to the Trust Board summarising the work carried out during the financial year and outlining its work plan for the future year.</p>
Date agreed by the Charitable Fund Committee:	6 November 2024
Date approved by the Board:	28 November 2024
Review date:	<p>28 November 2025</p> <p>The Committee shall review the terms of reference annually, and any amendments required shall be put before a meeting of the Board of Directors for approval.</p>