

# Fundraising and Charitable Donations Policy

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### REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW

This document is a complete rewrite of the Leicester Hospitals Charity Policy dated April 2017. This document was reviewed and updated June 2023

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### KEY WORDS

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Fundraising, donations, grants, charity, charitable

## **1 INTRODUCTION AND OVERVIEW**

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- 1.1 This document sets out the University Hospitals of Leicester (UHL) NHS Trust's Policy and Procedures for fundraising activity and donations which benefit UHL patients, their carers; and the NHS staff who look after them in Leicester, Leicestershire, Rutland and beyond.
  - 1.2 All charitable funds and donations intended for the use of UHL are received by Leicester Hospitals Charity (LHC) on behalf of UHL.
  - 1.3 LHC is an NHS Charity. NHS Charities are bound by both NHS legislation and charity law.
  - 1.4 Leicester Hospitals Charity is the official charity for the University Hospitals of Leicester NHS Trust. LHC was established by trust deed dated 19th June 1996, amended by supplemental deed dated 28th March 2002 and again on 1st March 2007.
  - 1.5 The statutory remit of an NHS Charity is to accept gifts of property (including property to be held in trust) for the purposes of its NHS body, or for any purpose related to the health services. The scope of its remit is set out in the Charity's objects.
  - 1.6 The UHL Trust Board is the Corporate Trustee of LHC and must act solely in the interest of LHC and its beneficiaries including ensuring that funds are spent only for the purpose for which they were raised. The beneficiaries of an NHS Charity are NHS patients, not the NHS body. If any conflict of interests arises from this point, they must be raised through the appropriate channels and at the earliest opportunity.
  - 1.7 Charity activity -and fundraising in particular- is subject to several key pieces of legislation and is regulated by the Charity Commission and Fundraising Regulator.
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## **2 POLICY SCOPE –WHO THE POLICY APPLIES TO AND ANY SPECIFIC EXCLUSIONS**

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- 2.1 This policy applies to all Trust staff including those with honorary contracts, part-time staff, and Non-Executive Directors, as well as Trust volunteers when:
  - Seeking charitable funds for projects, activities or items that cannot be met by statutory funding.
  - Engaging with service users, carers, members of the public, external charities or charitable grant making bodies regarding donations or fundraising.
  - Undertaking charitable activities on behalf of any charity when on UHL sites or using UHL resources. Please also refer to the *Fundraising on UHL Sites Policy B32/2016*

- 2.2 This policy does not cover the donation of medical equipment or consumables, or the donation of services. Those are covered by the *Donation and Loan of Equipment Policy*, Trust ref. B19/2004

### 3 DEFINITIONS AND ABBREVIATIONS

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#### **Charitable activities**

To be a charity in England and Wales, the Charities Act requires that an organisation can only be granted charity status if established for charitable purposes and for the public benefit. NHS activities are not charitable as they are the result of a statutory obligation and are paid for from government funding. By contrast, Leicester Hospitals Charity is solely funded by public goodwill, and we therefore have an obligation to ensure that the activities undertaken as a result of this income deliver the public benefit intended.

#### **Fundraising**

The seeking of financial support for a Charity. For avoidance of doubt, in this policy, the term refers to the seeking of charitable donations or grants.

#### **Restricted Donation**

Gifts that are donated for a restricted purpose must be used for that purpose when the donor attaches a condition to their gift. This condition should be documented in writing. A restricted gift is subject to a trust, and the restriction can only be made by the donor.

A trust is created from an unequivocal restriction imposed by a donor using such words as “I specify for” or “for the purpose of”, but NOT such statements as “I *desire, wish, request, hope*”, which are treated as a preference and the funds remain unrestricted.

#### **Unrestricted Donation**

Unrestricted donations have no conditions attached to them. Where a donor has specified a preference (using such statements as “I *desire, wish, request, hope*” ) those funds may be designated to be spent in a particular area, but they remain unrestricted.

### 4 ROLES – WHO DOES WHAT

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#### **4.1 Responsibilities within the Organisation**

- a) The Trust Board Director with responsibility for this Policy is the Director of Corporate and Legal Affairs who will keep the Trust Board informed of major developments in issues related to this Policy
- b) The Director of Charity is responsible for operational management of this policy and for approving any charitable fundraising activity conducted for UHL or on UHL property.
- c) The Charitable Funds Committee has overall accountability for this policy on behalf of the Corporate Trustee, in addition to the responsibility for

considering the acceptance or refusal of donations on behalf of the Corporate Trustee, and approval of the use of charitable funds.

- d) The operational staff of the Charity are responsible for advising on and supporting the generation of fundraising income across the Trust, overseeing the funds and all administration related to donations and grants
- e) Ward staff and cashiers may receive donations and are responsible for processing these in line with the Donation Handling Procedure (Appendix 1)
- f) Where units or departments have a dedicated Fund, operational or ward staff may be delegated authority as a Fund Manager. Fund Managers have the same responsibility for proper management of funds as operational staff of the charity
- g) All staff may consider opportunities to further the work of the Charitable Fund through fundraising and/or awareness raising. Staff may also identify suitable opportunities for improvement with grants from charitable funds and it is expected that these are represented honestly in grant applications and evaluations, and that funds are spent responsibly.

## **5. POLICY IMPLEMENTATION AND ASSOCIATED DOCUMENTS**

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### **5.1 Accessing Charitable Funding**

Employees of UHL are able to apply for grants from the Charity for projects that benefit patients, their family and carers, but wouldn't otherwise be possible from statutory funding.

The form, LHC Charitable Funding Application Form (Appendix 3) should be submitted to the Charitable Funds team for consideration. Guidelines for Applicants are provided in the associated guidance document, *Guidelines for Charitable Funds (Appendix 7)*

The charity operates a scheme of delegation, with the CFC managing all grant applications. A detailed explanation of fund allocation processes can be found in the *Guidelines for Charitable Funds*. Grant applications will be evaluated against the published criteria in the *LHC Grant Application Review Form (Appendix 5)*. Decisions are final.

Charitable funds may be accessed by UHL staff for five key areas of work:

- Enhancing patient's care and experience.
- Supporting carers of and visitors to UHL patients.
- Providing state of the art equipment and services.
- Funding staff training and development.
- Funding innovation and research.

Grants offered by the Charity are time-limited to six months, after which grants may be withdrawn if the project is not underway or an alternate plan agreed with the Charity.

Applicants are responsible for spending charitable funds appropriately and must follow Trust procurement procedures. Proof of this may be requested.

Any purchases or funding must comply with relevant Trust policies and standard operating approvals and procedures.

## **5.2 Appeals**

The Charity's key fundraising appeals will be the responsibility of the Charity's Fundraising Team. Appeals will be agreed between the Director of Charity and the Charitable Funds Committee and will have defined aims, a goal, and a specific timeframe.

Large capital appeals in support of UHL capital projects (£1M+) must have the operating costs for the appeal included in the respective Trust project budget.

Where an appeal is made for a particular project (e.g. an item of medical equipment) the appeal literature should state what will happen to the monies raised if the appeal exceeds or fails to reach its target.

Generally, if an appeal is oversubscribed, or the project spends less than anticipated, remaining funds after the conclusion of the project will be transferred to the General Purposes fund.

## **5.3 Donations**

The Corporate Trustee (the UHL Trust Board) is accountable to the Charities Commission for funds held on trust.

Employees handling funds held on trust must comply with the Charity's Financial Procedures, in conjunction with those of the Trust. Where no different/specific instructions have been approved by the Trustee, the Trust's Standing Financial Instructions shall be applied.

All donations received by the Trust must be passed to the Charity promptly, for banking and administration, according to the Charity's *Donation Handling Procedures*.

No separate bank accounts should be opened or maintained other than those authorised by the Charity Trustee.

Where staff are aware of patients or groups who wish to set up a charity, they are advised in the first instance to contact Leicester Hospital's Charity to find appropriate designated Leicester Hospital's Charity Funds.

Any person or organisation wishing to make a donation, gift in kind or to fundraise for UHL should be directed to the Charity in the first instance.

## **5.4 Restricted and Unrestricted Donations**

All donations will be directed to the General Purposes Fund unless the donation is restricted, or a preference is expressed otherwise. Donations or funds raised for a specific unit or department will be directed to the relevant Fund where this exists. Where

no suitable fund exists, donations will normally be credited to the General Purpose Fund.

Gifts that are donated for a restricted purpose must be used for that purpose.

The Corporate Trustee has a legal right to consider removing a restriction or preference for a donation if the funds have not been spent within a two-year period, or no spending plan has been approved by the charity (whichever is longer). In this case, the funds will be credited to the General Purpose Fund.

## **5.5 Ethical Fundraising**

The CFC, acting as the agent of the Corporate Trustee has a duty to demonstrate to the Charity Commission that members have acted in the best interest of the Charity, and that association with any particular donor does not compromise the Charity's ethical position, harm the charity's reputation or put future funding at risk.

Donation Acceptance criteria:

LHC accepts voluntary donations and other forms of voluntary support, such as volunteering or gifts in kind from individuals, companies and other organisations on the following conditions:

- There are strong grounds for believing it will result in direct benefit to patients or staff welfare at UHL
- If a gift is offered for a specific purpose, then this must be a charitable purpose that is within the Charity's objects
- It is feasible to apply the donation in a way that is consistent with donors' wishes, given the operational constraints and strategic priorities of the NHS
- The NHS will accept the donation together with any reasonable obligations attached, for example requirements to report back to donors on public benefit achieved as a consequence of the gift.
- CFC is to agree the use of restricted funds before these are accepted. This is not delegated to staff members of the Trust.

Donation Avoidance criteria:

LHC will not accept voluntary donations and other forms of voluntary support where any of the following criteria apply:

- The support is known, suspected to be or derives from the proceeds of crime
- The support derives from a source conflicting with the Charity's objectives and/or the work of UHL or other NHS organisations, for example a possible gift from a tobacco manufacturer
- The supporting source is known or suspected to be closely associated with a regime known or suspected to be in violation of human rights
- Acceptance is likely to deter actual or potential supporters from future support
- Acceptance would involve onerous obligations, for example the upkeep of an unsuitable building, the cost of which might outweigh the benefit
- Support is offered in an attempt to procure privileged access to treatment for the donor or persons linked to the donor



- Support is offered in an attempt to procure privileged access to NHS contracts
- Acceptance would be in contravention of the Bribery Act 2010
- Acceptance would compromise the Charity's status as an NHS Charity

In addition, the charity is legally obliged to decline a donation when:

- The charity knows or has reasonable grounds to believe that a donor lacks the capacity to make an informed donation.
- Where the cost of processing the donation exceeds its value.
- Where the goods, services or property donated cannot lawfully be used or converted.

## 5.6 Fundraisers and Visiting Charities

In order to provide a transparent and co-ordinated approach to fundraising activity across UHL, and the activities of visiting charities, the Charity is to manage all charitable activity as follows:

- Any person or organisation wishing to make a donation, gift in kind or to fundraise for the Charity should inform the Charity.
- Trust staff should not initiate any fundraising activity for the benefit of the Trust or a department without prior support and agreement from the Charity.
- Trust staff wishing to promote their own fundraising (in connection with or for another charity) must seek the approval of the Charity before commencing any activity and must be familiar with the *Fundraising on UHL Sites Policy*
- All donations, legacy enquiries or gifts to the hospitals must be directed to the Charity.
- Any enquiries from other charities to access UHL sites or its communication channels, in order to fundraise or promote their services, must be directed to the Head of Corporate and Community Fundraising for approval.
- Major national fundraising events (e.g. Comic Relief, Poppy Appeal and Children in Need) will be permitted during the period of each appeal. Please contact the Head of Corporate and Community Fundraising to inform the Charity of such activities within our Trust.
- If a staff member wishes to fundraise on site during a specialist promotional month (for example, Breast or Prostate Cancer or Alzheimer's Society etc.), they should consult the Head of Fundraising beforehand.
- Some charities have a long standing and close relationship with the Trust, notably Teenage Cancer Trust, Hope Against Cancer, Heartlink, RVS, Macmillan, Take Heart, LKPA and Mesothelioma UK. The Trust will continue to support these charities, providing these do not compete directly with LHC.
- All fundraisers for the Charity or other charities must meet with a representative of the Charity before undertaking any fundraising activities within the Trust.
- The Charity will keep a record of all fundraisers who declare their interest in undertaking such activities at the Trust.



- All fundraising activity on Trust property is subject to prior permission from the Head of Corporate and Community Fundraising and be booked at least 7 days in advance.
- A Charity permit is to be shown to the appropriate member of staff and displayed at all times.
- There will be no permanent stands.
- Patients or visitors must not be approached directly to suggest or request involvement or contributions.

The Charity reserves the right to take steps to stop any unauthorized fundraising.

## 5.7 Types of Fundraising

Leicester Hospitals Charity is registered with the Fundraising Regulator and is accountable to its Code of Fundraising. To ensure compliance, LHC must approve all forms of fundraising which are conducted by Trust staff for the purpose of benefitting UHL's patients, their families and carers, and staff.

Some common forms of fundraising are:

- **"In aid of" or "on behalf of"** Fundraising: Volunteers, members of the public, and Trust staff may raise funds either on their own or with others for the Charity independently of the Charity.
- **Individual giving/Major gifts:** This type of fundraising describes large gifts that come from a single donor.
- **Sponsored or Challenge Events:** Fundraisers seek support for completing an activity
- **Grant seeking:** This type of fundraising involves researching and applying for grants, usually from a grant-making trust, foundation, or lottery fund. This activity must be undertaken only by the Charity.
- **Marketing-style fundraisers:** Mass mailers, and online crowdfunding.
- **Special Events:** Special events such as luncheons or galas
- **Online fundraising:** but people make donations online through an online platform or mobile app
- **Text donations:** made via mobile phone
- **Corporate Grants:** Corporate grants consist of companies partnering up with a non-profit, with major donations coming from the companies themselves.
- **Peer-to-peer:** supporters fundraise on the Charity's behalf.
- **Public Collections:** house-to-house or street collections, requires a licence
- **Raffles and Lotteries:** as these are usually a regulated activity via the Gambling Act 2005, the Charity must be contacted to ensure the correct arrangements are in place
- **Collection Boxes:** The Charity upholds strict guidelines relating to using collecting boxes and these may be accessed via the Fundraising Team.

Any fundraising on UHL sites must adhere to the guidance in Fundraising on UHL Sites Policy B32/2016, as well as any current UHL Health and Safety and Infection Prevention policies. The Charity provides advice and guidance on these to fundraisers.

## 5.8 Legacies and Gifts in Will

Leicester Hospitals Charity administers, negotiates and receives legacy gifts/gifts in wills intended for use by the Trust. All legacy enquiries must be referred to the Charity. Trust staff must avoid exerting undue influence (whether intended or not) on potential legators to leave a gift.

Where a legacy is being made to benefit UHL, the charity including all Trust staff must not be directly involved in the preparation of the will and cannot act as Executor or Witness. Staff are advised to contact the Charity immediately should they become aware of any potential bequests.

If any member of UHL staff is offered a legacy in a personal capacity, they must explain that they have an obligation to disclose this to his/her line manager, who should in turn notify the Charity. No member of staff may use their position to solicit a personal legacy.

## 5.9 Corporate Partnerships

Leicester Hospitals Charity welcomes cooperative relationships with companies from a wide range of sectors and industries and our collaboration could consist of one or several of the following:

- Staff fundraising
- Charity of the Year
- Supplier fundraising and fundraising from other stakeholders
- Cause related marketing
- Payroll Giving Donations/matched funding
- Employee involvement and volunteering
- Gifts in Kind
- Royalties
- Events

All potential partnerships and initiatives will be considered by the Head of Corporate and Community Fundraising on a case-by-case basis.

## 5.10 Naming Rights

In some circumstances, the Charity and/or UHL may wish to recognise a major donation or long-term relationship through naming a part of the Hospital Estate or activity after an individual donor or organisation. Only the Corporate Trustee (as circumstances dictate) has authority to agree the award of naming rights.

Naming rights will be documented in a written *naming agreement* (Appendix 9), agreed by both the donor and the Trust, and will normally be for a limited time, not in perpetuity.

## 5.11 Donor Recognition

All donors will be thanked by the Charity for their gift. Additional stewardship may be provided depending on the value and impact of the gift. (E.g., recognition on social

media, plaques, or signage, press releases where appropriate but is never to be guaranteed.) This will be agreed upon by the Director of Charity , and will conform to any requirements set out by the Charity Commission.

### **5.12 False Representation**

All fundraising must be authorised and undertaken in accordance with this policy. The use of the Trust or Charity name, Registered Charity Number, brand or any implied association that has not been agreed with the Charity Director will be regarded as false representation and appropriate action will be taken, which may include the rejection of funds.

### **5.13 Fundraising communications and supporter data**

Fundraising communications must include all legally required information such as registered charity number, full company name and registered office. They must be suitable for those targeted and must not mislead by exaggeration or omission.

Supporter data is managed in accordance with current Data Protection legislation and best practice, and the Charity's *Privacy Policy (Appendix 11)*. This includes collecting only relevant information, respecting communication preferences where given and taking all relevant steps to ensure supporter data is current, correct and held for only the required time.

### **5.14 Association with third parties**

The Charity is very grateful for the support of 'celebrities' or persons with a prominent public profile. This can help raise awareness of the work of the Charity and the beneficial impact it can achieve. The Charity must undertake appropriate due diligence to maintain and safeguard the reputation of the Charity and the interests of associated patients and public.

Appointment of Patrons or Ambassadors for the Charity and the involvement of external parties through the Charity will be in accordance with UHL's policies on safeguarding adults and children.

In any event, the Charity reserves the right to decline to enter a relationship with a third party or to end such a relationship at any time if it is considered detrimental to the reputation or best interests of the Charity. The Corporate Trustee will be the final arbiter of what it considers to be the best interests of the Charity.

### **5.15 Managing complaints about charitable activities**

Leicester Hospitals Charity has a formal Complaints Procedure (Appendix 8) in place so any complaints or concerns about Charity and/or its Fundraising can be dealt with through this procedure and escalated to the Director of Charity and the Charitable Funds Committee. Any complaints regarding fundraising practice by staff or others fundraising on their behalf will be dealt with in a timely manner through the complaints procedure so that poor or controversial fundraising methods or approaches are not repeated.

## 5.16 Money laundering and other criminal activity

When there is a suspicion that a donation is related to money laundering or criminal activity, Charity staff must raise this with issue with the Financial Controller who will decide whether to raise it with the Director of Finance.

For example:

- If offered large donations or interest-free loans from individuals or organisations unknown to the Charity.
- If conditions attached to a donation mean that the charity would be merely a vehicle for transferring funds from one individual or organisation to another.
- Where the donation is for a certain period, giving the Charity the interest but with the principal sum to be returned at the end of the specified period, and possibly to another person or organisation
- Where the donation is given in foreign currency, with the provision as above, but the principal sum is to be returned as a sterling cheque or to a different organisation.

## 5.17 Investment Strategy

The Charity aims to follow an ethical investment policy which is designed to maximise returns. Investment managers are appointed by the CFC and approved by the Trustee to act in accordance with the Charity's investment strategy. Where possible, funds will be invested in a manner that meets the financial, social, environmental and ethical expectations of the Trustee, and are in line with the Trust's investment strategy.

Associated Documents –

UHL Standing Financial Instructions, 2005

UHL Data Protection and Confidentiality Policy A6/2003

Donation and Loan of Equipment Policy B19/2004

Charitable Funds Committee Terms of Reference 2015

Fundraising on UHL Sites Policy B32/2016

## 6 EDUCATION AND TRAINING REQUIREMENTS

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- 6.1 All staff can access guidance on the grant application process and fundraising on INSITE or by contacting Leicester Hospitals Charity or the Charitable Funds Team.
- 6.2 Any member of staff undertaking fundraising will receive guidance, training and support from the Charity, focussed on safe and effective practices.
- 6.3 Fund Managers will receive an internal induction from the Charity Finance team.

## 7 PROCESSES FOR MONITORING COMPLIANCE

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- 7.1 The Charitable Funds Committee meets every two months, with a standing agenda item to review the fundraising activities undertaken and the grant applications received. The Committee will receive a report summarising the income and expenditure, together with activity reports as appropriate.
- 7.2 The Charity's Accounts and Annual Report are externally audited to ensure that the Charity is adhering to its purposes and is financially sustainable.

## **8 EQUALITY IMPACT ASSESSMENT**

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- 8.1 The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs.
- 8.2 As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

## **9 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES**

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Fundraising on UHL Sites Policy B32/2016

Donation and Loan of Equipment Policy, B19/2004

Charity Commission for England and Wales, <https://www.gov.uk/guidance/fundraising-legally-and-responsibly>

Fundraising Regulator <https://www.fundraisingregulator.org.uk/>

Information Commissioner's Office <https://ico.org.uk/>

NHS Charities Guidance <https://www.gov.uk/government/publications/nhs-charities-guidance>

Department of Health

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/640425/NHS Funds held on Trust FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/640425/NHS_Funds_held_on_Trust_FINAL.pdf)

## **10 PROCESSES FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW**

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- 10.1 This policy will be reviewed every three years or more frequently as designated by the Charitable Funds Committee

## Appendix 1

### Leicester Hospitals Charity Donation Handling Procedure

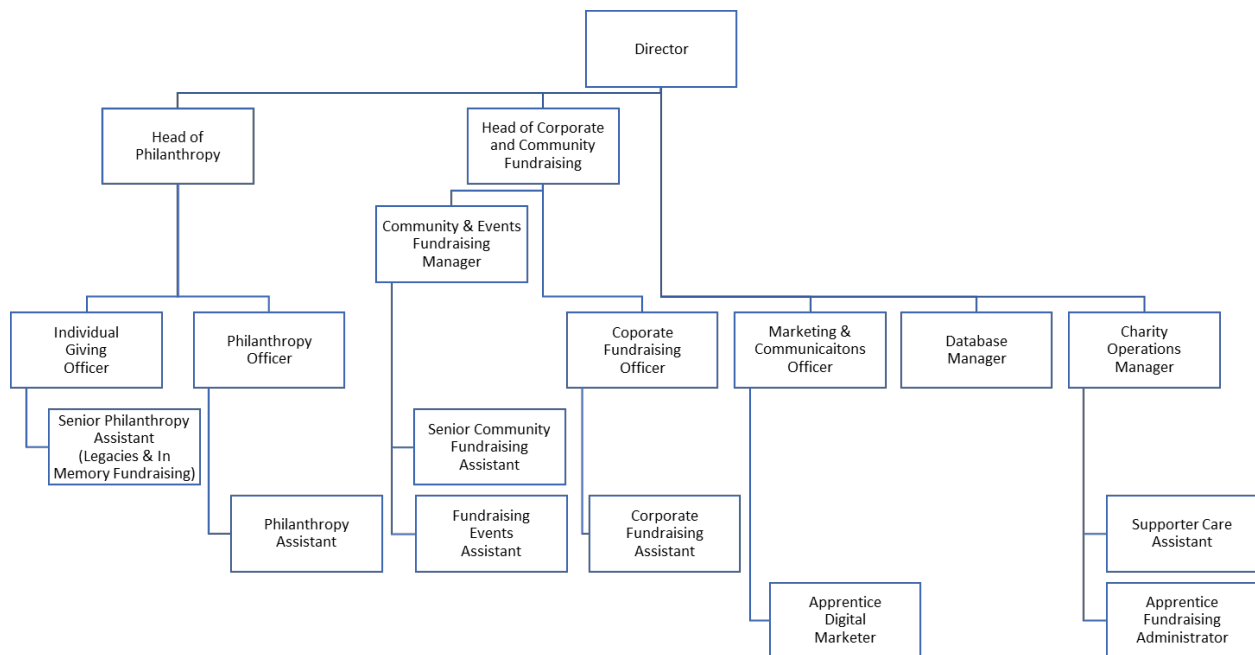
Monetary or item donations that are received in person must be recorded in a donation receipt book issued by Leicester Hospitals Charity.

- Complete the full name and address of the donor, including the postcode
- Ask donor if they are a taxpayer and if so, whether they agree to Gift Aid. Tick the box & have the donor sign accordingly.
- Please use the title and full name of any deceased patient if it is an In Memory donation
- Clearly mark which department/appeal is the correct recipient for the donation and include the fund code if known.
- Do not put debit/credit card numbers on the form – please call 0116 258 8709 between 9am & 5pm for card payments over the phone or pass this number on to the donor to call and donate when the Charity is open
- Staff must put full name and extension number in the department section.
- Please write on the pink carbon copy “Thank you letter sent” if the ward/service has acknowledged/thanked the donor for their gift.
- Please take all cheques/cash received to the cashiers on the same day or within 2 working days. Do not send money of any kind in the internal post. If you are struggling to do this, call the Charity office on 0116 258 8709 and we will try to collect it from you as soon as possible.
- Donations must not be left in drawers/on desks/in any unsecure locations, especially overnight.

These procedures will be updated from time to time as required.

22/1/2020

## Appendix 2



## Appendix 3

# Leicester Hospitals Charity Request for Funding Support

## Our Mission Statement

Leicester Hospitals Charity exists to support patients, their carers; and the NHS staff who look after them in Leicester, Leicestershire, Rutland and beyond.

Please refer to the [Guidelines for Charitable Funds](#) to aid you in completing your application.

## Applicant Details

Name	
Job Title	
Department	
Clinical Service	
CMG	
Telephone	
Email Address	
Application Date	

## Application Details



Name of project, equipment, or item:	
Charitable fund number (if known)	
Charitable fund name	
Total amount requested £	

**Brief Description** of the goods or services you who like Leicester Hospitals Charity to fund.  
Please include an explanation of how this is an enhancement over and above NHS core budget.

**Quantity and Cost** – Please give more detail to show how the money will be spent.

Good / Services	Cost £

Do these costs include VAT? - Yes / No / Not Sure.

**Future revenue cost implications** – details about costs such as maintenance and consumables that will have an impact on revenue costs.

Cost Centre –

**The Charity will not fund future year's maintenance costs. All costs must be budgeted for from revenue.**

**Public Benefit** – How many patients and members of the public will benefit? You can provide approximate numbers per week, month, or year.

**Supporting Evidence** - You may include details about any anticipated impact on efficiency, savings, patient length of stay and details of any consultation process that has taken place or a project plan. Photos of an existing area or equipment can also be submitted if helpful to your application.

**Sources of Funding** - Please include information about and / or documentation on any other avenues of funding you have looked at and why funding support from the Charity is necessary or appropriate.

**Evaluation** The trustees of Leicester Hospitals Charity may ask you to submit a feedback report. How will you evaluate the benefits and the difference this item, equipment or project will make?

Once you have completed section one, please forward to your fund manager for approval prior to submission. If you are unsure of whom this is, please call the Charity finance department on ext. 8906 or 6190.

**Email address for submission – [charitablefundsgrantapplications@uhl-tr.nhs.uk](mailto:charitablefundsgrantapplications@uhl-tr.nhs.uk)**

## Appendix 4

### Guidance notes on making an application for charitable funding from Leicester Hospitals Charity.

#### **Application is no more than £1,000**

The completed application form should be forwarded by email to the fund manager for their approval. The fund manager should review the application and if happy to support this funding they should submit the application by email to:-

<mailto:Charitable Funds Grant Applications>

**There is no requirement to complete the checklist below.**

#### **Application is greater than £1,000 or the application is being made to General Purposes fund**

The completed application form should be forwarded by email to the fund manager for their approval. The fund manager should review the application and complete the relevant section of the checklist below.

Once completed you should submit to Leicester Hospitals Charity at the email address shown above.

Section	
A	Medical Equipment
B	Estates or Buildings work
C	Research and innovation
D	Patient comforts, furnishings, and wellbeing
E	Staff Training
F	Information Technology
G	Recruitment

#### **Section A – Medical Equipment**

- Are the requested items on the UHL procurement catalogue or listed on the agreed UHL medical equipment list?

If not, you will need to agree the purchase with the relevant person in the Procurement department.

Agreed with:

Date agreed:

- Will there be any additional training requirements for staff needed and if so, are there additional costs been included in your CMG financial budget?
- Are there any barriers to adoption that may prevent the equipment being used, such as a suitable location?
- Has an up-to-date quote been obtained and included in the application?

- Has an application been made to capital funds?

If so, what was the outcome?

### **Section B – Estates or works to the Buildings (including refurbishment)**

- Has an up-to-date quote been obtained and included in the application?
- Please detail any approval given by the estates department.

### **Section C - Research and innovation**

- Has the application been approved by the CMG research lead?  
If yes, please give details.
- If this is a part funding request what organisations are providing the remaining funding?
- Have you considered the impact of the Leicester Hospitals Charity only offering part of the funding? If so, please provide details.
- Has an up-to-date quote been obtained and included in the application?

**Please Note** If the research involves a new post, you also need to complete the recruitment section G

### **Section D – Patient comforts, furnishings, and wellbeing**

- Are the requested items on the UHL procurement catalogue?  
If not, you will need to agree the purchase with the relevant person in the Procurement department.  
Agreed with:  
Date agreed:
- Has an up-to-date quote been obtained and included in the application?

### **Section E – Staff training**

- Is there any contribution from the Trust towards the costs of this training or development?
- Is there any contribution by the individual towards the cost of the training or development?

### **Section F - Information Technology**

- Does this project require the support of IM&T e.g. installation of software?
- Has this support been confirmed? If so, please provide details.
- Has an up-to-date quote been obtained and included in the application?

### **Section G – Recruitment**

- The Charity will normally only consider funding posts for 24 months. What will happen when the funding comes to an end?

**Please note** final approval will only be given once we are in receipt of a job description, personal specification, and confirmation that the job has been through the job evaluation process.

### **Authorisation**

- Up to £10,000 a designated fund manager may approve the application.
- Over £10,000 approval is required from the CMG lead or Deputy.

In submitting this application by email to Leicester Hospitals Charity the fund manager, CMG lead or deputy is responsible for ensuring the information provided is true and accurate.

**Email address for submission – [charitablefundsgrantapplications@uhl-tr.nhs.uk](mailto:charitablefundsgrantapplications@uhl-tr.nhs.uk)**

(This form will be updated from time to time, please ensure you are using the most recent version)

## Appendix 5 Leicester Hospitals Charity Grant Application Review Form

Reviewer Name(s)	
Date of review	
Application Reference	
Project Name	

### Section A

LHC Funding Areas (score 1 per area)	
Enhancing patient's care and experience;	
Supporting carers and visitors;	
Providing state of the art equipment and services;	
Supporting staff training and development; wellbeing; celebrating staff	
Funding innovation and research.	
<b>Section A Total</b>	/5
<b>Does this application contribute to or contradict the Trust's strategy?</b>	Y/N

Type of Funding Requested (tick)	Supporting Approvals Given	Comments
Medical Equipment	Y/N	
Estates or Buildings work	Y/N	
Master Planning	Y/N	
Research and innovation	Y/N	
Patient comforts, furnishings, and wellbeing	Y/N	
Staff Training	Y/N	
Information Technology	Y/N	
Recruitment	Y/N	
Other (provide details)	Y/N	
<b>Amount Requested</b>	<b>Fund</b>	<b>Are Funds Available</b>
		Y/N

<b>Is Application Eligible?</b>	<b>Yes/No</b>
<b>Reasons and questions:</b>	

### Section B

Evaluation Criteria (0= no evidence, 1=some evidence, 2=fully evidenced)	Rank (0, 1, 2)	Weighting	Score
1. Aims of project are clearly described		2	

Notes			
2. The need for the project has been demonstrated		1	
Notes			
3. The impact of the project has been clearly defined		2	
Notes			
4. There is significant potential benefit to LHC beneficiaries		3	
Notes			
5. There are no barriers to adoption		1	
Notes			
6. Patients and/or stakeholders have been involved in formulating the project		2	
Notes			
7. Value for money has been considered		1	
Notes			
8. There are clear, timely and effective plans for delivery		1	
Notes			
9. Plans for evaluating the impact of the funding are evidenced.		1	
Notes			
10. Future revenue cost implications have been considered		1	
Notes			
11. Other sources of funding have been explored		1	
Notes			
12. Is a priority for the applicant's CMG		2	
Notes			
13. Were Trust staff involved in fundraising for the proposal?		2	
Notes			
<b>Section B Total</b>			<b>/40</b>

### Overall Scoring

Section A Total (must score at least 1 to be considered)	/5
Section B Weighted Total	/40
<b>Overall Total for Application</b>	<b>/45</b>

This form may be updated from time to time. Please contact the Charity to ensure you have the most up-to-date version.



**Appendix 6**  
**Leicester Hospitals Charity**  
**Evaluation of Funding Received**

Please complete, sign, and return this form as soon as your project is finished or at the request of Leicester hospitals Charity

**SECTION ONE**

**Application Reference:**

**Name of Project, Equipment or Item:**

Funding from Leicester Hospitals Charity was granted based on the information you provided in your application. (Extract shown here)

--

**Brief Description** (please describe the item(s) or equipment or give an outline of the project and give a breakdown of how the grant has been spent in the table below)

Item	Quantity	Cost

**SECTION TWO**

We would now like you to feedback on how the outcomes compare to the anticipated benefits you gave us when you applied.

**The beneficiaries** (please give details of the people who have benefited and the numbers, where applicable)

--

**The Outcome** (please describe the difference the item(s) or equipment or project has made)

--

<p><b>Example</b> (please could you provide an actual example of how this grant has made a difference)</p>
<p><b>The Future</b> (what is the future of the funded activity? Has it ended? Is it ongoing and if so, how will it be funded)?</p>
<p><b>Financial Value</b> Has the funding provided by Leicester Hospitals Charity had a financial impact on the Trust? (For example efficiency savings in your own CMG or the wider Trust or additional activity resulting in increased income)</p>
<p><b>Additional Information</b> (please add any additional comments or attach information you think is valuable)</p>
<p><b>And Finally</b> (please let us know about your experience with Leicester Hospitals Charity)</p>

Signature

Signature	Name	Date

# A Charitable Funds Guide to



# Leicester Hospitals Charity

## Contact Details

Phone Number: 0116 258 8709

Website: [www.LHCharity.org.uk](http://www.LHCharity.org.uk)

Email: [Fundraising@uhl-tr.nhs.uk](mailto:Fundraising@uhl-tr.nhs.uk)

### Address:

L.G.H - Leicester Hospitals Charity Office, Belgrave House, Car Park 1, Leicester  
General Hospital, Gwendolen Road, Leicester, LE5 4PW

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# Introduction

## Who we are

Leicester Hospitals Charity is the official charity of the University Hospitals of Leicester NHS Trust.

We fund the very latest medical equipment, innovative research, and specialist medical training. Donations also transform the hospital environment for our patients and dedicated staff - making wards and hospital spaces more welcoming and comfortable.

## What we do

Leicester Hospitals Charity exists to support patients, their carers; and the NHS staff who look after them in Leicester, Leicestershire, Rutland and beyond.

We do this through targeted fundraising campaigns and effective management of donations, to provide additional resources, assets and skills which link closely with the strategic aims of UHL and the broader strategic aims of NHS healthcare in the East Midlands.

Nearly every ward and department across all our hospitals has felt the positive impact of donations, fundraising and gifts in Wills - all thanks to thoughtful and generous individuals who want to make a difference in their local community.

## Purpose of this guide

This guide is designed for the use of all UHL staff but will be of relevance to fund managers. All UHL staff are asked to follow this guidance when dealing with charitable funds so that the Leicester Hospitals Charity can meet all its statutory obligations, maintain high standards in governance and financial management, and respect the wishes and expectations of all donors and supporters.

Please contact Leicester Hospitals Charity if you have any queries. This guide is not designed to replace the personal assistance provided by the staff of the charity. This publication is the second version of the guide (June 2023)

## Further guidance

This guide should be read in conjunction with UHL's Fundraising Policy, Standing Financial Instructions, Standing Orders and Schemes of Delegation. Any charitable expenditure within the Trust must be within the Trust's policies and procedures.

For all the latest news and information about the Charity, please check our website [www.lhcharity.org.uk](http://www.lhcharity.org.uk)



# **Operating a charitable fund**

## **Types of charitable funds**

Leicester Hospitals Charity holds all the charitable funds for UHL. Each fund has a four-digit identifier composed of letters and numbers.

There are two types of funds: Unrestricted and Restricted. Unrestricted funds also are sub-divided into the General Purposes fund and designated funds.

### ***Unrestricted funds***

#### *1. General Purpose's fund*

Money donated for general purposes across UHL and is used where it is needed most or where designated/restricted funds don't exist.

#### *2. Designated funds*

Money donated where a donor has expressed a preference for its area of use but without imposing a binding trust. The Corporate Trustee can remove the designation of the fund at any time if circumstances require it, for example, a department closes.

### ***Restricted funds***

Money donated where a donor has placed an unequivocal restriction on it, for example, by saying it must be used for a specific purpose or by giving to an appeal. These funds are often a result of legacies left to the Charity.

A restricted fund will only be created where a binding restriction has been imposed upon a gift. The Corporate Trustee may apply to remove the restriction if the funds remain unspent or when no longer practical to have such a restriction.

Leicester Hospitals Charity's practice is to not encourage restricted donations, except in circumstances created by a specific fundraising appeal.

This is due to the limited nature of restricted donations. The Charity will always seek to follow the donors' wishes but in the unlikely event of a service closing or other circumstances that change meaning the objectives of a restricted fund become impossible then the flexibility of a designated fund means the donations can still be used in the spirit of what the donor originally intended.

## **Fund manager**

### ***What is a fund manager?***

As Corporate Trustee, LHC holds charitable funds on trust for the benefit of UHL and the NHS and have a fiduciary duty to manage and expend these funds for the public benefit. Once funds are paid into the Charity they become the property, held on trust, of the Corporate Trustee.

However, the Trust Board recognise that they have limited knowledge of many different aspects of the services, research and education provided throughout UHL and so must rely on Trust staff to discharge their responsibilities.

The Trustee appoints fund managers who provide valuable advice and guidance in their respective CMGs on how funds might be best spent in their areas. They also help the Trustee to fulfil its obligation to spend charitable funds in a timely manner according to the donors' wishes.

### ***What are the responsibilities of a fund manager?***

Leicester Hospitals Charity appoints a fund manager for each charitable fund. These are contracted (substantive or honorary) members of UHL staff and usually operationally significant in the area for which they hold a fund, e.g. service managers, modern matrons, ward managers.

Fund managers co-ordinate charitable income and expenditure related to their fund(s) and monitor fund balances, receiving regular fund statements. The Trustee delegates spending responsibilities to them, so they can authorise expenditure up to certain limits. They also initiate spending requests above these limits but with additional authorisation.

They also work with the Charity to help maximise the benefits of their fund(s), which includes:

- Ensuring their fund remains active with both income and expenditure.
- Making certain that staff in their department know how to handle charitable income.
- Encouraging staff to get involved with fundraising for Leicester Hospitals Charity.
- Making information readily available and accessible for patients and staff about how to donate or fundraise for the Charity and their fund.
- Being open and available to staff members wanting to discuss spending opportunities.
- Involving staff members and colleagues on decisions of charitable spending.
- Making sure the Charity is aware of all charitable expenditure from their fund so they can convey that information to supporters.
- Ensuring the Charity receives details of approved charitable expenditure from their fund including evidence of Trust support, where required.
- Being united and collaborative in decision making with the Charity and other fund advisors.

Leicester Hospitals Charity holds a list of fund managers, including contact details and electronic approval/ signatures for verification purposes. The Charity must be notified by fund managers of any change in circumstances as soon as possible.

Leicester Hospitals Charity reserves the right to suspend or remove fund manager where there is evidence of maladministration, misapplication of funds or fraud.

## **Fund statements**

Fund managers should review their fund statements to ensure there are no unexpected transactions. Queries on statements should be directed to the Charity Finance team. The fund statement includes a summary of the opening balance of the fund as at the beginning of the financial year, the total expenditure and income to date during the financial year, and the closing balance to date. An analysis by outgoing and incoming type is also included within the statement, to allow fund managers to have oversight of transactions monthly.

Please note – a fund is not permitted to be overdrawn; it is the responsibility of the fund managers to ensure adequate funds are available for any expenditure needs.

## Opening a new fund

Leicester Hospitals Charity manages over 100 unrestricted, restricted, and designated funds for specific wards, areas, departments, clinics, research activities and fundraising appeals across UHL.

To ensure funds are used effectively and for the simplicity of administration, the Charity aims to keep the number of funds to a minimum and so considers requests for new funds very carefully.

## Inactive funds over two years old

Under charity law, the Trustee has a duty to ensure that all donations are used within a reasonable timescale, taking account of the Charity's overall budgetary constraints. The timescale for funds held by Leicester Hospitals Charity is two years. This is supported by Charity Commission guidance. It is the responsibility of fund managers to ensure that funds remain active, which involved encouraging fundraising, receiving donations and charitable expenditure.

If the fund is of a significant size, it is essential to have a 'plan of expenditure' that meets the criteria of using the funds over a reasonable timescale, for example, three-four years. If the fund managers have such a plan or plan to accumulate funds for a future commitment, this needs to be discussed with the Charity Director.

The Charity monitors fund activity on a regular basis. Should a fund be inactive, the Charity will contact the fund managers to discuss a way forward. This could include submitting a plan of future expenditure, merging with a closely related fund or closure of the fund and transfer of the balance to the charity's general purposes fund, where it can be used where the need is greatest.

If Leicester Hospitals Charity does not receive a response regarding inactive funds, it is likely that action will be taken by the Charity as outlined above.

## Closing a fund

Closure of a fund can be made by written request of the fund manager or can be initiated by Leicester Hospitals Charity.

Funds can be closed as a result in inactivity (as detailed above) or if a fund balance falls to a low level and there is no more expected income. Any remaining fund balance will be transferred to an appropriate fund.

# Financial administration

## Introduction

The following section describes the way in which operating expenses and investment returns are allocated to funds on a quarterly basis. More detailed information can be obtained from Leicester Hospitals Charity, if required.

### Allocation of operating expenses

Leicester Hospitals Charity's operating costs include governance, management, and fundraising costs. Total operating costs, less any fundraising costs directly allocated to specific funds, will be allocated to individual funds pro-rata to average month-end balances.

### Allocation of investment income

Leicester Hospitals Charity invests funds with managed equity investments, interest bearing bank accounts. Investment returns will include investment income, realised capital gains (or losses). Investment returns may be positive or negative and will be allocated to individual funds pro-rata based on month-end balances at the point in time of which the return is realised.

### Investment reserve income

Leicester Hospitals Charity maintains an Investment Reserve Fund to smooth returns to individual funds over time.

This means the charges previously suffered by funds are levied at Charity level, meaning that no fund should suffer a charge except where there are substantial investment losses in the period which cannot be absorbed by the Charity's reserves. This reduces the risk of funds having negative balances, which is not permitted.

## Charitable income

## Introduction

Leicester Hospitals Charity receives most of its income from patients, service users, their families, carers, staff and members of the public through charitable giving and fundraising, without which the Charity wouldn't be able to continue its funding across UHL.

## Charitable giving

An individual, organisation or entity can donate to Leicester Hospitals Charity in any of the following ways:

- **Online**

Visit [www.lhcharity.org.uk](http://www.lhcharity.org.uk) to make a one-off or regular donation.

- **Post**

Cheques, postal orders and CAF vouchers (made payable to Leicester Hospitals Charity) should be posted to the Charity's office at Belgrave House (see 'Contact details' on Page 2).

Cash should not be sent in the post. All cash donations should be brought to the Charity Headquarters, Hub or a cashier's office.

- **Telephone**

Call the Charity on 0116 258 8709 to donate securely over the phone by credit or debit card.

- **In person**

Donate by any payment method via the Charity's office at Belgrave House (see 'Contact details' on Page 2), or at a cashier's office.

- **Acceptance of charitable donations by UHL staff**

Staff are encouraged to direct donors to donate in one of the ways previously mentioned but if this isn't possible then UHL staff can accept donations on behalf of the Charity using a donation receipt book; Instructions for receiving and handling donations are provided with each receipt book.

## Thanking supporters

Leicester Hospitals Charity acknowledges all donations received with a thank you letter (or similar) to the donor within 48 hours, provided contact details are received with the donation.

Staff are encouraged to thank donors personally in addition to this, especially if there is a strong personal relationship with the supporter but is it not necessary.

Staff are asked to ensure all donations they receive reach Leicester Hospitals Charity as soon as possible. This is extremely important as it means donors receive a prompt

thank you letter from the Charity, something they very much deserve for such generosity.

## In memory donations

Leicester Hospitals Charity can accept donations in memory of a loved one for any charitable funds, either directly to the Charity or gifted via funeral directors. If staff members are aware that a donation is in memory of a loved one, they are asked to pass this information on to the Charity with the donation.

### ***Donations at funerals and funeral directors***

Leicester Hospitals Charity can provide personalised donation envelopes for relatives, friends and colleagues. These can also be sent to the funeral directors involved, if required.

The Charity can also liaise with funeral directors regarding donations in lieu of flowers. Enquiries should be directed to the Leicester Hospitals Charity team or to our website.

## Legacies and gifts in wills

If an enquiry is received from an individual who wishes to leave a gift in their will for the benefit of the Charity, please direct them or their solicitor to Leicester Hospitals Charity.

All correspondence regarding legacies must be passed to the Charity who will manage all aspects of the gift. In no circumstances should a fund advisor or other staff member attempt to deal with the administration of a legacy directly.

## Gift Aid

Personal donations can often be increased with Gift Aid. Gift Aid is a scheme from Inland Revenue that allows charities to claim back income tax on donations from individuals who are eligible UK taxpayers at no extra cost to them. This currently increases their donation by 25%.

Leicester Hospitals Charity can claim Gift Aid if the donor has completed a Gift Aid declaration, which can be found on the Charity's donation envelopes and Gift Aid declaration forms.

Gift Aid cannot be claimed on donations from companies. Gift Aid can only be claimed on fundraising money if the fundraiser has asked their supporters to complete a Gift Aid declaration for their individual donation to the fundraising activity i.e., by using a sponsorship form or via an online sponsorship site such as JustGiving. The Charity cannot claim Gift Aid from the fundraiser for a personal donation made by someone else in support of their fundraising.

## CAF vouchers

CAF (Charities Aid Foundation) vouchers are used by individuals and organisations to donate money in a tax effective way to any charity of their choice. These are not

cheques and cannot be banked. Any voucher received for a fund, together with any accompanying correspondence, should be forwarded directly to Leicester Hospitals Charity for crediting to the appropriate fund.

## Fundraising

There are many different and fun ways you can fundraise for Leicester Hospitals Charity and in joining us, you join an incredible community of people who give their time, talents and energy to support UHL every year.

Anyone who is interested in fundraising for UHL – whether staff, patients, service users, families, carers, companies, groups, schools or members of the public – should be encouraged to contact Leicester Hospitals Charity

Funds can be raised for specific ward, department or area or to enhance services across UHL where staff members tell us it is needed most.

All fundraising for charitable funds should be registered with Leicester Hospitals Charity. This is because the Trustee is legally responsible for all money raised under the Charity's registration number and because the Charity team are on hand to help achieve the greatest benefit from any fundraising activities.

The Charity team can provide fundraising advice and guidance on any relevant laws and regulations as well as providing promotional fundraising materials – such as t-shirts, running vests, collection buckets, banners – to help support the event or activity.

They can also help to promote any fundraising or showcase achievements through their website, social media, publications, local media and through the UHL and Charity communications channels.

For more information you can contact the Charity directly or go to the 'Get involved' section on our website.

## Research and Education grants

Money can also be received from outside organisations such as grant-making charities and pharmaceutical companies for research and/or educational purposes. The Charity can only accept research funding that meets the following requirements:

- All research/education to be funded must be approved by the Trustee before commencing.
- There must be perceived public benefit from the research/education.
- The results of the research are to be published in the public domain and are not the sole property of the sponsor/funding body; and
- The subject matter of the proposed research is a useful subject of study.

## Professional fees

Fees assigned to charities in advance by employees are not regarded as the employee's taxable income if the assignment is by written legal agreement and arrangements have been made for them to be paid directly to the charity involved.



Fees, which are not correctly assigned in advance and not made over to the charity, cannot be accepted by the Charity. Professional fees earned by third parties can also be assigned to the Charity if the assignment is a legal agreement.

Fees earned by individuals should not be credited gross to the Charity. By doing this, the individual has effectively reduced the amount of income they have earned by the amount gifted to the Charity. Instead, the individual should include the fee in their accounts and then make the donation to the Charity. The Charity can accept these payments but advise the individual that they should return this income on their tax return.

Report fees for items such as police statements are essentially payment for the provision of a service and, therefore, cannot be accepted by the Charity.

## **Raising an invoice for services provided**

To raise an invoice for money owed to a charitable fund, please contact the Charity Finance Team. This will be formally raised.

Please note:

- The individual who requests the invoice to be raised is responsible for chasing unpaid donations and the Charity will monitor all unpaid amounts.
  - It is important to ensure the payee quotes the relevant invoice reference on all correspondence, any bank transfer and the back of all cheques.
  - Remittance advice may be posted or emailed to the Charity Finance Team
- Leicester Hospitals Charity policy is to write off debts as a charge to the original fund when they remain unpaid after one year.

## **Refusing income**

Leicester Hospitals Charity monitors income and may refuse income if it has been offered:

- for a purpose that is not consistent with the Charity's objectives; or
- from a source or on terms that are not acceptable to UHL, Leicester Hospitals Charity, or its ethical policy; or
- for a purpose that UHL or Leicester Hospitals Charity is unable to fulfil.

Please refer to the full UHL Fundraising Policy for complete avoidance criteria.

## **Charitable expenditure**

## Introduction

All staff employed within UHL (and external individuals or organisations in some cases) can apply for grants from Leicester Hospitals Charity to enhance the services UHL provides for the benefit of patients, service users, their families, carers and staff.

This section sets out the types of expenditure that charitable funding can cover and gives details on how to apply for funding and process payments.

## What can charitable funds be used for?

The Charity's objects – i.e., what it funds - are 'for any charitable purpose relating to the University Hospitals of Leicester NHS Trust.'

All expenditure must comply with UHL's policies and procedures.

All expenditure from Leicester Hospitals Charity funds must satisfy each of the following criteria to meet the requirements of charity law:

- It is consistent with the Charity's objects.
- It is for a charitable purpose.
- It will result in public benefit.
- It is in accordance with the donor's wishes; and
- It is for a purpose that is over and above what the NHS would normally provide.

Expenditure must meet patient benefit and public perception tests, and confirmation that these are satisfied is a routine part of expenditure claims.

Retirement buffets and departmental meals can lead to tax implications as may be seen as benefit in kind and as such are not supported.

Expenditure on accommodation and subsistence should be kept to a reasonable level. Expenditure on meals should not include alcoholic drinks.

All travel claims will be paid at the standard class rate unless there are specific and justifiable circumstances where first or business class travel should be considered. In this situation these circumstances must be raised with the Charity in advance of finalising travel arrangements and the rate to be paid agreed.

## Public benefit test

All charitable expenditure should ultimately be for the public benefit. Such benefit may take the form of improved clinical services and outcomes, or enhanced service user experience.

Where the immediate benefit of expenditure is for staff welfare or development, there should be clear evidence of how this will improve services for patients and service users, for example through enhancing relevant staff skills or encouraging staff innovation.

## Public perception test

When considering using funds, a person should ask themselves:

- Would someone who puts a pound in a collection tin be happy for it to be spent in this way?
- Would you be proud to tell a donor about this expenditure and the difference it is making?
- Would you be confident in defending this as a charitable purchase or should it have come from an NHS budget?

## Examples of charitable expenditure

### Accepted charitable expenditure

If in line with charitable expenditure, the following are examples of acceptable charitable expenditure:

- Invoices for goods or services relating to patient benefit
- CMG-Approved Social activities relating to training or team development
- Procurement requisitions for medical equipment
- Conference or course bookings for training that benefits UHL services
- Work carried out (e.g., lecture fees)
- Salaries (for no more than 24 months)
- Means tested payments/vouchers
- Refurbishment of patient areas/patient facing areas
- Staff wellbeing
- Catering for specific trust-wide recognition activities (i.e., Volunteer Appreciation)
- Refurbishment/equipping/creation of staff rest areas
- Arts activities for patient benefit or for staff wellbeing
- Small value items of appreciation which, such as chocolates for departments at Christmas, cupcakes on National Nurses Day etc.
- Attendance at awards ceremonies – Up to £200 per person including travel and hotel accommodation where staff have not had the opportunity to attend previously.
- Social activities for patients for instance: Memorial afternoons, Jubilee events, Youth forum etc
- Clothing to aid patient dignity for instance clothing bank ran by Vols services
- Entertainment items for patients so TV's/radios

### Not accepted charitable expenditure

The following items are examples of unacceptable charitable expenditure :

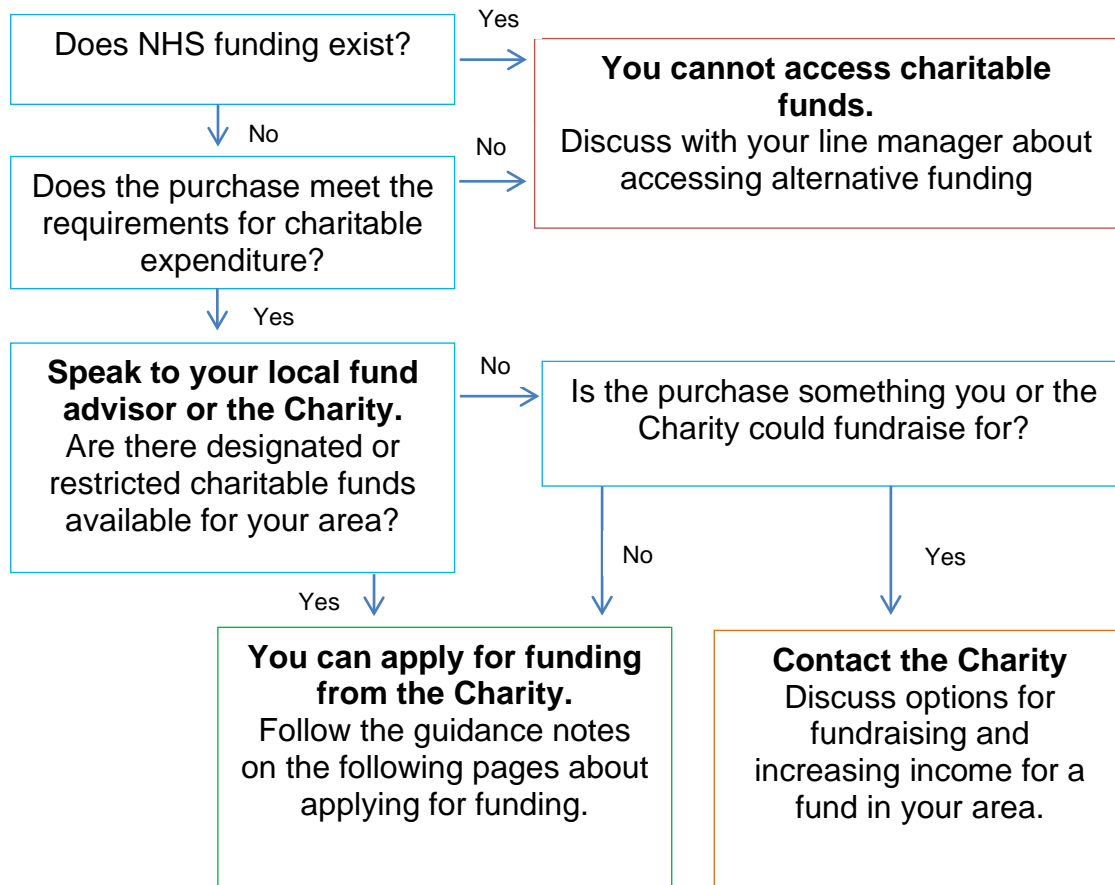
- Individual/Personal Gifts for staff
- Department meals/party nights
- Retirement buffets
- Hospitality and “away days” (if not an approved social activity)
- Alcoholic drinks
- Standard office furniture
- Staff office refurbishment
- Items required only due to health and safety concerns
- Heaters/fans for offices
- Degrees/diplomas/qualifications for staff where personal benefit is more than incidental
- Retrospective requests
- Training that is necessary to ensure the NHS meets its statutory requirements and therefore essential to a person's role.
- Training to use equipment that is already owned by the Trust
- Purchase of goods for resale or raise money
- Equipment to enable staff to carry out their role so I-Pads/mobile phones etc.

- Uniforms
- Hoodies/t-shirts

## How do I access charitable funds?

If you wish to make a purchase with charitable funds, the first step is to discuss the purchase with your line manager, to ensure they approve and to establish if NHS funding exists.

The following chart shows how to establish if the Charity can help you with your purchase and how best to access our funds. If you are still unsure, please contact the Charity for help.



## Scheme of Delegation

To make an application from charitable funds you will need your application to be authorised by your fund manager (on behalf of the Trustee) plus the relevant addition approval over specified limits as detailed below:

Request amount	Fund manager required	Additional approval required	Full grant application form required?
Up to £999	Yes	Charity Office	Short Form only
£1000 to £10,000 from a designated fund or up to £1000 from General Purposes	Yes	Charity Officer	Yes
£10,001 and over, or £1001 and over from General Purposes	Yes	Corporate Trustee via the Charitable Funds Committee	Yes
Any request over £50,001	Yes	Corporate Trustee via the Trust Board	Yes

No purchases may be made until the application has received approval from the Charity Finance Team.

### ***Evidence of Trust support***

Evidence of Trust support for the purchase is required for all expenditure from charitable funding and grants. Therefore, ensuring your line manager is aware of your purchase prior to any application for funding is essential.

Expenditure for IT equipment must be accompanied by evidence of support from the UHL IM&T department.

Evidence of support from UHL Infection Control is required, where necessary. For funding under £10,000, ensuring the appropriate evidence is obtained is the responsibility of the funding/grant applicant and should be provided to the Charity, if asked for, prior to any expenditure commitment.

For funding of £10,000 and over, the appropriate evidence will be documented on the Charity's Grant Application Form, as part of the application process, in the form of signatures from the appropriate UHL staff members.

## Accessing funding up to £10,000 from designated funds

Fund managers have delegated authority from the Trustee to approve funding requests up to £10,000 with additional approval being required from the Charity Officer so they should be your first point of contact if you have a funding request.

For £1000 and under, you may use a short application form. Once you have this approval, you will need to follow the fund expenditure procedure detailed on page 18.

## Accessing a grant of £10,001 and over

All requests for funding of £10,001 and over need to go through the Charity's grant application process and so the Charity Finance Manager should be your first point of contact.

You will be asked to complete a Grant Application Form which includes obtaining signature approval from the fund manager. You then need to return the form to the Charity Finance Manager at [charitablefundsgrantapplications@uhl-tr.nhs.uk](mailto:charitablefundsgrantapplications@uhl-tr.nhs.uk)

### ***Submission to the Charitable Funds Committee (CFC) for approval***

The Trustee delegates authority to the Charitable Funds Committee (CFC) for decisions regarding charitable grants and funding. The Charity Finance Manager will submit the application at the next meeting of the CFC for approval.

The CFC meets every two months to discuss grants and evaluate the impact of grants. Occasionally the applicant may be asked to attend the meeting to present their application to the Committee.

The Charity Finance Manager will notify the applicant within one week as to whether their application has been successful.

### ***Approved grants***

Successful applicants for requests of £10,001 or more from designated or restricted funds, or £1001 or more from the General Purposes fund, will receive an electronic Grant Acceptance Form with a copy of the Standard Terms and Conditions of the grant within two weeks of Trustee approval. These should be carefully considered and, if accepted, the acceptance form should be signed and returned to the Charity Finance Manager whereupon a final approval letter will be issued.

### ***Applications for a grant for a salaried role***

Applications for the funding of salaries must be sought for the total salary cost including employer's National Insurance and pension for the funded period. The scheme of delegation must be adhered to according to the total salary requested. The Charity is not responsible for statutory employer responsibilities. Those must be borne by the Trust (i.e., SSP and Maternity Allowance etc)

Approval will be for a maximum of 24 months. If you require an extension, you must contact the Charity Finance Manager well in advance of the end date. Salary funding will stop at the end of the authorised period unless an extension request has been received.

If during the funded period, there is requirement for a change of personnel for the role, the Charity must be informed.

New Leicester Hospitals Charity funded posts must be authorised by the Charity Finance Manager before advertising. Successful post holder details should then be submitted to the Charity for confirmation before going to payroll. Written authorisation that all Charity funded posts are underwritten by UHL must be obtained as part of the application process.

## **Strengthening your application**

To strengthen your application to the Trustee, things to consider are:

- Concise application form with relevant supporting documents, if applicable
- Strong evidence of patient and public benefit within UHL's services
- Support from your local fund managers(s)
- Support from managers within your area
- If applicable, sufficient quotes with explanation of preference
- Succinct clarity of purpose
- Clear impact, evaluation and reportable

## Terms and conditions

All grants and funding are made subject to standard terms and conditions, which are available from the Charity.

## Grant monitoring

The Charity and its Trustee are keen to ensure that all charitable expenditure makes a difference for the people that UHL serve, their families, carers and the staff who care for them.

For grants of £5,000 and over, the Charity will send the applicant a Grant Evaluation Form to report on how the funding/grant has been used and the difference it has made. This will be sent out once the project or purchase is complete. For longer projects or activities, an initial form will be sent six months into project for an update and then a final form on completion of the project.

For grants under £5,000, this monitoring is a check that the money has been used as agreed. However, it is also an opportunity to tell the Trustee about what difference the project has made. If the project has been a great success, then celebrate it with the Charity. Even if a project has not gone according to plan, there may be useful learning for the project team and the Trustee.

Failure to return a completed grant evaluation form may jeopardise your chances of further grant funding from Leicester Hospitals Charity. This would be at the discretion of the Trustee.

It is extremely important that the Charity can demonstrate that it has used its funds in an appropriate way and that there is clear patient and/or staff benefit. By returning your grant evaluation form, you will enable us to fulfil our obligation to our supporters and help us to publicise the positive impact that our grants have made for people in Leicester, Leicestershire and Rutland, as well as the wider East Midlands. This will enable us to secure further donations to support projects.

## Fund expenditure procedure

Approval from the fund manager and any additional authority must be granted in accordance with the scheme of delegation prior to committing to any expenditure. All charitable expenditure is administered by the Charity Finance team.



Any incomplete forms or forms without the relevant receipts, invoices or documentation that are submitted for payment will be returned and will only delay the processing of payment.

Important note: fund managers cannot sign off their own expenditure/expenses. Where a second fund manager is not available, then a member of staff that holds the next senior position within the Trust to the fund advisor may authorise the expenditure.

### **Ordering goods and services**

Except in exceptional circumstances and agreed with Leicester Hospitals Charity in advance, all goods and services must be ordered through the LHC Charity Finance Team.

Please note medical equipment and computer equipment purchased wholly through charitable funds can be zero-rated for VAT purposes.

### **Minor items of expenditure**

Minor items of expenditure that cannot be purchased via the LHC procurement process can be reimbursed.

### **Reclaiming committed expenditure**

If you are reclaiming committed expenditure, this can be done by submitting receipts to the Charity Finance Team.

# Appendices

## Appendix 1 Grant Acceptance Form

Please complete and return this form to Leicester Hospitals Charity, XXX Address  
If you have any queries or require further information, please contact XXXXXX

Grant reference number	
Project title / purpose of grant	
Total grant amount approved	
Date grant approved	
Charitable Fund Number/Name	

Lead contact name	
Address	
Email address	
Landline number(s)	
Mobile number(s)	

**THE FOLLOWING SECTIONS SHOULD BE COMPLETED BY THE LEAD APPLICANT:**

Duration of project	
Expected start date	
Expected completion date	

Please give your best estimate of when invoices will be submitted for payment. This will help with our cash flow planning, and to monitor progress of the project. Please use a separate sheet if required.

Payment	Expected date	Amount (£)

**Declaration**

By signing this form, I agree to accept the grant detailed above and that I have read, understood and agree to the standard terms and conditions associated with this grant.

**Lead applicant**

Signed \_\_\_\_\_  
Date \_\_\_\_\_  
Print name \_\_\_\_\_

## Appendix 2 Standard Terms and Conditions

### ***Standard terms and conditions of grant funding***

Leicester Hospitals Charity “the Charity” is the NHS charity for the University Hospitals of Leicester Trust “the Trust”.

The Charity funds projects that enhance mental and physical health care services provided by the Trust, so that local people using these services receive the best possible

The Charity has a legal obligation to ensure that its grants are used for charitable purposes that have public benefit. It also has a moral obligation to ensure that money donated to the Charity is used as effectively as possible.

These Terms and Conditions apply to all general grants made by the Charity. The Charity recognises that NHS staff have many demands on their time and, therefore, aims to make the terms and conditions simple and reasonable, whilst ensuring that minimum requirements are met.

If grants are spent effectively, this will help enhance both the reputation of the Charity and UHL, encouraging further giving for the ultimate benefit of patients, service users, their families, carers and members of staff.

Please read these terms and conditions carefully before signing the Grant Acceptance Form. If you accept the grant offer, please then sign and return the Grant Acceptance Form, keeping these terms and conditions for your reference.

### ***Terms and conditions***

#### **1. General**

- All funds held by the Charity (which includes ward and departmental charitable funds) and all grants and expenditure by the Charity, must be used for charitable purposes. In general terms this means that all expenditure:
  - a) must further the objects of the charity
  - b) must be in the public benefit, and any private benefit must be incidental
- The purpose, amount and duration of the grant are set out in the offer letter and the Grant Acceptance Form.
- The grant is given for the stated charitable purpose only. Unless otherwise specified, this will be for the project as detailed in the application for funding. The grant should be used solely for this project.
- The amount stated in the offer letter and Grant Acceptance Form is a maximum figure for all costs incurred in connection with the project. There shall be no expectation that further funds will be provided to complete the project in the event of any shortfall.
- The duration, and anticipated start and completion dates for the project are stated on the Grant Acceptance Form. The Charity recognises that it can take time for a project to be launched, for example, if new staff must be recruited. If there are likely to be significant delays to a project, or changes to the duration, the Charity should be informed promptly.
- The lead contact should be the individual with overall responsibility for the project which the grant is funding; in the case of research, this should be the Chief Investigator.

- Before the grant can be paid, the lead contact must sign and return the Grant Acceptance Form, confirming acceptance of these terms and conditions.
- Any proposed changes to the lead contact, for whatever reason, must be communicated to the Charity immediately; the Charity reserves the right to review or withdraw a grant if a suitable replacement lead contact has not been identified.

## **2. Employment of staff**

- Where funding relates to part or all of a salary cost, the Charity does not act as employer of the individual and will not be liable as such. The lead contact will be responsible for ensuring that all employment legislation is complied with. Your Human Resources (HR) department should be able to advise you on this.
- Where the grant is a contribution towards part or all of the cost of new staff the Charity requires confirmation that the post has been filled, including the name of post holder, annual salary and start date, before any payment is made.
- The Charity will not normally be willing to consider requests for additional funds for salary purposes that are not identified in the original application. Any increments or other salary increases not identified in the original application will be the responsibility of UHL.
- The Charity should be informed immediately if staff that are supported by charitable funds give notice, leave or are redeployed.

## **3. Grants for research**

- The lead contact must ensure that prior to the research commencing and throughout the research period, all the necessary legal and regulatory requirements to conduct the research are met and all the necessary licences and approvals have been obtained. The Trust's Research department may be able to assist. The Charity does not accept any liability arising from research projects that it funds.
- The lead contact is responsible for ensuring that the whole project is conducted in accordance with the Trust's systems for the management, monitoring and control of research work, including the requirements of all regulatory authorities governing the use of investigational medicinal products and devices, radioactive isotopes, animals, pathogenic organisms, genetically manipulated organisms (GMOs), toxic and hazardous substances, and research on human subjects and human embryos, and the regulations set down under the Control of Substances Hazardous to Health (COSHH), Advisory Committee on Dangerous Pathogens (ACDP) and Advisory Committee on Genetic Manipulation (ACGM) guidelines, the Health and Safety at Work regulations and any other regulatory requirements as may apply from time to time.
- The lead contact is responsible for ensuring that the study is conducted in accordance with the Department of Health Research Governance Framework, including the Regulations relating to CTIMPS, the Mental Capacity Act and the Data Protection Act and any further legislation in future encompassed in the Framework.
- No funded work may commence without the appropriate ethics approval. Such approval must be confirmed to the Charity in writing before any payments of grant can be issued. Where ethics approval is not required, the approval of the Trust must be obtained before the project may commence. Such approval must be confirmed to the Charity in writing before any payments of grant can be issued. The use of animals in experiments must be strictly limited to that set out in the application. A personal license must be in operation at the time of application and the research will only commence after the Project License is awarded.
- The Charity has a responsibility to ensure that work of the highest quality is produced. The Charity therefore requires that the Trust and/or the University is responsible for

ensuring that all funded work is always adequately supervised, monitored and evaluated and that the Trust and/or the University provides sufficient resources to support the funded work.

#### **4. Grants for capital**

- Any equipment funded by a grant from the Charity will, immediately when it is received, transfer to the ownership of the Trust. All responsibility for such equipment, including matters of security, maintenance, infection control, training and issues relating to Health and Safety will be vested in the Trust who must ensure that the equipment is appropriately insured and maintained throughout its useful life.
- Any losses or claims relating to the equipment will be met by the Trust and the Charity will accept no liability in this respect.
- For grants relating to building work, any significant variations to the start date, project costs or estimated completion date should be communicated promptly to the Charity.
  - Charity funded capital works must be managed by the designated charity Capital Projects Manager

#### **5. Intellectual property**

- As a charity, the Charity is under obligation to ensure that the results of research that it funds in part or in whole are published 'for the public good'. The Charity also attaches importance to commercial exploitation and recognises that the specific nature of the opportunity for exploitation may only become apparent during research.
- Ownership of the intellectual property arising from any work funded by the Charity will vest in the Trust. The NHS has set up Innovation Hubs to advise NHS Trusts on whether the intellectual property has commercial potential and how best to take it forward.
- All results of research in relation to which the Charity has made a grant, must be considered for appropriate intellectual property protection and potential commercial exploitation by NISE on behalf of the Trust. Any publication of the research findings (including communications such as verbal statements, posters, abstracts and letters to specific journals) must be delayed until such consideration has been carried out. However, no unreasonable delay should be allowed to occur before information is placed in the public domain. A delay beyond 6 (six) months will be deemed unreasonable.
- The research and the results of the research may not be commercially exploited in any way without the prior written agreement of the Charity. Such agreement may be refused at the Charity's absolute discretion or granted subject to such conditions as the Charity may decide (and may well require prior agreement as to the sharing of the financial benefits arising from the exploitation). Decisions regarding exploitation will be made on a case-by-case basis.
- Where multiple funding sources are present or multiple inventors are involved, royalties and other income arising from the research should be shared in proportion to the investment made by funders, less any legal, patenting and associated costs incurred.

#### **6. Payment of grants**

- There is space on the Grant Acceptance Form to indicate the likely schedule of payments. Please complete this to help us plan our cash flow requirements.
- Grant payment will be made on production of authorised documentation in line with the Trust's Standing Financial Instructions and Scheme of Delegation, which also apply to the Charity.

- Payment requests for grants covering capital items or medical research should usually be in the form of original invoices, claim forms, receipts or memoranda. These should be authorised with the signature of the Fund Manager registered for the relevant fund (plus any additional authority as per the Scheme of Delegation) and forwarded to the Charity. The Charity will make the payment, normally within two weeks of receipt.
- Recharges of salaries of Trust employees funded from a Charity grant will be charged to a designated control code. No further authorisation will be required. Recharges will continue until the accrual is exhausted, the agreed period of funding expires, or notification is received that the recharge should cease (authorised with the signature of two Fund Advisers registered for the relevant fund plus any additional authority as per the Scheme of Delegation).
- The Charity reserves the right to withdraw grants, in whole or in part, in the following circumstances:
  - (i) Where grants are not taken up within two years of the approval date. The Charity will require a report detailing the reasons and a request to renew the commitment for a further period, if applicable. The Charity reserves the right to cancel any grant approvals where an extension has not been sought.
  - (ii) Where projects are notified as completed. Any unspent balance of grant remaining will be cancelled.
  - (iii) Where a balance of grant has remained static for two years with no explanation from the lead contact. Any unspent balance of grant remaining will be cancelled.
  - (iv) If the lead contact leaves the host Trust, or otherwise is not able to continue to act as the responsible individual for the grant and a suitable replacement cannot be identified.

## **7. Grant evaluation**

- In all cases where a grant has been agreed, the Charity will require a completed Grant Evaluation Form from the lead contact within one month of receiving the form from the Charity. This is usually within three months of completion of the project or three months into the project. A reminder will be sent to the lead contact at the relevant time.
- Failure to comply with these reporting requirements may affect payments under the current grant and future requests from the applicant.

## **8. Publicity**

- It is a condition of the grant that recipients make reasonable efforts to ensure appropriate acknowledgement of the Charity's support, and co-operate with the Charity in publicising the grant, if requested.
- Subject to Section 5 above, the lead contact must ensure that all useful knowledge acquired from research funded by the Charity is disseminated to the public and others able to utilise or benefit from it. Where the research is highly technical, restricted access through medical publications, universities, and other medical and educational establishments to persons who have a sufficient reason to study the material will be acceptable.
- In all cases, to avoid any possible confusion, the Charity should be referred to as 'Leicester Hospitals Charity'. In formal settings, the Charity's registered number 1056804 should also be added. The Charity can provide additional advice and copies of its logo, in a variety of formats, on request.
- In general, the Charity's support should be acknowledged on all materials produced in connection with the project, such as leaflets, posters, displays, job adverts, newsletters, reports and published articles. The regularity and prominence of the acknowledgement should be proportionate to the degree of support.

- Where a grant has supported physical or environmental improvements, the Charity will contact the recipient to arrange the installation of a Leicester Hospitals Charity plaque, if appropriate.
- The Charity should be invited to any launch or opening events, and our support acknowledged at such events. We will do our best to send a staff or Trustees representative, although this is not always possible.
- The Charity's fundraising staff may also contact grant recipients for quotations or images to be used in internal and external publicity material or press releases.
- The Charity is committed to following good practice in fundraising, and will always act professionally and sensitively when arranging publicity in connection with grant



## Appendix 8

### Leicester Hospitals Charity Complaints Procedure

Leicester Hospitals Charity is committed to working in an open and accountable way that builds the trust and respect of all our stakeholders. We also want to ensure the highest standards of activities across all departments in our organisation. One of the ways in which we can continue to improve our service is by listening and responding to the views of our stakeholders, and by responding positively to complaints regarding employees or services and finding suitable resolutions.

We take complaints very seriously and we treat them as an opportunity to develop. Therefore we are always very grateful to hear from people who are willing to take the time to help us improve. We always thank people who contact us about their problems, concerns or worries.

### People and Responsibilities

Leicester Hospitals Charity has a nominated Complaints Coordinator, who also acts as a main point of contact with the Fundraising Regulator and Charity Commission as necessary. The Complaints Coordinator will work with the person who made a complaint and the staff member involved with the aim of ensuring that the situation is solved promptly and to the satisfaction of all parties. On occasion this may require involvement from the line manager of the person involved or the director of charity.

The Charitable Funds Committee has overall responsibility for ensuring that complaints about Charity employees and services are handled appropriately. They are supported in this role by the Director of the Charity.

### Process overview

Our complaints process supports a quick and satisfactory solution. To ensure this, the Charity aims to:

- Make making a complaint an easy process, considering different ways of preferred communication.
- Treat complainants promptly, politely, and, where appropriate, confidentially.
- Investigate the complaint fully and impartially.
- Respond to the complainant within a reasonable timescale.
- Provide clear information and support both to the complainant and to any staff member that is the subject of a complaint and.



- Provide details on escalating the process should the complaint not be resolved to the complainant's satisfaction.

## **Complaints Procedure**

### **1. Making a complaint**

Making a complaint is simple and you can contact us in whichever way is more convenient for you:

- By phone: please call on 0116 258 8709, Monday to Friday from 9am to 5pm. Outside of these hours you can always leave us a message and a contact number, and someone will return your call .
- By email: please e-mail [LHCharity@uhl-tr.nhs.uk](mailto:LHCharity@uhl-tr.nhs.uk)
- By post: Leicester Hospitals Charity Office, Belgrave House, Car Park 1, Leicester General Hospital, Gwendolen Road, Leicester, LE5 4PW
- Online: <https://www.leicesterhospitalscharity.org.uk/contact>

Please include your name, address and contact telephone number in your email or letter so that we can get back in touch with you easily.

### **2. Complaint details**

To ensure we deal with your complaint promptly and accurately we need to know:

- Exactly what the problem is and how it has occurred - give as much information as possible
- How it has affected you
- What you consider should be done to put the matter right

### **3. Complaint Procedure**

#### *Stage One - Complaint*

We will acknowledge your complaint within five working days of receipt. We will record your complaint and between us we can agree on the best way and time to get back in contact with you.

#### *Stage Two - Investigation*

We endeavour to respond fully and conclusively to all complaints within 10 working days of our acknowledgement; if we think it will take longer, we will let you know. The Complaints Coordinator will lead the investigation and ensure that all complaints are dealt with impartially and promptly. If the complaint is about the Complaints Coordinator, the investigation will be led by the Director of the Charity.

### *Stage Three – Appeal*

If you remain dissatisfied with the outcome of the investigation you may seek an appeal to the Charitable Funds Committee. Letters/emails of appeal must be received within 10 working days from the date on the letter/email notifying you of the outcome of the investigation (these will always be sent by first class post or email).

#### **Escalation**

We aim to resolve your complaint in an honest, open and satisfactory way. However, if after going through all the stages of our Complaints Procedure above you do not feel completely satisfied by our response then you can contact the following agencies:

#### **Fundraising Regulator**

Address: Fundraising Regulator, 2nd floor, CAN Mezzanine Building, 49-51 East Road, London, N1 6AH

[0300 999 3407](tel:03009993407)

E-mail: [enquiries@fundraisingregulator.org.uk](mailto:enquiries@fundraisingregulator.org.uk)

Web: [www.fundraisingregulator.org.uk](http://www.fundraisingregulator.org.uk)

#### **Information Commissioner's Office**

Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Tel: [0303 123 1113](tel:03031231113)

Web: <https://ico.org.uk/concerns/>

#### **The Charity Commission**

Address: The Charity Commission, PO Box 1227, Liverpool L69 3UG

Tel: [0845 3000 218](tel:08453000218)

### **Situations where we may not respond to a complaint**

On very rare occasions we may choose not to respond to a complaint. These include:

- When a complaint is about something that Leicester Hospitals Charity has no direct connection to. We may choose to reply to clear our name, but we are not obliged to.
- When someone unreasonably pursues a complaint that we have already responded to. They will be given escalation points, but we may choose not to reply again - we will always inform the complainant of our decision to do this.
- When a complainant is being obviously abusive, prejudiced or offensive in their manner.
- When a complainant is harassing a staff member.
- When a complaint is incoherent or illegible.

- When a complaint has clearly been sent to us and numerous other organisations as part of a bulk mailing or email. In this instance we can chose whether it is necessary for us to reply or not.

When a complaint is made anonymously, we cannot respond to the complainant, but we will investigate the complaint and use the information to improve in any way that we can.

## **Record keeping**

The Charity will keep a record of each complaint and outcomes for two years from the date of the complaint.

## Appendix 9 Sample Naming Agreement

### Leicester Hospitals Charity Supplemental Gift Agreement

Between

**XXX (“The Donor”)**

And

**Leicester Hospitals Charity (Charity Number 1056804)** Leicester General Hospital,  
Belgrave House, Gwendolyn Road, Leicester, LE5 4PW (**“LHC”**)

#### 1. Introduction

The purpose of this agreement is to supplement the gift agreement signed on xxx and to provide details of the agreed naming recognition for The Donor's gift of xxx towards the xxx in the xxx.

Capitalised terms which are not defined in this Agreement shall have the meanings given to them in the Gift Agreement.

#### 2. Recognition

In further recognition of the Gift (and as anticipated by the Gift Agreement), LHC will acknowledge the Gift by naming the xxx (together, the **“Facilities”**) as **xxx (“the Naming”)**.

Subject to the terms of this Agreement, the Naming will last for 20 (or XX) years from the date on which it takes effect, or until the end of the useful life of all the Facilities, whichever comes first.

#### 3. Termination of Naming

In addition to any rights and remedies available at law, LHC may terminate this Agreement and all rights and benefits of the Donor hereunder, including terminating the Naming, in the unlikely event LHC determines in its reasonable and good faith opinion that circumstances have changed such that the continuation of the Naming as provided for herein would adversely impact the reputation, image, mission or integrity of LHC or the University Hospitals of Leicester NHS Trust.

In addition to any rights and remedies available at law, the Donor may terminate this Agreement and all rights and benefits of LHC hereunder, including terminating the Naming, in the unlikely event the Donor determines in its reasonable and good faith opinion that circumstances have changed such that the continuation of the Naming as provided for herein would adversely impact the reputation, image, mission or integrity of the Donor, its directors, employees, shareholders and/or any members of the donor's family.

Upon any such termination of this Agreement and/or the Naming hereunder, neither party shall have any further obligation or liability to the other pursuant to

this Agreement but, for the avoidance of doubt, LHC shall not be required to return any portion of the Gift.

However, either party may propose an alternative recognition for the Gift and any such proposal may be accepted or rejected by the other party in its sole and absolute discretion.

**4. Modification of Naming.**

If, during the useful life of the Facilities, the Facilities are transferred or conveyed from the Hospital, closed, deconstructed, destroyed or severely damaged, significantly renovated or upgraded; relocated, or replaced, then the Naming will cease. In such event, however, the Donor, if available, and in consultation with and as mutually agreed by LHC, will have the right, for no additional payment, to have another available and equivalent LHC facility named after the Donor.

**5. Publicity**

For purposes of publicising the Gift and the Naming, LHC will have the right, without charge, to photograph agreed representatives of the Donor and to use the names, likenesses, and images of such representatives in photographic, audio-visual, digital or any other form of medium (the “Media Materials”) and to use, reproduce, distribute, exhibit, and publish the Media Materials in any manner and in whole or in part, including in brochures, website postings, informational and marketing materials, and reports and publications, in each case for the purposes of referencing the Gift and/or the Naming. LHC will, however, clear all press releases and all substantially new forms of exploitation of the Media Materials with the Donor prior to issuing or exploiting the same.

**6. Assignment.**

This Agreement and the rights and benefits hereunder may not be assigned by either party without the prior written consent of the other party, which consent shall be in the sole and absolute discretion of the non-assigning party.

**7. Amendments**

Any amendments to this agreement shall be agreed in writing by both parties, their successors or title or assigns. In addition to the above power of amendment, in the unlikely event that, at some future time, it becomes impossible, impractical or illegal to satisfy the original intent of this agreement as expressed in Clause 2 of this Agreement, LHC shall determine an alternative naming recognition for this Gift in consultation with the Donor to be the most consistent with the wishes of the Donor. The final decision on any such alternative naming recognition will only be made with the agreement of the Donor.

**8. Data Protection**

LHC will use the data supplied here solely for the purposes of administering and recognising the Gift described above and shall always comply with the Data Protection Act (1998) and the General Data Protection Regulation (2016) or such other data protection legislation as is applicable in the United Kingdom from time to time

## 9. Choice of Law and Jurisdiction

This Agreement is to be governed by, and construed in accordance with, the laws of England and Wales and the parties hereby submit to the exclusive jurisdiction of the courts of England.

LHC agrees to comply with all applicable laws, regulations and codes in relation to the Naming

Executed by the parties to this Agreement

Signatories

---

Donor

Date

---

John MacDonald

Date

Chairman, University Hospitals of Leicester NHS Trust  
On behalf of **Leicester Hospitals Charity**

## **Appendix 10 Sample Gift Agreement**

Between

And

Leicester Hospitals Charity (Charity Number 1056804) Leicester Royal Infirmary Trust,  
Leicester Royal Infirmary, Infirmary Square, Leicester, LE1 5WW ("LHC")

### **1. Introduction**

The purpose of this Agreement is to summarise the mutual understanding of the Donor and LHC regarding a gift to be given by the Donor to LHC for the benefit of LHC. This Agreement is intended to serve as a guide to those who will administer the funds in the future. The Donor is making this gift to both support the local community in the City of Leicester and Leicestershire and to promote and enhance the standing and public profile of the Donor within that community.

### **2. Description of the Gift**

The Donor has made or agrees to make (as applicable) a gift ("the Gift") to LHC of [INSERT TYPED AMOUNT IN WORDS] (£) to support LHC's [INSERT APPEAL / FUND NAME], and, to be used towards [INSERT SPECIFICATIONS]. The Gift shall be paid as follows:-

- [INSERT PAYMENT FORCAST]

LHC will notify the Donor of the details for payment of the Gift (i.e., bank account details) and shall acknowledge safe receipt of each instalment when received.

### **3. Reporting**

LHC will submit to the Donor a written report on the progress of the [INSERT SPECIFICS] every three (3) months, i.e. at the end of each quarter until the [INSERT SPECIFICS] is complete.

### **4. Recognition**

In recognition of the Gift, LHC shall exploit the brand of [INSERT BRAND NAME] and the Donor agrees to allow LHC to publish its name in various publications for recognition purposes, as applicable in connection with the Gift and to recognise their commitment. LHC will, however, clear all press releases with Donor prior to issuing such release.

In due course, the parties shall, in addition, agree to a suitable naming right to be attributed to [INSERT NAME] in recognition of the gift.

### **5. Amendments**

Any amendments to this Agreement shall be agreed in writing by both parties, their successors in title or assigns. In addition to the above power of amendment, in the unlikely event that, at some future time, it becomes impossible, impractical or illegal to satisfy the original intent of this Agreement as expressed in clause 1 above, LHC shall determine an alternative application for the Gift in consultation with the Donor to be the most consistent with the wishes of the Donor or their first-generation heirs.

## 6. Data Protection

LHC will use the data supplied here solely for the purpose of administering and recognising the Gift described above and shall comply at all times the Data Protection Act (1998) and the General Data Protection Regulation (2016) which replaces the Data Protection Act from May 2018.

## 7. Choice of Law and Jurisdiction

This Agreement is to be governed by, and construed in accordance with, the laws of England and Wales and the parties hereby submit to the exclusive jurisdiction of the courts of England.

LHC agrees to comply with all applicable laws, regulations and codes in relation to the making of the Gift and its use for the purpose set out herein.

Signed

**Executed by** the parties to this Agreement the                      day of                      2020

### Signatories

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

On behalf of **[INSERT NAME]**

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

On behalf of **Leicester Hospitals Charity**



## **Appendix 11**

### **Leicester Hospitals Charity Privacy Policy**

Leicester Hospitals Charity (LHC) is committed to protecting your privacy. This policy sets out how we will use and protect any information you share when you visit our website.

### **Privacy Statement**

**Last updated 10<sup>th</sup> January 2022**

Leicester Hospitals Charity (LHC) is committed to ensuring that your privacy is protected. This policy sets out how and why LHC collects and uses your personal information, and how we protect it. If we ask you to provide certain information by which you can be identified, it will only be used in accordance with this privacy statement and with current Data Protection Laws.

### **Notification of change of privacy policy**

LHC may change this privacy statement from time to time by updating this page. You should check this page from time to time to ensure that you are happy with the changes. For more information, please visit the Information Commissioner's Office, with whom we are registered.

### **Information that we collect**

We may collect, store and use the following types of personal information about you:

- Full name and title
- Gender
- Contact information including address and post code. This can also include place of work.
- Phone numbers and email addresses
- Communications preferences
- Financial information such as bank account details (if setting up a standing order or direct debit) and credit/debit card information you have provided to make a payment.
- Date of birth

- Emergency next of kin details (if you are taking part in an event or volunteering for us)
- Information about your activities on our website and about the device you use to access these, for instance your IP address and geographical location.
- Details of how you have interacted with us, for example purchasing Christmas cards or enquiring about one of our fundraising events.
- Your tax status for the purposes of claiming gift aid against your donations.

### **Special Category Data**

Special Category Data is personal data which is stated within the General Data Protection Regulation (GDPR) as being more sensitive and therefore requiring more protection. Examples of special category data include information about your health, religious beliefs, race, ethnicity, sexual orientation, and political opinions.

Leicester Hospitals Charity collects special category data if you have provided us with consent to do so, as outlined in the circumstances below.

- For specific purposes to ensure your safety, such as if you are visiting our premises or undertaking a challenge event on our behalf.
- Your stories and images to promote the work of our services.
- To enable delivery of our services.

### **How the Charity collects this information**

**- We collect personal information that you give us directly – for example when you:**

- Communicate with us
- Donate
- Raise funds through participating at an event or challenge
- Sign up via our website to receive news and updates
- Enquire about or pledge to remember us in your will
- Engage with our services
- Share your stories to encourage support of Leicester Hospitals Charity

**- We collect personal information that you give us indirectly from third parties– these include:**

- Fundraising websites such as JustGiving (You should check the Privacy Statements of sites before you give them your information.)
- Event organisers
- Registers which enable us to keep your data up to date (such as Royal Mails' National Change of Address Register, the National Deceased Register, and The Bereavement Register)
- A probate search company (Smee & Ford) who conduct searches of grants of probate from courts in England and notify us of any potential legacies
- NHS Trusts and other third-party organisations with whom we partner to deliver our services.

#### **- We may also collect information through publicly available sources**

- We may also access information about you that is available in the public domain from sources including Companies House, the electoral roll, press reports and social media (such as LinkedIn, Facebook) depending upon your settings or the privacy policies of these services.

#### **- We also collect data through our website and digital channels**

When you interact with our digital platforms, we do not automatically capture or store your personal data but may automatically capture other information about your visit to help us better understand how supporters and beneficiaries use our digital platforms. This is to enable us to create better content and more relevant communications. The type of information we may capture includes:

- how you reached our digital platform and the internet protocol (IP) address you used
- your browser type, versions and plug-ins, and your operating system
- your journey through our digital platform, including the links you used, any searches you made, your length of visit overall and to each page, and other page interaction information
- which videos you watched and for how long
- what content you liked or shared
- which adverts you saw and responded to
- which pop up or push messages you might have seen and responded to
- demographic information such as geographical location and gender if available
- information collected in any forms you complete
- The marketing activity that led to your taking specific action on our digital platforms (e.g., liking our Facebook page).

By using our website or any of our services, or providing us with any personal data, you agree to your personal data being used and disclosed in the manner set out in this policy.

#### **What we do with the information we collect**

We require this information for the following reasons:

- For Internal record keeping.
- To thank you for your donations, volunteering, or other support.
- To respond to you if you have made an enquiry.
- To keep you informed about the work of Leicester Hospitals Charity – such as our services, impact, fundraising, campaigns and events.
- To administer our website and to troubleshoot, perform data analysis, research and personalise the online communications which are presented to you.
- We may share your name, and details of your donation, with Leicester University Hospitals NHS Trust to ensure your donations are used according to your wishes. This will be limited to senior members of staff only. You can let us know if you would prefer for your details to remain anonymous and we will always respect your wishes.
- We may use this information to improve our products and services.
- If you start filling in a form on our website but don't complete it, we may contact you to find out if there is a problem with our website, and to ask if we can be of any help.
- If you register an interest in volunteering for the hospital, we will share your personal details with the UHL NHS Trust so that they can contact you. We may keep your details for project monitoring purposes.
- We may analyse your personal information to create a profile of your interests and preferences so that we can contact you with information relevant to you.
- We may make use of additional information about you, including geo-demographic information and measures of affluence, when it is available from external sources to help us understand the background of the people who support us. This helps us to make appropriate requests to supporters who may be able and willing to give more than they already do.
- We may also use your personal information to detect and reduce fraud and credit risk
- To allow for tailored communications and the display of relevant adverts which ensure maximum cost effectiveness, by understanding how we can improve our services or information.
- To administer challenge and/or community events you undertake on our behalf.
- To manage your communications preferences and consents.
- To enable us to process donations and claim gift aid.
- To better understand your relationship with us.

- To prevent fraud, misuse of services or money laundering and perform due diligence where required.
- To process your application to become a Leeds Hospitals Charity's employee, trustee or volunteer.
- For financial management or auditing purposes.
- To investigate and respond to any feedback you provide and to review and improve our services.
- 

We may use other third-party companies to provide services on our behalf, including sending postal mail and emails, checking our supporter's personal information is accurate and up to date, and processing credit card payments. We will only provide these companies with the information they need to deliver the service. We do comprehensive checks on these companies before we work with them, and we put a contract in place that sets out our expectations and requirements.

### **UHL STAFF LOTTERY – 'UHLOTTO' (STAFF ONLY)**

LHC runs the staff lottery UHLotto, raising funds for staff benefit within UHL, as well as giving out weekly prizes. As part of the process, we send details to UHL's Payroll Provider of those staff who have registered to join the UHLotto so that they may make deductions directly from your salary. We also send details of cancellations and adjustments. We may also contact the payroll provider on your behalf to raise queries. We receive information from the payroll provider relating to those who have deductions from their salary so that we can reconcile our database and ensure that those entered into the weekly draw are paying correctly.

### **UNDER 18S**

We are committed to protecting the privacy of the young people that engage with us.

Our fundraising events request specific information about the age of participants. If you are under-18 and would like to get involved, please ensure that you have consent from a parent or guardian before giving us your personal information. When we collect data about a child or young person aged under-18, we will make it very clear as to the reasons for collecting this data and how it will be used.

### **INAPPROPRIATE WEBSITE CONTENT**

If you post or send any content that we believe to be inappropriate, offensive or in breach of any laws – such as defamatory content on our forums or social media pages – we may use your personal information to inform relevant third parties such as your internet provider or law enforcement agencies.

## **Cookies**

Cookies are small text files that are automatically placed onto your device by some websites that you visit. They are widely used to improve the performance of a website, for saving different options and to provide website owners with information on how the site is being used.

We use cookies to enhance the experience of the websites, to increase the performance, to identify how the website is being used and where we can make improvements and to monitor how our advertisements perform. Some of our cookies are vital for the websites to operate effectively and others are optional but may decrease the usability or performance of the websites.

We also may host encrypted personal cookie information on third party websites including Google and Facebook, to tailor and personalise our online communications with you. We use this information to identify ways in which you can support Leicester Hospitals Charity, and this allows us to show you more relevant digital content.

These third parties may include:

- Advertisers and advertising networks (for example, social media platforms like Facebook and Google Ad Sense)
- IT Service providers
- Analytics and search engine providers (for example, Google Analytics and Google Search)

These companies are used for the purpose advertising the charity online and allowing us to effectively report the success of those adverts.

## **TRACKING**

We use multiple first and third-party technologies such as pixel tags and web beacons to track and improve the user experience on our sites, the quality of service and to monitor the effectiveness of campaigns and digital marketing activity.

We may use them:

- To see what website content is popular and how people are using the site as they allow us to track users' movements through our website. This type of information is amalgamated so that we can build up a picture of how the site is performing.
- To make sure we offer you a consistent service. For example, if we are testing new website content or want to run a survey, we use tracking to remember what content you have seen or if you have already been asked to join the survey.

## **Legal Basis for processing**

We process your data as described in this Privacy Statement because we have a legitimate need to do so to meet our charitable objectives. Some processing of data may be carried out to perform a contract with you, or it is required by law, such as the completion of due diligence, or obligations for processing Gift Aid on your donations.

We will only use your email information to contact you for fundraising or marketing purposes if we have your explicit consent to do so. In some cases, we may not yet have received consent from you to contact you by post or telephone but feel that you may be interested in our communications (for example, if you have recently supported us in some way, perhaps by donating or signing up for a fundraising event). We may exercise our legitimate interest to contact you by post or telephone in these circumstances, but we will always carry out an assessment beforehand to ensure that the way we use your data is fair and does not exceed what you would reasonably expect to receive from us.

You will always be given the opportunity to opt out of communication by any channel at any time, and we will always make it clear to you how to do this.



## **Security**

We are committed to ensuring that your information is secure. To prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect online.

## **Links to other websites**

Our website may contain links to other websites of interest. However, once you have used these links to leave our site, you should note that we do not have any control over that external website. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this privacy statement. You should exercise caution and look at the privacy statement applicable to the website in question.

## **Your rights**

You have a right to restrict our collection or use of your personal information. When you are asked to fill in a form on our website, there will always be a box that you can tick if you do not want the information to be used for marketing purposes. You can also control how we contact you, e.g., telephone, post, email. You can change your contact preferences at any time.

If you have previously given us your permission to contact you and have now changed your mind, you can let us know by emailing [LHCharity@uhl-tr.nhs.uk](mailto:LHCharity@uhl-tr.nhs.uk) calling 0116 258 8709, or writing to Leicester Hospitals Charity, Belgrave House, Leicester General Hospital, Leicester, LE5 4PW.

If you request that we do not contact you again for marketing purposes, we will respect your wishes. It may take up to 28 days for us to update our records and for you to stop receiving communications from us. After this time, we may still send you administrative communications, for example in relation to payments you have made or events you have signed up to take part in.

If you ask not to receive any fundraising communications from us, please be aware that your personal information may still be retained and marked to prevent you from receiving any communications and to allow us to have our work independently audited. You have

a right to ask us to remove your personal information, and if it's not necessary for the purpose you provided it to us for, we will do so. In doing so, we will be unable to guarantee that you will not receive communications in the future, because we will have deleted your data and will therefore have no record of past requests from you.

If you want to guarantee that you will not receive communications from us, it is in your best interest for your data to be retained on our system so that your contact preference is recorded and adhered to.

We do not have any access to your medical records. We will not sell or lease your personal information to third parties. We will not share your information with a third party for their own purposes unless required by law to do so. You may request details of personal information which we hold about you under Data Protection Law.

If you would like a copy of the information held on you, please request this in writing to the address below. If you believe that any of the information, we are holding on you is incorrect or incomplete, please contact us as soon as possible, so that we can correct the information.

We require you to prove your identity with two pieces of approved identification. Please address requests to the Director of Charity, Leicester Hospitals Charity, Belgrave House, Leicester General Hospital, LE5 4PW and we will respond within 40 days of receipt of your written request and confirmed ID. Please provide as much information as possible about the nature of your contact with us to help us locate your records. We reserve the right to charge a fee of £10 for this process.

## **KEEPING YOUR RECORDS**

We keep records for as long as required to operate the service in accordance with legal requirements, tax and accounting rules. Where your information is no longer required, we will destroy all paper records and archive all digital data.

## **Your debit and credit card information**

If you use your credit or debit card to donate to us or pay for a registration online or over the phone, we will ensure that this is done securely and in accordance with the Payment Card Industry Data Security Standard. Only staff authorised and trained to process payments will be take your donation.

We do not store your credit or debit card details at all. Following the completion of your transaction, all card details and validation codes are securely destroyed once the payment or donation has been processed. Only staff authorised and trained to process payments will be able to see your card details.

If we receive an email containing any credit or debit card details, it will be immediately deleted, no payment will be taken, and you will be notified about this. All purchases or donations made via credit or debit card should be completed through our website or via our fundraising team by calling 0116 258 8709.

We appreciate your support and aim to ensure that your privacy is always treated with respect, in compliance with the current Data Protection Laws.

## UHL NHS TRUST: CASE OF NEED FORM

### Charity Funded Posts

#### Directorate / CMG Responsibilities

- It is important that Corporate Directorate's / CMG's challenge and agree all proposed recruitment prior to the applying to Leicester Hospitals Charity for funding.
- The Charity is not the employer, and all employer obligations and any future costs associated with the post rest with the CMG
- If funding has been offered from an external charity, the offer must be discussed and agreed with Leicester Hospitals Charity in advance of any funding application
- The Directorate/CMG must agree to any T&C relating to the funding should a grant be successful

To be eligible for charitable funding, posts must:

- Be new
- Be time limited (no longer than 24 months)
- Have measurable impact on patient experience, research, or innovation of a service
- Be discussed with the Charity in advance of applying
- Be able to demonstrate good value for money/cost benefit for the Trust

What is not eligible:

- Existing posts
- Substantive posts
- Posts which cannot demonstrate a cost benefit for the Trusts
- Posts which should be covered by Exchequer funding

#### CASE OF NEED FORM FOR CHARITABLY FUNDED POSTS: To accompany application form

SECTION A: POST DETAILS			
Post / Position Title			
Grade / Band	AfC Band, Senior Manager, Medical or Dental Grade		
Number of Posts			
Medical and Dental Posts	Specialty		
	Grade		
	Duration		
CMG / Directorate			
Department/Service			
Confirmation this is a new post:		New	

SECTION B: HIRING MANAGER ON TRAC	
Name	
Designation	

SECTION C: HOURS AND TENURE			
Hours			
	Fixed Term		Length of Contract
	Temporary		Length of Contract

#### SECTION E: CHARITABLE FUNDING RECRUITMENT BUSINESS CASE: JUSTIFICATION AND EVIDENCE

Please provide as much information as possible. Submission of minimal data may require form to be returned and a delay in processing.

1. What is the impact of this post on patient experience/service?	
2. Why is it not possible to fund this post from baseline funding?	
3. What is the full cost of this post, including on costs?	
4. Provide evidence of the longer-term strategy for how this post would be funded in the future.	
1. Please confirm support of senior CMG team / Corporate Director	
2. Please confirm approval by the Head of Finance.	
3. Please confirm approval by the HR Business Partner	
4. Please confirm that it is understood no further charitable funding will be made available for this post.	

**Name of Senior Authorising Manager (HOO/Dep HOO/HON/Dep HON/CD/Deputy CD)/R&D Approver's, the post will not be progressed if the below approval is signed by someone who is not listed in a role above**

Name:		Date	
Title:			

## Appendix 13

### Guidance on Staff Hardship Support Provided by Withers for NHS Charities Together (October 2022)

#### Introduction

1.1 We are aware that for a variety of reasons, in particular the cost of living crisis, a number of NHS charities are looking at a number of ways in which they can support NHS staff.

1.2 The legal position for NHS charities is that the beneficiaries of NHS charities are NHS patients and therefore, while funds can be applied for the benefit of NHS staff (on the basis that their wellbeing indirectly benefits NHS patients) the overriding concern for the trustee/s must be how the expenditure will benefit NHS patients.

1.3 NHS charities are not established to relieve poverty, and charities must ensure that all charitable expenditure is within their objects and for the public benefit. Once this has been determined, charities must also consider how far the charitable outcome is removed from what might be achieved by direct expenditure for the purposes, weighing what is proposed to assess whether it is an effective use of the funds, as compared with other options.

#### 2. Staff benefit

2.1 It is a well-established principle that NHS charities can expend charitable funds on NHS staff as long as the benefit to staff translates demonstrably to a benefit to NHS patients. That is the position which has previously been set out and confirmed by the Charity Commission.

2.2 There are a variety of ways in which NHS charity expenditure on NHS staff clearly results in a benefit to patients. There are a large range of these, but they include:

- (a) recreational provision, on the basis that healthier/fitter staff are better staff and will provide improved care to patients;
- (b) education and training for staff, over and above that provided by the NHS in order to improve their performance;
- (c) mental health and other health/welfare support for staff; and
- (d) facilities at hospitals for staff rest/recuperation during shifts.

2.3 Similarly, there are other areas of staff benefit where it is more difficult to justify NHS charity expenditure for a variety of reasons. Clear examples of this might be:

- (a) an automatic Christmas 'bonus' payment to all NHS Trust staff every year;
- (b) funding an unlimited open bar at a staff Christmas event; or
- (c) habitually paying for retirement gifts for staff members when they leave the NHS.

#### 3. Support with the cost of living

3.1 As with charitable expenditure generally, it is not possible to draw an exact and clear dividing line between what is acceptable expenditure to support NHS staff in relation to the cost of living and what is unacceptable. The trustee/s of each NHS charity must take their own decisions within their objects and be able to justify the expenditure if challenged by the Charity Commission.

3.2 Trustees should also consider the reputational risk of how donors, patients and the public generally would perceive particular expenditure. This is not the determining factor in whether or not the expenditure is lawful, but it will impact on the NHS charity's standing in its community and so is an issue that trustees should consider.

3.3 As a guiding factor, we consider that measures supporting living costs which are aimed at the staff most in need are more likely to be justifiable, on the basis that staff with major concerns about their ability to meet the basic costs of housing and feeding themselves and their families are unlikely to be fully effective in their roles helping patients. Measures aimed at all staff to alleviate increased costs, especially where the application of the funding is completely separate from their work in the NHS, will be harder to justify.

3.4 Support for staff in the current crisis which would clearly help them in their NHS role and lead to demonstrable patient benefit might include:

- (a) a charity food bank where staff in need of basic staples and nutritional foodstuffs can obtain them from the charity;
- (b) 'care packages' of necessary everyday items, given to staff most in need;
- (c) subsidised breakfast/food provision at the hospital to ensure all staff can have a proper and healthy meal at the start of their shift; or
- (d) funding support for staff in need – including providing or signposting mental health support and providing or signposting debt management support specifically for those in financial need.<sup>1</sup>

3.5 Support for staff that may be more difficult for NHS charity trustee/s to justify would include:

- (a) Cash grants or one-off 'bonuses' to all the staff of the NHS body to help with the cost of living with no means testing;
- (b) Trust-wide subsidies for staff where there was little or no connection to the staff's work for NHS patients. E.g. a voucher to allow all staff to have a subsidised holiday might improve morale but our view is this would be too far removed from patient benefit.
- (c) Funding the entirety of major social events for staff. While many NHS charities do subsidise staff social events and these events can improve morale, there is an inherent reputational risk in providing very significant funding for such events and the Charity Commission has cited parties as an area where trustees should consider whether it is justifiable to infer patient benefit from what is being funded – and also whether other spending could achieve a more direct patient benefit.

3.6 We would note that whatever charities decide, they should carefully document contemporaneously their rationale for the expenditure in minutes or written resolutions to ensure there is a record of the decision-making.

3.7 In setting out this legal analysis we recognise the extraordinary work of NHS staff, especially in recent years through the pandemic. We make no suggestion that general support for NHS staff is somehow unnecessary or inappropriate – our analysis is strictly on the legal issues arising from the scope of NHS charities' objects and to ensure NHS charities are legally compliant and that they act in accordance with the position and guidance of the Charity Commission as their regulator.

#### **4. Tax**

4.1 NHS charities must also consider the tax implications of support given to staff. This is relevant both to corporate trustees and independent NHS charities, although we consider the issue is generally likely to be more acute for corporate trustees because, in those cases, the NHS body is both the employer of the NHS staff and the charity trustee.

<sup>1</sup> Some care would be required here – NHS charities should not fund independent financial advice generally for all staff; it would need to be focused on ensuring those who were struggling were able to access appropriate support.

4.2 The concern is whether support given by NHS charities to NHS staff is treated as part of their 'emoluments' for their employment and thus is taxable as income (and with National Insurance payable as well). We consider that this is a significant risk in certain scenarios, particularly cash grants, though each situation will be fact-specific. NHS charities and their related NHS bodies should therefore take their own tax advice to ensure that any benefits provided are treated correctly for tax purposes.

#### **5. Conclusion**

5.1 We trust this high-level summary of the issues around staff benefit for NHS charities in the context of the cost of living crisis will assist members in planning their charitable expenditure and deciding how to support staff.

5.2 This legal section of the briefing note has been prepared by NHS Charities Together's Honorary Legal Advisers Withers LLP. This briefing note does not constitute legal advice from either Withers or NHS Charities Together and members should not rely on it but seek their own independent advice where required.

5.3 If any member has questions please contact the membership team at NHS Charities Together. If a member requires direct legal advice on a specific issue relating to charitable expenditure or otherwise they may contact Alison Paines and Roger Waite at Withers LLP ([alison.paines@withersworldwide.com](mailto:alison.paines@withersworldwide.com) and [roger.waite@withersworldwide.com](mailto:roger.waite@withersworldwide.com)) who will be able to advise the charity separately and directly if required.

## POLICY MONITORING TABLE

The top row of the table provides information and descriptors and is to be removed in the final version of the document

What key element(s) need(s) monitoring as per local approved policy or guidance?	Who will lead on this aspect of monitoring? Name the lead and what is the role of other professional groups	What tool will be used to monitor/check/observe/asses/inspect Authenticate that everything is working according to this key element from the approved policy?	How often is the need to monitor each element? How often is the need complete a report? How often is the need to share the report?	How will each report be interrogated to identify the required actions and how thoroughly should this be documented in e.g. meeting minutes.
Element to be monitored	Lead	Tool	Frequency	Reporting arrangements Who or what committee will the completed report go to.



