

THE
MAGDALEN AND LASHER CHARITY

POLICY DIGEST



(Revised April 2013)

GOVERNANCE AND ADMINISTRATION

General

1. The articles of government of the Magdalen & Lasher Charity (registered number 211415) are set out in a Charity Commission Scheme of 28 December 1951, as varied by subsequent amending instruments. The Magdalen & Lasher Educational Foundation (registered number 306969) was constituted by a scheme dated 31 July 1906. In practice the two Charities are administered as one.

2. The Scheme provides for a maximum of fifteen Trustees, of whom the Rector and four churchwardens of the Parish of St Clement and All Saints hold appointment ex officio and three are Borough Councillors nominated by Hastings Borough Council for a period of three years. Up to seven Trustees may be co-opted for a period of five years (renewable). Five Trustees constitute a quorum of the Board.

3. The Trustees elect their Chairman, Vice-Chairman and Committee Chairmen annually.

4. The Trustees employ an Administrator (currently Mrs Gill Adamson) and an Assistant Administrator (currently Mrs Catherine McCarthy) at their office at Old Hastings House, 132 High Street, Hastings, East Sussex, TN34 3ET. The office is manned 9am to 5pm Monday to Friday. All correspondence should be addressed to Old Hastings House. Personal visits may be made only by appointment. The telephone number of the Administrator is 01424 452646 and the e-mail address is mlc@oldhastingshouse.co.uk

5. The Charity pays the Hastings Advice and Representation Centre (another local charity) for the services of an outreach worker (currently Mr Andy Knight) to visit pensioners and other potential beneficiaries of the Charity's activities to advise them of their eligibility for social security benefits and to brief the Charity on their needs and circumstances.

6. The Trustees have delegated functions and powers to five executive committees. These committees propose policies to the main Board for approval and, once they are approved, administer them within specified financial limits and subject to an annual budget allocation. Currently the maximum financial delegation is generally £3,000 for an individual transaction (such as a grant). Transactions which do not conform to agreed policies and/or which exceed £3,000 in value are referred to the main Board for decision. Any derogation from the allocated budget has to be referred in advance to the Finance, Property and General Purposes Committee for approval. The executive committees are Pensions and Outreach, Grants, Education, Finance, Property and General Purposes (FPGP) and Old Hastings House. The Pensions Committee has the delegated power to appoint pensioners. The Old Hastings House Management Committee has full delegated powers to manage Old Hastings House without financial limit provided the powers are exercised in conformity with policies approved by the Board and are consistent with legal and regulatory requirements. The FPGP Committee has full delegated powers to manage and maintain the Charity's investment properties and the fabric of Old Hastings House within a transaction limit of £6,000 without prior reference to the Board. Each committee chairman is required to present a stewardship report to each regular meeting of the Board.

Appointment of Trustees

1. When there is a vacancy among the co-opted Trustees, the Board will consider the merits of candidates proposed by Trustees, having regard to particular qualities and experience which they may have identified as desiderata. Appointment will normally be by consensus, but where unanimity is not possible, decision by a simple majority will suffice. Newly appointed Trustees will be given a welcome pack of information by the Administrator and may be given a personal induction by the Chairman or one of the Committee Chairmen.

2. An exceptionally long-serving Trustee who has given particularly meritorious service may be honoured on his/her retirement by being appointed as a Trustee Emeritus by the unanimous decision of the Board. This is an appointment for life and does not involve the duties or responsibilities of a Trustee. A Trustee Emeritus may receive papers and speak at meetings of the Board, but not vote or serve any executive role in the business of the Charity. A Trustee Emeritus may attend any social occasion organised by the Board.

Financial Control

1. The Charity is unincorporated and subject to the guidance set out in the Charity Commission's Statement of Recommended Practice 2005. The Annual Accounts are prepared and audited by Raymond & Co

2. The Charity aims to be fully compliant with the Charity Commission's requirements on internal financial control, as set out in CC 8, and its systems are subject to an external compliance audit.

FINANCE, PROPERTY & GENERAL PURPOSES

1. The Board of Trustees has established a Finance, Property and General Purposes Committee composed of a chairman and the chairmen of the executive committees. The role of this Committee includes:

- Setting annual budgets for the General Fund and the Educational Foundation, subject to ratification by the Board
- Monitoring performance against budget of each of the executive committees and reporting to the Board at the half year and full year points
- Producing regular income and expenditure management accounts
- Establishing systems and procedures to safeguard the revenues and assets of the Charity in compliance with Charity Commission guidance on internal financial controls
- Treasury management
- Undertaking annual reviews of investment performance, risk management and reserves policy, subject to endorsement by the Board
- Liaison with the accountants and auditors generally and specifically with respect to the Annual Report and Accounts
- Drafting the Annual Reports to the Charity Commission for the Board's approval
- Preparing and submitting the Annual Return to the Charity Commission
- Keeping the Charity abreast of developments in charity law, regulation and policy.

2. The FPGP Committee has responsibility for managing the Charity's property estate. Its remit is to:

- Maintain a portfolio of freehold property at a size endorsed by the Finance Committee and approved by the Board of Trustees, within an overall general aim of improving its quality and locational spread;
- Agree an overall annual target income return for the property portfolio for use by the Charity for both its charitable purposes and maintenance of appropriate reserves;
- Manage the portfolio over the long term as a commercial landlord with well managed and maintained properties returning market rents;
- Ensure that there is a deeds packet for each property in the portfolio and that all properties are registered;
- Prepare a valuation of the property portfolio at least every three years;
- Contract and/or instruct agents and professional advisers, on a value for money basis, to carry out the detailed operational and first line property management within agreed delegations and rules;
- Be responsible for the external fabric of Old Hastings House;
- Operate within a delegated transaction limit of £6,000, seeking prior Board approval to exceed it;
- Ensure that income and expenditure records are kept for each property in the portfolio;
- Ensure the Charity has comprehensive insurance cover;
- Hold regular meetings attended by the property management agents' representatives;
- Consider the appropriate split of the portfolio between the General Fund and the Educational Foundation and present a stewardship report to each regular meeting of the Board.

Agents and Advisers

1. Property management work is currently contracted to Smart Property Solutions. Details of the contract are filed at the Charity's Old Hastings House office.

2. Gaby Hardwicke are appointed as primary legal advisers. In cases where they are acting for the other party in a transaction, e.g. a conveyance, another solicitor would be used.

3. The Old Hastings House office will carry out those tasks, which are inappropriate or not cost effective for the agents to do.

Other Issues

1. In addition, the Finance, Property and General Purposes Committee takes on major issues remitted to it by the Board of Trustees affecting the Charity which fall outside the terms of reference of the individual committees.

2. It should be noted that the Old Hastings House Management Committee has financial autonomy, subject to the supervision of the Board. Consistency is facilitated by cross-membership with the Finance, Property and General Purposes Committee.

GRANTS

Introduction and General

1. Four or more Trustees shall be appointed by the Board of Trustees to constitute a Grants Committee, of whom one shall be designated Chairman by the Board. Appointments shall normally be made on an annual basis. In taking decisions the quorum of the Grants Committee shall be three.

2. The remit of the Grants Committee is to:

- Inform itself generally of the relief of poverty needs in Hastings in order to ensure that its policies and decisions remain relevant and useful, bearing in mind the Scheme authorised by the Charity Commission under which the Charity operates. In particular the Charity is not permitted to assist directly in the relief of rates, taxes or other public funds;
- Develop and keep under review policies for distributing the Charity's resources in an effective, equitable and value-for-money way and propose them to the Board of Trustees for adoption;
- Determine applications for grants in conformity with the approved policies up to and including the value of £3,000;
- Make recommendations to the Board in respect of grants which exceed £3,000 or which are not in conformity with the approved policies;
- Ensure wherever possible that applicants use the Charity's standard Application Form(s);
- Ensure that records of all grant decisions, approved or not approved, are maintained for audit purposes and future reference;
- Submit to each Board of Trustees' meeting a list of grants approved and make an annual report of its stewardship.

3. The Grants Committee will be allocated an annual budget by the Board of Trustees acting on the advice of the Finance Committee. All its decisions must be in conformity with the budget and subject to all the internal financial controls stipulated in the Charity Commission's guidance. If the Committee has sound reasons for wanting to overspend its annual budget it must seek the prior approval of the Finance Committee.

4. The Grants Committee may make grants to:

- Persons in need, hardship or distress provided that they have lived in the Borough of Hastings for at least three years;
- Organisations dealing directly with need, hardship and distress for the residents of the Borough of Hastings.

5. Whilst it is expected that all grants will be approved in Committee, in exceptional circumstances e.g. relief of an urgent need, the Chairman (or in his absence or on his authority the Vice Chairman) in consultation with one other Trustee may approve grants not exceeding £500.

Grant Guidelines

6. The Grants Committee, taking account of the Charity's overarching policy (see bullet 1 of section 4 above) should use its discretion in making its judgements and remain flexible in its approach. The following are intended as a guide and not a rigid set of rules:

- Applications for grants to pay off debts or to contribute to the cost of mini-buses should be refused;
- Normally grants will be for one-off specific projects (on-going commitments and general or recurring revenue funding should be avoided) and paid within the year approved;
- The Charity requires that other obvious sources of relief, e.g. social services, have been approached prior to submitting a grant application;
- Where a grant is authorised for the purchase of a specified item, it may be put towards the purchase of more expensive item of the same nature;
- Where a grant is authorised for the purchase of specialist equipment e.g. a wheelchair, wherever possible the ownership of the equipment should vest in an organisation so that it may be available for another person when the original user no longer requires it;
- It is preferable for grants to be managed so that the recipients receive benefits in kind rather than money. The aim should be to purchase and make payment direct to the supplier whether by the Charity itself or by a supporting agency;
- Applications by individuals will normally be subjected to some form of means testing and should normally be supported by an appropriate agency (preferably in circumstances where the agency is working with the applicant or has direct knowledge of the applicant) such as:
 - HARC
 - East Sussex County Council Social Services
 - Hastings and Rother Citizens Advice Bureau
 - Any school – for school uniforms and assistance towards educational visits;
- Grants for holidays should give priority to the disabled, carers and those who are seriously ill or recovering from serious illness. In such cases applications should normally be supported by a reference from a medical practitioner or other suitable qualified person;
- Grants for Playgroups and Parent and Toddler Groups are payable annually on written application. These must be supported by Social Services;
- Account should be taken of whether or not the applicant has previously received assistance from the Charity.

Eleemosynary Grants

7. The Grants Committee shall ensure that a list is maintained of organisations approved to receive Eleemosynary Grants and receive any applications from organisations wishing to be added to the list. Such applications will be put to the Board of Trustees for approval.

8. Grants will be paid annually on production of a financial summary showing how the previous year's grant was spent.

9. As a condition of the grant the Charity reserves the right to look in depth at the accounts of any organisation to ensure the grant is being used properly. In practice one organisation's accounts should be examined each year.

10. The Charity expects the grants to be used in the following ways (the list is indicative and not intended to be exhaustive):

- Emergency payments to relieve distress
- Travelling expenses for hospital or prison visits
- Assistance with the cost of meals on wheels or child minding
- Assistance with the cost of recuperative holidays
- Assistance with cost of special diets or medical aids
- Assistance with services in the home such as chiropody, home help
- Assistance with heating and lighting especially in Winter
- Assistance at Christmas with household bills.

PENSIONS AND OUTREACH COMMITTEE

1. The Pensions and Outreach Committee is responsible for the administration of pensions and outreach work. The Committee will be appointed annually. It has power to:-

- Approve or reject applications for pensions within the framework of its annual budget, reporting its decisions to the next Trustees' meeting;
- Make recommendations to the main body of the Trustees on the terms and performance required of a three year rolling contract with HARC (Hastings Advice and Representation Centre) whereby HARC employs an outreach worker (currently Andy Knight) primarily to act as the Charity's Pension Visitor and make home visits to pensioners and applicants in order to advise on their likely entitlement to State Benefits, support them through the claims process, and verify their financial and other circumstances for report to the committee;
- Ask the Visitor for assistance and to attend their meetings;
- Refer requests for individual help of up to £500 to the Chairman and to refer to the main body of the Trustees requests in excess of that sum;
- Arrange and pay for an appropriate annual social event (or other benefaction) for pensioners and others of its older beneficiaries.

2. The Pensions Committee is accountable to the main body of the Trustees who retain ultimate responsibility and who will set policy guidelines including the target number of pensioners and the amount of the pension.

3. The Administrator handles the routine paperwork in connection with the distribution of application forms, the arrangement for calls by the Visitor and ensuring that the forms are collated and ready for consideration.

4. The number of pensioners is currently limited to 225 full pensioners and 50 partners.

5. The current pension is £300 for annum for individuals and £200 per annum for partners.

- 6.** Pensioners must have lived within the Borough for at least seven years. They must be over the age of 65 years. They must agree to claim any available state benefits.
- 7.** Preference will be given to applicants living in the three Old Hastings parishes (St Clement and All Saints, Christ Church Ore and Emmanuel with St Mary-in-the Castle).
- 8.** The Trustees recognise that there are in excess of 12,000 people in the Borough who receive state benefits and are of pensionable age. It is in their power to help only the most needy.
- 9.** The Trustees will not elect a pensioner (including a couple) with savings in excess of the DSS threshold from time to time. On review, if savings exceed the threshold, then a pension will not be renewed.
- 10.** The Trustees think it inappropriate to pay pensions to those who are in residential care accommodation.
- 11.** Applications for election as a pensioner and for renewals must be submitted in writing on the forms approved from time to time by the Trustees and must be supported by written references.
- 12.** The Visitor will visit all applicants to verify their details and to obtain a record of their means.
- 13.** It is inappropriate for any Trustee to endorse an individual application for a pension by the provision of a reference.
- 14.** Pension interviews are arranged by the Administrator and conducted by the Pensions Committee.
- 15.** Meetings for the purpose will be held as required up to a maximum of four times annually and in any case in May and November each year, at Old Hastings House.
- 16.** The Pensions Committee will identify Trustees who are able to assist with interviews and may co-opt such Trustees to help with interviews. Before interviews, the Pensions Committee will analyse the application forms and agree a grading system for eligibility.
- 17.** Following the interviews the Pensions Committee will give their decision approving or rejecting each application. They will report their decisions to the next meeting of the Trustees
- 18.** The Pensions Committee will not maintain a waiting list. Those who are rejected will be notified in writing. If the reason for rejection was a lack of sufficient vacancies, then the applicant will be invited to reapply after a year. The application forms of those concerned will be retained for twelve months for comparison and thereafter will be destroyed.
- 19.** Elections and renewals are for a three year period commencing from 1st January, 1st April, 1st July or 1st October based on the quarter in which an application is approved.

20. Pensions are reviewed on a three year cycle with one third of the pensioners being reviewed every year.

21. Application forms for renewals will be sent to pensioners about six months before renewal is due to enable the Visitor to visit and to report before the renewal is due.

22. The Pensions Committee will consider all applications for renewal and will report the applications they have renewed or withheld to the next meeting of Trustees following their decision. Renewal interviews will not normally be conducted.

23. Pensions are normally paid direct to a recipient's bank account, and for this purpose the letter sent to those applicants whose application for a pension is approved will request details of their bank account.

OLD HASTINGS HOUSE

1. Old Hastings House is a residential care home for the elderly situated at 132 High Street in Hastings Old Town. It has capacity for 60 residents and employs 82 staff. There is a cottage in the grounds which provides an apartment and a staff training room.

2. The Charity owns and administers Old Hastings House in compliance with the statutory provisions in force at the time. It is a licensed care home and subject to regulation and inspection by the Care Quality Commission (CQC). It is also subject to the requirements of several statutory bodies, including the local Environmental Health Department, East Sussex County Council Adult Social Services Department (ESSC), the Health & Safety Executive, the Fire and Rescue Service.

3. The principal objective of Old Hastings House is to provide a comfortable, secure, friendly and caring home in an attractive environment with a wide range of amenities and facilities. Residents are encouraged and helped to maintain their independence and choice of life-style, with their privacy and dignity respected at all times. Where appropriate, personal care is offered to assist each resident to lead as normal a life as possible.

4. Those eligible for residence must be 60 years or older and have a connection with Hastings. This connection does not have to be direct and personal. It could, for instance, be relatives living in the Borough who wished to bring an elderly person outside the Borough closer to them.

5. Every prospective resident must be assessed by the Manager and/or senior care staff to confirm that the needs and condition of the prospective resident can be adequately provided for by Old Hastings House. Nursing care and specialist mental health care (other than that relating to dementia) cannot be provided. Once in residence, every reasonable effort will be made to keep a resident in the home, even when the care needs increase. To this end the Charity has developed a 15 room higher care suite to cater for residents with deteriorating mental health. But if it became clearly in the interests of the resident to have specialist care, a transfer to a home providing that care would be sought. In such a case external expert advice would always be taken.

6. Old Hastings House is run on a not-for-profit basis and no charge is made for accommodation. On current estimations this represents a subsidy of £120 per resident

per week. It is the policy of the Trustees to set fees at a level to recoup running costs, to fund a continuing programme of maintenance and improvements to facilities and amenities, and to maintain an adequate revenue reserve fund. Any surplus of income over expenditure will either be remitted to the main Charity or transferred to the Old Hastings House reserve fund. Old Hastings House will strive to charge a uniform fee to all residents, whether privately or publicly funded. Recognised higher care needs will attract a higher charge, however, and in order to mitigate the impact of rises in fee rates for existing residents, new residents may be required to pay a higher rate.

7. Old Hastings House accepts residents who are privately funded and those who are funded by ESCC. It is the policy of the Trustees that ideally there should whenever possible be a majority of publicly funded residents. Prospective residents who are publicly funded would be given preference over prospective privately funded residents, in the event of there being more applicants than places. However, the constant reduction in real terms of the fees offered by ESCC has resulted in each placement causing the Charity a substantial cash loss over and above the subsidy provided to all residents. This creates a risk, so far unrealised, that the Charity may be obliged to restrict the number of new ESCC placements

8. The Property Committee is responsible for maintaining the external structure and fabric of the building. The Management Committee is responsible for maintaining and improving the amenities and facilities and for minor repairs, decoration and furnishing.

9. The Board of Trustees appoints four of their number to constitute a Management Committee for Old Hastings House, designates the Committee's chairman and approves its terms of reference. The quorum of the Management Committee is three. It has full delegated powers to manage all aspects of Old Hastings House, including setting budgets, fee rates and pay and conditions of staff. It may determine the management structure, set policies and procedures, review performance and make appointments, including those of Manager and Responsible Individual. The Trustees on the Management Committee may co-opt members of staff to serve on the Committee. The Chairman of the Management Committee has an obligation to report on the Committee's stewardship to every meeting of the Board of Trustees.

10. The Board of Trustees have set the Management Committee the continuing targets of achieving and maintaining a verdict of fully compliant with all prescribed standards by the CQC and being accorded "Preferred Provider" status by ESCC.

11. In the interests of residents the Trustees wish to have a stable, contented, motivated and well qualified staff. To this end, pay and conditions of service are attractive, policies and procedures are clearly set out (including those relating to discipline and grievances), there are frequent and regular one-to-one meetings between all staff and their supervisors, there are regular meetings of staff and senior staff in which management issues are discussed and all care staff have to have the appropriate vocational qualification(s).

12. The Management Committee has established a Residents' Committee which meets regularly to discuss management issues and to convey the views of residents on the way the home is run and ways in which the management could improve.

EDUCATIONAL FOUNDATION

Introduction and General

1. Four or more Trustees shall be appointed by the Board of Trustees to constitute an Education Committee, of whom one shall be designated Chairman by the Board. Appointments shall normally be made on an annual basis. In taking decisions the quorum of the Education Committee shall be three.
2. The remit of the Education Committee is to:-
 - Inform itself of educational needs in Hastings in order to ensure that its policies and decisions are relevant and useful
 - Develop and keep under review policies for distributing the Charity's resources in an effective, equitable and value-for-money way and propose them to the Board of Trustees for adoption
 - Determine applications for grants and bursaries in conformity with the approved policies up to and including the value of £3,000
 - Make recommendations to the Board in respect of grants and other disbursements which exceed £3,000 or which are not in conformity with the approved policies
 - Submit to the Board an annual report of its stewardship and to report to every regular meeting of the Board the transactions undertaken since the previous Board meeting.
3. The Education Committee will be allocated an annual Budget by the Board of Trustees acting on the advice of the Finance Committee. All its decisions must be in conformity with the Budget and subject to all the internal financial controls stipulated in Charity Commission guidance.
4. The Educational Foundation may make grants:-
 - to educational institutions which directly benefit residents of Hastings
 - to individuals who have been resident in Hastings for at least three years.
5. Whilst it is expected that all grants will be approved in Committee, the Committee Chairman in consultation with one other Trustee may approve grants not exceeding £500.

Major Grants

6. The Committee will annually invite all state schools in Hastings to make applications for grants towards the cost of undertaking projects and activities for the educational benefit of students. Such grants must:
 - Be one-off
 - Not be substitute funding
 - Be no more than 50% of the total cost
7. The Committee may give guidance on the kinds of project or activity which could be considered. This guidance would not preclude schools from submitting applications in respect of other projects. Any project or activity of a continuing nature will have to be financially sustainable without continuing support from the Foundation.

8. There will not be a predetermined upper limit to the amount of any grant. It is envisaged that there would in any one year be a small number of grants.

9. The Committee will take steps to ensure that over the long run grants are distributed equitably among types of schools and individual schools.

Minor Grants

10. Schools and other educational institutions may apply to the Foundation at any time for grants up to £3,000 for projects, activities, facilities, musical instruments, equipment, including books (other than text books) and IT hardware and software.

11. Applications for grants to individuals for the relief of hardship or poverty (including funds for school uniforms and assistance towards educational visits) should be made to the Grants Committee of the Magdalen & Lasher Charity.

Bursaries

12. The Committee will annually invite sixth form institutions to nominate students who have won undergraduate places at universities to receive a bursary worth up to £1000

13. To be eligible for a bursary a student will normally come from a household whose income does not exceed the national average and be recommended by the institution.

14. A bursary will normally be payable in three instalments: £500 in year 1, £300 in year 2 and £200 in year three. Undergraduates will have to apply to the Foundation to draw down instalments 2 and 3.

Grants to Individual Students

16. Under normal circumstances, grants (other than bursaries) will not be made to undergraduates.

17. The Committee may consider applications from post-graduate students and those undertaking vocational training for grants of up to £1,000 (towards fees and expenses only) for those living at home and £1,500 for those living independently.

18. The Committee may consider applications for grants for students of the performing arts and for sports training.

19. In exceptional circumstances the Committee may consider applications for grants of up to £1,000 in respect of students who fall outside the above categories.

20. All grants will be subject to means testing and all applications must be supported by either the exporting or the importing institution.