Henry Smith Horley Charity

Charity Commission Registration Number 237044

Revised Governance Document Approved on 27 August 2024 by the Charity Commission

Introduction

This document is a record of change to the obligations and responsibilities of the current and future Trustees for the direction and management of the Henry Smith Horley Charity occasioned by the approval of the Charity Commission to revisions to the Charity's Governance Document.

The Trustees of the Charity agreed changes to the Governance Document of the Henry Smith Horley Charity comprising the Scheme, Object and Administration of the Charity. The changes were agreed by the Charity Commission on 27 August 2024.

The decision to revise the Governance Document was because the previous Document dated 12 February 1932 was out of date and the Trustees were unable to fulfil their statutory obligations and requirements of the Charity's primary donors, the Henry Smith Charity, as specified in The Parish Grant Programme Handbook.

The Trustees of the Charity who submitted the changes to the Charity Commission for approval were:

Douglas Ward Kilborn, Appointed 16/12/2013

David Yates, Appointed 18/04/2017

Jacqueline Carol Jones, Appointed 16/01/2019

Jenny Ingrid Christina Norden, Appointed 27/09/2022

Maria Louise Digby, Appointed 01/01/2023

Catharine O'Shaughnessy, Appointed 23/04/2024

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OBJECT OF THE CHARITY

The Object of the Henry Smith Horley Charity 237044 is:

To provide monetary grants to people living within the Ancient Parish of Horley who are facing poverty as a result of their social or economic circumstances and to provide grants to support charities and community organisations having similar Objects to those of the Henry Smith Horley Charity and working within the Ancient Parish for the benefit of the public.

SCHEME

1. Administration of the Charity – The Charity is administered by the Trustees as constituted in accordance with this Scheme.

2. General Power to make Regulations – Within the limits prescribed by the Scheme, the Trustees have full power to make regulations for the management of the Charity and for the conduct of its business, including the summoning of meetings and the custody of documents.

3. Banking of Cash – The Trustees are responsible for ensuring that all financial assets belonging to the Charity will be held in a UK clearing bank or building society regulated by the appropriate English or Welsh statutory regulatory bodies and their successors.

4. Recognition of Risk – The Trustees are responsible for identifying, regularly assessing, and taking steps to moderate the impact of risks to the delivery of the Charity's Object.

5. External Relationships – To ensure that the Charity remains relevant to the communities in the Ancient Parish of Horley, the Trustees are empowered to develop and maintain relationships with other Charities, Societies, Statutory Bodies and the elected bodies serving the people of the Ancient Parish in accordance with the Charity's Object.

6. General Power to make Regulations – The Trustees have full power to make or change regulations for the management of the Charity within the scope of the Scheme.

Where required the Charity Commission must be notified of such changes. Trustees must apply to the Charity Commission to change the Object of the Charity.

7. Service Area – The Trustees are responsible for the delivery of the Charity's Object within the locality referred to as the Ancient Parish of Horley and shown on an Ordnance Survey map dated 31 August 2007 held by the Charity.

8. Trustees – The body of Trustees will consist of a minimum of 3 and maximum of 9 persons. Trustees must be appointed by the current Trustees as vacancies arise and are notified to the Charity Commission. If the number of Trustees falls below 3, the current Trustees must seek to appoint new Trustees or take steps to close the Charity.

9. Selection and Service Duration of Trustees – The selection of Trustees is to reflect the diversity of the community in the Ancient Parish of Horley and to bring to their service to the Charity relevant and appropriate knowledge and experience to their appointment. Each Trustee appointment will be for an initial term of 6 years from the date of first appointment which may be terminated earlier if required. A Trustee may be appointed for subsequent terms in office of 6 years. Trustees must act in the interests of the Charity to deliver its Object and policies and represent the Charity to the Community and to others with whom the Charity has dealings. Trustees are responsible for keeping up to date with current practice and legislation in their role as Trustees as it affects their roles and responsibilities.

10. Trustee Attendance – Any Trustee who is absent from all meetings for a period of one year will cease to be a Trustee. Any Trustee wishing to voluntarily resign must notify the Chairperson giving at least 12 weeks' notice. Trustees who resign or do not seek reappointment are liable to be recalled to account from matters that arose during their period of service and in which the Charity's records show they had an engagement or influence.

11. Suitability for Trusteeship – A prospective or appointed Trustee must disclose confidentially to the Chairperson any convictions, cautions or court orders which the Trustee believes may affect their suitability to be a Trustee. The Chairperson is responsible for deciding what subsequent and appropriate action may be necessary in the light of the disclosure. Any Trustee declared bankrupt must notify the Chairperson who will determine subsequent action by the Charity.

<u>Meetings and Proceedings of Trustees</u>

12. Meeting of Trustees – The Trustees will hold ordinary meetings at least twice in each period of 12 months. There must be a minimum of 3 Trustees present at any decision making meeting.

A Special Meeting may be summoned by any 2 Trustees with four days' notice of the date, time and location being given to all of the other Trustees together with a declaration of the matter requiring attention.

13. Appointment to Key Posts – The Trustees must appoint to the Key Posts a Chairperson, Secretary, Treasurer and Administrator from within the Board of Trustees

for a service period of 4 years. At the end of their service period a Trustee may seek selection to serve the Charity in their Key Post for a further 4 year term of office.

A Trustee may be appointed to two Key Posts to run concurrently providing that the Trustees agree that the responsibilities of the two Posts do not conflict. The appointment of the Chairperson will be to that Post only.

14. Decision making – Each Trustee present at a meeting must cast a vote on any decision-making matters unless a Trustee has a vested interest in the outcome of the matter being considered. In such circumstances the Trustee must declare their interest to the meeting and refrain from contributing to the discussion of the matter or voting on the matter.

In the case of an equal vote, the Chairperson shall have a casting vote whether he/she has or has not previously voted on the same matter. No Trustee shall, in any other circumstance, be given more than one vote.

The Trustees may engage the services of independent external professional advisers to support the Trustees in their decision making on matters relating to the Charity's obligations to deliver its Objects and administer the Charity. Such services must be subject to a contract of engagement with the Charity for a defined period and at an agreed fee.

15. Minutes and Accounts – Each meeting will be minuted and a printed record kept by the Trustee Secretary. The Minutes must be distributed to each of the Trustees at least 7 days before the day of the next meeting. A record of accounts showing funds received and distributed must be kept by the Trustee Treasurer and a revised update provided at each meeting of the Trustees. The Treasurer must also present an annual summary of accounts to the Trustees, the Henry Smith Charity and, as required by statute, to the Charity Commission.

16. Staff – The Trustees may recruit such staff as they deem necessary for the efficient and effective running of the Charity.

<u>Financial Prudence and Application of Income</u>

17. Financial Prudence – The Trustees must cause to be put in place such systems and administration of the Charity's funds that enable the Charity to deliver its Object, to record its income and expenditure, to manage the solvency of the Charity, to enable planning, and to ensure that the accounts of the Charity are audited annually with reports distributed by the Trustees in accordance with statutory requirements and to be distributed to interested parties in the Ancient Parish.

18. Settlement of Expenses incurred – All proper costs incurred by the Charity in the exercise of its duties and responsibilities under this Scheme must settled out of the Charity's income and authorised by the Treasurer. Likewise any expenses incurred by Trustees in the exercise of their duties and responsibilities must be settled out of the Charity's income and authorised by the Treasurer.

19. Grants to Individuals – The Trustees are responsible for seeking applications for grants from individuals living in the Ancient Parish and from all backgrounds who can demonstrate a need for financial support to address circumstances of hardship in accordance with the Charity's Object. The Charity must not discriminate on the basis of disability, race, colour, ethnicity, gender, gender identity, religion, sexual orientation, age, veteran status, or other category identified and protected by English and Welsh Law.

20. Applications for Grants – Requests for support are made to the Charity through a written or electronic application on which Applicants are asked to set out why they are applying for a grant. The Trustees will not means-test applications and will only ask for such information as is needed to reach a decision on whether to award a grant.

21. Confidentiality – The Trustees regard all information provided to the Charity by Applicants to be confidential. All information provided will be stored securely with reference to the General Data Protection Regulation and the Charity's policy on the retention of information.

22. Administration of Applications for Grants – On receipt by the Charity's Administrator Trustee of a completed application, Trustees will be provided with a copy of the Application form and asked to consider their response to the application. At least fifty percent of the Trustees must reach a joint decision agreeing that a grant will be awarded together with the value of the grant. In the case of an equal vote the Chairperson will make the final vote as detailed in the section 'Decision making.'

23. Value of the Grant – The Trustees have the final decision as to the amount of award to be granted with no minimum award and the maximum being at the discretion of the Trustees.

At regular and frequent intervals, the Trustees will decide on the maximum grant that can be awarded by the Charity to any individual taking into consideration the cost of living and financial situation of the Charity. The Trustees will also review, at least annually, the arrangements by which grants are paid to individuals.

Merger or Dissolution of the Charity

24. Merger – The Trustees are responsible for ensuring that a Merger of the Henry Smith Horley Charity with another Charity is in the best interests of the Charity in the delivery of its Object and is agreed by a majority of Trustees, by the Charity Commission, by the Henry Smith Charity and other frequent donors.

25. Dissolution – The Trustees are responsible for ensuring that the necessity for a Dissolution of the Charity is agreed by a majority of the Trustees and that the administration of the dissolution is enacted in accordance with statutory obligations and the requirements of the Charity Commission, and that the fact of the dissolution is made known to the Henry Smith Charity, other frequent donors and to other interested parties in the Ancient Parish.