

Public

**Report to the Meeting of the
Oxford Health NHS Foundation Trust
Board of Directors**

25 May 2011

BOD 82/2011
(Agenda item: 13)

Ratification of Use of Extraordinary Powers – Transfer of Charitable Funds

Executive Summary

The powers which the Board has reserved to itself within its Standing Orders may in an emergency or for an urgent decision be exercised by the Chief Executive and the Chair after having consulted at least two Non-Executive Directors. The exercise of such powers by the Chief Executive and the Chair shall be reported to the next formal meeting of the Board.

On 10 May 2011, the Chief Executive and the Chair consulted with four Non-Executive Directors (Anne Grocock, Cedric Scroggs, Mike Bellamy, Alyson Coates) on the proposal that the Chair and Chief Executive authorise an Order made under Section 213 of the National Health Services Act 2006 relating to the transfer of property from Oxfordshire Primary Care NHS Trust to Oxford Health NHS Foundation Trust. The property to be transferred consisted of charitable funds to the value of £1,300,000.

The decision needed to be taken at that point in time to facilitate submission to the Department of Health as the transfer could only be completed by statutory instrument (the next batch of DH statutory instruments is July 2011, after which the next available date would be December 2011).

Those consulted approved the authorisation of the Order.

A copy of the signed Order is available on request.

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Recommendation

The Board is asked to ratify the decision to authorise the submission of an Order relating to the transfer of charitable funds pursuant to the exercise of emergency powers by the Chief Executive and the Chair.

Author and title: Justinian Habner, Trust Secretary

Lead Director: Julie Waldron, Chief Executive

1. *A risk assessment has been undertaken around the legal issues that this paper presents and there are no issues that need to be referred to the Trust Solicitors.*