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# Report to the Meeting of the Board ofOxford Health NHS Foundation Trust

**For Decision**

BOD 99/2014

(Agenda item: 21)

**30 July 2014**

**Charitable Funds Change of Name**

**Executive Summary**

1. The Charity has an aspiration to become more active in fundraising. People outside the NHS (and sometimes those inside it) do not readily understand what is meant by ‘Charitable Funds’. Changing the name to *Oxford Health Charity* would be beneficial in promoting the Charity.
2. The Charity Commission have provided guidance on the procedure for changing the name. The Board of the Foundation Trust, acting as corporate trustee, can resolve to adopt a new deed of trust.
3. There will be some costs in making this change, because cheque and receipt stationery will need to be changed. This is estimated at around £1,000 which will need to be met from the Charity’s general funds.
4. This matter was considered by the Charitable Funds Committee on 16th July 2014 and because of the benefits in promoting the Charity and supporting fundraising the change of name was recommended to the Board.

**Rationale for the Name Change**

1. An increasing number of NHS charities have changed their names from the traditional ‘charitable funds’ to simply ‘charity’. This is particularly true of the larger charities and those which are actively fundraising. Examples include the Maudsley Charity (changed in 2011/12).
2. Using the simple form ‘Charity’ in the name has the twin advantages of greater brevity and clearer communication to potential donors. The public generally understand what is meant by a charity, whereas ‘charitable funds’ is only clear to insiders.
3. The Charity has set an objective for the year of doing more active fundraising, and changing the name will support this.

**Costs**

1. The main costs are those of obtaining new cheque and receipt stationery, estimated at £1,000. This will have to be paid from the general funds of the Charity.
2. Enquiry has been made of the ROSY fundraising group as to whether the change would involve them in any costs. They do not think so. They have stocks of leaflets which have the old name, but as these have the correct charity registration number they would intend to run these down over time before reprinting with the new name. It is considered that this is an acceptable approach.

**Procedure**

1. Guidance has been obtained from the Charity Commission as to the procedure. This is simple:
	1. The supplemental deed set out in Appendix 1 has to be approved by the Foundation Trust Board (as corporate trustee).
	2. The Charity Commission have already provided written approval to the proposed change.

**Recommendation**

1. The Charitable Funds Committee recommends to the Foundation Trust Board (acting as corporate trustee) approval of the supplemental deed set out in Appendix 1 to this paper.

Philip Bonnier
Project Manager: Charitable Funds Department
18th July 2014

**THIS SUPPLEMENTAL DEED OF DECLARATION** is made the 30th day of July 2014 by Oxford Health NHS Foundation Trust (“the Trustee”)

**WHEREAS**:

1. The charity was established by a trust deed dated 31st July 1996 (“the Original Declaration”) under the name Oxfordshire Mental Health Charitable Fund and by a trust deed dated 29th June 2011 (“the 2011 Declaration”) the name was changed to Oxford Health Charitable Funds (“the Old Name”)
2. The Trustee wishes to amend the said Original Declaration in order to change the name of the charity to read “Oxford Health Charity” (“the New Name”).
3. Under clause A of the Original Declaration it is provided that the charity shall be known under the name Oxfordshire Mental Health Charitable Fund or “by such other name as the Trustee from time to time decides with the approval of the Charity Commission for England and Wales (“the Commission”)”.
4. The Commission provided written approval on 5th June 2014 to the Trustee to change the name of the charity and the Trustee passed a resolution to change the name on 30th July 2014.

**NOW IT IS HEREBY AGREED** as follows:

1. **Interpretation**

* 1. Words and phrases defined in the Original Declaration shall, where used in this Supplemental Deed and except as amended in this Supplemental Deed or unless the context otherwise requires, have the same meaning in this Supplemental Deed.
	2. Except as set out in this Supplemental Deed the provisions of the Original Declaration shall remain in force and effect and in the event of any conflict between the provisions of the Original Declaration of Trust and this Supplemental Deed the provisions of this Supplemental Deed shall prevail.
	3. Clause headings are for convenience only and shall not affect the construction of this Supplemental Deed and unless otherwise specified, all reference to Clauses are to Clauses of this Supplemental Deed.
	4. References to “this Supplemental Deed” and/or any other document are to be construed as references to this Supplemental Deed and/or such other document as amended, supplemented, or otherwise amended from time to time.

2. **Amendment of Original Declaration**

2.2 With effect from the date of the Supplemental Deed the Original Declaration shall be amended as follows:

1. Clause A (Administration) shall be amended by deleting “Oxford Health Charitable Funds” and replacing it with “*Oxford Health Charity*”.

**SCHEDULE**

Executed as a deed by **Oxford Health NHS Foundation Trust** whose corporate seal was authenticated and affixed in the presence of:

**…………………………….
Role**

**…………………………….
Role**