

**CUMBRIA COMMUNITY FOUNDATION**  
**BRIEFING PAPERS FOR THE MARY GRAVE GRANTS COMMITTEE**

**Amendments to the 1971 Trust Deed**  
**( which appears as an appendix to these papers)**

**The original Trust Deed has been amended on several occasions:-**

**(1). 1996** A supplementary scheme [526869] approved by the Charity Commissioners 14<sup>th</sup> February 1996 gave variation to Clause 7 to provide for the situation where mothers in old Cumberland outside Carlisle are now taken into the maternity ward there for the birth.

**(2). 1997** Approved and sealed by the Charity Commissioners 16<sup>th</sup> May 1997:  
The addition of a new clause, 15 Appointment and Requirements –Investment Manager. The independent financial manager at that time, felt that this was necessary in order to regularise his appointment. [A \$.26 order]

**(3). 2005** A supplementary Scheme Case No 441300 approved and sealed by the Charity Commissioners 6<sup>th</sup> April 2005

(a) Varied clause 7 to allow trustees discretion in exceptional cases to accept applications where the birth had taken place outside the old county.

(b) Gave Additional powers to the Trustees to make amendments, subject to some restrictions

**(4). 2005** Amendment passed by the Trustees 13<sup>th</sup> October 2005; replacing Clause 11, providing

(a) for a default situation on delay in filling a vacancy in the number of trustees,

(b) increasing the maximum numbers of trustees to seven,

(c) changing the period of office to four years with a maximum of three such terms.

**(5) 2009** Amendment passed 17<sup>th</sup> February 2009 to designate the Foundation as sole corporate trustee and consequential changes to make sense throughout the deed.

## Agreement

### Mary Grave Trust

The following is an Agreement between Cumbria Community Foundation (the Foundation) and the Mary Grave Trust (the Trust)

#### 1.0 Term

This agreement will take effect from 1st April 05, for a period of three years unless determined as provided in clause 7.

#### 2.0 Role of Trustees

The Trustees of the Mary Grave Trust have responsibility for ensuring that the objects of the Trust are fulfilled.

#### 3.0 Cumbria Community Foundation Statement of Intent

The Foundation will strive to use its best endeavours to provide a high quality service to Trustees at all times as set out below. The Foundation will advise where appropriate on factors affecting grant making decisions and policy development. The Foundation will also as far as possible ensure that the Objects of the Trust are met.

#### 3.1 Services

The Foundation will provide the following services in pursuance of the aims of the Trust.

- Provide a secretariat to the Trustees
- Promote and market the Trust
- Provide a point of contact for information and application forms
- Provide support and information to individuals directly or organising groups on their behalf in respect of potential applications to the Trust [site visits may be included if appropriate]
- Application process for the Trust

#### 3.2 Provide a secretariat to the Trustees

Service all Trustee meetings, including the provision of all application paperwork, agendas, minutes and reports as requested.

Regular Meetings: The Foundation will provide for each regular meeting of the Trustees

- a) a report about the current financial position;
- b) a report giving details of staff and office costs to be attributed to the Trust;

- c) a schedule of applications to be considered.

Interim Applications:

In addition, applications which need to be considered before the next planned meeting will be sent to Trustees (e-mail or post if requested) in the format of 3.2(c) above and treated as successful once a majority of Trustees have confirmed them.  
*[Normally Trustees will not consider retrospective applications, and although applications are requested by set dates, there will be cases where late applications are inevitable.]*

Annual Accounts:

For the October meeting of the Trustees, the Foundation will produce

- (1) The Annual Accounts to the format required by the Charity Commission [SORP] , with comprehensive notes to the accounts.
- (2) A report on Investment performance against an agreed format.

Annual Report: a draft narrative Annual Report will be prepared for the October meeting of the Trustees in conjunction with a designated Trustee.

The Trust will be listed separately in the Foundation's Annual Review.

**3.3 Promote and market the Trust**

The Foundation will promote and market the Trust to individuals and local groups in the area of benefit.

**3.4 Provide a point of contact for information and application forms**

**3.5 Provide support and information to individuals wanting to make applications to the Trust**

A designated member of staff will provide support and advice to individuals wishing to access the Trust.

**3.6 Application Process**

The Foundation will provide a full application process.

**4.0 Finance**

The Foundation will employ a suitably qualified accountant to maintain the accounts of the Trust and prepare periodic reports for consideration at the regular meetings of the Trustees –

- 1) Late May - Current cash position to end of April;  
Forecast of funds available for grants.
- 2) Late October- Annual Accounts and Report for preceding year;  
Current cash position to end of September  
Remaining funds available for grants in current year.
- 3) Late February- Current cash position to end of January;  
Remaining funds available for grants in current year.



The Accountant will also prepare an Annual Statement of Financial Activities, Balance Sheet and Notes for inclusion in the annual accounts. The Accountant will liaise with the Trust's Independent Examiner and will submit final accounts and Independent Examiners report to the Charity Commission. The Accountant will complete the Charity Commission Annual Return and Trustee Update form for signing by the Trustees.

#### **4.1 Financial Control**

For the removal of doubt the Trustees will retain control of approval of grants by a majority of Trustees and cheque authorisation by two Trustee signatures, investment changes by three Trustee signatures and transfer of funds between accounts by a designated Trustee and/or the HonTreasurer if he/she is not a Trustee.

#### **5.0 Charges**

##### **5.1 Set Up**

There will be an agreed charge for the setting up of administrative and financial processes by the Foundation (see Schedule attached).

##### **5.2 Annual Charge**

There will be a charge for such reasonable sum as may be agreed between Mary Grave Trustees and Cumbria Community Foundation for administrative and financial services, reviewed annually (see Schedule attached) '

##### **5.3 Review**

The review in 5.2 will take into account the volume of work and activity involved for the Foundation and inflation (personnel costs and overheads).

##### **5.4 VAT**

Cumbria Community Foundation is not currently registered for VAT. If this changes VAT may become payable on charges to the Trust.

##### **5.5 Payment Schedule**

The administration fee will be paid to the Foundation by the Trust in two instalments on the 1<sup>st</sup> April and 1<sup>st</sup> November each year.

#### **6.0 Amendments**

Circumstances may require this agreement to be amended. Modifications may be requested by the Trustees or the Foundation. All substantive changes to be agreed jointly by the Trustees and Foundation. All amendments to be submitted in writing no less than 28 days prior to a meeting of the Mary Grave Trustees.

#### **7.0 Termination**

The Trustees and Foundation have the right to terminate this Agreement. Notice should be given in writing and termination shall be effective on giving six months notice to the Chair of the Mary Grave Trust and Chair of Cumbria Community Foundation.

The Foundation will claim all administration costs up to the date of termination.

The Foundation will provide the Trustees with all paperwork relating to the Trust with immediate effect.

### **8.0 Practical Details**

Decisions about the transfer process will be recorded in a separate Memorandum of Agreement.

Signed on behalf of the Mary Grave  
Trust:

Name: PATRICIA BLACK

Signature: 

Date: 1st March 2005

Signed on behalf of Cumbria  
Community Foundation:

Name: ANDREW BEEFORTH

Signature: 

Date: 1/3/05

## **SCHEDULE A**

### **Charges**

1. Once only set up costs £ 981
2. Annual Cost Year 1 £4340