



Report of the Director of Social Services

Governance and Audit Committee – 12 January 2022

City and County of Swansea Administered Trust Funds

Purpose:	To inform Governance and Audit Committee of the status of City and County of Swansea Administered Trust Funds.
Policy Framework:	Dependent upon each Trusts Scheme of Administration.
Reason for Decision:	Development of Policy for administration of Trust Funds
Consultation:	Finance, Legal and Access to Services.
Recommendation:	It is recommended that: 1. Governance and Audit note the updated list and status of Trusts.
Report Author:	Spencer Martin
Finance Officer:	Ben Johnson
Legal Officer:	Adrian Jeremiah
Access to Services Officer:	Catherine Window/Rhian Millar

1. Introduction

- 1.1 The City and County of Swansea has responsibility for the finances and administration of a number of external Trust Funds. (20 in total)
- 1.2. The status of a number of the trusts is uncertain, as is the Trusteeship – the Trustees Panel would appear to have influence in part over a majority, but not all, of the Trusts.
- 1.3 The financial administration of the Trusts has been managed in accordance with good practice, however for various reasons many of the Trusts have been dormant for a number of years.

1.4 Trustees Panel received an update report on the Status of the Trusts on 11th November 2021, following an Audit of Trusts undertaken by officers of internal audit during the Summer of 2021

1.5 The results of that Audit and work undertaken with the Trustees Panel form the basis of the report.

2. Trusts administered by The City and County of Swansea

Details of Trusts

Active Trusts & Charities

Name of Fund	Object of the Fund	Estimated Fund Value @ 31/03/21 £	Status	Comments
Welsh Church Act Trust Fund	Grants are awarded to charities, voluntary bodies and organisations with charitable objectives which are based in/or active within the City & County of Swansea.	1,266,684	Active Fund.	Awards made twice annually by Swansea Council Trustee Panel.
Swansea Children's Relief In Need	To help relieve the hardship or distress of children living in the area.	834,990	Active Fund	Makes regular awards as and when needed
Swansea Foundation	To promote the education of persons who are under the age of 25, are in need of financial assistance and are resident in the City & County of Swansea.	183,137	Active Fund.	Awards made annually by Swansea Council Trustee Panel.
Swansea Further Education Trust Fund	The Charity provides post graduate awards to pupils residing in or near the County Borough of Swansea.	132,804	Active Fund.	Awards made annually by Swansea Council Trustee Panel.

T & E Williams Scholarship Fund	To award scholarships to candidates resident for at least two years immediately preceding the date of application for a scholarship, or have attended for two years in an educational establishment, within the area comprising the former Borough of Loughor. If there are no worthy applicants or not a sufficient number of worthy applicants to meet this criterion, then the area of benefit may be extended to cover the areas of the City & County of Swansea.	63,176	Active Fund.	Awards Made annually by Swansea Council Trustee Panel.
Glyn Vivian Lectureship Fund	Grants awarded by Glyn Vivian Art Gallery	23,289	Active Fund	Recently reopened by Swansea Council Trustee Panel. It is intended to disperse the funds to an appropriate cause/causes
Morrison Park Fountain	The provision and maintenance of a fountain in Morrison Park	10,200	Active Fund	Agreed to reopen by Swansea Council Trustee Panel. It is intended to disperse the funds to an appropriate cause/causes
Cwmdonkin House Trust Fund	To promote and carry out moral welfare work amongst girls and women in Swansea and the neighbourhood thereof.	95,056	Active Fund	Agreed to reopen by Swansea Council Trustee Panel in November 2021 and disperse the funds to appropriate cause/causes.

Total		£2,609,336		
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Dormant Trusts

Ynystawe Reading Room	The provision and maintenance of a reading room situated in Ynystawe, Swansea	13,249	Dormant Fund	It is intended to ask the Swansea Council Trustee Panel to reopen this account in 2022 and disperse the funds to appropriate cause/causes.
Royal Artillery Maintenance Fund	The objects of the charity is the provision of maintenance of a WW2 monument situated at Quay Parade Swansea.	9,639	Dormant Fund	This was managed by its own Trustees but these have now almost all passed away. Will be taken over by the Trustee Panel at some point in the future.
Lily Thomas	To relieve either generally or individually persons resident in the area of benefit who are in conditions of need, hardship or distress.	2,028	Dormant Fund	It is intended to ask the Swansea Council Trustee Panel to reopen this account and disperse its funds to appropriate causes. This is proposed for the 2022/23 financial year.
D F Nichol	Relief of the poor in the village of Oystermouth, Swansea	3,019	Dormant Fund	It is intended to ask the Swansea Council Trustee Panel to reopen this account and disperse its funds to appropriate causes. This is proposed for the 2022/23 financial year.
William Turpin	Unknown - Dormant	2,058	Dormant Fund	There is no file held detailing the objects of this Trust. Research

				needs to be carried out.
G M John Bequest	Unknown - Dormant	1,200	Dormant Fund	There is no file held detailing the objects of this Trust. Research needs to be carried out.
St Johns Day Centre	Unknown - Dormant	278	Dormant Fund	There is no file held detailing the objects of this Trust. Research needs to be carried out.
Total		£31,471		

Trusts Administered by External Trustees

Lord Mayor's Charity Fund	Each year the newly inaugurated Lord Mayor chooses a charity or charities to benefit from the funds raised during his/her term of office.	719	Active Fund	Managed by its own Trustees. Awards are made at their discretion
Swansea Workshop for the Blind	The object of the charity is the relief of persons who are blind or partially sighted by the provision for such persons of facilities for employment and vocational training.	402,758	Active Fund	Managed by its own Trustees. It's objectives are to support the employment of blind and disabled individuals at the Suresprung/Community Equipment Store in Morriston. Annual awards are not made.
Glen George Scholarship Fund	The City & County of Swansea shall stand possessed of the Scholarship Fund upon trust to apply the income thereof in perpetuity for the promotion and encouragement of education of pupils from Bishop Gore Comprehensive School.	28,843	Dormant Account	Believed to be the responsibility of the Governors of Bishop Gore School.

Vision Impaired West Glamorgan	To provide assistance to registered blind and partially sighted people within the areas of the City & County of Swansea and Neath Port Talbot, by making grants of money or providing items, services or facilities.	31,330	Active Fund.	Managed by its own Trustees. Awards are made at their discretion
Frank Squires Trust Fund	Advancing the course of education within the County of West Glamorgan and in particular of assisting former pupils of Dan-Y-Graig and St Thomas Junior School to pursue courses of higher education.	5,400	Dormant Fund	Understood to be the responsibility of Governors of Cefn Hengoed Comprehensive School.
TOTAL		£469,050		

3. Status of Trusts

3.1 With regard to the status of the Trusts

- Eight of the Trusts with a combined value totalling £2,609,336 are open and receiving applications under their schedules. The total value of five of these funds will not reduce as Trustees only allocate income/interest. The other three do not have a significant balance to allow generated income to be allocated so these funds will be allocated by the panel until the Trusts are spent out.
- Seven of the Trusts, with a combined value totalling £31,471 are dormant and will be reviewed in time. The balances held by these trusts will not allow a significant income to be generated so it will be proposed that these trusts will allocate their finances until the balance is spent out.
- Five of the Trusts, with a combined value totalling £469,050 are administered by external Trustees, and are not within the scope of the Trustees Panel.

4. Charities Commission Welsh Revitalising Trust - Review of Dormant Trust Funds

- #### 4.1
- The Charities Commission Welsh Revitalising Trust have begun a review of dormant Trust Funds across the Country. They are meeting with Local Authorities and other administrative bodies to encourage the review of said Trusts.

4.2 Officers from the Commission Revitalising Trust met with officers from Swansea Council on the 19th of November 2021 to discuss a number of referenced trusts - Charity Numbers, namely:

- Swansea and South Wales Workshops for the Blind – 532256
- David Fryer Nicholl – 245214
- The Frank Squires Trust Fund – 508215
- The Swansea Foundation - 1086884
- The Lily Thomas Charity Fund - 505022
- Cwmdonkin House Trust – 22239117
- Swansea Children's Relief in Need Charity – 701418

4.3 The status of the referenced Trusts is thus: DF Nicol and Lily Thomas fund are still dormant, but are scheduled to be reviewed over the next 12 months. The rest are either active, have recently been re-launched or are administered by other bodies (Workshops for the Blind and Frank Squires)

4.4 The Officers of the Revitalising Trusts responded positively and are satisfied with our work to date and our future plans to revitalise the listed Charities – Swansea Council have agreed to review the work in partnership with the Commission in 12 months.

5. Future Workplan

5.1 That the five active Trusts that generate significant income continue allocating funds as is current Practice. These Trusts Are Namely:

- Swansea Welsh Church Act Trust Fund
- Swansea Children's Relief In Need
- T & E Williams Scholarship Fund
- Swansea Further Education Trust Fund
- Swansea Foundation

5.2 The three smaller active Trusts continue allocating funds until the Trust balances are spent. These Trusts being:

- Glyn Vivian Lectureship Fund
- Morryston Park Fountain
- Cwmdonkin House Trust Fund

5.3 The seven dormant Trusts be reviewed and recommendations be presented to Swansea Council Trustee Panel to reopen these accounts and disperse funds to appropriate causes.

5.4 The external Trust Funds continue operating as current with their Trustees.

6. Financial Implications

6.1 The Trustees have a general duty to maintain the long term financial health of each fund.

7. Legal Implications

- 7.1 Any proposals for the Future of the Trusts must be in accordance with the individual Schemes of Administration and Objects for that Trust and may require clearance from the Charities commission.

8. Integrated Assessment Implications

- 8.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 8.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

- 8.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 8.4 The IIA screening undertaken (appendix 1) demonstrated that there are no equality implications for Swansea Council. This is because the Trust Funds are external to the Council. Each of the Trusts criteria is measured against the standard criteria outlined in each Trusts governing documents and schedule.

The impact of the Trusts are dependent upon a large number of factors, including but not limited to; eligibility under governing documents and schedules and communities of benefit thereof.

The funding is external to Swansea Council so the council's reputation will not be at risk.

Background Papers:

- Schemes of Administration for Various Trusts
- Information from Legal Department.

Appendices - Appendix 1 - IIA

Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Partnership and Commissioning

Directorate: Social Services

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

The Swansea Council Administered Trust Funds

The proposal is to update the Governance and Audit Committee on the Status of the external Trust Funds that are under the Council Administration.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement

The individual Trusts criteria is measured against the appropriate Trust Schedules. The workings of the trust and allocated according to the parameters in the Trusts Schedules, so cannot be altered through consultation or a co-productive approach

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?
 Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
 Yes No
- c) Does the initiative apply each of the five ways of working?
 Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
 Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk

Medium risk

Low risk

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes

No

If yes, please provide details below

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

The Allocations of the individual Trusts can impact upon referenced communities when the schedule of the Trust concerned allows. These decision will be made in line with each Trusts particular schedule, and will take due note of our requirements under equalities legislation

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

The Trust Funds are external to the Council. Each of the Trusts criteria is measured against the standard criteria outlined in each Trusts governing documents and schedule.

The impact of the Trusts are dependent upon a large number of factors, including but not limited to; eligibility under governing documents and schedules and communities of benefit thereof,

The funding is external to Swansea Council so the council's reputation will not be at risk.

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

Screening completed by:
Name: Spencer Martin
Job title: Partnership and Commissioning Officer
Date: 3rd December 2021
Approval by Head of Service:
Name: Jane Whitmore
Position: Head of Partnership and Commissioning.
Date: 3rd December 2021

Please return the completed form to accesstoservices@swansea.gov.uk