



Department of Health

*From the Lord Prior of Brampton
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I thank you for your invaluable contribution to the debate on the NHS (Charities Etc) Bill in the House on Friday the 26 February. In response to your question as to the commencement of the Bill and whether charities affected will need to have completed conversion prior to commencement of Clauses 1 and 2 and Schedule 1 of the Bill, I offered a short response in the house and now supply a more detailed response for your information below.

The process to move to independence has been in place since late 2014 as has the commitment to remove the provisions relating to the Secretary of State's powers to appoint trustees at the earliest legislative opportunity. It is for the trustees of individual charities to decide whether they wish to move to independence and the timeline associated with that move.

It is intended that clauses 1 and 2 and Schedule 1 relating to the provisions removing the Secretary of State's powers will be commenced on 1 April 2018 subject to Secretary of State approval. The choice of the 1 April 2018 has been driven by the need to give charity trustees a clear but fair period of grace to decide their future form in the revised legislative landscape and to implement that decision. I think it is important to add that all charity trustees have a legal duty to act in the best interest of their future and current beneficiaries and by setting out a clear but fair expected date of commencement, this has acted as a catalyst for the charities affected.

To date six NHS Charities with Secretary of State appointed trustees have moved to independence these being:

- Barts Charity
- Alder Hey Charity
- Guy's and St Thomas' Charity
- Birmingham Children's Hospital Charities

- Great Ormond Street Hospital Children's Charity
- Moorfields Eye Charity

A further five NHS charities will be moving to independence on the 1 April 2016, whilst one has chosen to revert to a corporate trustee on this date. The remaining nine NHS charities with trustees appointed by the Secretary of State are now actively considering their future. Of these, eight are intending to move to independence by 1 April 2017 and the one remaining charity is currently considering its options.

In the unlikely event that appointed trustees have not chosen to convert to independence or revert to a corporate trustee prior to commencement we have included a power in Clause 2 as a failsafe, whereby the Secretary of State can transfer the trust property held by those trustees back to the relevant NHS trust/Foundation trust. This would ensure that there is no question about who may hold and administer that trust property, when the appointed trustee bodies cease to exist.

Given the excellent progress made to date by NHS charities and their continuing interaction with officials I am confident that all will have completed their transition prior to the proposed commencement of Clauses 1 and 2 and Schedule 1 of the bill on 1 April 2018.

*Yours truly
David*

DAVID PRIOR

P.s. I will place this in the library.