

## PWYLLGOR CRONFA ELUSENNOL CHARITABLE FUNDS COMMITTEE

<b>DYDDIAD Y CYFARFOD: DATE OF MEETING:</b>	06 June 2022
<b>TEITL YR ADRODDIAD: TITLE OF REPORT:</b>	Pentre Awel Hydrotherapy Pool - Update on the Release of Funds from the JC Williams (Elizabeth Williams Endowment) Fund and the Hydrotherapy Pool Committee
<b>CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:</b>	Huw Thomas – Director of Finance
<b>SWYDDOG ADRODD: REPORTING OFFICER:</b>	Paul Williams - Assistant Director of Strategic Planning Nicola Llewelyn – Head of Hywel Dda Health Charities Rachel Stuart – Capital Planning Project Manager

**Pwrpas yr Adroddiad (dewiswch fel yn addas)**

**Purpose of the Report (select as appropriate)**

Er Sicrwydd/For Assurance

### ADRODDIAD SCAA

#### SBAR REPORT

##### Sefyllfa / Situation

The purpose of this report is to provide assurance to the Charitable Funds Committee regarding the current position relating to the JC Williams Charitable Trust (Elizabeth Williams Endowment) and the release of the legacy funds standing at \$1.744m as of 10<sup>th</sup> December 2021, which is held by the Pittsburgh National Corporation Bank (PNC), acting as Trustee under deed of Trust of the JC Williams Charitable Trust (Elizabeth Williams Endowment). The funds are required to supply the capital costs for construction of a Hydrotherapy Pool at the Pentre Awel Village, Llanelli.

It also provides an update on the approach to the external Llanelli Hydrotherapy Pool Charity (HPC) for the release of their £300,000 to Hywel Dda Health Charities (HDdHC) in support of the Hydrotherapy Pool service as previously endorsed by the Charitable Funds Committee (CFC) of Hywel Dda University Local Health Board (HDdUHB).

##### Cefndir / Background

Following on from the HDdUHB Corporate Trustee's approval on 25<sup>th</sup> March 2021 to gift the funds from the JC Williams Charitable Trust (Elizabeth Williams Endowment) to Carmarthenshire County Council (CCC), the HDdUHB Director of Finance issued correspondence to PNC Bank to request the release of funds following adherence to the Plan for Administration.

##### Asesiad / Assessment

Current Position - JC Williams Charitable Trust (Elizabeth Williams Endowment).

A meeting was held on 11<sup>th</sup> January 2022 between PNC and HDdUHB's Head of Charities and Director of Finance to discuss the release of funds. The outcome of the meeting found that approvals needed to be sought by PNC to allow the release of funds and to terminate the Trust fund. This process would be enacted by external attorneys hired by PNC to facilitate the process. PNC were unable to provide timelines for when the Trust's accounting would take

place due to the significant delays within the US court system as a result of the pandemic. To expedite the process, PNC would ensure matters were in place, whilst awaiting approvals. HDdUHB's Director of Finance requested regular updates and a clear timeline to be submitted in writing, outlining the stages of their approval process. However, this information has not been received despite regular requests for progress updates to be provided.

The latest update received by HDdUHB's Head of Charities from PNC Bank was on 14<sup>th</sup> April 2022. The update confirmed that PNC's outside counsel was in the process of filing a trust accounting with the court to confirm the status of the Trust and its assets, stating that this was the next step in gaining the permission to distribute the funds. Although HDdUHB has been unable to identify a timeframe to complete the process, it has been advised that the next stage involves a review by PNC's counsel. This involves the review of a large volume of information and is likely to take some time.

**Current Position HPC.**

On 9<sup>th</sup> March 2022, HDdHC apprised the Llanelli HPC of the current position and encouraged them to seek their own independent legal advice concerning the release of funds their end. On 5<sup>th</sup> May 2022, HDdHC confirmed Llanelli HPC had begun to make formal enquiries regarding the release of funds.

All funds from the JC Williams Charitable Trust (Elizabeth Williams Endowment) may then be gifted to CCC as previously agreed by the Corporate Trustee as capital costs for the development. A Memorandum of Understanding is currently being drafted between HDdUHB and CCC.

The funds to be received from HPC will be for a specific purpose, as set out by the trustees of the external charity at the point of the donation being made. The trustees have previously indicated that they would be happy for the donation to be made as a contribution to the development and running of the hydrotherapy pool.

**Argymhelliad / Recommendation**

The Charitable Funds Committee is requested to receive assurance regarding the current position relating to the JC Williams Charitable Trust (Elizabeth Williams Endowment) and the release of the legacy funds required to supply the capital costs for construction of a Hydrotherapy Pool at the Pentre Awel Village, Llanelli, and the approach to the external Llanelli Hydrotherapy Pool Charity (HPC) for the release of their £300,000 to Hywel Dda Health Charities (HDdHC) in support of the Hydrotherapy Pool service as previously endorsed by the Charitable Funds Committee (CFC) of Hywel Dda University Local Health Board (HDdUHB).

**Amcanion: (rhaid cwblhau)**

**Objectives: (must be completed)**

Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	Not Applicable
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not Applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	1. Staying Healthy 3. Effective Care 6. Individual care 7. Staff and Resources

Amcanion Strategol y BIP: UHB Strategic Objectives:	All Strategic Objectives are applicable
Amcanion Cynllunio Planning Objectives	2E Evidencing impact of charitable funds
Amcanion Llesiant BIP: UHB Well-being Objectives: <a href="#">Hyperlink to HDdUHB Well-being Objectives Annual Report 2018-2019</a>	4. Improve Population Health through prevention and early intervention, supporting people to live happy and healthy lives

### Gwybodaeth Ychwanegol: Further Information:

Ar sail tystiolaeth: Evidence Base:	<p>The design development work has been undertaken by ARUP Limited based on consultations held with representatives of Hywel Dda University Health Board and Carmarthenshire County Council.</p> <p>The work has been benchmarked against best practice design for hydrotherapy facilities. This has included reference site visits to facilities in Cardiff, Star College and Bath University Hospital, and desktop/market research of hydrotherapy pools and associated equipment, including HydroWorx, Hippo Leisure and Dolphin Mobility.</p>
Rhestr Termiau: Glossary of Terms:	All terminology is explained within the report.
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Cronfa Elusennol: Parties / Committees consulted prior to Charitable Funds Committee:	<p>Pentre Awel CCC Project Board and Sub-Groups</p> <p>Pentre Awel HDdUHB/CCC Hydrotherapy Working Group</p> <p>HDdUHB Charitable Funds Committee</p> <p>CCC, Council Management Team</p> <p>CCC, Preliminary Executive Board</p> <p>CCC Executive Board</p>

### Effaith: (rhaid cwblhau) Impact: (must be completed)

<b>Ariannol / Gwerth am Arian:</b> <b>Financial / Service:</b>	<p>There are two elements which will provide the capital to construct and fit out the Hydrotherapy Pool at Pentre Awel:</p> <ol style="list-style-type: none"> <li>1. The Hydrotherapy Pool committee holds c. £300k and wishes to transfer these funds to the Health Board to hold as a contribution towards the capital or revenue costs of the pool at Pentre Awel.</li> <li>2. \$1.744m m held in the JC Williams Trust which in PNC Bank Pittsburgh. Together with the funds £300k</li> </ol>
---	--

	will provide the requisite capital to construct and fit-out the hydrotherapy pool at Pentre Awel.
<b>Ansawdd / Gofal Claf: Quality / Patient Care:</b>	Services delivered will focus on wellness and not on illness and therefore on living and staying healthy and independent longer. When care is required the person will be placed at the centre of decision making and enabled to take a key role in that process.
<b>Gweithlu: Workforce:</b>	The staffing for the Hydrotherapy pool clinical operation will be provided by Hywel Dda University Health Board.  Maintenance operation will be provided by Carmarthenshire County Council
<b>Risg: Risk:</b>	Project Board has delegated responsibility for the management of risk to the Project Management Office.
<b>Cyfreithiol: Legal:</b>	Legal agreement to be developed to satisfy the conditions of the Trust fund.  Legal framework to be formed between CCC and HDdUHB. Staff indemnity for provision delivered by offering a service in CCC premises will be covered in the MoU.
<b>Enw Da: Reputational:</b>	The plan to develop a hydrotherapy pool in Llanelli has been under consideration for a number of years. To deliver a state of the art facility will be positive for the Health Board and will provide improved opportunities and capacity for rehabilitation within the community.
<b>Gyfrinachedd: Privacy:</b>	Data systems used within Pentre Awel will be based on the Public Sector Broadband Aggregation (PSBA). Discussions have been undertaken between Carmarthenshire County Council and HDdUHB Informatics Department to maximise opportunities for joint working whilst ensuring cyber security.  Detailed planning will ensure appropriate, future proofed infrastructure is created.
<b>Cydraddoldeb: Equality:</b>	<ul style="list-style-type: none"> <li>Has EqIA screening been undertaken? Yes</li> </ul> <p>Consideration has been given to protected equality groups as part of the Health Impact Assessment (HIA) in order that these demographic cohorts are given 'due regard' within the business and service planning processes for Pentre Awel. The HIA sought to establish a suitable evidence base, gathering quantitative and qualitative data about those with protected characteristics, in order that a robust assessment can be made about the positive and negative impacts the development may have on those categorised as vulnerable or disadvantaged.</p>