



Execution of the Statutory Order in Respect of the Friends of the Old People Charity

Report to the Charities Commission

February 2023

Introduction

The purpose of this report is to outline the steps and actions taken by Hastings Voluntary Action (on behalf of the Charities Commission) to comply with the Statutory Order issued by the Commission in respect of a long-standing local Charity (Friends of the Old People Charity number xxxxx)

Background

FOTOP was a long standing older peoples charity in Hastings which, for a significant period operated from a building in Middle Street including social opportunities, a café, trips and support services.. The Charity operated on a membership basis with an Annual General Meeting electing a management committee who would be responsible for the running of the Charity. Over time, the governance of the charity fell into disarray with a number of non-compliance episodes with regards to the filing of accounts or annual returns. Attempts to resolve this issue informally were then initiated by the Charities Commission but correspondence and requests for action to be taken were not responded to.

Separately HVA, in its capacity as the VCSE organisation was approached by FOTOP members who were dissatisfied that no committee meetings were being held. As part of its role as the local VCSE infrastructure organisation HVA made contact to offer support or advice to the Charity.

An attempt by a number of FOTOP members to request a Special General Meeting using the provisions in the Constitution went un-headed and at this point FOTOP members complained to the Charities Commission. After making further contact with the Charity and given the recent history of non compliance the Commission resolved to issue a Statutory Order and requested that Hastings Voluntary Action be named as the corporate Trustee to investigate and act on the issues faced by the Charity, ensure and ensure that it operated and used its assets in the interest of its beneficiaries (ie Older People in Hastings).

Initial Activity (Taking Stock)

When the Charities Commission order was issued HVA wrote to the last known Trustees to outline the steps which had been taken and to formally request contact and the provision of information to enable an assessment to be made of the Charities assets and its financial position. No response was forthcoming so steps were take to visit the centre and speak to the volunteer who was operating a café style service once a week from the building. He indicated that he was running the services Charity and a series of discussions took place which led to weekly meetings at which all financial records and the location of other material was made available. A review was undertaken of the financial information which had been made available and that which was stored at the Charities premises. From this position the following conclusions were drawn:-

- That no governing structure had been in place for a considerable length of time
- That the membership list had not been reviewed for some years, and did not provide an accurate, account of members or a mechanism via which the governance structure could easily be restored.
- That the condition of the FOTOP building gave some cause for concern in that only 1 of 3 floors was accessible and there were significant Health and Safety concerns which had prevented all areas

of the building being used.

- Beyond a weekly café and bingo session no activities or services were being provided.
- The assets of the Charity were estimated to be in the region of £300,000 comprising about 69,000 in investments and the value of the building.

Stakeholder Engagement

To discuss the way forward and conduct an the options appraisal the following steps were taken:-

1. HVA advertised a series of open meetings with the users of FOTOP, and those who associated themselves as members, supporters or users of the Charity. These meetings were held at the café so as to inform those people who were using the weekly bingo sessions.
2. HVA met with members of Hastings and St Leonards Seniors forum who in the absence of any governing structure were identified as the only Borough wide group representing the interests of the older people in Hastings (the beneficiary group of the FOTOP charity).
3. HVA met with representatives of East Sussex County Council, AGEUK East Sussex, Public Health the Clinical Commissioning Group to understand the needs of older people, current strategies and potentially how the assets of the FOTOP charity might be deployed productively to provide local services.

From this exercise the following conclusions were drawn:-

- Given the absence of an upto date members register or any interest from those who attended the meetings to “restart the charity” it was concluded that the original purpose of the statutory order which envisaged HVA convening and overseeing the election of a new Trustee group could not be fulfilled:-
- The condition of the FOTOP building was a cause for concern in terms of safety, accessibility and the costs of remedial work needed to make it fully usable.

It was therefore agreed by the HVA trustees that discussion should take place with the Charities Commission with a view to amending the statutory order to allow for the sale of 4 Middle Street, the capitalisation of all assets and for these to be used to further the interests of older people in Hastings. Accordingly the Charities Commission amended the statutory order to allow for the sale of the building.

The Consultation Period

Further meetings took place with those who identified with FOTOP and the Seniors forum to bring them up to date and discuss generally how the assets should be used and to launch a consultation process.

- A conference “Growing Older in Hastings and St Leonards” was organised as part of the consultation exercise. Attended by 81 delegates the conference examined the priorities for future

services, outlined the needs of older people and created a series of strategic actions.

■ An open workshop style session was also convened at Central Hall (a Town Centre venue 200 yards from the FOTOP premises in Middle Street).

■ A further meeting of interested parties took place to hear about, discuss and agree the general themes which had emerged from the consultation process.

The conclusions from the Consultation

The consultation process resulted in 3 areas of activity being identified:-

1. An investment in a space or “hub” for older people in Hastings which was open accessible and which could continue some of the social and community based activity which had been the bedrock of the FOTOP work when the charity was active.

2. That an investment should be made to support engagement activity to make Hastings an “Age friendly community” within the meaning of the World Health Organisation.

3. That arrangements should be made to continue the weekly café and bingo session in alternative premises following the sale of 4 Middle Street if those associated with FOTOP wanted to organise this.

4. That given the condition of the building and the limited use which could be made of the upper floors that support was obtained to seal the building and utilise the assets of sale to meet the objectives of the consultation.

Based on the results of the consultation exercise the trustees of Hastings Voluntary Action agreed that the 3 areas of activity should be used as the main themes for the disposal of the assets of FOTOP. However they also emphasised and resolved that additional criteria should be adopted in any future decisions:-

1. That the assets of the charity should be used strategically and in a way which would achieve a long lasting benefit for older people in Hastings.

2. That the assets of the Charity should, if possible be linked with other funding to potentially lever in further resources to have greatest effect.

3. That the distribution of assets should enable joint or partnership work to enhance the services for older people in a more sustainable way.

The officers of HVA were therefore instructed to develop proposals around these areas:-

Age Friendly Community Status for Hastings

Initial liaison took place with the Local Authority who are a key stakeholder to the Age Friendly

Community framework and would, indeed, be the body who would submit any application to the World Health Organisation for assessment by their UK accountability lead The Centre for Ageing Better. Subsequently a motion was agreed by the authority pledging their commitment to achieving the status for Hastings and appointing an elected member as the Age Friendly Community 'champion' to lead work in this area on behalf of the Council. It was recognised that the requirements of becoming an Age Friendly Community required an extensive programme of consultation and engagement. It was in this area that FOTOP resources were used to fund a part time development worker role to lead in this area. Utilising this resource the following activity was undertaken:-

The initial phase of the Age Friendly Communities journey for Hastings was primarily about engagement. Sessions were held in the community focusing on each of the eight Age Friendly Communities domains

- Outdoor spaces and buildings
- Transport
- Housing
- Social Participation
- Respect and social inclusion
- Communication and information
- Community support and health services

Each session offered local people in later life a chance to give their views on the domain in focus and also to engage with relevant organisations eg Stagecoach Buses, NHS etc to access information on services that they may not have been aware of and to ask specific questions. Where there was a particular need for information ie accessing GP services sessions were held more than once.

A wealth of really rich information came out of these sessions with a distinct golden thread throughout around health.

The feedback from these sessions was captured not only by the project lead but also by local Councillors who, in some cases, built relationships with people who needed ongoing help or support with issues. Feedback came in the form of completed surveys, face to face conversations, flip chart exercises at older persons group meetings and also via email from people who had seen the project promoted via social media but were not able to attend sessions.

A number of more 'light touch' Age Friendly Communities sessions also took place using food as a way to bring people together and start conversations such as cream teas and lunches. These were the catalyst for Form Filling Friday as older people were telling us that they often struggled to apply for financial support made available by the Government and local authorities and just didn't bother applying and went without often because they couldn't clearly see to complete a paper form or due to not being digitally connected preventing them from making an electronic application. From November 2022, just as the cost of living crisis was starting to impact Form Filling Friday helped

multiple older people get the financial support they were due whilst also being able to access hot food, a listening ear and being signposted to other support too – probably one of the simplest but most effective initiatives we could have enabled!

A continuation of Town Centre Services for Older People:

Hastings Voluntary Action leased a space from Hastings Borough Council (Central Hall) and the space was offered free of charge to continue the weekly Bingo and social sessions organised by FOTOP members which continued for a period.

although participants numbers post COVID dwindled. More recently the space has been used to operate a programme of activity known as Form Filling Fridays via which Older People can access technical support to help them claim entitlements to support with energy costs, other admin tasks and obtain cheap access to food delivered in a warm welcoming environment. The costs of providing this service were met as it closely replicated the weekly offer” of the FOTOP Charity in a building literally yards away from their previous location.

The initiation of a permanent hub for Older People

The Isabel Blackman Centre in Hastings was for many years a day centre operated by East Sussex County Council providing activities and care for local residents. In April 2021 the County Council undertook a county-wide day services review which resulted in the building being listed as surplus to requirements and marketed for sale. As a response to local concerns Hastings Voluntary Action convened a series of stakeholder meetings at which it was determined that local efforts should be made to prevent the asset being disposed of and to maintain its presence in Hastings as a centre for older people. HVA subsequently applied to Hastings Borough Council using the provisions of the Localism Act 2010 for the building to be listed as an Asset of Community Value and triggered a 6 month moratorium to enable a local fundraising campaign to be mobilised. A partnership of local organisations was convened (consisting of Hastings Voluntary Action, the Hastings Seniors Forum, AGEUK East Sussex and the Hastings Old Town Residents Association) was convened to oversee this process. As a result of the amazing efforts of local residents and the support of a local grant making Charity the total of £383,000 was raised towards the purchase price of £450,000. Following a submission an in principle agreement was reached to commit FOTOP resources to support a 2 phase approach to the Isabel Blackman Centre project:-

Phase 1: Acquisition and Refurbishment

Phase 2: Revenue support to achieve sustainability within its business plan.

Following appropriate due diligence and the submission of detailed project proposals A total of £82,100 was contributed to phase 1 and a total of £100,000 to phase 2.

The FOTOP funding was used to secure and refurbish the building but was also used as a process to engage with other potential investors to secure additional resources. Accordingly an “investors” meeting was convened to discuss possible joint investment with 2 local grant making charities The Magdalen and Lasher Charity and the Isabel Blackman Foundation. Grant contributions of a further £150,000 were secured via this process.

To protect the asset in the longer term a new charity Isabel Blackman Centre in perpetuity was created and to ensure further oversight of the the FOTOP assets HVA serve as a Trustee of the

Charity. Currently the building delivers a range of services and a warm welcoming space. The dashboard contained at appendix 1

The sale of the Building

A commercial estate agent was engaged to value the building and oversee its disposal via a “sealed bid process”. The original buyer was unable to complete and further arrangements were made to remarket the building. This subsequently obtained an offer price of £235,000 which based on the advice from the Estate Agent was considered to be a reasonable offer based on the condition of the building and prevailing market conditions. Sale was duly executed. The legal process took longer than anticipated as a number of trustees (who were deceased) were still, listed on the Land registry records and this had to be addressed as part of the conveyancing process so that “clean title” could be offered to the purchaser.

Compliance with the outcomes of the consultation phase

The actions taken in respect of the Statutory order fulfilled the outcomes of the consultation phase, and were undertaken in an open and transparent way with regular updates given to stakeholders as the process evolved. The objectives of the HVA Trustees have largely been met with the resources of FOTOP being used to:-

- Benefit the needs and interests of Older People in Hastings (the creation of an asset and the development of a process for the borough to achieve Age Friendly Community status).sustainable
- A sustainable approach with a long lasting ongoing contribution to the lives of Older people the creation of an asset and the development of a process for the Borough to achieve Age Friendly Community status).
- An approach which could lead to other investments to maximise the impact of the FOTOP resource (the investor alignment with the Isabel Blackman Foundation and the Magdalen and Lasher Charity).

Financial Reporting

It was agreed with the Charities Commission, that as the assets of FOTOP had transferred to Hastings Voluntary Action and were the subject of annual independent scrutiny no final accounts for the FOTOP charity would be required. A detailed report together with a financial report would be provided to demonstrate how the resources had been used and trigger the A financial breakdown of spend against the FOTOP resources was approved by HVA Trustees at their meeting of February 08 2023.

Conclusion

This report has reported on the activities undertaken by Hastings Voluntary Action to fulfil its responsibilities as the corporate trustee.

Contact for Further enquiries

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Appendices