

Appendix 2

Staffordshire History Centre

Proposal for a new development trust

The need for a development trust

1. It is important to consider a means of raising funds to support and sustain the work of the Staffordshire History Centre in the future.
2. The Heritage Lottery Fund (HLF) project will create a centre of excellence to house the current Staffordshire archive and heritage collections and bring in the Lichfield Diocesan Records and the collections of The William Salt Library. In addition, the HLF project will create a programme of activity to increase the use of the Staffordshire History Centre by many more people and to promote a wider appreciation of the collections to people throughout the county.
3. The financial situation, now and in the foreseeable future, indicates the difficulty of sustaining that work beyond the timescale of the HLF project. The development trust could be a vehicle for raising funds to ensure that this valuable work continues beyond 2021.
4. Although the idea of a development trust has been raised through the Staffordshire History Centre project and, so far and in this paper, focuses on the collections and activity programme of the Centre, it would be possible to broaden the purpose of the trust to include the collections and activities of Stoke-on-Trent City Archives (see paragraphs 15 to 21 below).

What the development trust would do – and what it would not do

5. The development trust would be an independent charity. It would have its own trustees and finances. The trustees would be required to act in the interest of the trust, to fulfil its charitable purposes (and not for any another organisation or group that they might also belong to).
6. The main purpose of the development trust would be to raise and disburse funds that support the care and access to the collections in the Staffordshire History Centre (including the Lichfield Diocesan Records and the collections of the William Salt Library) and the educational programmes (throughout the County) that encourage the appreciation and use of the collections.
7. The development trust would not be responsible for the management of the Staffordshire History Centre (that would remain with Staffordshire County Council.) Nor would it be responsible for the management of the William Salt Library or its assets (that would remain with the William Salt Library Trust).

8. The educational programmes that the development trust would support could include collaboration with the Staffordshire Victoria County History. The development trust would not be responsible for the management of the Staffordshire Victoria County History (that would remain with Keele University and the national Victoria County History).
9. To be clear, the development trust is not intended to be a means of outsourcing the Staffordshire Archives and Heritage Services. If Staffordshire County Council wished, at some point in the future, to consider an alternative governance or management vehicle for these services it would need to do so as a separate venture.

The advantages of an independent development trust

10. As a registered charity, the development trust would be able to apply to other charitable bodies for funding to support projects and programmes. These projects might include support to other groups or organisations that would work with the Staffordshire History Centre. It would also be eligible for Gift Aid.
11. It is possible that potential donors and benefactors would respond better to an independent charity rather than a statutory body.

The responsibilities of an independent development trust

12. As a registered charity, the development trust would be required to deposit annual reports and accounts with the Charity Commission and keep the Commission informed of any changes, such as the appointment of trustees.
13. The administration of a modern charity should not be underestimated and will be a consideration in any decision to proceed. In looking forward it needs to be recognised that the development trust will need capacity for administration (servicing meetings of trustees, making grant applications and other fund raising work, keeping accounts and making returns to the Charity Commission and HMRC for Gift Aid).

Creating the independent development trust

14. There are six main steps to creating a charity.

Step 1

Decide if a charity is the right way forward.

Step 2 – charitable purpose

The next step is to decide on the charity's purposes – what it is being set up to achieve (the reason it exists).

The purposes must be charitable i.e. for the benefit of the public. The purpose, based on the intentions outlined above, might be:

To advance education for the public benefit by promoting the understanding and appreciation of the history and heritage of the historic county of Staffordshire through raising funds to support in particular, but not exclusively, the care, interpretation and access to the collections held in the Staffordshire History Centre and the educational programmes and activities organised by or in conjunction with the Staffordshire History Centre.

Step 3 – choose a charity structure

When the purpose has been clarified and agreed, the next step is to decide on the organisational structure. There are four main types of charity structure:

- charitable incorporated organisation (CIO)
- charitable company limited by guarantee
- unincorporated association
- trust

The most straightforward structure for the development trust is the Charitable Incorporated Organisation (CIO). This would make the trust a corporate body and able, if it so wished, to employ staff and deliver its charitable objects under contractual agreements. Importantly, it means that trustees are not personally liable for what the charity does.

The Charity Commission recommends two possible structures for new CIOs. These are:

- Charitable Incorporated Organisation (CIO) Foundation model
- Charitable Incorporated Organisation (CIO) Association model

The first of these, the Foundation model, is the appropriate one for the new development trust.

Step 4 – write a governing document

The Charity Commission provides guidance on writing the governing document. A template has been created for the new development trust that will need to be finalised and agreed by the first trustees (see step 6 below)

Step 5 – choose a name

Within limits, a charity can choose its own name. It is recommended that this is clear (not easily confused with other organisations), distinctive and memorable.

Step 6 – find trustees

The trustees should, in addition to being committed to the charity's purpose, have a range of skills and experience. These might include experience in

fundraising and finance. There are legal restrictions on the appointment of trustees. It is important that trustees understand the role and responsibilities. A briefing or, better, a training workshop for the new trustees is advisable.

It is likely that the Trustees of the Development Trust would include representatives from:

- Staffordshire County Council
- The William Salt Library Trust
- Lichfield Diocese
- Keele University (for the Victoria County History and other related work)

The new Trust should also look to attract other trustees with skills and experience in areas such as legal services, finance and fundraising.

Final steps

When the first trustees have been nominated and they agree the governing document, an application can be made online to register the CIO with the Charity Commission.

As soon as the CIO is registered it can open a bank account, register for Gift Aid and start fundraising.

Stoke-on-Trent City Archives and the Joint Archives Committee

15. The remit, authority and work of the Staffordshire and Stoke-on-Trent Joint Archives Committee would not be affected in any way by the proposed development trust.
16. The trust would be an independent charity, responsible for fulfilling its charitable purposes, to raise funds for archives and heritage in Staffordshire, and not the management of any services.
17. If Stoke-on-Trent City Council wishes to see the City Archives included in the development trust, this would be possible.
18. The charitable purposes (see paragraph 14, Step 2 above) might read as:

To advance education for the public benefit by promoting the understanding and appreciation of the history and heritage of the historic county of Staffordshire through raising funds to support in particular, but not exclusively, the care, interpretation and access to the collections held in the Staffordshire History Centre and Stoke-on-Trent City Archives, and the educational programmes and activities organised by or in conjunction with the Staffordshire History Centre and Stoke-on-Trent City Archives.

19. It would also be appropriate to include a representative from the Joint Archives Committee, rather than a representative from Staffordshire County Council, on the board of trustees (see paragraph 14, Step 6 above).
20. If Stoke-on-Trent City Council does not wish to be a part of the development trust in this way it could continue to benefit from the development trust. The charitable purposes have been drafted to anticipate “educational programmes and activities organised by **or in conjunction with** the Staffordshire History Centre”. This would allow the development trust to give financial support to joint projects.
21. The Joint Archives Committee, both Staffordshire County Council and Stoke-on-Trent City Council, are being asked for its views at this initial stage and before there is any formal agreement on the purposes and governance of the new development trust.