

WSRA Funding Policy and Regulations

Background

The West Somerset Railway Association is an incorporated charity. It became a company limited by guarantee on 16th May 1994 and a registered charity on 4th November 1994. All members accept a £1 liability in the event of the charity being wound up.

In the early years of the 21st Century the WSRA turned its attention to 'trading' rather than fundraising for its sustainable income and over time this caused some frictions on the railway. In 2015 a review of the WSRA by Robin Coombes, reached the clear conclusion that the WSRA should not trade in competition with the WSR PLC. This signalled the need for a significant change of direction for the WSRA and a broad understanding of the function of each of the different organisations that make up the West Somerset Railway.

As a result, during 2019 the WSRA turned its attention to fundraising and grant giving for the first time in several years and close to £250,000 was raised and granted to projects on the West Somerset Railway. *At the end of that year the WSRA's trading concerns were sold to the WSR PLC as going concerns. The WSRA now derives its income from grants, donations and membership fees, along with income received from the hiring out of assets.*

What the WSRA does

The WSRA supports and promotes the heritage of the West Somerset Railway. The WSRA Trustees must act in accordance with the Charity's objects and ensure that it is carrying out its purposes for the public benefit. The Charity's objects state:

The objects of the Association are to promote education in the heritage of the railway from Taunton to Minehead by restoring, preserving and displaying railway locomotives, carriages wagons and other artefacts (including documents, drawings, photographs, recordings and films) of historical interest and the buildings connected therewith.

How the WSRA achieves its objectives

The WSRA supports and promotes the heritage of the WSR by funding and managing projects, including

- Volunteer recruitment and support
- Education & training projects
- Community Engagement projects
- Restoring and preserving the physical assets of the railway, some of which are owned by the Association, and some by partner bodies.

Benefits and constraints of being a Charity

As a charity the WSRA is required to register with the Charity Commission. This is the UK government department responsible for registering and regulating charities in England & Wales. The commission has a statutory objective to ensure trustees comply with their legal obligations in managing charities and to promote public trust and confidence in charities

more generally. It also has a statutory function to identify and investigate abuse and mismanagement in charities.

As a charity, the WSRA receives benefits and is subject to constraints.

Benefits include:

- The WSRA can claim gift aid relief on individual giving by UK taxpayers. This has the potential to increase donations by 25%.
- There are corporation tax benefits for companies who give money, time and equipment to charities.
- There is no inheritance tax to pay on legacies left to charities.

Constraints include:

The Charity Commission requires that a charity is managed by a board of Trustees and sets out the duties of the trustees. These include:

- Trustees must always act in the best interest of the charity, its objects and the general public.
- They must not be directed by others.
- They must avoid conflicts of interest, not only with personal interests but also with loyalty to another body.
- Trustees must manage the charity's assets responsibly by implementing appropriate financial controls and managing risks.
- Trustees must act with reasonable care and skill and take advice when needed
- They must also understand their responsibilities and ensure that they comply with Charity Commission guidance as regularly updated.

Funds and Fundraising

The WSRA operates its general fund together with separate 'restricted funds' where monies are raised and donated for specific projects. From time to time our accounts will also show 'designated funds' where a discretionary allocation from general funds has been designated by the Trustees for a particular project, but not yet spent.

The WSRA has signed up to the Fundraising Regulator's Code of Fundraising practice and all fundraising activity and associated materials and documentation must confirm to this code of practice. Where the WSRA is used by other groups on the railway for fund raising purposes all fundraising activities, material and documentation must be approved by the WSRA before commencing.

The WSRA has published a fundraising policy which is available for download from the website.

Grant giving

Apart from meeting the running costs of the Association and paying for the restoration and preservation of its own assets, including rolling stock, most payments made by the Association are technically grants. This includes payments made from restricted funds. The Charity Commission has published guidance on the requirements for funding an

organisation that is not a charity. The WSR PLC and most of the WSR Station groups fall into this category.

Where grants are made to organisations that are not charities, Trustees have additional restrictions and responsibilities under charity law. These include, but are not limited to:

- Making sure that the organisation receiving the grant understands the WSRA's purpose and boundaries; a charity can only make grants for activities that in principle it could carry out by itself.
- Setting appropriate grant terms and conditions and ensuring that the receiving organisation understands and accepts them
- Putting appropriate monitoring provisions in place
- Not giving unrestricted grants to non-charities
- Ensuring that grants only cover costs directly related to the activity they have agreed to fund
- Not funding the core costs (overheads) of a non-charity
- Putting in place terms and conditions to ensure that:
 - The grant is spent in accordance with the WSRA's objects and powers
 - The receiving organisation gives the charity regular written updates about how the funds are being spent and how the work has progressed.
 - Processes are in place to monitor and control the project spending, obtain good value for money spent, and manage risk
 - Contingency plans and processes are in place in the event of any breach of terms and conditions or other failure of the funded organisation.

Principles and procedures

In order to comply with the Charity Commission guidance, and carry out their duties, the WSRA Trustees have set out the following principles and procedures:

1. The WSRA operates its "general fund" together with separate "restricted funds" where monies are raised or donated for particular projects. From time to time our accounts will also show "designated funds" where a discretionary allocation from general funds has been agreed by the WSRA Trustees to a project but not yet spent.

Where the WSRA is used by other groups on the railway for fund raising purposes all fundraising material and documentation must be approved by the WSRA before being issued. All fundraising must conform to the regulator's Code of Fundraising Practice, which the WSRA has signed up to.

2. Gift Aid claims are made on both general fund and restricted fund donations. Individual donors should complete and submit a Gift Aid form if tax can be reclaimed.
3. Legacies can be received into the WSRA for either the general fund or restricted funds.

4. Current and potential projects are reviewed by the Trustees on a regular basis at their meetings throughout the year.
5. Assets in WSRA ownership receive priority for funding over assets owned by other organisations.
6. Where an application is received from the WSR PLC for funding, the project must not only fall within the WSRA's principal objectives, but expenditure must also be outside of the Operating Company's own budget and be likely to remain so.
9. In this way, the WSRA funds are used to enhance or support existing heritage projects but are not a substitute source of funds for West Somerset Railway unbudgeted expenditure or general maintenance costs.
7. All projects for physical items located on the West Somerset Railway must firstly be approved by the *WSR Heritage Group**. This ensures that any work or resources allocated to the project fall within the Railway's current or future operating plans and do not interfere with the best use of financial and manpower resources as well as locomotive or carriage and wagon workshop programmes.
8. To ensure that grants are spent in accordance with the charity's objects and powers, and are monitored and controlled, Trustees require that:
 - An initial WSRA Funding Bid application form is completed and submitted, together with an outline project plan, and budget. A cost risk analysis may be conducted at this stage to aid both parties in the planning process.
 - Further evidence may be required, including photographs and diagrams, evidence of match funding etc
 - Project applications must demonstrate that the project will enhance a heritage, educational or community aspect of the West Somerset Railway in some way
 - Project risk assessments are undertaken, together with further risk analysis if requested.
 - Funding must be agreed prior to work commencing on the project and
 - A WSRA Grant Funding agreement must be completed and signed by both parties
 - Other than for small "one-off" grants, regular written updates on and financial reports of projects will be required. A reporting system may be put in place.
 - For major projects undertaken by contractors, copies of contracts will be required
 - For major projects, a designated Trustee or an independent suitably qualified representative will be assigned to monitor progress and expenditure, and satisfy themselves that appropriate value is obtained for all expenditure
 - Major projects may be funded in pre-defined stages as progress is confirmed by reporting procedures
 - Payments of grants will only be made following provision of approved invoices.
9. The WSRA will retain the title in all grant funded assets until such time as the project is completed and signed off by both parties.

10. All publicity and promotion relating to projects funded in full or in part by the WSRA must conform to WSRA branding guidelines and be approved by the charity prior to release.
11. The WSRA may reduce, suspend, or withhold the Grant, or require all or part of the Grant to be repaid (clawback) (or require Capital Assets to be transferred where the purchase of such assets was wholly funded by us) if during the project or within the 12 months following completion and sign-off:
- there is any change to the Project which we have not previously approved in writing;
 - any information provided in the Project Application Form, or in a Claim for payment, or in subsequent or supporting correspondence, is found to be incorrect, untrue or incomplete to an extent which we consider to be material;
 - a charge is taken on any grant funded Capital Asset without our prior written consent; or there is an unauthorised attempt to dispose of a grant funded Capital Asset;
 - any attempt is made to transfer or assign any rights, interests or obligations created under the grant funding agreement without our prior written consent;
 - there is financial irregularity impropriety or negligence in relation to the operation of the Project or your business which is not rectified within the timescale specified by us (if any);
12. In the event of a failure of the funded organisation to complete the project, the WSRA retains the right to either step in and complete the project, to sell the materials or take whatever other action Trustees judge necessary to protect the charity's assets.

Using the above criteria, the WSRA has provided the means for substantial funds to be raised and responsibly invested in the West Somerset Railway, for example in relation to track renewal, the overhaul of locomotives, carriage and wagon restoration, volunteer recruitment and training and facilities, buildings and structures across the railway.

**The WSR Heritage Group comprises representatives from several organisations on the railway with knowledge and expertise in the history of the railway and modern operating requirements. Robin White is the WSRA Trustee representative.*

Policy Author(s)	Jacque Green and Geoff Garfield (WSRA GM & WSRA Trustee)
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