

Penylan House, Jewish Retirement and Nursing Home : public benefit plans 2010



1. Background

In July 2009 the Commission published its findings from its public benefit assessment of Penylan House, Jewish Retirement and Nursing Home ('the charity'). We found that it was a charity but that it was not operating for the public benefit in relation to principle 2b (the opportunity to benefit must not be unreasonably restricted by ability to pay any fees charged) and principle 2c (people in poverty must not be excluded from the opportunity to benefit). To address this finding, we said that the trustees must:

'ensure that their policy on assistance is clear, open and transparent;
 establish a funding strategy (for example, through the setting of fees, use of reserves or fundraising, or a combination of some or all of these) so that the charity can demonstrate that it has a planned and monitored system for ensuring that its benefits are more widely accessible to those who cannot afford its fees, including those in poverty.'

The trustees confirmed within three months of the report's publication their intention to produce a plan for agreement and we have now considered this.

2. Charity Commission's conclusions June 2010

The Commission has now concluded that, based on the totality of benefits and the particular circumstances of the charity, the finding of the public benefit assessment published in July 2009 has been addressed and that the trustees are carrying out their duty to administer the charity for the public benefit.

We set out below the key factors on which we based our conclusions.

3. Key factors

3a. Changes to policy and strategy for means-tested assistance and extent of provision

This table gives the position at the time of our assessment and the changes that will be in place by April 2011 in relation to means-tested assistance.

Key Feature	Position in 2009 (actual)	By April 2011 (planned)
Advertised value of assistance with top up fees <i>Note – at the time of the original assessment, the charity's literature set the expectation that top up fees must be paid. In its plan, the charity committed to making it clear in its guidance that assistance with top up fees is available. It was also confirmed that a main source of referrals, Cardiff Social Services, was aware of the assistance available.</i>	Not advertised	100%

Key Feature	Position in 2009 (actual)	By April 2011 (planned)
Extent of funds set aside to cover cost of assistance with top up fees <i>Note – the trustees plan to set aside around 7% of the charity’s income each year to a newly established Assistance Fund. By next April, however, the figure will be higher than this and this is reflected in the percentage figures in this and the following rows.</i>	None – funding was on an ad hoc basis	8.66% of income
Number of residents funded by local authority with full top up fees either provided by the charity or waived	5% of capacity	14% of capacity
Number of residents funded by statutory bodies with some reduction by the charity in the amount of top up fee	12% of capacity	10% of capacity

We noted that there have been some changes to the fees and levels of assistance since the original assessment, but none of these materially affected our consideration.

3b. Changes to information about other opportunities to benefit

The revised literature will make clear that a number of the charity’s facilities and organised events are open to those members of the community who may otherwise be unable to benefit from these: they include concerts, card afternoons, bingo, exercise classes, weekly lunch club, snoezelen and reminiscence room.