

Big Lottery Fund

The Building Change Trust
Northern Ireland



Building Change Trust

Stock code BIG-BCTG1

Further copies available from:

Email trust.enquiries@biglotteryfund.org.uk
Phone 028 9055 1455
Textphone 028 9055 1431
Our website www.biglotteryfund.org.uk

Accessibility

Also available upon request in other formats including large print.

Our equality principles

Promoting accessibility; valuing cultural diversity; promoting participation; promoting equality of opportunity; promoting inclusive communities; reducing disadvantage and exclusion. Please visit our website for more information.

We care about the environment

The Big Lottery Fund seeks to minimise its negative environmental impact and only uses proper sustainable resources.

Our mission

We are committed to bringing real improvements to communities and the lives of people most in need.

Our values

We have identified seven values that underpin our work: fairness; accessibility; strategic focus; involving people; innovation; enabling; additional to government.

The Big Lottery Fund is committed to valuing diversity and promoting equality of opportunity, both as a grantmaker and employer. The Big Lottery Fund will aim to adopt an inclusive approach to ensure grant applicants and recipients, stakeholders, job applicants and employees are treated fairly.

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Big Lottery Fund and the Building Change Trust

Big Lottery Fund

The Big Lottery Fund distributes half of the money that the National Lottery raises for good causes. We want to use Lottery money to make big changes for communities, through the fair and open funding of people, projects and programmes.

The Big Lottery Fund is committed to valuing diversity and promoting equality of opportunity and good relations, both as a grant-maker and employer.

You can find out more about our mission and values and our equality principles by visiting: www.biglotteryfund.org.uk

The Building Change Trust

The Big Lottery Fund is inviting proposals from organisations or partnerships that want to establish a Corporate Trustee and a new charitable Trust in Northern Ireland. We have £10 million available to make one grant as a 10-year expendable endowment. The grant must be invested to produce an income and we will require all the investment and income to be committed between 2008 and 2018.

We believe that the creation of a new Trust offers the greatest potential for this funding to be used in imaginative and innovative ways. Our aim for the Building Change Trust, and for the work it supports, is to build the capacity of the voluntary and community sector by equipping it to meet the changing needs of disadvantaged communities in Northern Ireland. The Trust will have the ability to fund and support change in the voluntary and community sector, beyond a traditional grant-making approach. We anticipate that the Trust will build on the work, skills and expertise of existing organisations to reshape, restructure and modernise the voluntary and community sector and provide a legacy that extends beyond the life and scope of our funding. The Building Change

Trust should have a transformational impact on the voluntary and community sector and disadvantaged communities in Northern Ireland.

After our consultation, we have developed a Northern Ireland framework that sets out themes, outcomes, underlying principles and priorities for funding.

The work that the Building Change Trust supports must achieve the following outcome:

- people can actively participate in their communities to bring about positive change.

Proposals will need to evidence how the Trust will support our underlying principles by:

- addressing disadvantage and promoting tolerance and social inclusion
- contributing to the reduction of poverty.

And our priorities to:

- build community capacity
- increase opportunity for volunteering and engagement within and between communities.

The Building Change Trust will be a unified plan of investment targeted at five focus areas identified through our consultation and which respond to funding recommendations made in the Taskforce on Resourcing the Voluntary and Community sector's report 'Investing Together' ¹. These focus areas are interlinked and interdependent and will support the changing infrastructure and capacity requirements of the voluntary and community sector in Northern Ireland at a time of significant change. The focus areas are:

1. Underpinning community development

To effectively resource community development, 'Investing Together' identified the need for an increased focus on actions that can lead to longer-term sustainability and recommended targeted

support for community development activity within communities. This includes helping organisations that support local community groups to ensure a more strategic approach to community development, which is underpinned by good governance and research and evaluation.

We envisage that the Trust will help to identify and support best practice in community development work and governance. In addition the Building Change Trust could support the voluntary and community sector to evaluate the activities and services being delivered. This work should build capacity within and between communities and enable the voluntary and community sector to harness skills and strengths and vision to the future to achieve positive social change.

2. Promoting volunteering

Volunteering and active citizenship are fundamental to the work of the voluntary and community sector. Our consultation indicated that the use, support and encouragement of volunteers was central to all Big Lottery Fund's outcomes. Strategic support of volunteering would also benefit the sector as a whole and not just those organisations applying for funding from, or being funded by, the Big Lottery Fund.

The Trust's role in supporting the development of volunteering across the voluntary and community sector would have a positive impact not only within the sector but also in the development of a vibrant civil society.

3. Supporting partnerships

We recognise that voluntary and community sector organisations have different levels of experience and expertise which impact on their ability to deliver quality services and access funding. We envisage that the Building Change Trust would support a range of

interventions to promote partnership working across, and within, sectors so that this expertise can be harnessed to secure quality and sustainability in the delivery of services.

For example, a social franchise model could develop the skills of smaller, community based organisations to deliver better public services and encourage organisational and community development. This model would also encourage local organisations to work in partnership with an experienced or specialist partner organisation, combining best practice and experience with responsiveness to local need and delivery by local people.

A complementary social investment model could support longer term change by embedding an outcome-based approach and ensuring quality when planning and delivering services throughout the voluntary and community sector.

4. Skills development

We believe there is a need for a more strategic approach to the development of skills within the voluntary and community sector based on identified needs.

The Building Change Trust could aim to increase the skills base in the sector and improve the sustainability and accessibility of the training and learning infrastructure available to voluntary and community sector organisations across Northern Ireland.

Research carried out by the voluntary and community sector² has identified specific gaps in skills such as strategic and business planning, project development and management, and planning and organisational skills. Development needs should be addressed in a flexible and supportive way and innovative approaches that maximise completion of training should be considered, for example, by the provision of e-learning.

5. Infrastructure support

The Taskforce on Resourcing the Voluntary and Community Sector recognised that there is scope for improvement in how support for the sector is organised and resourced³. In the face of future challenges, such as reductions in funding and the restructuring of the statutory sector, it is likely that improvements will become a necessity.

The Building Change Trust could contribute to building a sustainable, solid and robust support infrastructure that would result in a more efficient and effective voluntary and community sector as a whole by, for example, promoting the sharing of services and resources and providing support to develop and implement plans for further partnership and collaborative working.

1 ‘Investing Together’ report of the Task Force on Resourcing the Voluntary and Community Sector, October 2004.

2 ‘Committee Matters’, VDA, 2003; Management Training Provision in the VCS, NICVA, 2002; NI Sector Skills, NICVA, 2004; Training Solutions for CVS in Ireland, The Wheel, 2005.

3 ‘Investing Together’ report of the Task Force on Resourcing the Voluntary and Community Sector, October 2004.

2. The process



This timeline is indicative. If we make any changes to our plans, we will tell everyone who is affected.

3. Proposals

What are we looking for?

At the proposal stage we do not require a fully developed business plan but, rather, your vision for the Trust, your approach and expected outcomes.

We would not expect your proposal to exceed **12 sides** of A4 paper, excluding supporting documentation.

The Building Change Trust may attract additional funding to increase the endowment and support its work and we would encourage applicants to consider this option. However, there is no requirement for partnership funding.

Who can apply?

We welcome proposals from organisations or partnerships. We are keen to encourage innovative partnerships between organisations or individuals working in different fields and across sectors i.e. voluntary and community, public or private sectors.

Additional help

The closing date for the submission of proposals is **5pm on Friday, 29 June 2007**. If you are thinking about submitting a proposal, we strongly encourage you to express an interest so that you can be updated while you are preparing your proposal. You can express an interest by emailing us at **trust.enquiries@biglotteryfund.org.uk** with the following details by 5pm on Thursday, 12 April 2007:

- organisation name
- main contact's name
- contact details including address, telephone number and email
- details of any communication needs
- details of any access requirements.

We will provide a briefing session on 19 April 2007 for those potential applicants who have expressed an interest in the Building Change Trust. We will explain the process in more detail and answer questions at the briefing. Following the briefing session, we will email everyone who has expressed an interest with the questions and answers from the briefing sessions. We will also send email updates containing any general enquiries about the Building Change Trust to those who have expressed an interest. If you have any questions about the Building Change Trust, please email **trust.enquiries@biglotteryfund.org.uk**.

Our preference is to correspond by email during this stage. If this is not possible for your organisation please tell us and we will agree alternative arrangements.

As we expect a high level of interest in the Building Change Trust, we may have to limit attendance at the briefing session to one person per organisation.

There is no funding available from the Big Lottery Fund for the development of your proposal.

What to include in your proposal

You must include the following information in your proposal.

Part one – Applicant details

- 1.1** Organisation name including any other name or abbreviation by which the organisation is known.
- 1.2** Main contact's name, address, telephone or textphone number and email address. You should also tell us if your main contact has any communication needs.
- 1.3** Organisation's legal status.
- 1.4** Company registration number and HM Revenue

and Customs registration number.

1.5 The year the organisation was established.

1.6 Governing document.

1.7 Annual accounts for the last three years.

1.8 Annual report to include details of:

- the organisation's normal business
- mission
- size (the number of staff, offices, membership)
- geographical presence (office locations, catchment area)
- profile or track record of working with or on behalf of the voluntary and community sector.

If your annual report does not include any of this information, please ensure that it is included in your proposal.

Partnership applications

If you are applying as a partnership, the partnership must also:

- nominate one organisation to act as the lead applicant
- include written evidence that the lead applicant is authorised to act in this capacity by the remaining partners
- provide all the information referred to in Part one for each partner.

Part two – Trust details

You should use this guidance to structure your proposal and follow the order of each section.

If you cannot give a final or firm response, describe your progress so far and your plans for finalising the details if your proposal is successful.

2.1 Trust Fund aim

Explain how you would ensure that the Building Change Trust would achieve our aim to build the capacity of the voluntary and community sector by equipping it to meet the changing needs of disadvantaged communities in Northern Ireland.

2.2 Big Lottery Fund framework

Explain how you would ensure that the Building Change Trust would achieve the following Big Lottery Fund Northern Ireland outcomes, underlying principles and priorities that we have identified from our framework.

Outcome

- people can actively participate in their communities to bring about positive change

Underlying principles

- addressing disadvantage and promoting tolerance and social inclusion
- contributing to the reduction of poverty

Priorities

- build community capacity
- increase opportunity for volunteering and engagement within and between communities.

2.3 Focus areas

Explain how you would ensure that the Building Change Trust would address the five focus areas identified:

- underpinning community development
- promoting volunteering
- supporting partnerships
- skills development
- infrastructure support.

2.4 Statutory requirements

Explain how the Building Change Trust will meet all relevant statutory requirements and detail your commitment to comply with the Big Lottery Fund's policies including equality commitments and good relations under Section 75 of the Northern Ireland Act 1998.

2.5 Expected outcomes, monitoring, evaluation and dissemination

Describe the outcomes that you expect the Building Change Trust to achieve.

Outline your plans to monitor and evaluate the Building Change Trust's work and to disseminate your findings.

For more information on outcomes and self evaluation, please read our 'Explaining the difference your project makes' booklet, which is available on our website at www.biglotteryfund.org.uk/explaining_the_difference

2.6 Delivery method

Outline how you propose to deliver the Building Change Trust.

For example:

- direct intervention
- grant-making
- procurement of services.

These delivery methods are only examples and this list is not exhaustive.

When considering your delivery method, we would encourage you to think about innovative approaches to meet the aim of the Building Change Trust.

Tell us about your experience of delivering similar work in Northern Ireland. If you do not have

experience of the delivery methods that you are proposing, you should explain your plans to manage the proposed delivery method.

2.7 Staff

Provide details of how many employees you will need to deliver the Building Change Trust.

2.8 Fund management skills

Provide details of your experience of managing substantial investments and the financial expertise that will enable you to efficiently manage the endowment.

If you do not have such experience, please explain how you would propose to manage the endowment.

2.9 Distinctiveness

Where applicable, show how your proposal differs from your organisation's core business and how that distinction will be maintained.

Describe how your proposal will build on and add value to any existing work of the voluntary and community sector.

Part three – Budget

The total endowment available is £10 million, which is expendable over 10 years.

We expect to be in a position to transfer the endowment of £10 million in April 2008.

3.1 Delivery timetable

Provide a timetable for your delivery plan over ten years including details of the activities that the Building Change Trust will undertake.

3.2 Annual expenditure

Provide an outline of your anticipated expenditure between April 2008 and March 2018. You should include an estimate of your initial set up costs and ongoing annual running costs.

3.3 Fund management

Provide a brief outline explaining how you plan to manage the endowment fund and the expected rate of return.

3.4 Fundraising strategy

If you have considered attracting additional funds to augment the endowment, provide brief details.

4. Selection of a Preferred Candidate

Once we receive all the proposals by the closing date of 29 June 2007, we will carry out an assessment to allow us to select a Preferred Candidate, which will focus on:

- how your proposal meets the aim of the Building Change Trust and leaves a long term legacy
- how your proposal meets the outcomes, underlying principles and priorities identified within the Big Lottery Fund Northern Ireland's funding framework
- how your proposal will deliver on the five focus areas
- the quality and innovation of your approach
- your ability to work with the voluntary and community sector across Northern Ireland
- your capacity to support the diversity of work carried out by the voluntary and community sector
- your capacity to deliver over a ten year period
- value for money
- your plans for monitoring, evaluation and the dissemination of your findings
- your plans for promoting equality of opportunity and good relations.

We may choose to invite some or all candidates to make presentations of their proposals.

5. Setting up the Corporate Trustee

The Preferred Candidate will set up a new body to act as the Corporate Trustee of the Charitable Trust. The Trust will be established for the charitable purposes of the relief of poverty, the advancement of education and the promotion of other purposes beneficial to the community.

A Corporate Trustee does not itself need to be charitable to be a Trustee of a charity. We believe the most appropriate corporate vehicle is a Company Limited by Guarantee. Because the Memorandum and Articles of Association will control the governance and composition of the Corporate Trustee, they will have to be acceptable to the Big Lottery Fund and make provision for the Big Lottery Fund to nominate representatives to the Board of the Corporate Trustee to ensure that the body has appropriate expertise. Nominees would not be the agents, delegates or representatives of their nominating body.

We believe this model offers great flexibility. Although it can only access the Trust's funds for purpose of the Trust's charitable objectives, a Corporate Trustee is not restricted to acting solely in pursuit of the charitable objectives of the Trust. It can enter into contracts, sign licensing agreements and deal with its own funds, for example it may receive a grant directly for activities outwith the charitable trust funds it controls. A Corporate Trustee can also be the Trustee of more than one Trust.

Under this model, the individuals involved in running the Trust are not themselves trustees – they are members of the board of the company which is the Trustee. They are appointed under the Memorandum and Articles of the Company which can be adapted or altered more easily than the Trust Deed. Their personal liability is limited, although of course they have all the normal fiduciary duties of directors.

If required, Big Lottery Fund may provide funding to help with the costs of setting up the Corporate Trustee.

6. Detailed Application for grant

Once the Preferred Candidate has established the Corporate Trustee, we will solicit a Detailed Application for grant. This will comprise:

1. **Business Plan** for the Trust including:

- mission
- strategic objectives and priorities
- delivery mechanisms
- expected outcomes
- timetable
- fund management policy
- income and expenditure cashflows.

2. **Operational Plan** to support the delivery of the business plan detailing:

- corporate governance arrangements for the Trust
- staff resources
- fundraising strategy
- fund investment plan
- finance and administrative procedures.

During assessment, we may commission a review of this documentation by external experts to assist with our decision-making. The purpose of this review is to:

- verify the accuracy and reliability of the information provided
- identify the critical risks to the successful delivery of the Preferred Candidate's proposals and any required action to be taken to progress the application for approval
- determine the overall viability of the Preferred Candidate's proposals
- determine the Preferred Candidate's ability and state of readiness to deliver the Building Change Trust across Northern Ireland

- identify any issues which should be taken into account in the grant conditions.

Our assessment of your Detailed Application will focus on the Trust's ability to:

- support the changing infrastructure requirements of the voluntary and community sector in Northern Ireland
- identify issues within the five focus areas outlined in section one and provide responses which add value to the existing work of the voluntary and community sector
- achieve the outcome, underlying principles and priorities that have been identified within the Big Lottery Fund Northern Ireland's framework
- demonstrate its capacity to support the diversity of work carried out by the voluntary and community sector
- establish innovative delivery mechanisms that respond to the needs of the sector
- work with the voluntary and community sector across Northern Ireland
- demonstrate capacity to deliver over a 10 year period
- demonstrate capacity to monitor and evaluate its activities and disseminate findings so that the impact on outcomes among front-line organisations could be tracked and learning shared fully across the voluntary and community sector
- provide realistic income and expenditure cashflows and comprehensive budgetary information that demonstrate cost effective and rational administration costs
- establish appropriate fund management systems
- provide services that do not replace or duplicate public expenditure
- promote equality of opportunity and good relations.

7. Other important information

Trust Deed

Once the Preferred Candidate has established the Corporate Trustee, the process of negotiating the Trust Deed will take place. Once the Trust Deed is finalised, the Corporate Trustee will formally establish the Trust (with a £10 endowment) governed by the Deed and make an application for registration with HM Revenue and Customs to be exempt for tax purposes.

Protector

The Big Lottery Fund proposes to appoint a Protector of the Trust, an independent watchdog, responsible for safeguarding public monies and ensuring the integrity of the administration of the Trust and the propriety of its procedures.

Offer of grant

If your application is successful, we will send you a formal offer of grant setting out the terms and conditions on which the grant is to be made. These will include the sample grant conditions set out in Annex A.

Any correspondence you receive in advance of a formal offer of grant should not be taken as an indication that we have made a firm commitment to your application. If you start work on your proposals before a formal offer of grant is made, you do so at your own risk and there will be no guarantee that you will receive funding.

Public Announcement

We are required by law to tell the public about the grants that we make and, as part of this process, we will publicise your grant.

Monitoring and reporting

National Lottery funds are public money and monitoring of the management and success of the

Trust, in order to assure Parliament and the public that Lottery proceeds are being properly used, will therefore be required.

Waiver of copyright

We ask applicants to waive any copyright in their proposal. We reserve the right to pass contact details of candidates to other candidates with a view to facilitating the formation of a consortium.

Confidentiality

We will not disclose any details of the proposal to the press or public until after the closing date for proposals. After that date, we may make public information such as the name of your organisation, your key partners and the broad nature of your proposal.

The details of your proposal will not be disclosed except in confidence to our advisers and as required by statute.

Frivolous and contentious proposals

We reserve the right to declare ineligible any proposal which is of a frivolous or contentious nature, such that it stands no reasonable prospect of success.

Right to vary these requirements

We reserve the right to vary these requirements in light of our experience.

Branding

The Trustee will need to enter into a licensing agreement for use of Big Lottery Fund branding marks where appropriate.

Complaints

If you have any complaints, please contact us as soon as possible so that we can investigate quickly and not

cause a significant delay to the development of the Building Change Trust.

We have produced a leaflet called 'Making a complaint' which is available on our website, www.biglotteryfund.org.uk. This leaflet tells you about the complaints procedure and what you can complain about. You cannot use the complaints procedure to appeal against our decision on selecting a Preferred Candidate or making a grant if we have followed our decision-making process correctly.

See below for contact details.

Enquiries

Enquiries about the Building Change Trust should be sent by email to trust.enquiries@biglotteryfund.org.uk

Or contact:

Joanie Arthurs, policy and development assistant, by:

Telephone :028 9055 1484

Textphone: 028 9055 1431

Or in writing to the Big Lottery Fund at the address below.

Submission of Proposal

Please send your proposal, as a sealed bid marked Building Change Trust Proposals, no later than

5pm on Friday, 29 June 2007 to:

Big Lottery Fund
1 Cromac Quay
Cromac Wood
Ormeau Road
Belfast
BT7 2JD

Alternatively, you can email your application to:
trust.enquiries@biglotteryfund.org.uk

If you or your main contact have any particular communication needs, please contact us on: 028 9055 1484 (textphone 028 9055 1431, for those with a hearing impairment).

Annex A – Standard conditions of grant

1. The Objects of the Charity may not be amended or varied. Neither the powers of the Trustee nor the identity of the Trustee may be altered or varied by or at the instance of the Trustee without the consent of the Fund and the Protector. If, on a material change in the purposes or trusteeship of the Charity, or on a breach of any of these Conditions, the Fund reasonably forms the view that the Grant is not likely to be used substantially for the purposes for which it was provided, or not in accordance with these Conditions, the Fund is entitled to the repayment of the whole or part of the Grant.

2. In the event of any actual or proposed change by or at the instance of the Trustee in the purposes or the trusteeship of the Charity, the Fund must be notified in writing as soon as possible and the Trustee must supply such further information as the Fund may reasonably require in order to consider whether to exercise its right to demand the repayment of the whole or part of the Grant.

3. In the event that any part of the Grant is not required for investment, or is left uninvested without good reason for more than 3 months, the Fund may demand its return.

4. 4.1 The Trustee must supply to the Fund at a frequency to be decided by the Fund but at least annually reports on the distribution of income and such further accounts and other information as the Fund shall reasonably require in order to monitor the application of funds it receives from the National Lottery and satisfy itself that the conditions of the Grant have been and continue to be met. Such reports are to be provided in accordance with guidance and in a format to be set from time to time by the Fund.

4.2 The Trustee must supply to the Protector at

least every three months reports on the distribution of income and such further accounts and other information (including information on the investments of the Charity) as the Protector shall reasonably require in order to enable the Protector to carry out his duties.

5. 5.1 In addition to the Trustee's duty under the Trust Deed to have the accounts of the Charity audited, the Fund shall have the right to appoint an independent auditor (qualified to conduct and audit under section 43 of the Act) conduct an audit of the Charity's accounts and report the findings of the audit to the Fund. The Fund shall be responsible for meeting the costs of an independent auditor appointed under this paragraph.

5.2 For the purpose of an examination of the Fund's accounts or any examination, pursuant to section 6(1) of the National Audit Act 1983, of the economy, efficiency and effectiveness, with which the Fund or the Trustee have used their respective resources, the Trustee shall:

5.2.1 permit the Comptroller and Auditor General (CAG), his staff at the National Audit Office and agents and advisers to examine such documents as he may reasonably require which are owned, held or are otherwise within the control of the Trustee; and

5.2.2 produce such oral or written explanations, as the CAG considers necessary.

5.3 In addition to complying with the law, the accounts of the Charity shall contain such further information and be in such format as the Fund may require. The accounts of the Charity shall be delivered to the Fund within six months of the end of the accounting period of the Charity.

6. The Fund shall be entitled to repayment of the whole of the grant in any of the following circumstances:

6.1 The Trustee ceases to operate, is declared insolvent or is placed into receivership (other than a receiver or manager appointed under the Act) or liquidation;

6.2 The Trustee fails, in any year other than during the 24 months following execution of the Trust Deed, to apply the income arising from the Trust Fund in furtherance of the Objects;

6.3 The Trustee deals with or disposes of the whole or any part of the Trust Fund in an unauthorised manner;

6.4 The application for the Grant was completed fraudulently, or was incorrect or misleading in any material way; and/or

6.5 The Trustee (or any Director or employee) has acted fraudulently or negligently in connection with the formation of the Charity, the investment of the Grant or the establishment and maintenance of its working procedures.

7. Any agreement by the Fund to provide funds to the Trustee can only be guaranteed whilst the Fund continue to be satisfied that, taking into account the sums allocated to them within the National Lottery Distribution Fund, and the Fund's determination of relative priorities among all grant applicants, sufficient funds remain available to provide funds to the Trustee.

8. Whenever the Trustee has used capital of the Trust Fund representing the Grant in acquiring leasehold land or buildings for use for the administrative purposes of the Charity, the property in question is not to be disposed of without the written consent of the Fund and the Protector.

9. Whenever the Trustee seeks to procure goods, services or works for the purposes of the Charity it must, unless the value of a particular contract is worth less than £10,000 or its Index Linked Amount, apply Competitive Tendering save where there are exceptional circumstances which make this inappropriate or the value of the goods, services or works are such that the cost and effort of Competitive Tendering would be disproportionate to the benefits which Competitive Tendering is designed to achieve. Unless the value of a particular contract is worth less than £10,000 or its Index Linked Amount the Trustee shall consult with the Protector where it is considering the disapplication of Competitive Tendering for the procurement of goods, services or works for the purposes of the Charity.

10. Awards made in pursuance of the Objects shall be evidenced in a written agreement between the Trustee and the award recipient the terms of which shall include provision for the repayment of the amount of the award to the Trustee in such circumstances as the Trustee shall think fit.

11. Where the Trustee becomes aware that any of the circumstances outlined in Conditions 3, 6 or 8 has occurred, or Conditions 9 or 10 have been breached, it shall immediately report the matter to the Fund and the Protector.

12. All awards made by the Trustee must be acknowledged in any publicity or publications as being funded by the National Lottery through the Big Lottery Fund in accordance with the terms of a protocol which shall not be varied without the Fund's consent.

