

Briefing

Subject: How to amend your Instrument of Government

From: Belinda Copson, Governance Adviser

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For: Headteachers, Chairs of Governors and Clerks to
Governing Boards (maintained schools)

Reference: GOV 1/19-20

HOW TO AMEND YOUR INSTRUMENT OF GOVERNMENT

The Instrument of Government (IoG) is a maintained school's governing document and sets out the constitution and composition of the governing board. It includes the school's category and legal name.

For Church of England schools, revision of an IoG is a three-stage legal process involving the local governing board (GB), the Diocesan Board of Education (DBE) and the local authority (LA). The DBE's formal approval is needed to amend the school's IoG. The Schools Team Governance Adviser guides this process and it is essential to contact her before any revision is agreed locally. She assists with the draft, ensuring any amendments are aligned to statutory regulations and Board policy as well as suiting local needs.

When does an Instrument of Government need to be amended?

Governing boards may need to amend their IoG for various reasons including:

- A change in statutory constitution regulations
- Any other reconstitution of the GB to meet local needs
- A change to the school's legal name
- A change of category
- If the school enters into a formal Federation arrangement
- For Church of England schools, if there is a parochial reorganisation resulting in changes to how foundation governors are appointed locally.

What is the process?

a. Contact the Governance Adviser

Let us know you would like to amend your loG before you actually begin the process. We work with governors to prepare a draft for you, aligned to statutory regulations for church schools and any DBE requirements, as well as suiting local needs. We can advise on the range of loG amendment options for VA and VC schools; this information is not fully covered in DfE statutory guidance.

b. Governors locally agree the prepared draft

This happens at a meeting of the full GB and must be included on the notified agenda. Minutes need to clearly record what changes are being made. If any foundation governors are absent from the meeting, their agreement should be obtained beforehand by proxy vote if possible, or if necessary afterwards by email. Permission of any Trustees must also be obtained, where applicable.

c. Clerk sends the Governance Adviser the relevant extract from the GB minutes

This can be from draft minutes to save undue delay.

d. Draft submitted to DBE

Governance Adviser submits the locally agreed draft and the GB minutes to the DBE for approval.

e. Draft submitted to local authority

The Governance Adviser submits the DBE-agreed draft, with DBE and GB minutes, to the local authority.

f. Local authority issues sealed copy, which they sign and date on issue

The LA sends a hard copy of the final legal document to the Chair of Governors; LAs generally also now send this by email, along with a copy to the Schools Team as the 'appropriate religious authority'.

g. Chair of Governors ensures circulation of loG to GB

The clerk should be given a copy and all members of the governing board are entitled to receive a copy.

Amending an loG can be a complex process for church schools and we are very happy to advise on any questions that arise.

For all enquiries about your loG, please contact the Schools Governance Team.

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