

Making changes to the Instrument of Government

The Instrument of Government is the legal document for local authority maintained schools that records the constitution of the governing board. It sets out:

- the name of the school
- the number and type of governors that can be appointed, and by whom.

It can be changed at any time, but the correct legal procedure must be followed.

There are a number of reasons why a change to the instrument of Government may be necessary. These include:







- to increase or decrease the number of governors on the board
- to make changes to the types of governor in each category
- to indicate the length of a term of office (this is a default of four years, unless the Instrument of Governance states otherwise)
- a change to the name of the school
- on federation or de-federation

When considering reconstitution, boards should refer to the current DfE guidance [The constitution of governing bodies of maintained schools](#) which sets out the legal requirements for boards in terms of number and type of governor.

The local authority has a statutory duty to make sure that the Instrument complies with the appropriate regulations. The Governor Support Service can advise on any changes being considered and will ensure that suggested amendments comply with the appropriate regulations. In the case of voluntary aided or voluntary controlled schools, there must also be consultation and agreement with the foundation governors, any trustees and the appropriate religious authority (Diocese)/ trust or foundation before any changes can be made.

Once all the required documentation is in place, a new Instrument will be created, and will be officially sealed by Legal Services.

Process to be followed:

<p>Governors consider making changes which would result in a new Instrument of Government being necessary. Please see advice from the Governor Support team to ensure that your proposals will meet legal requirements.</p>

<p>Depending on the nature of the proposed changes, you should also consider engagement with stakeholders at an early stage eg change of school name.</p>

<p>All changes must be considered by the full governing board, as a distinct agenda item, and any agreed changes must be detailed in the minutes of the meeting.</p>

<p>Any associated bodies named in the Instrument eg trusts, diocese, foundations, must be consulted and provide the board with their written agreement to the proposed changes.</p>

<p>The approved minutes and all other written approvals should be forwarded to governor.support@northyorks.gov.uk where a new instrument will be drafted. <i>The date that the new instrument comes into effect must be the date on which a full governing board meeting will be held.</i></p>

<p>The new Instrument will be checked by a Governance Officer before being sent to Legal Services where the official seal will be applied. The original document will be retained at County Hall. Copies will be emailed to the Chair, Head teacher and clerk.</p>

<p>The Clerk should provide all Governors and any associated bodies with a copy of the new Instrument of Government. The school website and Get Information about schools (GIAS) must be updated to reflect the changes made.</p>