

6 February 2012

Dear Consultee

The Schools of King Edward VI in Birmingham (“Foundation”): Charity Registration No 529051

Proposed Revision of the Foundation’s Governing Document

After a fundamental review and extensive discussions with the Charity Commission, it is proposed that the Foundation’s Governing Document, namely the Birmingham (King Edward the Sixth) Schools Act 1900 (the “1900 Act”), be amended by a Scheme to be made by the Charity Commission. A copy of the latest draft of the Scheme is enclosed which, apart from a few technical items concerning (*inter alia*) borrowing powers, is not expected to change significantly. The benefits of the amendments are:

1. **Improved Clarity.** The 1900 Act has been revised by a number of “amending documents” as listed on page 1 of the enclosed Scheme but until now there has not been an overall review of the provisions in the 1900 Act. Governors felt that the 1900 Act needed to set out clearly the objects of the Foundation and include up-to-date administrative provisions, as is the case in modern charitable governing documents. This would aid everyone’s understanding of the constitutional arrangements relating to the Foundation.
2. **Improved Governance.** The efficiency of governance will be improved by the greater clarity, the addition of a modern range of powers and the increased ability of the Governors, having identified skills shortages on the Board of Governors, to appoint Governors with appropriate qualifications and experience. In addition, reflecting the reduced input available from the Charity Commission following budget cuts, the Scheme removes the need to seek approval from the Commission in certain circumstances, such as to the making of a statute by the Governors.

Turning to the Scheme itself the attached commentary highlights particular items to be noted.

If you have any questions about the proposed changes to the 1900 Act, you should direct them in the first instance to the Secretary to the Governors at the Foundation Office address given at the head of this letter. The Secretary may pass your query to the Foundation’s Law Clerk (Cobbetts).

All comments received in the course of the next 21 days will be reported to the Charity Commission, which will then determine whether any formal publication of proposals to amend the 1900 Act is needed and, if so, what form this should take.

Yours sincerely

J E Collins
Secretary to the Governors

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