

The Schools of King Edward VI in Birmingham (“Foundation”)

Commentary on Proposed Revision of the Birmingham (King Edward the Sixth) Schools Act 1900 (the “1900 Act”) by way of Charity Commission Scheme

- Pages 2, 3 and 4: sections 6, 7 and 8. The number of co-opted Governors is increased from ten to twelve with a corresponding reduction of nominated Governors from twelve to ten. This gives additional scope for the Board to identify and recruit Governors with particular skill sets that are otherwise lacking on the Board. This is to be achieved by reducing the number of Governors nominated by Birmingham City Council from four to two – a proposal that has been shared with the Cabinet Member for Education, Cllr Les Lawrence, who has indicated that there will be no objection to this by Birmingham City Council. This still leaves Birmingham City Council with the power to appoint more nominated Governors than any other nominating body and this reflects the importance that Governors place on the relationship between the Foundation and the City. The existing Governors will stay in office until the expiration of their present term and the term of office of all Governors going forward will be five years (previously four years for nominated Governors). It is intended that Standing Orders to be made regarding the four Governors nominated by or on behalf of the Schools of the Foundation will ensure appropriate parental and staff involvement in nominations as now but with more open, transparent and less bureaucratic appointment procedures.
- Pages 7, 8 and 9: section 17 (1) – (19) lists the powers of the Governors (in addition to those in section 16 of the 1900 Act and statutory powers available to the Governors) and the following explicit powers will aid the governance of the Foundation:
 - Section 17 (3) provides a power for the Governors to borrow money needed for any purpose of the Foundation using the quoted investment portfolio as security. (An explicit power to borrow to invest, for short-term liquidity for an investment property purchase, is currently being discussed with the Commission.)
 - Section 17 (4) contains a power for the Governors to delegate the exercise of any power to a committee provided that the safeguards set out in that section are met.
 - Section 17 (12) to (15) provides a power for the Governors, with appropriate procedural safeguards, to relocate, re-site, enlarge, alter, re-build, close or open a School of the Foundation without recourse to the Charity Commission.
- Pages 10 and 11: section 27 sets out the objects of the Foundation. The objects refer to the “Schools of the Foundation”, a definition of which is set out in section 3 on page 2 of the Scheme. At the date of the Scheme the following schools will be designated as “Schools of the Foundation” by a statute made by the Governors:

King Edward's School
King Edward VI High School for Girls
King Edward VI Five Ways School
King Edward VI Aston School
King Edward VI Handsworth School
King Edward VI Camp Hill School for Boys
King Edward VI Camp Hill School for Girls
King Edward VI Sheldon Heath Academy