

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 2011 and section 26 of the Birmingham (King Edward the Sixth) Schools Act 1900

Orders that from today, the

16 August 2023

this

SCHEME

will alter or affect the existing trusts of the charity

known as

THE SCHOOLS OF KING EDWARD VI IN BIRMINGHAM 529051

at

Birmingham

Shirley Banks

A member of staff of the Charity Commission authorised to act on behalf of the Charity Commission

1. Definitions

In this Scheme:

“the Charity” means the charity identified at the beginning of this Scheme.

“the 2012 Scheme” means the Charity Commission Scheme dated 7 March 2012 relating to the Charity.

“the Act” means the Birmingham (King Edward the Sixth) Schools Act 1900.

“the Governors” means the body corporate called the Governors of the Schools of King Edward the Sixth in Birmingham acting as Trustee of the Charity and “Governor” means one of the members of that body.

2. Administration

The Charity is to be administered by the by the Governors in accordance with the Act and 2012 Scheme as altered and affected by this Scheme.

3. Alteration of Trusts

The Act will take effect with the following alterations:

(1) In section 3 the following amendments are made

The expression "existing Governors" means those Governors holding office on [date of the Charity Commission Scheme].

The words "above recited" be removed from the meaning of the expression "the Scheme of 1883".

(2) Sections 6 - 8 inclusive be replaced by the following:

6. The Governors

(1) There should be up to 12 Governors appointed in accordance with Section 7.

(2) Subject to section 12 (Termination of Governorship), the existing Governors shall continue to hold office until the expiration of their present appointment.

7. Appointment of Governors

(1) The appointment of a Governor must be made at a meeting of the Governors called in accordance with a Standing Order made under Section 16 (Powers of Governors). In the event that there is a Nominations Committee, any such appointment may only be made following review by such Nominations Committee.

(2) Any Governor whose term of office is about to come to an end must not vote in favour of their own re-appointment.

(3) Each appointment must be made for a term of 4 years unless otherwise agreed. Governors may serve up to two consecutive terms of office, following which a Governor must resign and may not be reappointed for a period of at least a year, unless the Governors agree that the Governor concerned should serve a third consecutive term of office. The terms of office of the existing Governors shall be taken into account when determining the terms of office which may be served under this section.

8. Not used

(4) Section 10 (2) be deleted.

(5) References to the Charities Act 1993 in section 11(2)(a) be updated as follows:

(a) permitted in accordance, and subject to the conditions in, section 185 to 190 of the Charities Act 2011 (services including goods supplied in connection with the service provided by a charity trustee to a charity; trustee indemnity insurance); or

(6) Section 12 be replaced by the following:

12. Termination of Governorship

(1) A Governor will cease to be a Governor if he or she:

(i) is disqualified from acting as a Governor by section 178 of the Charities Act 2011; or

(ii) is absent without the permission of the Governors from all their meetings held within a period of 6 months and the Governors resolve that his or her office is vacated; or

(iii) gives not less than one month's notice in writing of his or her intention to resign (but only if at least 5 Governors will remain in office when the notice of resignation is to take effect)

(iv) is barred or disqualified from working with children or from any regulated activity relating to children under any list established and maintained under legislation relating to the safeguarding of children.

(7) Section 17 be replaced as follows:

16. Powers of the Governors

In addition to any other powers which they have, the Governors may exercise the following powers in furtherance of the objects of the Charity:

(1) Power to acquire land.

(2) Power to invest the funds of the Charity in any manner permitted by law.

(3) Power to borrow and raise money in any manner for any purpose of the Charity and to secure the repayment of any money borrowed, raised or owing

by mortgage, charge, lien or other security howsoever described upon stocks, shares, investments and other personal property and assets.

(4) Power to borrow and to invest borrowed funds in any manner permitted by law.

(5) Power to delegate (including to sub-delegate) the performance of any act, including the exercise of any power or discretion, to a committee consisting of any two or more persons in accordance with Standing Orders made by the Governors, provided always that:

(i) at least one of the persons on any committee must be a Governor;

(ii) the Governors must exercise reasonable supervision over the committee and the committee must promptly report their acts and proceedings to the Governors; and

(iii) the committee must not incur expenditure on behalf of the Charity except in accordance with a budget previously agreed by the Governors.

(6) Power to establish an advisory group comprising individuals who, in the opinion of the Governors, have relevant experience in dealing with issues affecting the Charity. An advisory group shall have none of the rights or powers exercisable by a committee of the Board other than a power to advise the Board on any matters which have been referred to it by the Board. The members of an advisory group shall not, unless they are also Governors, have the duties and responsibilities of charity trustees. Subject to any terms and conditions expressly imposed by the Governors, the proceedings of any advisory group shall be governed by such of this Act and any Standing Orders made by the Governors as regulate the proceedings of the Governors so far as they are capable of applying.

(7) Power to co-operate with other charities, voluntary bodies and statutory authorities. The Governors may exchange information and advice with them.

(8) Power to make donations to charities whose objects are similar to those of the Charity.

(9) Power to make donations to any charity established in connection with one or more of the Schools of the Foundation.

(10) Power to maintain an archive of documentation and other material relating to the Charity or any of the Schools of the Foundation.

(11) Power to raise funds and accept donations for the general or any specific purpose or activity of the Charity. (In raising funds the Governors must not undertake any taxable permanent trading activity.)

(12) Power to insure against public liability and, if appropriate, employers' liability; and to insure the buildings of the Charity to their full value against fire and all other usual risks (except to the extent that the buildings are insured against any of these risks by a tenant).

(13) Power to make, repeal and amend Statutes and Standing Orders for any matter specifically requiring such a Statute or Standing Order in the governing document of the Charity and in addition to make Statutes and Standing Orders consistent with the governing document for:

(i) Admission to, and fees to be paid (if any) at, the Schools of the Foundation (all Statutes and Standing Orders must be consistent with the governing document and the Education Acts);

(ii) the management and administration of the Charity and its property including (but not limited to):

(a) the summoning and conduct of, voting at, and setting a quorum for, meetings;

(b) the appointment of a Bailiff, Chair and other officers;

(c) the employment of staff;

(d) the conduct of the schools carried-on on the property of the Charity (so far as permitted or required by the Education Acts).

Provided always that:

1. The making, amending or repealing of a Statute must be considered at a special meeting of the Governors that is attended by at least 75% of the Governors for the time being and will only be effective if the number nearest two-thirds of the number of Governors attending the special meeting or 5 of the Governors (whichever is the greater) vote in favour of the proposed making, amending or repealing of the Statute concerned.

2. When repealing or amending any Statute or Standing Order relating to the discipline or educational business of any School of the Foundation, the Governors shall consult and consider the views of the Head teacher of the School or Schools affected.

(14) Power by Standing Order to relocate or re-site any of the Schools of the Foundation.

(15) Power by Standing Order to enlarge, alter, or re-build any of the Schools of the Foundation.

(16) Power by Statute to close any of the Schools of the Foundation or to open a new School of the Foundation.

(17) Power by Statute to designate (or to revoke the designation of) any school as a School of the Foundation.

(18) Power to make Standing Orders (which must be consistent with the governing document) for:

(i) the award of grants and prizes;

(ii) the method of selecting candidates for benefit; and

(iii) the terms of the award.

(19) The Governors may associate a grant or prize with the name of any benefactor of the School. The Governors must consult with the Head Teacher of the relevant school before awarding any grant or prize.

(20) Subject to Section 11 (Payments to the Governors) power to appoint staff and pay them reasonable remuneration, including pension provision for them and their dependants.

(21) Power to do anything else within the law which promotes or helps to promote the object of the Charity.

(8) References to the Charities Act 1960 in section 18(4) be updated to refer to the Charities Act 2011.

(9) References to the Charities Act 1993 in section 26 be replaced with references to the Charities Act 2011 as follows:

25. Amendment of this Act

(1) Any provision of this Act may be modified or superseded by the Court or the Charity Commission as if the Act were a Scheme brought into effect by order of the Charity Commission under section 69 of the Charities Act 2011.

(2) In this section 'Court' has the same meaning as in the Charities Act 2011.

(10) Section 27 be replaced as follows:

27. Use of income and capital

(1) The Governors must first apply:

(i) the Charity's income; and

(ii) if the Governors think fit, expendable endowment; and

(iii) when the expenditure can properly be charged to it, its permanent endowment, in meeting the proper costs of administering the Charity and of managing its assets (including the repair and insurance of its buildings).

(2) After payment of these costs, the Governors must apply the remaining income in furthering the objects(s) of the Charity.

(3) The Governors may also apply for the object(s) of the Charity:

(i) expendable endowment; and

(ii) permanent endowment, but only:

(a) where it is permitted in accordance with, and subject to the conditions in sections 280 to 284 of the Charities Act 2011 (power of unincorporated charities to spend capital); or

(b) on such terms, including for the replacement of the amount spent, as the Charity Commission may approve in advance.

4. Questions relating to the Scheme

The Charity Commission may decide any question put to it concerning:

(1) the interpretation of this Scheme; or

(2) the propriety or validity of anything done or intended to be done under it