**Process for Changing an Instrument of Government**

1. The change of constitution needs to be discussed and agreed by the full governing board.
2. The Clerk submits proposals to the Local Authority via the LA Governance team ([LAgovernance@essex.gov.uk](mailto:LAgovernance@essex.gov.uk)) who will consider whether it complies with legal requirements. The proposal must include minutes of the full governing board (FGB) meeting where the decision was made and a record of who was present (quoracy)
   1. If the school is proposing a change in the name of the school (e.g. Infant and Junior amalgamating to become Primary) then all members of the governing body need to be present at the meeting or if unable to do so, they need to provide evidence that they also approve)
   2. If the proposal is anything else, then the minutes need to evidence at least half of the governing board being present at the meeting.
3. Where a school has foundation governors, the governing board must not submit the draft unless it has been approved by the foundation governors; the trustees of any foundation relating to the school; **the appropriate diocesan authority;** and in the case of any other school designated as having a religious character, the appropriate religious body.
4. If, for a school that does not have foundation governors, the local authority is not content with the draft instrument of government, then the LA must inform the school representative who submitted the draft, providing reasons for the changes needed, and the LA will produce a draft for approval for the school representative to seek approval on.
5. If it is not possible for the LA and governing board to agree on the revised draft, the LA will send the draft that the school prefers for sealing and await approval from Essex Legal Services. If the revised draft is subsequently rejected, then the LA will use their draft, having regard to the category of school to which the school belongs.
6. Once the instrument is ready to be sealed, then the LA Governance team will arrange for the new instrument to be sealed by the Legal Services Team. **NB: we will have a note of the previous instrument number and date of sealing, so schools do not need to worry if they don’t know this.**
7. Once the instrument has been sealed by the Legal Services Team, the LA Governance team will email a copy of the new instrument to the Clerk for distribution to all members of the governing board. The original will kept on file by the Local Authority.

For any additional information please contact the LA Governance team at:

[LAGovernance@essex.gov.uk](mailto:LAGovernance@essex.gov.uk)