



**Cirencester
College**

**CORPORATION
INSTRUMENT OF GOVERNMENT**

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1. INTERPRETATION OF THE TERMS USED

In this instrument of Government:

- a) Any reference to “the Principal” shall include a person acting as Principal.
- b) “The Clerk” means the Governance Manager.
- c) “The Corporation” means the Corporation of Cirencester College.
- d) “The Chair” and “Vice-Chair” mean respectively the Chair and Vice-chair of the Corporation appointed under clause 6 of the Instrument of Government.
- e) “The institution” means Cirencester College.
- f) “This instrument” means this Instrument of Government.
- g) “Term” means the section of the academic year, split into six.
- h) “The DfE” means the Department for Education.
- i) “meeting” includes a meeting at which the members attending are present in more than one room, provided that using video-conferencing facilities it is possible for every person present at the meeting to communicate with each other, or meetings conducted by teleconferencing.
- j) “Necessary skills” means skills and experience, other than professional qualifications, specified by the Corporation as appropriate for members to have.
- k) “Parent member”, “staff member”, “student member”, have the meanings given to them in clause 2.
- l) “The Secretary of State” means the Secretary of State for Education.
- m) “Staff matters” means the remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement of staff.

2. PURPOSE

The purpose of the Instrument of Government is to provide the constitutional framework for the Corporation. It establishes the legal identity of the Corporation and defines the composition of the governing body, including categories of membership and eligibility, appointment and removal, as well as the framework within which they must operate. In essence, it sets out who the governors are and how they are constituted.

3. COMPOSITION OF THE CORPORATION

- 3.1 Subject to the transitional arrangements set out in clause 5, the Corporation shall consist of:
 - a. Up to 18 members who appear to the Corporation to have the necessary skills to ensure that the Corporation carries out its functions under article 4 of the Articles of Government.
 - b. The Principal of the institution, unless the Principal chooses not to be a member.

- c. Two members who are members of the institution's staff and have a contract of employment with the institution and who have been nominated and elected as set out in clause 3.2 ("staff members").
 - d. Two members who are students at the institution and have been nominated and elected by their fellow students, or if the Corporation so decides, by a recognised association representing students ("student members").
 - e. One member, who is a parent of students under the age of 19 years attending the institution, who has been nominated and elected by other parents, or if the Corporation so decides, by a recognised association representing parents ("parent member").
- 3.2 Of the two staff members, one shall be a member of the academic staff, nominated and elected only by the academic staff; and the other shall be a member of the non-academic staff, nominated and elected by the non-academic staff.
- 3.3 The appointing authority, as set out in clause 6, will decide whether a person is eligible for nomination, election and appointment as a member of the Corporation under clause 3.1.

4. DETERMINATION OF MEMBERSHIP NUMBERS

- 4.1 Subject to clause 4.2 and the transitional arrangements in clause 5, the number of members of the Corporation shall be that decided by the Corporation in the most recent determination it has made.
- 4.2 The Corporation may at any time vary the determination referred to in paragraph 3.1 and any subsequent determination under this paragraph provided that
- a. The number of members of the Corporation shall not be less than twelve or more than twenty.
 - b. The number of each member of each category in clause 3 shall be subject to the limit which applies to that category set out in clause 3.
- 4.3 No determination under this clause shall terminate the appointment of any person who is already a member of the Corporation at the time at which the determination is made.

5. TRANSITIONAL ARRANGEMENTS

- 5.1 Where, following the last determination, the membership of the Corporation does not conform in number to that determination:
- a. Nothing in clauses 3 and 4 of this Instrument shall require the removal of members.
 - b. The Corporation shall ensure that any new appointments are made so that its composition conforms to the determination as soon as possible.

6. APPOINTMENT OF THE MEMBERS OF THE CORPORATION

- 6.1 Subject to clause 6.2 the Corporation is the appointing authority in relation to the appointment of its members.
- 6.2 The appointing authority may decline to appoint a person as a parent, staff or student member if:
- a. It is satisfied that the person has been removed from office as a member of a further education corporation in the previous ten years:
 - b. The appointment of the person would contravene any rule or bye-law made under article 18 of the Articles of Government concerning the number of terms of office which a person may serve.
 - c. The person is ineligible to be a member of the corporation because of clause 9.
- 6.3 Where the office of any member becomes vacant the appointing authority shall as soon as practicable take all necessary steps to appoint a new member to fill the vacancy.

7. APPOINTMENT OF THE CHAIR AND VICE-CHAIRS

- 7.1 The members of the Corporation shall appoint a Chair and two Vice-Chairs from among themselves.
- 7.2 Neither the Principal nor any staff or student members shall be eligible to be appointed as Chair or Vice-Chair or to act as Chair in their absence.
- 7.3 If both the Chair and the Vice-Chairs are absent from any meeting of the Corporation, the members present shall choose someone from among themselves to act as Chair for that meeting.
- 7.4 The Chair and Vice-Chairs shall hold office for such a period as the Corporation decides.
- 7.5 The Chair or Vice-Chairs may resign from office at any time by giving notice in writing to the Governance Manager.
- 7.6 If the Corporation is satisfied that the Chair is unfit or unable to carry out the functions of office, it may give written notice, removing the Chair from office and the office shall then be vacant.
- 7.7 If the Corporation is satisfied that a Vice-Chair is unfit or unable to carry out the functions of office, it may give written notice, removing the Vice-Chair from office and the office shall then be vacant.
- 7.8 At the last meeting before the end of the term of office of the Chair, or at the first meeting following the Chair's resignation or removal from office, the members shall appoint a replacement from among themselves.

- 7.9 At the last meeting before the end of the term of office of the Vice-Chair, or at the first meeting following the Vice-Chair's resignation or removal from office, the members shall appoint a replacement from among themselves.
- 7.10 At the end of their respective terms of office, the Chair and Vice-Chairs shall be eligible for reappointment, subject to any rule or bye-law made by the Corporation under article 18 of the Articles of Government concerning the number of terms of office which a person may serve.

8. APPOINTMENT OF THE CLERK TO THE CORPORATION

- 8.1 The Corporation shall appoint a person to serve as its Clerk, but the Principal may not be appointed as Clerk.
- 8.2 The Governance Manager is an independent officer of the Corporation who is accountable to the Corporation for all matters relating to their duties in office.
- 8.3 The Articles of Government (clause 3.3) confirms the functions for which the Governance Manager is responsible.
- 8.4 In the temporary absence of the Clerk, the Corporation shall appoint a person to serve as a temporary Clerk, but the Principal may not be appointed as temporary Clerk.
- 8.5 Any reference in this Instrument to the Clerk shall include a temporary Clerk appointed under clause 8.2.
- 8.6 Subject to clause 15, the Governance Manager shall be entitled to attend all meetings of the Corporation and any of its committees.
- 8.7 The Governance Manager will be a member of staff at the institution.

9. PEOPLE WHO ARE INELIGIBLE TO BE MEMBERS

- 9.1 No one under the age of 18 may be a member, except as a student member.
- 9.2 The Governance Manager may not be a member.
- 9.3 A person who is a member of staff of the institution may not be, or continue as, a member, except as a staff member or in the capacity of Principal.

- 9.4 A person shall be disqualified from holding or continuing to hold office as a member if:
- a. They are the subject of a bankruptcy restrictions order; an interim bankruptcy restrictions order; debt relief restrictions order; an interim debt relief restrictions order; or their estate has been sequestered and the sequestration has not been discharged, annulled or reduced.
 - b. They are subject to a disqualification order or disqualification undertaking from the Company Directors Disqualification Act 1986; a disqualification order under the Companies (Northern Ireland) Order 2002; or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
 - c. They have been removed from the office of trustee for a charity by an order made by the Charity Commission or Commissioners or High Court on ground of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control of any body.
 - d. They are disqualified from being a charity trustee under the Charities Act 2011.
 - e. They are included in the list of people considered by the Secretary of State as unsuitable to work with children or young people.
 - f. They are barred from any regulated activity relating to children.
 - g. They are disqualified from being an independent school proprietor, teacher or employee by the Secretary of State.
 - h. Subject to certain exceptions for overseas offences that do not correlate with a UK offence, they have been sentenced to three months or more in prison (without the option of a fine) in the five years ending with the date preceding the date of appointment/ election as a school governor.
 - i. Subject to certain exceptions for overseas offences that do not correlate with a UK offence, they have received a prison sentence of two and a half years or more in the 20 years ending with the date preceding the date of appointment/ election as a school governor.
 - j. Subject to certain exceptions for overseas offences that do not correlate with a UK offence, they have at any time received a prison sentence of five years or more.
 - k. They have been convicted of an offence involving fraud, theft, violence, sexual offences or other serious crimes, especially if relevant to safeguarding or governance.
 - l. They have been convicted and fined for causing a nuisance or disturbance on school or educational premises during the five years ending with the date immediately preceding appointment/ election or since appointment or election as a school governor.
 - m. They refuse a request by the Governance Manager to make an application to the Disclosure and Barring Service for a criminal records certificate.
- 9.5 All members of the Corporation shall annually declare that they are not disqualified from membership under the legislation and regulations in clause 9.4.

- 9.6 Upon a member of the Corporation becoming disqualified from continuing to hold office under clause 9.4, the member shall immediately give notice of the fact to the Governance Manager.

10. TERMS OF OFFICE

- 10.1 A member of the Corporation shall hold and vacate office in accordance with the terms of the appointment, but the length of the term of office shall not exceed four years.
- 10.2 Members retiring at the end of their term of office shall be eligible for reappointment and clause 6 shall apply to the reappointment of a member as it does to the appointment of a member.
- 10.3 Clause 10.2 is subject to rules made by the Corporation under article 18 of the Articles of Government concerning the number of terms of office which a person may serve.

11. TERMINATION OF MEMBERSHIP

- 11.1 A member may resign from office at any time by giving notice in writing to the Governance Manager.
- 10.10 The Corporation may, by notice in writing to that member, remove the member from office and the office shall then be vacant if at any time the Corporation is satisfied that any member:
- a. Is unfit or unable to discharge the functions of a member.
 - b. Has been absent from meetings of the Corporation for a period longer than six consecutive months without the permission of the Corporation,
- 10.11 Any person who is a member of the Corporation by virtue of being a member of the staff at the institution, including the Principal, shall cease to hold office upon ceasing to be a member of the staff and the office shall then be vacant.
- 10.12 A student member shall cease to hold office and the office shall then be vacant:
- a. At the end of the student's appointed term of office, as determined by the Corporation.
 - b. If expelled from the institution.
- 10.13 A parent member shall cease to hold office within one term following the end of the academic year when the member's child leaves the institution and the office shall then be vacant.

12. MEMBERS NOT TO HOLD INTERESTS IN MATTERS RELATING TO THE INSTITUTION

- 12.1 A member to whom clause 12.2 applies shall:
- Disclose to the Corporation the nature and extent of the interest.
 - Declare the interest if present at a meeting of the Corporation, or of any of its committees, at which such supply, contract or other matter as is mentioned in clause 12.2 is to be considered. They shall not take part in the consideration or vote on any question with respect to it and not be counted in the quorum present at the meeting in relation to the resolution on which that member is not entitled to vote.
 - Withdraw, if present at a meeting of the Corporation, or any of its committees, at which such supply, contract or other matter as is mentioned in clause 12.2 is to be considered, where required to do so by a majority of the members of the Corporation or committee present at the meeting.
- 12.2 This clause applies to a member who:
- Has any financial interest in:
 - The supply of work to the institution, or the supply of goods for the purposes of the institution.
 - Any contract of proposed contract concerning the institution.
 - Any other matter relating to the institution.
 - Has any other interest of a type specified by the Corporation in any matter relating to the institution.
- 12.3 This clause shall not prevent the members considering and voting upon proposals for the Corporation to insure them against liabilities incurred by them arising out of their office or the Corporation obtaining such insurance and paying the premium.
- 12.4 Where the matter under consideration by the Corporation or any of its committees relates to the pay and conditions of all staff, or all staff in a particular class, a staff member:
- Need not disclose a financial interest.
 - May take part in the consideration of the matter, vote on any question with respect to it and count towards the quorum present at that meeting, provided that in so doing, the staff member acts in the best interests of the Corporation as a whole and does not seek to represent the interests of any other person or body.
 - Shall withdraw from the meeting if the matter is under negotiation with staff and the staff member is representing any of the staff concerned in those negotiations.
- 12.5 The Governance Manager shall maintain a Register of Interests of the members which have been disclosed. The register shall be made available during normal office hours at the institution to any person wishing to inspect it.

- 12.6 Members will be asked on an annual basis to complete a Register of Interests declaration. Individual members are responsible for declaring any interests that they might hold.
- 12.7 The agenda for every meeting will contain a standing item relating to the disclosure of interests.
- 12.8 If the Governance Manager, based on the Register of Interest declaration, believes a member to have an interest in an item that they do not declare under the agenda item, they should draw this to the attention of the Chair and the member concerned.
- 12.9 Members must not receive gifts, hospitality or benefits of any kind from a third party which might be seen to compromise their personal judgement or integrity.

13. MEETINGS

- 13.1 The Corporation shall meet at least once in every term and shall hold such other meetings as may be necessary.
- 13.2 Subject to clause 13.4, 13.5 and 14.4, all meetings shall be convened by the Governance Manager, who shall, at least seven days before the date of the meeting, send to the members of the Corporation written or electronic notice of the meeting and a copy of the proposed agenda.
- 13.3 If it is proposed to consider at any meeting the remuneration, conditions of service, conduct, suspension, dismissal or retirement of the Governance Manager, the Chair shall, at least seven calendar days before the date of the meeting, send to the members a copy of the agenda item concerned, together with any relevant papers.
- 13.4 A meeting of the Corporation, called a “special meeting”, may be called at any time by the Chair or at the request in writing of any five members.
- 13.5 Where the Chair, or in the Chair’s absence one of the Vice-Chairs, decides that there are matters requiring urgent consideration, the written notice convening the special meeting and a copy of the proposed agenda may be given within less than seven calendar days.
- 13.6 Every member shall act in the best interests of the Corporation and shall not be bound to speak or vote by mandates given by any other body or person.
- 13.7 The Corporation may make rules under article 20 to allow decisions to be made, other than at meetings, by means of electronic communication or written resolution.

14. QUORUM

- 14.1 Meetings of the Corporation shall be quorate if the number of members present is at least 40% of the total number of members (rounded up to the next whole number).
- 14.2 If the number of members present for a meeting of the Corporation does not constitute a quorum, the meeting shall not be held.
- 14.3 If during a meeting of the Corporation there ceases to be a quorum, the meeting shall be terminated immediately.
- 14.4 If a meeting cannot be held or cannot continue for lack of a quorum, the Chair may call a special meeting as soon as is convenient.
- 14.5 Rules made by the Corporation for decision making outside meetings shall include rules about the quorum of members participating in such decisions for them to be valid.
- 14.6 The quorum for each committee shall also be 40% of the membership (rounded up). Some committees may have additional rules about quorum, which will be found in their terms of reference.
- 14.7 For the purposes of quoracy, any member who has declared an interest will cease to be counted towards the quorum necessary for taking any decision on the item against which the item was declared.

15. PROCEEDINGS OF MEETINGS

- 15.1 Every question to be decided at a meeting of the Corporation, except a question relating to the adoption or amendment of the instrument and articles of government, shall be decided by a majority of votes cast by the members present and entitled to vote on the question.
- 15.2 A question of adopting or amending the instrument and articles of government shall be decided by a majority of the number of members of the Corporation appointed at that time.
- 15.3 Where, at a meeting of the Corporation, there is an equal division of votes on a question to be decided, the Chair of the meeting shall have a second or casting vote. This paragraph shall not apply in the case of decisions taken other than at meetings.
- 15.4 The validity of any proceedings of the Corporation, or of any committee, shall not be affected by a vacancy amongst the governors or by any defect in the appointment, nomination or election of a governor.
- 15.5 A member may not vote by proxy or by way of postal vote.
- 15.6 The vote shall be by a show of hands, unless a majority of the members present request a secret ballot.

- 15.7 No resolution of the members may be rescinded or varied at a subsequent meeting unless consideration of the rescission or variation is a specific item of business on the agenda for that meeting.
- 15.8 Except as provided by procedures made pursuant to article 11 of the articles of government, a member of the Corporation who is a member of staff at the institution, including the Principal, shall withdraw:
- a. From that part of any meeting of the Corporation, or any of its committees, at which staff matters relating solely to that member of staff, as distinct from staff matters relating to all members of staff or all members of staff in a particular class, are to be discussed.
 - b. From that part of any meeting of the Corporation, or any of its committees, at which that member's reappointment or the appointment of that member's successor is to be considered.
 - c. From that part of any meeting of the Corporation, or any of its committees, at which the matter under consideration concerns the pay or conditions of service of all members of staff, or all members of staff in a particular class, where the member of staff is acting as a representative (whether or not on behalf of a recognised trade union) of all staff members or the class of staff (as the case may be).
 - d. If so required by a resolution of the other members present, from that part of any meeting of the Corporation, or any of its committees, at which staff matters relating to any member of staff holding a post senior to that member are to be considered, except those relating to the pay and conditions of all staff or all staff in a particular class.
- 15.9 A Principal who has chosen not to be a member of the Corporation shall still be entitled to attend and speak, or otherwise communicate, at all meetings of the Corporation and any of its committees, except that the Principal shall withdraw in any case where the Principal would be required to withdraw under clause 15.8.
- 15.10 A student member, irrespective of their age, is eligible to vote at a meeting of the Corporation, or any of its committees, on any question concerning any proposal.
- 15.11 Except as provided by rules made under article 13.3 of the articles of government relating to appeals and representations by students in disciplinary cases, a student member shall withdraw from that part of any meeting of the Corporation or any of its committees, at which a student's conduct, suspension or expulsion is to be considered.
- 15.12 In any case where the Corporation, or any of its committees, is to discuss staff matters relating to a member or prospective member of staff at the institution, a student member shall:
- a. Take not part in the consideration or discussion of that matter and not vote on any question in respect of it.

- b. Where required to do so by a majority of the members, other than student members, of the Corporation or committee present at the meeting, withdraw from the meeting.

15.13 The Governance Manager shall:

- a. Withdraw from that part of any meeting of the Corporation, or any of its committees, at which the Governance Manager's remuneration, conditions of service, conduct, suspension, dismissal or retirement in the capacity of Governance Manager are to be considered.
- b. As a member of staff at the institution, withdraw in any case where a member of the Corporation is required to withdraw under clause 15.8.

15.14 If the Governance Manager withdraws from a meeting, or part of a meeting, of the Corporation or a committee under clause 15.8, the Corporation shall appoint a person from among themselves to act as Clerk during this absence.

16. MINUTES

- 16.1 Written minutes of every meeting of the Corporation shall be prepared and, subject to clause 16.2, at every meeting of the Corporation the minutes of the last meeting shall be taken as an agenda item.
- 16.2 Minutes of the previous meeting are not required as an agenda item in the case of a special meeting but should be taken as an agenda item at the next meeting which is not a special meeting.
- 16.3 Where minutes of a meeting are taken as an agenda item and agreed to be accurate, those minutes shall be signed as a true record by the Chair of the meeting.
- 16.4 Where any changes are made to the minutes of the last meeting, the changes will be recorded in the minutes at which they are an agenda item.
- 16.5 Separate minutes shall be taken of those parts of meetings from which staff members, the Principal, students members or the Governance Manager have withdrawn from a meeting in accordance with clause 15 and such persons shall not be entitled to see the minutes of that part of the meeting or any papers relating to it.

17. PUBLIC ACCESS TO MEETINGS

- 17.1 The Corporation shall decide if a person should be allowed to attend any of its meetings where that person is not a member, the Governance Manager or the Principal, and in making its decision, shall give consideration to clause 18.2.
- 17.2 The Corporation's policy on public attendance at its meetings will be published on the College website.

18. PUBLICATION OF MINUTES AND PAPERS

- 18.1 Subject to clause 17.2, the Corporation shall ensure that a copy of:
- a. The agenda for every meeting of the Corporation
 - b. The signed minutes of every such meeting
 - c. Any report, document or other paper considered at any such meeting
- shall as soon as possible be made available during normal office hours at the institution to any person wishing to inspect them.
- 18.2 There shall be excluded from any item made available for inspection any material relating to:
- a. A named person employed at or proposed to be employed at the institution.
 - b. A named student at, or candidate for admission to, the institution.
 - c. The Governance Manager.
 - d. Any matter which, by reason of its nature, the Corporation is satisfied should be dealt with on a confidential basis.
- 18.3 The Corporation shall ensure that a copy of the signed minutes of every meeting of the Corporation shall be placed on the institution's website and shall remain on the website for a minimum period of 12 months.
- 18.4 Decisions on confidentiality will initially be made by the Chair of the Corporation or Corporation committee on the advice of the Governance Manager and other members of college staff.
- 18.5 The Corporation shall review regularly all material excluded from inspection under clause 18.2d and make any such material available for inspection where it is satisfied that the reason for dealing with the matter on a confidential basis no longer applies, or where it considers that the public interest in disclosure outweighs that reason.

19. PAYMENT OF ALLOWANCES TO MEMBERS

- 19.1 The Corporation may pay to its members such travelling, subsistence or other allowances as it decides, but shall not pay allowances which remunerate the members for their services as members.

20. COPIES OF THE INSTRUMENT OF GOVERNMENT

- 20.1 A copy of this Instrument of Government shall be given free of charge to every member of the Corporation and at a charge not exceeding the cost of copying or free of charge to any other person who so requests a copy. It shall be available for inspection at the institution upon request, during normal office hours, to every member of staff and every student. It will also be posted on the college website.

21. CHANGE OF NAME OF THE CORPORATION

- 21.1 The Corporation may change its name with the approval of the Secretary of State.

22. APPLICATION OF THE SEAL

- 22.1 The application of the seal of the Corporation shall be authenticated by:
- a. The signature of either the Chair of or some other member authorised by the Corporation generally or specifically to act for that purpose.
 - b. The signature of any other member.

23. MODIFICATION OR REPLACEMENT OF THE INSTRUMENT AND ARTICLES OF GOVERNMENT

- 23.1 Subject to clauses 15.1, 15.2 and 23.2, the Corporation may by resolution of the members modify or replace its instrument and articles of government after consultation with any other persons who, in the Corporation's view, are likely to be affected by the proposed changes.
- 23.2 The Corporation shall not make changes to the instrument or articles of government that would result in the body ceasing to be a charity.

24. DISSOLUTION OF THE CORPORATION

- 24.1 The Corporation may by resolution dissolve itself and provide for the transfer of its property, rights and liabilities.
- 24.2 The Corporation shall ensure that a copy of the draft resolution to dissolve the Corporation on a specified date shall be published at least one month before the proposed date of such resolution.

DOCUMENT CONTROL

Version number:	1.2
Reviewed by Search & Governance Committee:	October 2025
Approved by Corporation:	November 2026
Next review:	October 2026

Version number	Clause number	Change made	Reason
1.1	Whole document	New template	Consistency
	2	Added the purpose of the document	Clarity
	9	Added all the current disqualification criteria for appointment	Charity Commission guidance
	12	Added: the register of interests will be updated annually; meeting agendas will have declaration of interest as a standing item; members will not accept gifts	Best practice
	13.8	Clarification on the rules surrounding voting for student members	Updated DfE guidance
	23 and 24	Moved from Articles of Government	Ease of reference
1.2	3.1.a	Increase number of members of Corporation to 18 (from 15)	On recommendation from Search and Governance recruitment panel to allow recruitment to fill skills gaps