

Procedure to achieve Federation

(Reference: Part 2 of The School Governance (Federations) England Regulations 2012 – Establishing or Joining a Federation and The School Governance (Constitution and Federation) (England) (Amendment) Regulations 2014, and 2016)

Step	Regulation Reference	Action	Comments/Guidance
1		<p>a) Schools agree informally to investigate federation.</p> <p>Governors vote to agree to consider federation as a principle at a meeting of the governing body. They may do this before approaching potential partners. The governing body decides governor representatives who will be members of a joint committee (with delegated powers) with the partner school governors.</p> <p>b) This joint committee, working across all governing bodies develops the long term vision, ethos, values and structures for the federation.</p> <p>If responding to a LA proposal also include information about financial savings and improved education over time, sustainability, and current and projected surplus places, and any other information in order to meet published principles and criteria.</p> <p>c) Inform the LA, staff, parents and, if appropriate, the Diocesan Board of Education.</p>	<p>Discussion between headteacher (s) and Chairs of Governor (s)</p> <p>There is no set number for governor representatives on a joint committee. The aim is to try to ensure equal representation and it will depend how many schools are involved. If there are 2 schools involved it is advisable to have the heads, Chairs and 2 other governors from each school. If a VC or VA school is involved perhaps one governor representative from each school is a foundation governor. If there are more than 2 schools bear in mind how large the joint committee could become.</p> <p>Minutes of meeting should be taken to record the governing bodies' decisions.</p>
2		The joint committee of governor representatives write a report outlining the reasons for federation and benefits.	See Step 2 guide..
3	7 (1)	<p>Individual governing bodies meet to consider the written report.</p> <p>The meeting is called with at least 7 days notice and the purpose of the report must be listed as an agenda item.</p>	<p>The Law states the governing body must 'consider a report'. It is good practice for this to be a written not verbal report to ensure consistency and in case of absence will be available to all governors.</p> <p>For consistency the same report is considered by the governing bodies involved with sections covering school specific issues.</p>

<p>Decision</p>	<p>7 (2) 8 (1 and 2)</p>	<p>When a governing body wishes to join a federation they give notice in writing which must be considered by the governing body of that federation</p> <p>Each governing body decides if it wishes to proceed</p>	<p><i>Minutes of meeting should be taken to record the governing bodies' decisions.</i></p> <p><i>By vote - majority show of hands.</i></p>
<p>4</p>	<p>9 (1) 9 (2)</p>	<p>If governing bodies decide to proceed they must jointly publish a formal proposal which will be used in the consultation process, which should be at least 6 weeks. This should be one document produced by the joint committee.</p> <p>The proposal must contain:</p> <ul style="list-style-type: none"> a) the names of the governing bodies proposing to federate and confirmation that an agreement has been reached; b) the proposed size of the governing body of the federation; c) the proposed number of governors for each category of governor; d) the proposed arrangements for staffing the schools within the federation (consult the HR officer on this); e) the proposed timetable and federation date; f) the identity of the admission authority or authorities for the schools within the federation; g) the date, not less than 6 weeks after the publication of the proposals by which written representations may be made to the governing body regarding the proposals and the address to which they should be sent. h) anything else that the governors think appropriate. 	<p><i>Composition of a governing body is noted in this document.</i></p> <p><i>Check proposed staffing arrangements with your school's HR Officer. Your headteacher will be able to provide details:</i></p> <p><i>email: firstname.surname@shropshire.gov.uk (substitute each officer's name)</i></p> <p>Although not a legal requirement, it would be good practice to exclude school holiday periods from the 6 week period.</p> <p>All governing bodies must jointly agree to the inclusion of other matters they consider appropriate</p>

<p>Decision</p>	<p>10 (2)</p>	<p>This could be done on the same occasion as step 6 and in the same building but in separate rooms and then they could join together once the decision had been taken.</p> <p>'Modification' does not include change in identity of governing body proposing to federate.</p> <p>Each governing body decides either not to proceed or to proceed</p>	<p>Secret ballot, majority vote</p>
<p>8</p>	<p>10 (3)</p>	<p>Within one week of determination: Governing bodies that have agreed to proceed must jointly inform the LA(s) and inform the Secretary of State of the federation (via updating their school details on Edubase (at https://www.education.gov.uk/edubase/login.xhtml) as must those determining not to and inform the Diocesan Board of Education (if a Church school).</p> <p>Plan, prior to the federation date, for the election/appointment of the members of the new joint governing body.</p> <p>On the federation date, the governing bodies of the federating schools are dissolved and the governing body of the federation is incorporated.</p>	<p>Schedule 5 – 'The governing bodies of schools which are to form the federation must jointly prepare a draft Instrument of Government and submit it to the LA '.</p> <p>The LA will provide for this action and the required Regulations and where applicable to the category of schools seek approval from the Diocese, Foundation governors and the trustees of the trust, if any, relating to the school/s.</p>
<p>NB</p>	<p>13</p>	<p>On the federation date the governing bodies are dissolved and the new governing body of the federation is incorporated. All land and property which before the federation date was held by a governing body, or federation, of a federating school transfers to the governing body of the new federation. All rights and liabilities subsisting immediately before the federation date which were acquired or incurred by the governing body, or federation, of a federating school are transferred to the governing body of the federation.</p>	<p>Important matters to note and appropriate actions taken if necessary.</p>

At all stages, if 1 or more governing bodies decide not to proceed the process must restart at Step1 and a new formal proposal put forward.

Composition of a Federated Governing Body and Process for Populating the Instrument of Government.

The governing body will consist of no fewer than seven governors with no upper limit. In Law the composition of the governing body is published in the formal consultation proposal and the total number will be made up of the following:

- **Two Parent governors elected/appointed.** The Law states those parents of registered pupils at the schools which have now federated qualify. Therefore the election takes place **after** the incorporation date. NB: If 2 schools are federated this is NOT one parent governor from each school, but 2 across the federation.
- **The headteacher of each federated school** unless they resign from office as a governor in accordance with regulation 19 of the Constitution Regulations 2012.
- **One Staff governor – election** may take place **prior** to incorporation date. NB: This is ONE staff governor across all schools in the federation
- **One LA governor – nomination by the Councillor.** Appointed by the governing body at its first meeting if the individual has the skills required to contribute to the effective governance and success of the federation and having first met any additional eligibility criteria set by the governing body.
- **Foundation governors** (for federations including aided or controlled schools the number depends on the categories of schools involved – See Regulations for details) – appointment by the foundation may take place **prior** to incorporation date
- **Co-opted governors - co-option at the first meeting** of as many (or as few) as they consider necessary providing that the requirements in regulation 22 are met in respect of voluntary and foundation schools (all federations except those where only Aided schools are federating). It is important to note that the total number of co-opted governors who are eligible to be elected as staff governors must not exceed a third of the total membership of the governing body.
- **Partnership** governors (only where required by the category of school).

Also:

- **Associate** members – federated governing bodies **may appoint** associate members who are **NOT** governors and do not have a vote at full governors' meetings. The federated governing body may afford associate members voting rights on committees.

If the final decision is to federate two or more maintained school governing bodies, the Local Authority 'makes the Instrument of Government'. This formally records the composition of the governing body, any operating principles, and is signed by the LA.

At midnight on the incorporation date (the date the federated governing body is established), the new Instrument of Government is operational and it is at this time that it is then populated.

On the incorporation date the following categories of governor:

ARE IN POST: headteacher, Foundation and staff (if time has allowed for a staff member be elected prior to incorporation date)

ARE NOT IN POST: Parent, LA, Co-opted and Partnership (if required) and **the processes next to each category as noted above will need to be progressed.**

Associate Members are NOT governors (see notes above) but may be appointed at the first meeting of the federation.

The date set for the first meeting of the federation should take account of the appointment processes required by Law to populate the membership of the governing body as noted above. At the first meeting the Chair and Vice Chair are elected however prior to this, those governors in post can act in an emergency.

How to Leave a Federation

(Reference: Part 6 of The School Governance (Federations) England Regulations 2012)

Once a member of a federation, a school can leave by following this process:

1. A written request must be made by:

- two or more governors , or
- a fifth of the parents of registered pupils at the relevant school, or
- two fifths of staff paid to work at the relevant school, or
- the local authority, or
- the trustees of the relevant school or the body which appoints the foundation governors.

2. Within a week of receiving the request, the governing body of the federation must give notice of the request to:

- all the relevant authorities;
- the headteacher of the federation and the headteacher of each federated school;
- any trustees and (in the case of a C of E school, to the Diocese),
- all staff paid to work at the relevant school;
- every parent of a pupil registered at the relevant school;
- any other person the governing body considers appropriate.

3. Not less than 14 days after issuing the notice above, the governing body of the federation must meet to consider the request and all responses received from those to whom the notice was sent and decide whether:

- the relevant school should leave the federation and, if so, on what date;
- the federation should be dissolved, and, if so, on what date; or
- the relevant school should not leave the federation.

4. The governing body of the federation must give written notice of their decision within a week to those listed at stage 2, and if a school is to leave the federation to also notify the Secretary of State.

NB: Decisions by majority decision at a vote.

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