Federation of governing bodies
a Dorset governor services guide

This fairly brief guide gives an overview of what it means to be in a federation, how the process works and what the benefits and disadvantages may be. If you are interested in exploring the possibility, please contact governor services at an early stage to talk about your ideas. More detailed information is in Chapter 5 of the Guide to the Law for School Governors, or see “Guidance on the School Governance (Federation)(England) Regulations 2007” (available online on governornet.co.uk or through Google), where you can also find a draft Instrument of Government.

WHAT IS A FEDERATION?

A federation is a group of schools – often two, but it can be more – whose governing bodies decide to agree a formal partnership. Each school retains its own character, budget and performance tables and will have separate Ofsted inspections. Admissions processes will not change. Federation is possible between any schools in the maintained sector, including community, church and foundation. Generally, schools would need to be sited reasonably close to each other.

A **Soft Federation** is where the governing bodies of all the schools maintain their independence and agree the terms of reference and membership of a joint committee, which meets separately from the governing bodies and acts as a channel for the exchange of idea and opinions. This joint committee has no delegated powers but reports back to the governing bodies on its discussions. This arrangement has no legal status. Soft federations can also enable schools to work with educational establishments outside the maintained schools sector, such as Academies, independent schools and FE colleges.

A **Soft Governance Federation** is a statutory arrangement and also allows governing bodies to maintain independence and appoint a joint committee. In this case the committee is given formal delegated powers to make decisions and act on behalf of the governing bodies.

A **Hard Federation** is the most common arrangement. This is a legal process in which a single governing body is formed for all the schools in the federation.

Why federate?

Federations offer a structured form of collaboration enabling schools to share resources, best practice, facilities and expertise. As with many new arrangements, there can be disadvantages as well as benefits. Ensuring that all parents and staff are informed and included in decision making can be more difficult with multiple sites and communication generally may be less easy. There is the consideration of travel between sites for some staff and the creation of what may be viewed as effectively a larger school requires careful management to guard against the development of a less personal atmosphere. On the other hand, the advantages of federation are that it can avoid duplication of effort, simplify management and increase flexibility, and offer teachers greater career opportunities and more time to devote to their core tasks. You might also benefit from increased purchasing power when letting contracts or buying equipment and support services. Federation can prove useful in delivering the extended schools provision and cross-phase (primary/secondary or infant/junior) federations can help facilitate a smoother transition for pupils.
FORMING A HARD FEDERATION: THE PROCESS

**Step 1: investigation**

Members of governing bodies, probably led by the Chairs and in consultation with the schools’ leadership teams, will arrange initial meetings to discuss the possibility and advantages of federation. This may lead to more formal meetings, with perhaps a communications group of senior governors and staff established to discuss detail matters such as staffing and finances. At this stage you should also to contact the local authority and any diocesan or foundation authority.

**Step 2: written report**

Those involved in the initial discussions will agree a written report for consideration at the full governing body meetings of all schools involved. This report should include considerations such as timetabling the move and target date for federation.

**Step 3: full governing body**

The report should appear as an agenda item and should be circulated beforehand (it may be wise to call a special meeting with federation as the single agenda item).

At separate meetings of all the schools involved, the governing bodies must decide independently if they wish to proceed. If they do, move to Step 4. If not, go back to Stage 1 with the remaining schools.

**Step 4: formal proposal and consultation**

The governing bodies must now prepare a joint formal proposal, to be sent separately by each school to all its staff members (including the headteacher), all parents, the local authority, and for church and foundation schools the diocese, foundation governors and trustees. This proposal should be minuted and must contain:

- The names of the governing bodies with which the school proposes to federate and confirmation that these governing bodies have agreed to the federation
- The proposed size of the governing body of the federation and the proposed number of governors in each category (help in drawing up these details appears below)
- The proposed arrangements for staffing in the federated schools (where a decision has been made at this stage on any major changes – for example a single headteacher), or the proposal could state that no major changes in staffing are currently envisaged, if that is the case. (This may, of course, change after federation subject to the agreement of the parties concerned.)
- The date the federation is proposed to take place
- The admission authority or authorities for the schools within the federation (this is unlikely to change – the local authority will remain responsible for admission to community and VC schools, the diocese/governors for VA schools)
- The date, not less than six weeks after publication, by which written representations may be made to the governing body, and the address where they should be sent

A copy of the proposal should be available for inspection in each school.
**Step 5: responses to the proposal**

The next step is for all the federating governing bodies to meet together and consider responses to the proposal (or this could be done by a joint committee).

After that, the governing bodies separately consider any responses to the proposal and decide whether to proceed with the proposal as published, to proceed but modify in light of comments (though the governing body may not at this stage make a change in the schools proposing to federate) or not to proceed at all.

You might arrange these meetings together in the same venue – the joint meeting first and then the separate ones immediately afterwards. It is likely the governing bodies will have called a special meeting to consider the responses.

If the schools agree not to proceed with the federation the process ends here. If some want to continue but others do not, the process must restart from Step 1 and a new formal proposal must be put forward.

**Step 6: Formal notification and preparation for the switch**

If the decision is to go ahead, the governing bodies must notify their local authority. At this stage it is also helpful to form a joint committee, if one does not already exist, with delegated powers to look at the practicalities, including premises, staffing and a timetable for election and appointment of governors. Elections for staff and parent governors and appointment of CSA and foundation governors can be arranged ahead of federation, with terms of office commencing on the date of incorporation. Appointment of any community governors or associate members will have to wait until the new federated governing body is in place.
FORMING A HARD FEDERATION: LEGAL MATTERS

Composition of the new governing body

There must be no fewer than nine and no more than 29 governors, not including any sponsor governors appointed and the additional foundation governors in VA schools the appointment of sponsors would require. The number of governors in each category varies according to the types of schools federating. Details of some of the common types of federation are given as an appendix.

The Instrument of Government

The Instrument of Government is the document that records the name of the federation and the constitution of its governing body.

The governing bodies of the federating schools jointly prepare the draft Instrument and submit it to the local authority. Where the federation will have foundation governors or trustees, the draft must also be sent to the relevant foundation, diocese or trustees. Once these authorities are happy with the Instrument, the local authority will 'make' the Instrument – that is, sign and seal it as a legal document.

The instrument must set out

- The name of the federation
- The names and categories of the schools within the federation
- The categories of governor
- The number of governors within each category
- The total number of governors, including any sponsor governors
- The term of office of any category of governor if less than the maximum four years
- The name of the foundation or body (eg, diocese), if any, entitled to appoint foundation governors
- For a federation involving a community school, the body entitled to nominate a person for appointment as a community governor
- Where the federation has sponsor governors, the name of the person or body nominating them
- Details of any ex-officio foundation governorships
- A description of the ethos of the school if the school has a religious character
- Where there is a trust relating to the school, this must be recorded
- The date the Instrument takes effect
FORMING A HARD FEDERATION: PRACTICALITIES

On the date of federation

- The governing bodies of the federating schools are dissolved
- The new federated governing body is incorporated
- All land and property held by the individual governing bodies is transferred to the new governing body, and all rights and liabilities are similarly transferred
- The agenda for the first meeting of the new governing body should include election of a Chair and Vice Chair and appointment of any Community governors

Money matters

Federated schools are subject to the same financial provisions as individual schools. The governing body of the federation will continue to receive individual delegated budgets for each of the federated schools and will be able to use these across all the schools in the federation. You will need to maintain mechanisms to provide an audit trail for each individual budget. Once a federation is formed, a modified Section 50 of the 1998 Education Act applies to ensure that governing bodies of federations

- Receive the budget share of all the schools in the federation
- Have the same powers as individual governing bodies to spend both the schools’ budget shares and any carried over amount – which may include a deficit

Staffing

Schools entering a federation will usually do so with their existing staffing arrangements, but one of the major benefits for schools wishing to federate is that it is possible to request staff to work across the federation.

In community and voluntary controlled schools, staff are employed by the local authority, in foundation and voluntary aided schools by the governing body. In a federation containing different types of school, the nature of employment is determined by the school to which the staff member is contracted. Alternatively, if a staff member is working across the federation, s/he may have separate contracts for different types of school or can be contracted to a single school on terms specifying that s/he will work across the federation. New staff may be appointed to one or all of the schools.

Assessing performance

Schools in a federation will continue to publish individual results in performance tables, and they also publish results for the whole federation.

Federations will continue to be assessed through their Self Evaluation Forms and the individual schools will be expected to have their own systems for monitoring and evaluating their activities and for benchmarking across other federations.
APPENDIX: COMPOSITION OF THE GOVERNING BODY

The number of governors in each category varies according to the types of schools intending to join the federation. Where the number arrived at using the proportions shown in the tables is not a whole number, the Instrument can specify either the whole number next above or next below.

In all cases, one staff place must be reserved for each headteacher in the federation, whether or not she or he wishes to take up the place.

Here are some examples of types of federation. Additional rules exist for foundation and special schools and other combinations of schools and details can be found in Chapter 5 of the Guide to the Law for School Governors. In each case these are minimum figures; the governing body may include more governors up to the maximum size permitted (note there are upper limits for some categories of governor).

Federations comprising voluntary aided schools only

- At least one parent governor from each school
- There must be enough foundation governors to outnumber by two all the other governors and, when the foundation governors who are eligible to be parent governors are counted with the parent governors, together they must comprise one third or more of the total governing body
- At least two but not more than one third must be staff governors
- At least one but not more than one tenth must be CSA governors

The governing body of the federation may in addition appoint up to two sponsor governors (four where the federation is of secondary schools only) and additional foundation governors should then be appointed to preserve the majority of two.

Federation comprising voluntary controlled schools only

- One third or more must be parent governors. Each of the federating schools must have at least one parent on the governing body
- At least two but not more than one third must be staff governors
- At least one but not more than one fifth must be CSA governors
- One tenth or more must be community governors
- At least two but not more than a quarter must be foundation governors

The governing body may in addition appoint up to two sponsor governors (four where the federation contains secondary schools only).

Federation of Community Schools and Community Special Schools

- One third or more must be parent governors. Each school must have one parent governor on the governing body
- At least two but not more than a third must be staff governors
- One fifth must be CSA governors
- One fifth or more must be community governors

The governing body may in addition appoint up to two sponsor governors (four where the federation contains secondary schools only).
Federations comprising voluntary controlled schools and community, community special or maintained nursery schools

- One third or more must be parent governors. Each of the federating schools should have one parent governor on the governing body
- At least two but not more than one third must be staff governors
- At least two but not more than one fifth must be CSA governors
- At least two must be community governors
- At least one must be a foundation governor

The governing body may in addition appoint up to two sponsor governors (four where the federation contains secondary schools only).

Federations comprising more than one category of school, including at least one foundation or voluntary aided or foundation special school

- At least one parent governor from each school
- At least two but not more than one third must be staff governors
- At least two but not more than one fifth must be CSA governors
- At least two must be community governors
- At least two must be foundation governors (or partnership governors in the case of a foundation school without a foundation)

The governing body may in addition appoint up to two sponsor governors (four where the federation contains secondary schools only).
Appendix: Federation Flowchart

Report drafted outlining reasons for federation

GB considers proposal to federate as an agenda item

GB informs existing Federated GB of proposal

GB decision to join existing federation

GB decision to form new federation

Existing FGB considers proposal and consents or rejects

GBs publish proposals to federate. Includes date for receipt of representations - not less than 6 weeks after publication date

GB consider responses and decides to proceed, modify or reject federation. GB gives notice to LA of decision.

If decision is to federate GBs give notice to LA and fixes federation date

GBs federating consider composition, election, appointment of governors and draft instrument of governance and submit to LA

LA creates instrument if compliant with legislation

Immediately prior to federation date all GBs joining prepare brief report of actions in discharge of functions as GB, all minutes and papers must be made available to FGB

On federation date – all GB dissolve and FGB is incorporated

Finance – FGB receive individual school budgets. These can be used across schools but need to be able to prove audit trail.

For information on leaving or dissolution of federations see ch 5 paras 52-71

See Ch 5 para 7 for proposal contents and para 8 for list of those to whom they must be sent.

See paras 17-38 and paras 39-46.

On federation date all land and property which immediately before date was held by GBs transfers to FGB. All rights and liabilities transfer to FGB.