



London Diocesan Board for Schools

Forming a Federation: Procedures Guidance for CE Voluntary Aided Schools

1. What is a federation?

A federation is an arrangement in which at least two maintained schools are governed collectively under a single governing body (gb).

- In a new federation the existing governing bodies are dissolved and a new federation governing body is incorporated.
- If a school joins an existing federation, its own gb is dissolved and the Instrument of the federation is amended to include the additional school
- The federation governing body takes on the rights and liabilities of the former gbs and any property /assets are transferred on the federation date. In VA schools land and buildings remain in the ownership of the relevant Church body – usually the LDBS or the Vicar and Churchwardens of the respective parishes.
- There is no change to the status of the schools – they remain separate, maintained schools.
- It is usual, but not universal to have one Executive Headteacher supported by a Head of School in each of the schools within the federation.

2. Why federate?

In the current climate of financial uncertainty and staff recruitment difficulties, federation is an option which many small primary schools, or schools with a common interest may wish to explore. Advantages identified by DfE <https://www.gov.uk/government/publications/governance-in-federations> include

- Cost savings and efficiencies to back office systems, for example the sharing of administrative and HR functions and a school business manager, savings on maintenance contracts, purchasing, supplies etc
- Improved opportunities for children, including wider curriculum eg cross-federation events in arts, sports, music etc. Positive impact on behaviour, attainment and enjoyment of school.
- Enhanced opportunities for staff through sharing of good practice and expertise, joint planning and assessment, professional development and training. Positive impact on recruitment and retention with improved career progression and experience across a range of schools and contexts.
- Better leadership development and talent management through identification and support of future leaders, with the opportunity to work across the federation.
- Support for weaker or struggling schools through shared leadership and working arrangements leading to improvements in teaching and learning, behaviour and outcomes for children
- Strengthened governance through recruitment / retention of a smaller number of governors with a focus on relevant skills and experience.

Commonly experienced difficulties include concerns about a possible loss of identity and how staff, parents and children might be affected by the changes. Other problems were associated with the logistics and structural changes of federation. While it is possible to dissolve a federation or, in the case of federations with more than two schools, for one school to leave, this should only occur in exceptional circumstances

This guidance aims to support governing bodies in making the right decision for their school by clarifying the process to follow when considering a federation, and in particular the governance issues to consider.

3. Federation process

The following tables summarise the procedure to form a new federation or to join an existing federation comprising voluntary aided schools. They show both statutory requirements as contained in the School Governance (Federations) (England) Regulations 2012 as amended and good practice, mainly drawn from the 2014 DfE guidance The Governance of Federations. It is important to adhere to the statutory steps and timelines.

Step 1: Exploration of the possibilities and options for federation

Actions	Who	Comments / Notes	Timeframe <i>Add dates here</i>
<p>Preliminary exploration: Explore the idea of federating through wide-ranging discussions, contacts / visits to other federations if possible and conversations with the LA and diocese.</p> <ul style="list-style-type: none"> • Be clear about the reasons for federating and the expected outcomes. • Think about the vision for the federation and compatibility with proposed partner school(s). • Think early on about leadership and governance structures; it will avoid misunderstanding and confusion later on. • Ensure that staff and professional associations are aware that discussions are taking place. • Look at the timescale for the entire process and the commitments involved. 	<p>Individual gbs / working parties tasked to explore federation</p>	<p>It is essential to involve LDBS and any other trustees at an early stage to consider the implications of any trusts, property issues and governance requirements for the new federation board. For LDBS involvement contact your LDBS adviser in the first instance</p>	
<p>Development of proposals: Set up a joint governance working party (JWP) with at least one governor from each of the schools in the potential federation. Consider involving a clerk for professional and admin support. Task the JWP with researching, planning and managing the process and keeping all parties informed by:</p> <ul style="list-style-type: none"> • examining the financial implications of federating (while each school will continue to receive its own budget, the federation will have to consider the extent to which funds will be pooled) • drawing up a leadership structure that identifies key roles and responsibilities and takes account of all the implications of the change • engaging in discussions with the LA, diocese, or both, identifying any human resources issues and seeking appropriate advice and guidance • designing a new governance structure for the federation and drafting a new Instrument of Government (IoG) If schools are from more than one LA, deciding which LA will make the new IoG 	<p>Each gb to designate reps to a JWP</p>	<p>A JWP is not a legal requirement but is good practice</p> <p>New instrument: it is important to consider federation governance at an early stage. A new Instrument is required and must be agreed by</p> <ul style="list-style-type: none"> • foundation governors at each school • each gb • any trustees • LDBS 	

<ul style="list-style-type: none"> proposing a name for the federation proposing clerking arrangements and budget planning a strategy for conducting the formal consultation. drafting a realistic indicative timeline for all steps and events up to the incorporation date and first meeting of the federated gb. preparing a report on the proposal to federate as an agenda item for a meeting of each full governing body 		<p>In principle agreement should be sought from each before moving to formal consultation</p> <p>See Appendix A for Model Instrument</p>	
<p>Preliminary consent: Each gb should consider a report on the proposal to federate and decide whether or not to give preliminary consent to proceed to the next stage.</p> <ul style="list-style-type: none"> If forming a new federation the individual gbs must separately consider a report. If joining an existing federation, the school gb must then give notice to the governing body of the federation. The gb of the federation must then consider whether or not to give preliminary consent to the school joining the federation. 	Individual gbs	<p>Statutory</p> <p>The report must be specified as an item of business on the agenda for the meeting for which seven clear days' notice has been given.</p>	

Stage 2: Consultation

Actions	Who	Comments	Timing /date
<p>Joint publication of proposals: If preliminary consent has been given by all parties, the gbs must jointly publish proposals for formal consultation. The formal consultation period is at least six weeks. The contents must include</p> <p>(a) the name or names of the governing body or bodies with which the governing body propose to federate and confirmation of agreement with the proposal to federate</p> <p>(b) the proposed size of the governing body of the federation</p> <p>(c) the proposed number of governors for each category of governor</p> <p>(d) the proposed arrangements for staffing the schools within the federation</p> <p>(e) the proposed federation date</p> <p>(f) the identity of the admission authority or authorities for the schools within the federation</p> <p>(g) the date, not less than six weeks after the publication of the proposals, by which written representations may be made and the address to which they should be sent</p> <p>(h) any other matter considered to be appropriate.</p> <p>Source: School Governance Federations regs 2012</p>	Individual gbs publish joint proposals	<p>Statutory</p>	Consultation period is at least 6 weeks

<p>The proposals must be sent to</p> <p>(a) the Secretary of State via Get Information About Schools (GIAS) through school log-ins. Guidance available here: https://edubasepr.blob.core.windows.net/guidance/Federation%20User%20Guide.pdf</p> <p>(b) the relevant local authorities;</p> <p>(c) the head teacher of each school;</p> <p>(d) the foundation governors;</p> <p>(e) the trustees of any trust relating to the school;</p> <p>(e) the appropriate diocesan authority</p> <p>(f) all staff paid to work at any of the schools;</p> <p>(g) every person known to be a parent of a registered pupil at any of the schools;</p> <p>(h) such other persons as the governing bodies consider appropriate. For VA schools this would include the appointing bodies for foundation governors – ie PCCs and Deanery who may be affected by changes to the governance structure.</p> <p>A copy of the proposals must also be made available for inspection at all reasonable times at each school. This can be achieved by publication on the website and providing hard copies in the school office, with translations where appropriate</p>	<p>JWP</p>	<p>Statutory</p>	
<p>Organise consultation events where governors can explain their vision for a federation and answer questions from parents and other interested parties.</p>	<p>JWP</p>	<p>Good practice</p>	
<p>Arrange meeting with staff to present the proposal. This meeting might serve as the start of a TUPE consultation, but it is not the consultation itself</p>	<p>JWP</p>	<p>Good practice See also section below on TUPE transfer</p>	

Stage 3 Post - consultation phase

Actions	Who	Comments	Timing /date
<p>Joint consideration of responses Once the closing date for consultation has passed the gbs must jointly consider any responses to the proposals. This could be done through a joint meeting to consider responses.</p>	<p>All gbs</p>	<p>Statutory</p>	<p>Shortly after consultation closing date</p>
<p>Individual gb decisions: Each gb must then decide whether</p> <p>(a) to proceed with the proposals for federation as published</p> <p>(b) to proceed with the proposals for federation with such modifications as the governing body consider appropriate or</p> <p>(c) not to proceed with the proposals for federation.</p>		<p>Statutory Must be specified as an item of business on the agenda for the meeting for which seven clear</p>	

If an individual school chooses Option (b) to proceed with modifications, further consultation with the other gb(s) will be needed before agreement on proceeding		days' notice has been given.	
<p>Confirm approval for Federation Instrument with</p> <ul style="list-style-type: none"> The foundation governors at each school any trustees LDBS <p>before submission to the LA. Include the date on which the federation comes into effect (incorporation date).</p>	JWP	Statutory See Appendix A - Model Instrument	Asap following decision
Inform Secretary of State, LA and Diocese of decision to proceed (or of decision not to proceed)	Joint communication	Statutory	Within one week of decision
Inform other interested parties of outcome – LA, parents, staff, PCCs, deanery etc	Individual gb or JWP	Good practice	Asap following decision
<p>Liase with LDBS HR team / HR provider to make arrangements for formal notification to staff and employment transfer to new federated board. TUPE will apply as staff will cease to be employed by their school gb (which will be dissolved) and enter into new employment contracts with the federation gb.</p> <p>NB The TUPE regulations include an obligation to consult the relevant staff unions as well as affected staff about such a change of employer, and reassurance should be provided over the continuation of the terms and conditions on which staff will transfer</p>	JWP / individual schools	Statutory	Asap following the decision. Consultation will continue up to the date of transfer to the federated gb
<p>Confirm dates for</p> <ul style="list-style-type: none"> The first formal meeting of the federated gb, to be as close as possible to the incorporation date and preferably on the same day in order to avoid a period with no formal governance arrangements. An earlier meeting of the new gb, before incorporation, to agree the agenda and to draft structures and procedures for discussion and ratification at the first formal meeting. Parent and staff governor elections. These could be held before incorporation date so the new gb is complete on that day, or if incorporation is at the start of an academic year, parent elections could be held shortly afterwards, to include a new parent cohort 	JWP	Good practice	Asap following decision
Recruit to the federated gb. Other than for the headteacher and ex-officio posts there is no automatic transfer from the originating gbs. All governors are newly appointed /elected with a new term of office. Suggested steps are set out in more detail in Section 4.	Individual gbs or JWP	Statutory	Asap following decision

<p>Prepare for transfer of property, rights and liabilities On the federation date all property, contracts, rights and liabilities are transferred to the new federation governing body. Each gb will need to draw up an inventory of its assets and commitments. Physical assets should already be recorded in the school's asset register. Employment liabilities will be dealt with under the TUPE process, above</p>	Individual gbs	<p>Statutory In VA schools land and buildings remain in the ownership of the relevant Church body</p>	Before federation date
<p>Hold a pre-incorporation meeting of the new gb to consider</p> <ul style="list-style-type: none"> • chairing • any co-options • delegation / committees and terms of ref / assigned link arrangements / operating procedures • register of interests / code of conduct • headteacher appraisal arrangements • annual plan and meetings schedule • policy review schedule • induction arrangements for new gobs, familiarisation with the other school (s) for transferring gobs • any gb training • finance scheme of delegation • skills audit <p>to be confirmed at the first official meeting</p>	New gb	Good practice	
<p>Prepare a brief report on the action taken in the discharge of each gb's functions relating to the school. The purpose of the report is to ensure an effective governance handover from individual gb to the new federated gb. The report and each school's gb minutes and papers must be made available to the gb of the federation. Suggested contents include</p> <ul style="list-style-type: none"> • a short summary of the process undertaken to federate • any issues arising from the consultation and transfer of rights, responsibilities and liabilities • any pending / recent issues which the new gb will need to deal with eg contractual discussions, parent concerns, HR issues, Ofsted / SIAMS / Audit / SFVS reports. 	Individual gbs	Statutory	Immediately before federation date
Prepare agenda and papers for first meeting of federation gb	Clerk, chair, ht	Statutory	For circulation at least 7 clear days before meeting

Incorporation day		Statutory	As specified in Instrument
First meeting of new gb	New board	Statutory	Preferably on Incorporation day
Update websites with new governance info	Clerk / school administrator	Statutory	Preferably In time for incorporation day

3. Guidance on constitution options for federations of CE Voluntary Aided Schools

The framework for the constitution of the governing body of a federation is set out in the 2012 Federations Regulations* and the 2012 Constitution Regulations** with associated guidance. The original framework was subsequently amended in 2016***. The structure of the foundation group of governors and the role of the appointing bodies is an extra consideration in CE voluntary aided schools. This guidance aims to summarise both the statutory position and the local diocesan context:

- All federated governing bodies *must* contain
 - i) One staff governor – elected from among and by staff in schools across the federation
 - ii) The headteacher of each school in the federation (most federations have one executive headteacher and therefore one headteacher place)
 - iii) One local authority nominated governor
 - iv) Two parent governors - elected from among and by parents in schools across the federation
- They *may* also contain co-opted positions in the non-foundation group
- In federations of voluntary aided schools, foundation governors *must* outnumber all the other governors by **two**
- The usual, but not universal structure of LDBS school foundation governor groups is 1 x ex-officio, 2 x PCC, 2 x Deanery and 2 x LDBS appointments. In federations the common pattern is to transfer one ex-officio per school to the new board, thus retaining the link with associated churches, and to divide remaining places between linked PCCs, deaneries and diocese. It is likely that the foundation group will be larger than in originating schools and co-opted places can be added to the non-foundation group to ensure that a majority of two foundation governors is retained. The following chart illustrates the options. These alternatives are examples only.
- A model Instrument of Government for a federation with voluntary aided schools is attached at Appendix A
- Other than for the headteacher and ex-officio posts there is no automatic transfer from the originating governing bodies. All governors are newly appointed /elected with a new term of office. Suggested steps include
 - Canvass existing governors as to who wants to be appointed to the new federated board and who wishes to stand down. Ensure there is an up to date skills audit of those who wish to continue.
 - Inform appointing bodies of the dissolution date for existing gbs and new instrument provisions, deadlines for confirmation of new appointments, desirable skills / experience for the federation gb, based on skills audit and regulations
 - Encourage governors who wish to continue, to apply for re-appointment to appointing bodies
 - Arrange parent and staff governor elections. These could be held before incorporation date so the new gb is complete on that day, or if incorporation is at the start of an academic year, parent elections could be held shortly afterwards, to include a new parent cohort. LDBS guidance on the appointment of foundation governors is attached at Appendix B

NB A federation cannot go ahead without a new Instrument of Government which has been approved by the foundation governors at all schools, by any trustees and by the LDBS before being sent to the LA to be made. It is therefore essential to draft a new Instrument and secure in principle agreement at the very early stages of the process

Examples of constitution options for federation governing bodies

Category	Single gb constitution	Federation x 2 schools	Federation x 2 schools	Federation x 3 schools	Comments
Foundation					
Ex-officio: usually the Incumbent of associated church	1	2	2	3	In federations a common but not universal pattern is for one ex-officio post per school to transfer to the new board, thus retaining the link with associated churches
PCC	2	4 (2+2)	6 (3+3)	3	
Deanery	2	1	2	1	
LDBS	2	1	2	1	
Sub - total:	7	8	10	8	Foundation governors must outnumber all other governors by two
Non-foundation					
Headteacher	1	1	1	1	
Staff	1	1	1	1	
Local Authority	1	1	1	1	
Parent	2	2	2	2	2016 regulations* provide for two parent places, irrespective of the federation size, elected by parents of any federated school ***
Co-opted	0	1	3	1	Co-option is not a requirement
Sub-total	5	6	8	6	
Board Total:	12	14	18	14	As above

* The School Governance (Federations) (England) Regulations 2012

** The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016.

*** The parents of all the federated schools form the electorate for the parent governors on the federated governing body

NAME OF FEDERATION
INSTRUMENT OF GOVERNMENT

1. The name of the federation is:

2. The names and categories of the schools in the federation are:
.....
.....

3. The name of the governing body is: The governing body of

4. The governing body shall consist of:
 - a. Two parent governors
 - b. One LA governor
 - c. One Staff governor
 - d. Headteacher (s)
 - e. Co-opted governors (*if relevant*)
 - f. Foundation governors (*to outnumber the total of other categories by two*)

5. Total number of governors:

6. The term of office of (*insert category of governor*) is (*insert between 1 – 4 years*). *Note – this is only applicable if the term for any particular category has been agreed to be less than four years*)

7. Foundation Governors shall be appointed as follows: (*insert / amend as appropriate*):
 - a. X appointed by the London Diocesan Board for Schools;
 - b. X appointed by the Parochial Church Council of
 - c. X appointed by the Parochial Church Council of
 - d. X appointed by the Deanery of

8. a. The holder (s) of the following office(s) shall be a foundation governor ex-officio:
- i)
- ii)
- b. shall be entitled to appoint a foundation governor to act in the place of the ex-officio governor whose governorship derives from the office named in (a.i) above, in the event that that ex-officio governor is unable or unwilling to act as a foundation governor, or has been removed from office under regulation 21 (1) of the Regulations.
- c shall be entitled to appoint a foundation governor to act in the place of the ex-officio governor whose governorship derives from the office named in (a.ii) above, in the event that that ex-officio governor is unable or unwilling to act as a foundation governor, or has been removed from office under regulation 21 (1) of the Regulations.
9. a. shall be entitled to request the governing body to remove the ex-officio foundation governor referred to in 8a (i) above and to appoint any substitute governor.
- b. shall be entitled to request the governing body to remove the ex-officio foundation governor referred to in 8a (ii) above and to appoint any substitute governor.
10. *Insert whether a Trust exists in relation to the school (if applicable)*
11. The ethos of both / all schools is
- Recognising their historic foundation, the schools will preserve and develop their religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.
- The schools aims to serve their community by providing an education of the highest quality within the context of Christian beliefs and practice. They encourage an understanding of the meaning and significance of faith, and promote Christian values through the experience they offer to all pupils.
12. This instrument of government comes into effect on
13. This instrument was made by order of Local Authority on
(insert date)
14. A copy of the instrument must be supplied to every member of the governing bodies, any trustees and to the London Diocesan Board for Schools.