The Process of Federation

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Procedure for schools proposing to federate with each other or to join an existing hard federation
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**Procedure for schools proposing to federate with each other**

Please see the attached School Governance Regulations for the items that each point below refers to.

1) Each governing body must first consider a report on the proposal, and the report must be specified as an item on the agenda for the next available full governing body meeting. The regulations do not state that the report must be written, so the Chair and/or Headteacher can report verbally *(page 5, item 7 (1) and 7 (2))*;

2) Both governing bodies must **agree** at the governing body meeting to consider a formal proposal on hard federation;

3) The Chair and Headteacher of each governing body then jointly write the formal proposal, with guidance from the Head of Governor Services, Senior Advisor, Head of 0-19 Standards and other relevant LA officers;

4) Both governing bodies must then consider the formal proposal on hard federation and **agree** to the content, and to hard federate, and to jointly publish it *(page 5, item 9 (1) and (2-a))*

5) The proposal must contain the following:
   
a. the names of the governing bodies proposing to federate and confirmation that those governing bodies agree with the proposal to federate *(note – the proposal considered by each governing body needs to be amended once it has been agreed, to note confirmation that they have agreed to the proposal to federate. The proposal should also include the name of the newly federated governing body)*;
   
b. the proposed size of the governing body of the federation *(note – this is the draft Instrument of Government for the new governing body)*;
   
c. the proposed number of governors for each category of governor *(note – as of 1st September, 2016 there can only be two Parent governors on the governing body of a hard federation (as well as the current regulation that there can only be one Staff governor). For governing bodies of hard federations of more than two schools, additional Co-opted governor spaces can be added in to accommodate parents and staff members from each school, subject to no more than one third of the governing body being staff members)*;
   
d. the proposed arrangements for staffing the schools within the federation;
   
e. the proposed federation date *(note – this should be at least 2 weeks after the deadline set under g), to allow time for all governing bodies to consider any written representations)*;
   
f. the identity of the admission authority or authorities for the schools within the federation;
   
g. the date, not less than six weeks after the publication of the proposals, by which written representations may be made to any governing body regarding the proposals and the address to which they should be sent *(note – this must be at least 6 weeks after the last governing body meeting at which the proposal to federate is agreed)*; and
   
h. such other matters as the governing bodies consider appropriate *(page 5, items 9 (2-a) to (2-h))*;

6) The governing bodies proposing to federate must publish the proposals by sending them to:
   
a. the Secretary of State;
   
b. the relevant local authorities;
   
c. the Headteacher of each school;
   
d. in the case of any school with a foundation:
      
i. the Foundation governors;
ii. the trustees of any trust relating to the school;
e. where any of the schools are designated under section 69(3) of SSFA 1998 as having a religious character, the appropriate diocesan authority in the case of a Church of England or Roman Catholic Church school, or the appropriate religious body in the case of any other school;
f. all staff paid to work at any of the schools;
g. every person known to them to be a parent of a registered pupil at any of the schools; and
h. such other persons as the governing bodies consider appropriate (page 5, items 9 (3-a) to (3-h));

7) A copy of the proposal must be made available for inspection at all reasonable times at each school (page 5, item 9 (4));

8) The governing bodies proposing to federate must have a full governing body meeting to jointly consider any responses to the proposals, and each governing body must determine whether:
   a. to proceed with the proposals for federation as published;
   b. to proceed with the proposals for federation with such modifications as the governing body consider appropriate (such modifications can not include a change in the identity of the governing bodies proposing to federate); or
   c. not to proceed with the proposals for federation (pages 5/6, item 10 (1-a) and (2));

9) Existing Authority, Co-opted and Foundation governors should also declare whether they wish to be considered for the new governing body of the hard federation. Not every governor on the existing governing bodies will be on the new governing body, as the new governing body would be too large, therefore a skills audit should be carried out before new governors are appointed;

10) All the governing bodies which determine to proceed must jointly give notice of that fact to the relevant local authority or authorities and the Secretary of State within one week of that determination (page 6, item 10 (3));

11) Any governing body which determines not to proceed must give notice of that fact to the Secretary of State within one week of that determination (page 6, item 10 (4));

12) If all governing bodies agree to proceed with the federation, then on the federation date:
   a. the governing bodies of the federating schools or federations are dissolved;
   b. the governing body of the federation is incorporated;
   c. all land and property which, immediately before the federation date, was held by the governing body of a federating school or federation transfers to, and by virtue of these Regulations vests in, the governing body of the federation; and
   d. all rights and liabilities subsisting immediately before the federation date which were acquired or incurred by the governing body of a federating school or federation are transferred to the governing body of the federation (pages 6/7, item 13 (1-a) to (1-d));

13) Once the governing body of the federation is incorporated, the Executive Headteacher can begin the process of Parent governor and Staff governor elections, and the Diocese can appoint Foundation governors to the new governing body. The Head of Governor Services can send the nomination for the appointment of an Authority governor to the Director of Education for approval, and potential Co-opted governors can be identified as a result of the skills audit;

14) The Executive Headteacher needs to amalgamate existing policies in each school so that they are relevant to the newly federated governing body. In many cases where the policies are identical, this will mean adding the name of the newly federated governing body to the top of one copy. Where there are differences, the new policy should have caveats relating to each school in the federation;
15) Once Parent and Staff governors have been elected and Foundation governors have been appointed, the governing body can meet to:
   a. elect a Chair/Vice-Chair
   b. appoint Authority and Co-opted governors;
   c. appoint committee members and link governors;
   d. approve policies that have been amended to suit the newly federated governing body;
   e. set future meeting dates, times and venues for each meeting.

**Suggested Timeline**

Below is a suggested timeline for two schools that wish to federate.

**Autumn term**

Each governing body meets (separately) to consider a report on, and agree to write a formal proposal towards, a hard federation

If agreed by both governing bodies, the Chair and Headteacher of each governing body jointly write the formal proposal, with guidance from the Head of Governor Services, Senior Advisor, Head of 0-19 Standards and other relevant LA officers

**Spring term**

Each governing body meets (separately) to consider and agree the formal proposal

If agreed by both governing bodies, the proposal is jointly published
6 weeks consultation period

School A + School B

Joint governing body meeting to consider any written responses received during the consultation period, and to make a final decision on proceeding with hard federation; existing Authority, Co-opted and Foundation governors should also declare whether they wish to be considered for the new governing body of the hard federation

If both governing bodies agree to proceed with final hard federation, they must notify the Secretary of State, and a skills audit of existing governors should be carried out

**Summer term**

Proposed federation date = the first day of term

Existing governing bodies are dissolved

The Executive Headteacher runs Parent and Staff elections in the first two weeks of term and amalgamates policies from previous governing bodies; the Diocese appoints Foundation governors; the Head of Governor Services sends the nomination for the Authority governor position to the Director of Education

Hard federation governing body

(School A + School B)

The new governing body meets and elects a Chair/Vice-Chair, appoints Authority and Co-opted governors, committee members and link governors; approves policies that have been amended to suit the newly federated governing body; and sets future meeting dates, times and venues for each meeting
Procedure for schools proposing to join an existing hard federation

Please see the attached School Governance Regulations for the items that each point below refers to.

1) The governing body proposing to join the hard federation must first consider a report on the proposal, and the report must be specified as an item on the agenda for the next available governing body meeting. The regulations do not state that the report must be written, so the Chair and/or Headteacher can report verbally (page 5, item 7 (1) and 7 (2));

2) The governing body must agree at the governing body meeting to consider a formal proposal on hard federation, and to give notice of the proposal to the governing body of the hard federation (page 5, item 8 (1));

3) Upon receipt of the notice, the governing body of the hard federation must then consider whether to:
   a. Give ‘preliminary consent’ to the governing body joining the federation; or
   b. Reject the proposal for the governing body to join the federation (page 5, item 8 (2-a) and 8 (2-b));

4) The governing body of the hard federation must agree to give preliminary consent to the governing body to join the hard federation, and to then consider a formal proposal on hard federation (page 5, item 9 (1));

5) The Chair and Headteacher/Executive Headteacher of each governing body then jointly write the proposal, with guidance from the Head of Governor Services, Senior Advisor, Head of 0-19 Standards and other relevant LA officers;

6) Both governing bodies must then consider the formal proposal on hard federation and agree to the content, and to hard federate, and to jointly publish it (page 5, item 9 (1) and (2-a));

7) The proposal must contain the following:
   a. the names of the governing bodies proposing to federate and confirmation that those governing bodies agree with the proposal to federate (note – the proposal considered by each governing body needs to be amended once it has been agreed, to note confirmation that they have agreed to the proposal to federate. The proposal should also include the name of the newly federated governing body);
   b. the proposed size of the governing body of the federation (note – this is the draft Instrument of Government for the new governing body);
   c. the proposed number of governors for each category of governor (note – as of 1st September, 2016 there can only be two Parent governors on the governing body of a hard federation (as well as the current regulation that there can only be one Staff governor). For governing bodies of hard federations of more than two schools, additional Co-opted governor spaces can be added in to accommodate parents and staff members from each school, subject to no more than one third of the governing body being staff members);
   d. the proposed arrangements for staffing the schools within the federation;
   e. the proposed federation date (note – this should be at least 2 weeks after the deadline set under g), to allow time for all governing bodies to consider any written representations);
   f. the identity of the admission authority or authorities for the schools within the federation;
   g. the date, not less than six weeks after the publication of the proposals, by which written representations may be made to any governing body regarding
the proposals and the address to which they should be sent (note – this must be at least 6 weeks after the last governing body meeting at which the proposal to federate is agreed); and

h. such other matters as the governing bodies consider appropriate (page 5, items 9 (2-a) to (2-h));

8) The governing bodies proposing to federate must publish the proposals by sending them to:
   a. the Secretary of State;
   b. the relevant local authorities;
   c. the Headteacher of each school;
   d. in the case of any school with a foundation:
      i. the Foundation governors;
      ii. the trustees of any trust relating to the school;
   e. where any of the schools are designated under section 69(3) of SSFA 1998 as having a religious character, the appropriate diocesan authority in the case of a Church of England or Roman Catholic Church school, or the appropriate religious body in the case of any other school;
   f. all staff paid to work at any of the schools;
   g. every person known to them to be a parent of a registered pupil at any of the schools; and
   h. such other persons as the governing bodies consider appropriate (page 5, items 9 (3-a) to (3-h));

9) A copy of the proposal must be made available for inspection at all reasonable times at each school (page 5, item 9 (4));

10) The governing bodies proposing to federate must jointly consider any responses to the proposals and each governing body must determine whether:
   a. to proceed with the proposals for federation as published;
   b. to proceed with the proposals for federation with such modifications as the governing body consider appropriate (such modifications can not include a change in the identity of the governing bodies proposing to federate); or
   c. not to proceed with the proposals for federation (pages 5/6, item 10 (1-a) and (2));

11) Existing Authority, Co-opted and Foundation governors should also declare whether they wish to be considered for the new governing body of the hard federation. Not every governor on the existing governing bodies will be on the new governing body, as the new governing body would be too large, therefore a skills audit should be carried out before new governors are appointed;

12) All the governing bodies which determine to proceed must jointly give notice of that fact to the relevant local authority or authorities and the Secretary of State within one week of that determination (page 6, item 10 (3));

13) Any governing body which determines not to proceed must give notice of that fact to the Secretary of State within one week of that determination (page 6, item 10 (4));

14) If all governing bodies agree to proceed with the federation, then on the federation date:
   a. the governing bodies of the federating schools or federations are dissolved;
   b. the governing body of the federation is incorporated;
   c. all land and property which, immediately before the federation date, was held by the governing body of a federating school or federation transfers to, and by virtue of these Regulations vests in, the governing body of the federation; and
   d. all rights and liabilities subsisting immediately before the federation date which were acquired or incurred by the governing body of a federating school or federation are transferred to the governing body of the federation (pages 6/7, item 13 (1-a) to (1-d));
15) Once the governing body of the federation is incorporated, the Executive Headteacher can begin the process of Parent governor and Staff governor elections, and the Diocese can appoint Foundation governors to the new governing body. The Head of Governor Services can send the nomination for the appointment of an Authority governor to the Director of Education for approval, and potential Co-opted governors can be identified;

16) The Executive Headteacher needs to amalgamate existing policies in each school so that they are relevant to the newly federated governing body. In many cases where the policies are identical, this will mean adding the name of the newly federated governing body to the top of one copy. Where there are differences, the new policy should have caveats relating to each school in the federation;

17) Once Parent and Staff governors have been elected and Foundation governors have been appointed, the governing body can meet to:
   a. elect a Chair/Vice-Chair
   b. appoint Authority and Co-opted governors;
   c. appoint committee members and link governors;
   d. approve policies that have been amended to suit the newly federated governing body;
   e. set future meeting dates, times and venues for each meeting.
Suggested Timeline

Below is a suggested timeline for a school that wishes to join an existing hard federation.

**Autumn term**

The governing body proposing to join the hard federation meets to consider a report on the proposal, and to agree to consider a formal proposal on joining the hard federation, and to give notice of the proposal to the governing body of the hard federation

Upon receipt of the notice, the governing body of the hard federation meets to consider giving ‘preliminary consent’ to the governing body to join the federation, and to agree to consider a formal proposal on hard federation

If preliminary consent is given and both governing bodies are in agreement, the Chair and Headteacher/Executive Headteacher of each governing body jointly write the formal proposal, with guidance from the Head of Governor Services, Senior Advisor, Head of 0-19 Standards and other relevant LA officers

**Spring term**

Each governing body meets (separately) to consider and agree the formal proposal

(School B + School C)
If agreed by both governing bodies, the proposal is jointly published

6 weeks consultation period

Joint governing body meeting to consider any written responses received during the consultation period, and to make a final decision on proceeding with hard federation; existing Authority, Co-opted and Foundation governors should also declare whether they wish to be considered for the new governing body of the hard federation

If both governing bodies agree to proceed with final hard federation, they must notify the Secretary of State, and a skills audit of existing governors should be carried out

**Summer term**

Proposed federation date = the first day of term

Existing governing bodies, including that of the hard federation, are dissolved

The Executive Headteacher runs Parent and Staff elections in the first two weeks of term and amalgamates policies from previous governing bodies; the Diocese appoints Foundation governors; the Head of Governor Services sends the nomination for the Authority governor position to the Director of Education

The new governing body meets and elects a Chair/Vice-Chair, appoints Authority and Co-opted governors, committee members and link governors; approves policies that have been amended to suit the newly federated governing body; and sets future meeting dates, times and venues for each meeting