

Policy and guidance

Subject: Forming a federation, formal processes

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SCHOOL FEDERATIONS – POLICY AND PROCESSES

Revised January 2021

School Federations Policy

A. THE CONTEXT

1. What is a federation?

A federation is a group of schools that have one single governing board. This single governing board is accountable for all the schools in the federation. The single governing board also sets the strategy for all the schools.

2. The difference between ‘hard’ and ‘soft’ federations

‘Hard federation’ is the term often used to mean the federation of a group of schools under one single governing board. ‘Soft federation’ is a collaboration that can be formal, in which the governing boards remain separate but establish joint committees. Therefore in order to avoid confusion, the terms ‘federation’ and ‘collaboration’ are used.

3. Why consider federation?

The Ofsted report ‘Leadership of more than one school’ in September 2011 highlighted a range of benefits to schools, from increased opportunities for staff and pupils to stronger governance and improved viability.

While government policy has evolved since 2011 and there has been a move to embrace the opportunities of academisation, for a number of schools wishing to explore collaborative working, federation could represent a more relevant option within the current educational landscape.

Federation can also provide benefits in the areas of school leadership and governance (e.g. through an executive model of headship or a streamlined governance structure) and offer the opportunity to attract headteachers to a group of small schools that may otherwise find it challenging to recruit or retain school leaders.

B. GUIDING PRINCIPLES

I. The options

Church of England maintained schools may choose, with the approval of the Diocesan Board of Education (DBE), to federate with other schools. The DBE will consider federations with community schools in exceptional circumstances¹ (for which the VA/VC model of governance conditions described below must be maintained). A small number of such federations already exists within the diocesan family of schools.

- a) The establishment of a federation should be church school to church school except in exceptional circumstances
- b) Where a C of E federation is proposed containing Voluntary Controlled (VC) and Voluntary Aided (VA) schools, the federation's governing board must be established using a VA model
- c) Where a federation is proposed containing any combination of VA, VC and/or community schools, the federation's governing board must be established using a VA model
- d) Federations comprising VC and community schools will be considered by the DBE and can adopt a VC model of governance if there is no likelihood that a VA school may join the federation in the future.

2. Conditions

It is essential that the visions of the schools seeking to federate align, and that there is a clear plan for the development of the individual schools under a single governing board.

The 'lunch hour rule' is used to estimate the proximity of schools and judge whether a federation or not is practicable – 'Can your staff get between schools during a lunch break?' This may not be possible in some of our more rural locations, but it is certainly a good starting point.

3. HR considerations

When considering federating with another school, the future employment status of all staff members across the federation's schools, and the associated obligations and procedures must be examined. While it is possible for a mixed federation to retain the

¹ Exceptional circumstances include: viability (financial or organisational), school effectiveness, land and buildings issues, and any other circumstances which the DBE shall determine on a case-by-case basis.

employment status of an individual school's personnel, this can create an additional administrative challenge once the federation is established.

Although this should not deter schools from exploring federation, it is important that they fully understand the consequences on HR procedures and fully discuss their plans with their HR provider.

4. Funding implications

Schools do not lose money by forming or entering into a federation. The School and Early Years Finance Regulations make it clear that even if the Local Authority chooses to delegate the funding to the federation as a whole, the total amount must be the same as it would have been if the money had been delegated to each school individually. The governing board must ensure that there is an audit trail for all funding; they can, however, choose how to deploy the funds across the federation.

5. Financial impact

Federation provides the opportunity across a group of schools to identify and implement cost-saving measures in the areas of administration, business development and leadership. These elements are crucial where the viability and sustainability of a school are key factors in its motivation to consider federating.

The areas where federation may benefit the schools are notably:

- Staffing
- Senior teaching positions shared across schools
- Shared site management
- Procurement

6. Beginning the process

Governors should work with the Headteacher to consider the possibility of federation. The DBE recommends that a working party is set up to look at the options.

The National College for Teaching and Leadership offers useful guidance in its 2014 publication 'The Governance of Federations' (www.gov.uk/government/publications/governance-in-federations).

The National Governance Association has also published a very helpful 'Federations Q&A' paper which takes you through the process in more detail (only available to registered members of the Association).

Schools or working parties should contact the relevant LA **and** the Deputy Director of Education (Lizzie Jeanes, ljeanes@stalbans.anglican.org) to let them know that they are considering a federation process.

The following pages provide detailed guidance on the formal processes involved in moving towards federation.

Forming a Federation – Formal Processes

This paper should be read in conjunction with the DfE's guidance² on forming or joining a federation. It provides information specifically for church schools which is not covered in the DfE guidance.

Please note that any federation involving one or more Church of England schools requires the consent of the Diocesan Board of Education before obtaining the final agreement of the Local Authority (LA).

The table below sets out the processes to form a federation and the approvals required at each stage:

Federation processes	Schools Team	Additional guidance
Schools explore options informally with Diocesan Board of Education (DBE) input. At this point, clarify any existing collaboration arrangements.	DDDE ³	If you have a formal collaboration in place with one or more other schools, the DBE will need to be provided with a copy of the legal collaboration agreement.
↓ Consent required: DBE and any SITE TRUSTEES		
'In-principle' agreement for schools to federate required from DBE Discuss also with any site trustees	DDDE, DDE PA	Before you can move to formal discussions about potential federation, you will first need all governing boards involved to agree to request an 'in-principle' agreement from the DBE. Please first discuss with the Deputy Director of Education (DDDE), then send a formal request to the Director's PA (DDE PA) for submission to the Board, along with the relevant governing board minutes. (Contents required for the letter of request are listed in Annex I) You should also at this point keep any site trustees informed, as their formal consent will be needed later for any federation to proceed. You may wish to seek their in-principle agreement now.

² *The Governance of Federations (2014)*, www.gov.uk/government/publications/governance-in-federations

³ Abbreviations used in this table:

DBE – Diocesan Board of Education
DGO – Diocesan Governance Officer
IoG – Instrument of Government

DDDE – Deputy Diocesan Director of Education
DDE PA – Director's PA and General Schools Administrator
LA – Local Authority

Federation processes	Schools Team	Additional guidance
Schools move to more formal discussions before consultation	DDDE DGO DDDE, DGO, DDE PA	<p>The DDDE can advise on overall funding issues. You will need to consult your HR provider for detailed guidance on any staffing issues.</p> <p>Contact the Diocesan Governance Officer (DGO) at this point for advice on governance aspects <i>before</i> the formal consultation document is drawn up, to ensure alignment with statutory governance regulations.</p> <p>Please advise the Schools Team of the agreed local key contacts for ongoing discussions, including any ongoing LA contacts or external consultants. Actual contact pathways will vary, but the Schools Team need to know who is leading locally and who needs to be kept informed throughout the process.</p> <p>The Schools Team will guide schools through the series of required formal consents from the governing boards.</p>
<p>↓ Consent required: GOVERNING BOARDS (including <u>ALL</u> FOUNDATION GOVERNORS), DBE, LOCAL AUTHORITY and ANY SITE TRUSTEES</p>		
Instrument of Government: before formal consultation, the Schools Team draw up the draft federation Instrument of Government (IoG) with input from school(s)	DGO	<p>The DGO liaises closely with governors to draw up a draft federation IoG on the school(s)' behalf. This ensures that the draft is aligned with statutory governance regulations, any DBE requirements and any considerations about representation (see Annex II). This document needs to be in place ahead of a federation start date and is agreed 'subject to' federation proceeding.</p>
Consultation document is drawn up, statutory consultation period takes place.	DDDE DGO	<p>The DDDE advises on overall consultation process.</p> <p>The DGO advises on statutory governance elements of consultation document and process. The DBE is a statutory consultee, as are any site trustees.</p> <p>The length of the statutory consultation period is six weeks, which should not include school holidays.</p>

Federation processes	Schools Team	Additional guidance
↓ Consent required: GOVERNING BOARDS (including <u>ALL</u> FOUNDATION GOVERNORS), LOCAL AUTHORITY and ANY SITE TRUSTEES		
<p>After consultation, local governing boards meet to decide whether to federate</p>	<p>DGO</p>	<p>All governing boards involved formally decide whether to federate.</p> <p>For a decision to federate and a decision to agree a federation IoG, you will need to obtain formal consent expressly from all existing foundation governors, and any site trustees. The DGO can advise on how to facilitate this locally. Please send relevant minutes of governor decisions to the DGO/ DDE PA.</p>
<p>(HR/TUPE processes)</p> <p>Discuss in parallel with consultation processes</p>		<p>Schools seek HR advice from their HR provider on TUPE if required.</p> <p><i>When two schools federate, there should only be a change in employment status if one of the schools chooses to change category from VC to VA. It is possible for a VC school to join a VA federation without changing its category as long as it is able to accept the CofE majority governance of the federation governing board.</i></p>
↓ Consent required: DBE and any SITE TRUSTEES		
<p>Governing boards seek DBE's final approval of decision to federate</p>	<p>DGO, DDE PA</p>	<p>To obtain final approval from the DBE, you will need to send to the DDE PA:</p> <ul style="list-style-type: none"> • a formal request for the federation to proceed, confirming all relevant governing boards' agreement, and that of site trustees, if any • a brief summary report of the consultation outcome
↓ Consent required: LOCAL AUTHORITY		
<p>Approved IoG is submitted to LA to issue sealed copy</p>	<p>DGO</p>	<p>The LA's agreement is usually a formality at this stage, but it can take some months for an IoG sealed copy to be issued.</p>

Federation processes	Schools Team	Additional guidance
New federation governors are agreed ready for federation 'with effect from' date	DGO DDE PA	The DGO advises locally on governor appointment processes and guides any negotiations on foundation governor allocations. The DDE PA administers foundation governor appointments paperwork and submits to DBE.
First meeting of new federation governing board	DDDE, DGO, DDE PA	Please inform the Schools Team of date of first federation governing board meeting. New governing board officially constitutes, and formally appoints a Chair of Governors, a Vice Chair and a Clerk. Please then notify the Schools Team of appointments made. The DGO can advise as needed.

Contact the Schools Team:

- Lizzie Jeanes (Deputy Director of Education)**
 Lizzie leads on federation for the Schools Team.
 Email: ljeanes@stalbans.anglican.org; Mobile: 07538 419582
- Belinda Copson (Governance Officer)**
 Belinda advises on all aspects of governance in new or existing federations.
 Email: bcopson@stalbans.anglican.org; Mobile: 07984 088180
- Vicki Barrière (Director's PA and General Schools Administrator)**
 Vicki handles submissions to the DBE and the administration of foundation governor appointments, and is often first point of contact for enquiries.
 Email: vbarriere@stalbans.anglican.org; Tel. 01727 818170

List of annexes

- Annex I Request to the DBE for 'in principle' agreement to proceed to federation
- Annex II Composition of a federation governing board

Annex I

Request to the Diocesan Board of Education for 'in-principle' agreement to proceed to federation

Your request should include:

- Why federation is desirable
- How long any collaboration, formal or not, has been in operation and how positive its impact has been, leading to the decision to seek federation
- Specify that all relevant governing boards have agreed to issue the request at their respective meetings (indicating dates of meetings and provide extract of relevant minutes); the letter should ideally be signed by the Headteacher(s) and the Chairs of Governors
- Any other information you think relevant to the decision
- Concluding the schools are therefore seeking the DBE's in-principle agreement for the formal federation process to commence.

Annex II:

Composition of a federation governing board

Within regulations, the composition of the federation governing board (and the content of the Instrument of Government) will depend to some extent on local staffing and parish structures.

Please discuss with the Diocesan Governance Officer to ensure that your proposed federation Instrument of Government is a good fit for the local situation as well as being aligned with statutory regulations. Examples of possible federation models include:

a) Schools with an executive headteacher and heads of school

The executive headteacher has an ex-officio place on the federation governing board.

b) Schools with substantive headteachers in each school

Each substantive headteacher has an ex-officio place on the federation governing board.

c) Schools who share one substantive headteacher

The headteacher has an ex-officio place on the federation governing board.

d) Schools in the same parish or team ministry

One member of the team clergy would normally have an ex-officio place on the federation governing board.

e) Schools in different parishes or deaneries

In some cases, this may mean it is appropriate to have an ex-officio clergy place on the federation governing board for more than one school incumbent, within the total number of foundation governors.

f) Schools whose foundation governor appointments are made by two or more different Parochial Church Councils (PCCs) and/or other local appointing boards

In such situations we look for federation appointing bodies to be agreed in proportion to existing arrangements as well as sustainably for the future.