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Federation process of maintained schools in Wales

Guidance for governing bodies and local authorities

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Guidance

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Federation process of maintained schools in Wales

Audience	Governing bodies of all maintained schools and nursery schools; local authorities, consortia; diocesan authorities and school staff unions.
Overview	This guidance contains information and practical advice to governing bodies and local authorities on the federation process for maintained schools.
Action required	Governing bodies and local authorities must have regard to this guidance when considering federating maintained schools and nurseries.
Further information	Enquiries about this document should be directed to: School Governance and Organisation Branch Schools Management Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6051 e-mail: SMED2@wales.gsi.gov.uk
Additional copies	Copies of this document can be downloaded from the Welsh Government's website at www.wales.gov.uk/educationandskills
Related documents	The Education (Wales) Measure 2011 <i>The future delivery of education services in Wales</i> (2013) Review by Robert Hill http://wales.gov.uk/consultations/education/future-delivery-of-education-services-in-wales/?lang=en <i>Leadership of more than one school</i> (Ofsted, 2011) Survey by Ofsted www.ofsted.gov.uk/resources/leadership-of-more-one-school

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Overview

This guidance provides advice and information to governing bodies of maintained schools and local authorities (LAs) on the processes and practical aspects of establishing a federated school governing body.

The Welsh Government's policy objective is to promote collaboration between all parts of the education system to improve outcomes. School federation is a more formal way of extending collaboration and promoting closer working relationships and is the principal initiative for achieving formal partnership working amongst schools to improve performance and narrow the attainment gap for deprived pupils.

Schools have been able to federate since 2010 using the process set out in The Federation of Maintained Schools and Miscellaneous Amendment (Wales) Regulations 2010 ('the 2010 Federation Regulations'). The Federation of Maintained Schools (Wales) Regulations 2014 ('the 2014 Regulations'), made under the Education (Wales) Measure 2011 revoke and replace the 2010 Federation Regulations and, additionally, provide LAs with a mechanism to federate schools. The 2014 Federation Regulations set out how the governing bodies of between two and six maintained schools can federate. In addition they set out how LAs can federate schools. The regulations prescribe how a federation may be proposed, established, constituted and how one or all schools may leave it.

Consultation on provisions in the 2014 Federation Regulations took place between 17 January and 14 March 2013.

The process for a LA led federation of schools has not changed since the consultation. However, the following changes were made to the consultation proposals to reflect consultation responses and the outcome of Robert Hill's Review of the Future Delivery of Education Services in Wales:

- A cap of no more than six has been imposed on the number of schools that can federate.

- The membership of the various models of Federated governing bodies has been more closely aligned to that set out in the 2010 Federation Regulations, although limits have been introduced on the numbers of governors in each category,
- The minimum number of governors on a governing body remains at 15 but the maximum number has been increased to 27.
- The provision for separate teacher and staff governor categories on a federated governing body has been maintained.
- A Small Schools' Order will define a small school as having fewer than 91 pupils rather than 100
- The federation date for a federation of small schools only is at least 100 days from the date federation proposals are published rather than the 125 days for other federations.
- Schools with a faith or trust base such as voluntary aided, voluntary controlled and foundation schools cannot federate with community schools and maintained nurseries; foundation schools will be able to federate with other foundation schools. Voluntary aided and voluntary controlled schools will be able to federate with each other where they share a similar charitable trust status and/or religious ethos. There will continue to be a majority of foundation governors on the governing body.
- Governing bodies can choose to appoint a single headteacher with overall responsibility for all of the schools in the federation, or in the absence of such an appointment have a headteacher in every, or some of the schools in the federation.

The process and principles that schools have used to federate since 2010 have been replicated in the 2014 Federation Regulations for federations initiated by LAs. Consequently much of the guidance issued by the Welsh Government in Circular 070/2012 'Guidance on the Federation Process of Maintained Schools' ('the 2012 guidance') remains relevant and is reproduced in this revised guidance. This guidance therefore applies to both schools and LAs who wish to pursue federation.

Enquiries about this guidance or federation matters

Any questions or enquiries about this guidance, or about any aspect of the federation process should be sent to SMED2@wales.gsi.gov.uk or telephone 02920 826051.

1. Introduction

1.1 The federation of schools is a legal process which enables schools to work together through a formal structured process by sharing a governing body that will make decisions in the best interest of all the schools, staff and pupils in that federation. The concept of schools sharing a governing body is not new. Prior to the commencement of provisions in the Schools Standards and Framework Act 1998 ('the 1998 Act'), which required all schools to have their own governing body, schools were able to share a governing body. Many schools, especially small primary schools in rural areas, took advantage of the provisions in the 1998 Act, but many also encountered governor recruitment difficulties and have carried long term governor vacancies due to the requirement for schools to have their own governing body.

1.2 In the current climate of collaboration, although schools may be accustomed to working together through collaboration and setting up joint committees (which give the 'parent' governing bodies some control over decisions and outcomes), schools may be less enthusiastic about working together through a more structured and formal federation process with governor representation on a single governing body which is shared with other schools in the federation.

1.3 Schools may understandably be concerned that an LA's new power to federate schools will mean that they will have to federate and share a governing body. Governors, school staff and parents may be concerned that their school will be treated less favourably to other schools in the federation. However, feedback from headteachers and governors of schools that have federated demonstrate that once the federation has had time to bed down, the schools in the federation and the governors are more comfortable with the arrangements and are reassured and better able to understand the benefits that federation can offer.

1.4 The federation of schools by LAs should therefore never come as a surprise to the schools involved. To ensure that the federation process operates smoothly and that the schools involved accept and support federation, the Welsh Government expects LAs to fully engage with schools and their stakeholders as early as possible

to discuss their proposals and address any concerns. They should explain why federation is being considered, and the benefits to be achieved by federation.

1.5 Schools or LAs considering federation should produce a range of information to inform stakeholders. This might include an information leaflet specifically designed for parents and pupils to answer any questions and ease any concerns they may have about the impact of federation on their school. (An example is attached at Annex 10). Consideration should also be given to holding a series of meetings with stakeholders, including trustees, to directly address any questions or concerns they may have.

1.6 In his report of his review of the future delivery of Education Services in Wales Robert Hill states that federations and other types of formal school partnership provide a strong platform for both increased autonomy and raising school attainment. However, federation has been slow to take off in Wales.

1.7 Experience of schools that have federated in England demonstrates that federation can offer schools many benefits.

1.8 A survey undertaken by Ofsted (Office for Standards in Education, Children's Services and Skills) in September 2011 on the impact of federated schools in England found improvements were evident in the three key areas of teaching and learning, behaviour and pupil achievement¹.

1.9 The report stated that leaders and governors interviewed were positive about the benefits of federation. They saw professional development, staff retention, greater availability of resources and the ability to attract high-quality leaders as the key reasons why federation led to improvements to provision.

1.10 Three main reasons were given for federating. Some schools had been approached by a LA to help a struggling school; others were small schools in danger of closure or unable to recruit high quality staff; and others were seeking to strengthen the overall education of pupils in their communities.

¹ <http://www.ofsted.gov.uk/resources/leadership-of-more-one-school>

1.11 Federations set up to improve the capacity of small schools were successful in broadening and enriching the curriculum and care, guidance and support for pupils. These also resulted in better achievement for groups of pupils such as the vulnerable and those with special educational needs and/or disabilities.

1.12 In schools where the federation bridged primary and secondary age groups, there was better transition between schools and less disruption to pupils' progress. In all cases, a single system of assessing and tracking pupils' progress was used.

1.13 In good federations, leaders made the most of increased resources and opportunities for professional development and used these to achieve their priorities. Crucially, training and development were carefully tailored to meet the needs of the school.

1.14 Barriers encountered by schools forming federations were generally due to uncertainty about the impact of change and practical factors such as finance and the geographical distance between some of the schools.

1.15 Initial concerns that staff, parents and children had about federations were almost always overcome by good communication and consultation. The appointment of a business manager or bursar was often a key factor in overcoming practical problems to do with finance and the site.

1.16 The report recommends that schools considering federation should have a clear focus on the benefits to pupils' education, make sure governing bodies establish rigorous procedures to hold leaders to account, and communicate and consult effectively with parents, staff, pupils and the community at the earliest stage.

1.17 A copy of the report can be accessed at:

<http://www.ofsted.gov.uk/resources/leadership-of-more-one-school>

1.18 This guidance document provides step-by-step advice on the federation process as set out in the 2014 Federation Regulations, and includes a set of annexes which provides more detail on what federation means; the formulation of a proposal for federation; the requirements to seek the views of stakeholders and establishing a governing body for a federation of schools.

1.19 The step-by-step approach in the Annexes covers the following:

1. Actions to be taken prior to federation.
2. Preparing a report for school governing bodies and LAs leading to a proposal for federation and content of the report seeking the views of stakeholders.
3. Preparation of a report on responses received from stakeholders to proposals for governing body and LA led federations.
4. Federations: Standards, well-being and school improvement.
5. Federations: Risks and Risk Management.
6. Proposed composition of governing bodies of a federation of up to six schools taken from the 2014 Federation Regulations.
7. Suggested Instrument of Government for federated maintained schools.
8. Federation – LA/consortia role and activity during federation process.
9. Federation - frequently asked questions (FAQs).
10. Information for Parents.

2. The new 2014 Federation Regulations

2.1 Schools have been able to federate since 2010 using a process set out in the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010. The Federation of Maintained Schools (Wales) Regulations 2014 which came into force on 22 May 2014 replace the 2010 regulations. This guidance is intended to support the new regulations.

2.2 Under the 2014 Federation Regulations governing bodies continue to be able to federate their schools if they wish. In addition the regulations provide LAs with the power to federate schools. LAs will be able to federate a school, including a proposed new school with another school or schools or federate a school(s) with an existing federation. These new regulations also contain a process for LAs to federate small schools, which have been defined in an Order made by the Welsh Ministers as a school which has fewer than 91 pupils (more information on small schools is included in Section 9).

2.3 The 2014 regulations are very similar to the 2010 regulations in that they set out the process for how schools and LAs may propose, establish and constitute a federation; how a school (or schools) could leave a federation; and how a federation may be dissolved.

2.4 The 'Overview' section lists the changes that are contained in the 2014 Federation Regulations.

3. What is a federation?

3.1 The term federation describes a formal and legal agreement by which a number of schools (between two and six) share governance arrangements and have a single governing body. Federations can involve a mix of maintained community and community special schools which are either nursery, primary or secondary schools. However, under the new 2014 Federation Regulations schools with a faith and/or a trust such as voluntary aided, and voluntary controlled can only federate with schools of the same category or with schools that have a similar charitable trust status and/or religious ethos. Foundation schools will only be able to federate with other foundation schools.

3.2 There is no blueprint for federation and the design or operational workings of a federation will depend entirely on the circumstances of the individual schools and the focus or purpose of their wanting to work together, but there are some distinct advantages to federation.

3.3 The most important reason for considering federation must be the benefits such an arrangement would bring for children and young people in the federating schools by enhancing educational provision. As federation becomes more firmly established as a more commonplace way of working, more and more schools will realise that working together and sharing resources through a federation provides a foundation for sustainable long term development and improvement. Initially schools may identify other important 'drivers' for federation such as schools being able to share budgets to provide resources that a single school budget could not afford. Ultimately however, the benefits schools will gain should enhance education provision and raise pupil attainment levels.

What makes a successful federation?

3.4 To be successful, federation needs to be based on a commitment to work as a group of schools and a willingness to do things differently for the added benefit of all pupils, their well-being and achievements. Experience from schools that have

federated, demonstrate that the development of all the schools and their communities within the federation and the sharing of best practice will help drive up standards and improve performance. Annexes 4 and 5 give further information on the drivers for federation, and some of the risks and how to mitigate them.

3.5 One of the advantages of federation is that schools that federate remain in their communities and keep their individual identity. However the existing governing bodies will be dissolved and replaced by a new, single governing body which will have oversight of, and equal responsibility for, the work of all schools within the federation. The membership of a governing body for a federation of schools is almost identical to the membership of an ordinary governing body with all stakeholders being represented although there is more flexibility in the proportions of representation of each category of governor. This means that a governing body of a federation can choose a constitution and membership which suits their particular circumstances as long as they have a minimum of 15 governors and no more than a maximum of 27 governors and adhere to the minimum and maximum numbers of governors set out in the regulations. Schools in a federation will also be able to maintain their own delegated budget, name, character, school uniform and ethos, but will be able to explore the advantages of sharing resources such as facilities, IT, staff, school buildings etc.

3.6 Deciding on the membership of the single governing body will be an important step for the governors as they will want to achieve the right balance of skills and experience to meet the needs of all the schools and help reduce the burden on senior staff. Whilst training for governors is important to help them better understand their roles and responsibilities, it does not necessarily help to provide the specific skills a governing body might need to improve governing body effectiveness, such as financial management skills. To address this it is suggested that the schools that are federating carry out a skills audit amongst their existing governors to identify the experience and expertise that exists and where the gaps are and develop a strategy for filling them. To help schools and LAs Annex 6 sets out the proposed membership of the various federation models.

3.7 As such, establishing and developing a federation requires a high degree of trust

between governors, schools and their communities. Embedding the concept of federation and engaging staff at all levels will be critical to the success of the federation. Staff may be cautious and worried about whether their terms of employment will change. The role of the senior staff in the federating schools will be to explain the possible benefits to staff which could include the opportunity to improve professional development for teachers, improve their subject expertise to broaden and enrich curriculum provision for all pupils.

3.8 Schools will also need to demonstrate a willingness to see the potential and benefits of a formal partnership, whilst at the same time realising and recognising that the partnership strengthens rather than threatens the characteristics and qualities of individual schools within the federation.

3.9 The 2014 Federation Regulations set out a formal process for seeking the views of stakeholders which school and LAs must follow. The stakeholders are parents, headteachers and staff, pupils via the school council, the LA, school unions, diocesan authorities and other appropriate persons, such as trustees.

3.10 LAs must bear in mind that a decision to federate by either schools or LAs will not override the need for a LA to intervene or act on school improvement or school organisation issues.

4. Summary of the key points of federation

4.1 The following information contained in boxes is a summary of some of the key facts which may act as a prompt to schools and LAs that are considering federation. There is also a summary of this information in Annex 2.

Key facts

- There will be a single governing body with strategic oversight of all schools within the federation.
- Each school retains its name, category, budget, staff and remains in its community.
- Shared staff - Each school can retain its headteacher if it wishes although some federations may wish to share a headteacher. This might be particularly helpful for small schools but in federations of bigger schools the decision may be to appoint a head of the federation or, if no such appointment is made, to retain the headteachers of every school.
- If a single headteacher and deputy headteacher post is created to manage all of the schools in the federation, those posts do not have to be advertised nationally if one of the headteachers or deputy headteachers expresses an interest in the post (See Section 14 for further information).
- Each school has its own Estyn inspection, though increasingly these are co-ordinated to happen at the same time for all schools within the federation to minimise stress and disruption.
- The governing body of a federation can use budget, resources and staff across the federation to improve the educational outcomes for all pupils. An audit trail must be kept and separate accounts produced for each school in the federation.
- The governing body of a federation cannot require existing staff to work across all schools within the federation, but they can negotiate with the school staff

unions over whether flexible contracts can be introduced. New staff can be appointed to work across schools in the federation.

- Models for the constitution and membership of a governing body of a federation are clearly set out in the 2014 Federation Regulations and Annex 6.
- It is a statutory requirement to seek the views of stakeholders on federation proposals, whether the federation has been proposed by the respective school governing bodies or the LA.
- Local authorities must allow the governing bodies and school councils of small schools, 20 school days (excluding inset days) to respond to proposals and cannot establish a federation until a period of at least 100 days has expired from the date they publish proposals. Excluding the consultation period gives local authorities a period of 80 days or 16 working weeks. The remainder of the time will be used to dissolve existing governing bodies and establish a governing body that becomes the recognised governing body as set out in the Instrument of Government and transfer resources, land, assets, rights and liabilities.
- For normal federations the federation date must be at least 125 days from the date proposals to federate are published for either an LA or governing body led federation. The local authority must allow 6 weeks for the consultees to respond to proposals. Excluding this consultation period from the 125 days the local authority should use the remainder of the time to dissolve existing governing bodies and establish a governing body that becomes the recognised governing body as set out in the Instrument of Government, and transfer resources, land, assets, rights and liabilities.
- Schools where the governing body is a charitable trust cannot federate with community schools (Schedule 3, paragraph 9 of the Charities Act 2011 refers).

The benefits of federation

- Consistency of teaching and learning methodology especially cross-phase.
- Reduced transitional dips in pupil performance.
- Streamlining of policies and structures.
- Sharing of good practice, preparation materials and resources.
- Enhanced opportunities for pupil activities – widens curriculum choice and options for students as schools come together to provide access to each other's courses and facilities, leading to improvements to the quality of learning for staff and pupils.
- Enhanced opportunities for staff professional development.
- Increased opportunity for middle management development.
- Schools have options to choose a senior leadership structure to suit their circumstances leading to easier recruitment of staff and headteachers particularly if there have been difficulties.
- Opportunities for school leadership beyond a single school.
- Opportunities for the creation of new roles that can be shared across schools i.e. bursar, ICT Technician, drama teacher, peripatetic teachers.
- Improved social opportunities for pupils.
- Opportunities to maximise resources and professional expertise particularly where there are financial difficulties or low pupil numbers, and achieve financial efficiencies from economies of scale.
- Builds knowledge – some schools are too small to be self-sufficient as effective learning institutions for the staff who teach in them.
- Adds capacity and supports efficiency by providing an economy of scale for undertaking key activities.
- Promotes the broader welfare of students by offering potential for bringing together pastoral, health, careers, youth and other services to meet their

all-round needs.

- Support for schools in difficulty.
- Schools with strengths can contribute to the learning of others.
- Supports school improvement by enabling schools to draw on the resources of other schools to tackle problems, share expertise, raise expectations and address the needs of particular groups of pupils.
- Better work-life balance where the headteacher has a very high level of teaching commitment.
- Possible easier recruitment of governors with fewer governor vacancies.

Small schools in particular can additionally benefit by:

- Developing networks for personal support.
- Sharing expertise and resources.
- Organising professional development.
- Arranging joint pupil activities.

Keys to a successful federation

- Building of trust between LAs, governors and school communities which is fundamental to the success of federations and must be fostered at every level of management.
- Commitment of time and resources from all schools involved.
- Shared vision and a common purpose of what needs to be done and how for improving attainment and achievement at all level.

- Shared identity between schools i.e. geographical proximity and having common aims on curricular and non-curricular activities
- Clear leadership and management structures.
- Sufficient time for all parties to be at ease with the proposed changes.
- All to feel like equal partners.
- Sense of ownership of process by the schools.
- Good communication with parents and staff over the changes brought by federation.

Disadvantages of federation

- Increased workload for governors during inception and first year.
- Potential loss of experienced governors.
- Initial mistrust amongst governors, parents and staff – time needed for federation to bed down.
- Single headteacher not sharing time fairly amongst schools.

5. What to consider when establishing a federation

5.1 LA proposals to federate schools should never come as a surprise to the schools concerned. The Welsh Government expects LAs to make schools aware of their intentions and to engage them at the earliest opportunity. It is possible that some schools will be cautious, suspicious even reluctant to change and the following questions provide a useful prompt for governing bodies, LAs, headteachers and staff to consider when proposals are being put forward for federating:

- If federation is the answer what is the question?
- Are there alternatives?
- What is our future vision for this federation?
- What would be the purpose and focus for the proposed federation?
- How might staff and pupils benefit most?
- How might federation maximise resources so that money is directly spent on the pupils?
- How might federation offer a greater range of learning opportunities i.e. residential trips, drama, music and sporting activities?
- How can staff development be expanded through federation?
- What is the best way to manage communication so that everyone's voice is heard?
- How will professional associations/unions be involved and at what point?
- What is in it for parents and the local community?
- How would employing an experienced single headteacher, working across our schools, benefit our pupils?
- What are the alternatives for senior leadership and how would they work?
- What impact will the federation have on the wider community?
- As governors, how can/will we measure the continuing success of the federation?
- How do we see the federation developing in the future?
- How can/will one governing body reflect the different schools' visions and values?
- How will the governing ensure fairness and equality for each school?
- How can federation help raise standards? Will our school's reputation be affected by joining a federation?
- What happens if the federation does not work?

- What planning and preparation is required to begin establishing a federation?

Where Faith based schools federate the governing bodies may also wish to consider the following

- How will the distinctiveness of our faith be preserved and maintained if we federate with another faith school with a different faith?
- How would the federated governing body manage the employment, admissions, RE and collective worship and the upkeep and management of buildings and premises?
- How will links with the Faith body and communities be maintained?

6. The federation process

Establishing a federation led by governing bodies

6.1 Under the 2010 Federation Regulations the initiative to undertake the process of establishing a federation can be taken by the individual governing bodies of the schools interested in working together as part of a federation partnership. This provision also exists in the proposed Federation of Maintained Schools (Wales) Regulations 2014 as the 2010 regulations will no longer exist when the new 2014 Federation Regulations come into force.

6.2 The decision whether or not to federate is made by the governing bodies, jointly, after seeking the views of parents; staff; pupils; the LA(or LAs if schools from different LAs are involved); all school staff unions; all foundation governors (if applicable), diocesan authorities or any other appropriate religious body (if applicable) and anyone else in the school community. In order to make the federation process easier to manage the governing bodies may wish to consider setting up a joint committee to oversee and manage the federation process as this will avoid the problem of arranging for the full governing bodies to keep meeting to discuss developments.

6.3 As such, governors are central to establishing a federation. In discussing and making decisions as to whether they pursue federation it is crucial that governing bodies:

- consider in depth the benefits and risks of establishing a federation in relation to the impact on children and young people's achievements and the quality of education in/across the schools involved in the discussions;
- seek and consider information about each school involved in the discussions, particularly in relation to school performance, funding, facilities and buildings, so that decisions are taken openly and on the basis of sound evidence;
- ensure that LAs are kept informed of and involved in developments;
- ensure the process of seeking views and decision making process complies

with the new 2014 Federation Regulations.

The role of LAs in governing body led federations

6.4 LAs should provide advice and support to all governing bodies giving consideration to federation including:

- identifying and maintaining LA officer contact, preferably a single person for consistency, with those governing bodies involved;
- assisting in the provision of information requested by governing bodies such as information about the schools, producing the report for governing bodies to consider;
- ensuring that federated school governing bodies are included in governor support arrangements and governor training programmes. The role of the LA in federations is also summarised in Annex 8.

Establishing an LA led federation

6.5 LAs have a statutory responsibility for the planning of school provision. In undertaking this responsibility it is important that LAs have a full knowledge and awareness of any developments in relation to federation within its area. The process a LA would use to federate schools is almost identical to the one governing bodies would follow. If a LA is considering federating a voluntary aided, voluntary controlled or foundation school it should first of all contact the Charities Commission to discuss proposals. It must also obtain the consent of the relevant diocesan authority, trustees or persons who are responsible for appointing the foundation governors before continuing with the steps below.

6.6 In particular, LAs should:

- consider federation as an option within their strategic plans for effective and efficient school provision in/across communities;

- ensure that school organisation plans are sufficiently detailed and transparent to inform decisions about federation within and across school governing bodies;
- consider the impact of their federation programme on voluntary aided, voluntary controlled and foundation schools where federation may not be easily achieved
- identify any small schools with fewer than 91 pupils as the process of seeking views of stakeholders to federate these small schools is shorter.

6.7 The Education (Wales) Measure 2011 gave LAs the power to make proposals for federation. The 2014 Federation Regulations detail how LAs can propose and implement the federation process for:

- two but no more than six community, community special or maintained nursery schools
- two but no more than six voluntary-aided schools
- two but no more than six voluntary controlled schools
- two but no more than six voluntary aided and voluntary-controlled schools
- two but no more than six foundation schools
- enlarging an existing federation by adding one or more maintained schools provided the total number of schools is no more than six
- merging two or more existing federations provide the total number of schools is no more than six.

6.8 In the case of LA led federations, the decision whether or not to federate is made by the LA, after giving careful consideration to the use of federation as a strategic tool to drive improved outcomes and deliver resource efficiencies in their areas.

Throughout the federation process, from initial exploration stage to implementation and embedding, it is vital that LAs engage with the federating governing bodies to provide them with an opportunity to make representations and foster a sense of ownership within the process and for the new federation.

6.9 As in governing body led federations, the LA is required to formally consult on proposals with parents; staff; pupils; all school staff unions; foundation governors, other LAs (for cross boundary federations) and diocesan authorities or persons who appoint foundation governors (where prior consent has been sought to federation).

6.10 Throughout the process for LA led federations, governors continue to play an important role in the establishment of proposals. Much like the process for governing body led federation proposals it is vital that governing bodies, in co-operation with the LA:

- consider the benefits and risks of establishing a federation and what the impact of federation might be for the quality of education and the achievements of children and young people in and across the federating schools.
- ensure that staff, parents and pupils are kept informed and involved in developments during the federation process.

6.11. A step by step guide on the process LAs and governing bodies should use to federate schools is set out below:

Step-by-step guide to establishing federations

Step 1: Exploration

- Expressions of interest from schools who may seek information and guidance from the LA. LAs hold early discussions with the schools identified for federation.
- General agreement reached to explore federation options. Schools subject to Welsh Ministers' or LA intervention should firstly seek agreement from the Welsh Ministers or LA.
- Agree drivers and purpose for federation.
- Governing bodies or LAs inform staff and school staff unions of process and any implications.
- Set up a governor working group with representatives from all schools to lead the

federation process as waiting for regular governing body meetings will make the process longer.

- Determine a date for the operative start of federation
- LAs and/or schools consider talking to or visiting other schools that have federated.

Note: If a LA proposes for a school to join a federation initiated by governing bodies, then the LA will take over the federation process.

Step 2: Preparation

Annexes 1, 2 and, 3 contain a summary of the preparation stages which are set out below in detail:

- The LA prepares a report or governors agree to prepare a report or to ask the LA to prepare a report, to seek the views of stakeholders (for consistency, the same report should be used for each school, with sections covering school specific issues).
- Governors and LA decide on governance structure – membership and constitution of the federated governing body (governing bodies should seek advice from the LA).
- Agree a name for the federation – if the LA and governing body cannot reach agreement on the name of the federation, which must be included in the instrument of government, the LA makes the final determination.
- LA and governors explore staffing structure and longer term development of federation structure.
- Financial and HR issues are explored and discussed between LAs and governing bodies.
- Helpful at this stage to also consider a timetable for election and appointment of governors to the federated governing body to facilitate progress later.

Step 3: The report and seeking views

- Governing bodies should seek help from the LA on the process for the publication of proposals including seeking the views of stakeholders which must be at least 6 weeks for both governing body and LA led federations. Although not explicit in regulations, it is good practice to exclude holidays from this period.
- Where governing bodies are leading the federation process the draft report must be an agenda item at a governing body meeting for which at least five clear days notice has been given. If the next governing body meeting is some time away an extraordinary meeting could be arranged for discussion on this issue alone. Each governing body must decide if it wishes to proceed.
- If LAs are establishing a federation they can produce a report and proceed to seek the views of stakeholders.
- The report should:
 - include full details of proposal including the name of the proposed federation, size/composition and name of the single governing body, staff arrangements and structure, admissions authority(ies),
 - include the deadline for comments which is 6 weeks for a governing body led federation or 20 school days or 6 weeks for LA led federations depending on whether small schools are being federated,
 - explain the reasons for federation and benefits (and how potential challenges would be met),
 - include the date for when federation takes place – must be at least 125 days from the date proposals are published, i.e. sent to stakeholders, for both governing body or LA led federations, or 100 days for a LA led federation of small schools, and
 - include any other matters that are considered appropriate to be sent to stakeholders who are the LA (if governing bodies are federating) parents, headteachers and staff of all schools, pupils and school councils, school staff unions, diocese or other relevant body if religious character, foundation governors or trustees where relevant,

and any other persons who are considered appropriate which could for example be the local community including local schools not in the federation, so that the wider community is involved in the exercise.

In addition, for LA led federations the LA must also include in the report:

- the consent of any other LA where schools across LA boundaries are being federated,
- the consent of the appropriate diocesan authority or the persons who appoint foundation governors, if voluntary schools or foundation schools are being federated.

Seeking views of stakeholders

- Proposals to federate must be published by sending them to the following stakeholders – any relevant LA; the headteacher of every school included in the proposals; the school council for each school; all staff paid to work in the schools; the parents of registered pupils; all trade unions; the diocese or appropriate religious body (if relevant); the foundation governors and any trustees for schools with a foundation; and any other relevant persons the governing body considers should see the proposals.
- The proposals must be made available for inspection in hard copy at the schools which are included in the federation proposals, and published electronically on the LA's website if it is proposing federation.
- For a federation of small schools only, LAs are required to only send and invite comments from the governing body and school council of each school and give a period of 20 school days to respond
- Copies of the proposals must also be sent to other relevant LAs, if schools across LA borders are being federated; all headteachers; if relevant, diocesan authorities or other religious bodies; and the foundation governors or trustees, if appropriate.
- Consideration will need to be given as to how the pupils and school councils

receive information. Given the complexity of federation proposals this could be achieved by a member of the school's governing body (preferably the headteacher) or the LA, explaining the proposals to the School Council; and/or producing an information leaflet in an 'easy to read and understand' language; and making all pupils aware that a full copy of the proposal to federate will be made available to any pupil on request.

- For federations involving a small school LA's may also wish to consider ways to give information to parents when they seek their views on proposals as they are not included in the mandatory list of stakeholders in the regulations. This could include providing them with a summary version of proposals.
- In addition it might be helpful in any federation if parents are provided with a Q&A information leaflet covering the sorts of issues and concerns which parents (and staff) might raise. A suggested information leaflet is at Annex 10. A comprehensive Q&A document is also attached at Annex 9.
- Where governors and LAs give parents, staff, pupils and school councils a summary version of the federation proposals they must also make them aware that a full copy of the proposal will be made available if requested. Supplying a direct link to the LA website or school website would also be useful.

Step 4: Defining

School leaders, the LA and governing bodies should liaise and

- start to scope and define leadership roles across the federation.
- start to prepare job descriptions and contracts for any new posts and roles
- prepare a proposed staffing structure

Step 5: Action after seeking the views of stakeholders

- Joint meeting of the full governing bodies to consider responses where governing bodies are establishing a federation. It would be useful if this meeting is planned at the start of the process so that it can take place with full attendance as soon as possible thereafter.
- If a joint governing body committee has been set up, it could produce a summary report of the responses for the full governing bodies to consider. If asked the LA could produce a summary report.
- For an LA led federation the LA must consider responses and must publish a summary of the responses together with the LA's comments, on the LA website.

Step 6: Implementation

- For governing body led federations the individual governing bodies must meet jointly to make the final decision on whether they wish to proceed or not, or whether there are modifications to the proposal. The modifications must not include changing the schools that federate (i.e. removing a school and introducing a new one). A modification may be where the date of federation has changed but not so that it would be shorter than 125 days; or the numbers of governors on the governing body has changed. In order to help governing bodies co-ordinate this stage of the process it might be helpful if a date for this meeting is set at the start of the federation process. If the governing bodies being federated are not fully supportive of federation it might be helpful if a neutral venue is arranged. The LA or LAs must be notified of the decision.
- Where a governing body initiates a federation proposal they must complete the process unless a LA proposes that another school or federation joins in the federation being considered in which case the LA will take over the federation process.
- Although not in regulations governors should also inform other stakeholders

of the decision i.e. parents, pupils staff etc.

- Where an LA is proposing federation they will make the final decision whether to federate or not, and the decision must be published on the LA's website. Copies of the decision must also be sent to any other relevant LA; the headteacher of every school included in the federation proposal; foundation governors and any Trustee (if appropriate); the diocesan authority or any other religious body (if appropriate) and any other person they consider appropriate. This applies also to the federation of small schools.
- Although not required the LA should also inform the governing bodies and/or any joint committee set up to oversee the federation process of the decision.
- Where the federation is led by governing bodies or by a LA it would be beneficial if LAs could discuss their implementation plan with the governors and headteachers of the relevant schools so that they are informed of the various stages of development.
- Once the decision has been made to federate governors should liaise with the LA and diocese (if appropriate) over the new Instrument of Government and election and appointment of new governors. A copy of the new instrument of government must be sent to Welsh Ministers (see Section 13)
- LA to consider making arrangements for governor support for the federating schools in the interim before the joint governing body is in place.
- Senior leadership roles and responsibilities formalised.
- If one has not been established it would be useful if a joint governor committee or working group is set up to provide strategic planning and roll out of the federation.
- Agreement with governor support in LA to provide continuity across the federated schools.
- **LAs send copies of the Instrument of Government for federations to the Welsh Government at SMED2, Welsh Government, Cathays Park,**

Cardiff, CF10 3NQ.

Step 7: Evolution

- Single governing body meets to elect chair and vice chair.
- New staff roles operating (Performance Management structure and process).
- School Improvement Plan targets resources and expertise at raising standards across the federation.
- Calendars and professional processes aligned.
- Look at how new technologies can support federation development.

Step 8: Embedding

- Opportunities for resources and staffing to be used flexibly to raise standards in federation schools. New members of staff appointed to schools in a federation could be given contracts with 'mobility clauses' to enable them to work between schools. For existing staff this 'portable arrangement' would require negotiation with them and their union representatives and a mutual agreement to do this.
- Headteachers build overview of federation effectiveness through monitoring systems. A single headteacher with responsibility for the federation may be responsible for this, if one is appointed, or if no such appointment is made the headteacher of every school in the federation.
- Governors with support from the LA review federation to have systems and structures in place to ensure a good knowledge of individual schools.
- Governors agree committee structures and meeting calendar.

Step 9: Strategic Development

- Key Consortia/ LA officers are able to offer well informed support. There are clear advantages if there is one officer who is the main link.
- Overview of federation arrangements and impact on standards and school improvement capacity.
- Wider opportunities for the professional development for all staff are implemented.
- Model practices, processes, policies and documentation in place.

7. Federating new schools

7.1 LAs may federate any new school (a school being newly built or a single new school created through the merger or closure of existing schools) with another school or schools or federate it with an existing federation. If a temporary governing body has not been established for the new school the LA is responsible for carrying out the process governing bodies would follow to federate. If a temporary governing body has been established for the proposed new school or schools, then the temporary governing body is responsible for managing the federation process.

7.2 If an LA proposes that two or more new schools should federate, or they should federate with one or more other schools, or should join an existing federation, the LA may set up a single temporary governing body for the new schools. If the two new schools are maintained by different LAs, those LAs must agree between them which LA may make arrangements for the constitution of a single temporary governing body.

7.3 If an LA proposes to federate a new voluntary school it must first seek the consent of the promoter's before taking any action, and inform the promoters of the date when the LA wished to commence the federation process.

8. Federating VA, VC and foundation schools

8.1 Neither LAs nor governing bodies have powers to federate voluntary (VA and VC) or foundation schools with community schools, community special schools and maintained nurseries. An explanation as to why this arrangement cannot be permitted is set out below.

8.2 The governing bodies of foundation and voluntary schools, and other specified foundation bodies were created under the School Standards and Framework Act 1998 (SSFA) which provided that the governing bodies of foundation and voluntary schools are exempt charities.

8.3 In law it is the governing body of a foundation or voluntary school that is the charity - the school is the activity of that charity. The Charities Act 2011 also confirms the exempt charity status of the governing bodies of foundation and voluntary schools and on 1 August 2011, the Welsh Ministers were appointed principal regulator for these charities in Wales. As principal regulator, the Welsh Ministers have a duty to do all they reasonably can to promote compliance with charity law by these charities.

8.4 The Welsh Government holds the view that local authorities are best placed, given their overarching view of education development in their areas, to see federation in its full strategic context. They are able to see options and opportunities which individual schools and governing bodies may not. However, charity trustees' primary duties are to act solely in the interests of the charity and its beneficiaries, and to apply the resources of the charity solely in furtherance of its charitable objects. Therefore in the case of a charitable governing body, the charity trustees must only take account of considerations which are relevant to the best interests of their charity, its beneficiaries and potential beneficiaries. Therefore some of the wider considerations of local authorities might be matters which the trustees would be under a duty to disregard as irrelevant.

8.5 If local authorities or governing bodies were to federate schools the effect of this action would be to dissolve and reconstitute governing bodies. In the case of a foundation or voluntary school governing body, this would mean dissolving and reconstituting the charity itself.

8.6 Any governors appointed to a federated governing body for foundation or voluntary schools would become charity trustees, taking on all the legal responsibilities of charity trustees with respect to those schools' resources. They would have an overriding duty to act in the interests of the charity and its beneficiaries. However, it is legally impossible for an entity to be partly charitable in law, or simultaneously a charity and not a charity. This would be the position if a local authority dissolved the governing bodies of a mixture of voluntary and/or foundation and community schools and constituted a single governing body for this mixture of schools.

8.7. Any proposals therefore to permit local authorities to federate would lead to them creating a structure that would be incompatible with the charitable status of governing bodies of foundation and voluntary schools which are charities.

8.8 Charities can collaborate with, and use their resources in conjunction with, non-charitable bodies (such as community schools), but only to the extent that the charity trustees (in this case, members of the governing body) are satisfied that this furthers the objects of their charity. If a local authority took the decision to federate one or more foundation or voluntary schools, it would be substituting its judgement for that of the charity trustees. This could have legal implications for local authorities and any such arrangements to federate these schools could make the position of the single governing body untenable.

8.9 The 2014 regulations will therefore only allow schools with a similar charitable trust status and/or religious ethos to federate. In doing so LAs and governing bodies must work with the relevant trusts and diocesan authorities to ensure that all legal considerations have been given to a merger of charitable trusts and potential transfer of assets. Local authorities and governing bodies are strongly advised to seek advice from the Charities Commission when considering such an arrangement.

8.10 If a LA wishes to include a VA, VC or foundation school in their federation proposals they must firstly seek the consent of the relevant diocese and/or Trust before taking any further steps.

8.11 Foundation schools can only be federated with other foundation schools.

8.12 However, the Welsh Government is aware that many of these schools already work closely together and pupils often transfer between the schools. Not being able to federate VA, VC and foundation schools with community schools may affect local authority planned school organisation proposals and previously agreed arrangements for mixed categories of schools to work together under a federation.

Collaborative working

8.13. Whilst these schools cannot formally federate they can work closely together through collaboration arrangements. The Collaboration Between Education Bodies (Wales) Regulations 2012 will allow a governing body to form a joint committee with governors of other schools. In order for these joint committees to work successfully the 'parent' governing bodies should set the parameters of the committee's responsibilities and authority and provide clear terms of reference. Consideration could also be given to delegating a small budget to the joint committee to facilitate their work. Any decisions taken by the joint committee would have to be reported to the 'parent governing bodies'.

8.14 Working together through a joint committee would allow schools to achieve some of the benefits set out in Section 4 of this guidance such as developing a joint approach to curriculum provision, reviewing and sharing policies and sharing facilities. The functions that a joint committee can consider must be in line with the responsibilities that can be delegated to a committee or an individual, in Regulation 50 of the Government of Maintained Schools (Wales) Regulations 2005 ('the 2005 Regulations'). However governing bodies cannot delegate responsibility to the joint committee for the appointment, dismissal and disciplinary action of staff and pupil

discipline functions as set out in the 2005 Regulations.

8.15 The joint committee can also have non governor members ie persons who are not governors at the collaborating schools, and those non governors can be given voting rights if the governing bodies agree, although non governors cannot vote on budgetary matters, admissions or issues involving individual pupils or members of staff if they have been excluded from the meeting.

Sharing governors

8.16 In accordance with Schedule 5 to the Government of Maintained Schools (Wales) Regulations 2005, a person is allowed to be a governor at two schools. This arrangement could help community schools and schools with a charitable trust to support closer working by 'sharing governors'. For example, if a parent has a child in a community nursery school, where a majority of the pupils transfer to a faith based voluntary aided primary school, and that parent also has a child in the faith based primary school, that parent could stand for election to be a parent governor on both governing bodies.

8.17 Also, the voluntary aided school is likely to have foundation governors representing the interests of the local Church parishes and community. It may be possible that these governors could be appointed as community governors on the community school governing body. Similarly, the local authority could appoint the same local authority governors to both schools.

8.18 Elected teacher or staff governors can only be a governor in that capacity on the governing body of the school where they are employed. However, in the example we have used, if these teachers and members of staff were teacher and staff governors in the faith school and also parents that had children in the community nursery school, they could stand for election as parent governors in the community school and vice versa.

8.19 Using governors in the way described above would give them a strategic

oversight of both schools and enable the governing bodies to develop a consistent approach to governance, policies and school improvement. Being able to work together closely would allow the governors to use resources to establish a cohesive strategy for learning and curriculum opportunities to deliver better outcomes for the pupils of both schools.

8.20. Putting these arrangements in place could be quite complex and governing bodies and local authorities are advised to discuss how they could be achieved. Discussions between the governing bodies seeking agreement to such arrangements is also vital.

9. Federating small schools

9.1 The Education (Wales) Measure 2011 allows Welsh Ministers to make a Small Schools Order (SSO) which will define the size of a small school. Such an Order has been made and has defined a small school as being one with fewer than 91 pupils on the third Tuesday in January immediately preceding the date on which a proposal is made under section 11 of the Measure (which is the date of the proposals to federate are published) to federate the school in question. This date has been selected to coincide with date in January that schools complete the statistics and information for the PLASC Return.

9.2 Any school falling within this criterion can be federated, but the federation process will be slightly shorter and differs from the regular federation process in the following ways:

- the LA would only be required to seek the views of the governing body and school council
- the period to seek views is reduced from 6 weeks to 20 school days
- The implementation date is reduced from 125 days following publication of proposals to 100 days.

9.3 If a school has an increase in pupils after the proposal has been published which takes the total number of pupils in a small school to more than 90, the LA can continue to federate that school as if it was a small school.

9.4 Where a federation proposal includes both small and ordinary sized schools, the usual federation process must be adhered to which includes seeking the views of a wider stakeholder group on the proposals for a 6 week period and a longer time (125 days) for implementation of the federation.

9.5 The LA's published proposals for the federation must be sent to the governing body and school council of every school and must contain the following information:

- the names of the governing bodies
- the proposed size of the federated governing body
- the proposed numbers of each category of governor
- the proposed staffing arrangements for all schools in the federation
- the proposed federation date which will be at least 100 days after the publication of the notice of proposals to federate
- the name of the admissions authority
- confirmation that the consent of any other LA has been obtained if cross LA federation is being considered
- confirmation that the consent of any Diocese, Trust or person who appoints the foundation governors has been obtained, and
- any other matters the LA considers is appropriate.

9.6 LA's will wish to consider making the information for school councils 'user friendly' and appropriate for the ages of the pupil's understanding. It might also be useful if a member of the LA was available to talk to the school council and directly address any concerns they may have about how federation might affect them and what they can expect post federation. Similarly, LAs may also wish to produce a summary version of the proposals for the parents, together with the Q&A information suggested at Annex 10. If this is done they must also make it clear where a full copy of the proposals can be found on the LA website or that copies are available for inspection at the school.

9.7 As well as publishing the proposals on the LA's website and making copies of it available in all schools within the federation, the LA must also send copies of the published notice to:

- any relevant LA,
- the headteacher of every school,
- foundation governors and trustees (if applicable), and
- diocesan authorities or other religious bodies (if applicable),

9.8 After the LA has sought views on the proposals it must consider the responses

received and decide whether to go ahead with the federation proposals as published, whether to amend or modify it, or whether not to go ahead. A modification cannot include introducing or removing a school into the federation that did not form part of the original proposal. This decision must be sent to those persons listed in paragraph 9.7 and any other person the LA considers appropriate which it is suggested should include the governing bodies of the schools concerned.

9.9 The 20 school days required in the regulations for local authorities to allow for responses to the proposals to be sent to the local authority only includes days when the school is in session and does not include Inset days. Pragmatically, the 20 school days equates to 4 school weeks. A federation of small schools cannot be established until a period of at least 100 days has expired following publication of the proposals to federate. Allowing for the 20 day consultation the remainder of the time will be used by the local authority to consider the responses to the consultation and make arrangements for the establishment of the governing body and the transfer of resources, property, land, assets and liabilities. Assuming local authorities would be working on these proposals on weekdays the 80 day period equates to 16 working weeks.

10. Schools leaving a federation and dissolution of a federation

10.1 Federations are considered medium to long term arrangements and will often need time to bed-in. Therefore federated governing bodies and LAs should think very carefully before proposing to remove a school or schools from a federation or to otherwise dissolve the federation.

Schools leaving LA implemented federations

10.2 Schools included within an LA-implemented federation may only leave the federation if the lead LA agrees to a written request. However if a school is subject to intervention by Welsh Ministers or an LA, consent to leave a federation must be sought from those persons.

10.3 In seeking formal consent from the LA for a school to leave a federation, the governing body must ensure that the written request is signed by at least one of the following:

- two or more governors,
- the LA,
- one fifth of parents of registered pupils at the relevant school,
- two fifths of staff under a contract of employment at the relevant school,
- the trustees of the school or schools (if relevant),
- the body entitled to appoint foundation governors (if relevant).

10.4 When making a formal request to an LA to leave a federation, the maintaining LA must ensure that notice of the request is given to all of the following persons within five clear days of receipt of the request to leave the federation:

- all relevant LAs,
- the headteacher or acting headteacher of the federation if one is appointed or

where no such appointment has been made, the headteacher or acting headteacher of each school in the federation,

- all staff members employed to work at the school or schools wishing to leave the federation,
- the parents of all pupils registered at the school or schools wishing to leave the federations,
- all relevant Trade Unions,
- the trustees of any school within the federation not just the school proposing to leave the federation (if relevant),
- the diocese or other appropriate religious body if the school is a faith school (if relevant),
- the body entitled to appoint foundation governors (if relevant),
- any other persons the LA thinks are appropriate.

10.5 The LA will have received a copy of the request if it is sent to the Chief Education Officer.

10.6 The LA will have at least 14 working days from the date the notice of the request to leave a federation is received to consider the proposal and any representations made by any party which was formally notified of the proposals as outlined in paragraph 10.4 above.

10.7 Once a decision has been taken, the LA should formally notify all relevant people, as described in paragraph 10.4 above, in writing within five working days whether:

- the school or schools should leave the federation and if so on what date, or
- if there are only two schools in a federation at the time of the request, the date the federation would be dissolved, or
- that the school or schools should not leave the federation.

10.8 If it is agreed that a school should leave a federation, or that a federation should in any other way be dissolved, the LA should agree a date on which this action

will take place which must be at least 125 days from the date the decision is made. This 125 day period also applies to small schools leaving a federation as this time will be used by the LA to establish a temporary governing body.

10.9 Once it has been decided that a school is to leave a federation, or a federation is to be dissolved, the LA should establish a temporary governing body for the de-federated school(s) in accordance with the New Maintained Schools (Wales) Regulations 2005 and the Government of Maintained Schools (Wales) Regulations 2005. The LA must also consider the amount of budget that should be allocated to a temporary governing body and the transfer of any land, property, rights or liabilities. The temporary governing body is incorporated as the governing body of the school on the de-federation date.

Schools leaving governing body implemented federations

10.10 Schools included within a governing body implemented federation may only leave the federation if the federated governing body agrees to a written request, or if the federated governing body makes the proposal itself. A school that is subject to intervention by a LA or Welsh Ministers cannot request to leave a federation unless those persons have firstly given their consent.

10.11 The school or schools wishing to leave the federation must ensure that the written request is signed by at least one of the following:

- two or more governors,
- one fifth of parents of registered pupils at the relevant school or school;;
- two fifths of staff who are paid to work at the relevant school or schools.
- the LA,
- the trustees of the relevant school or schools (if relevant)
- the body entitled to appoint foundation governors (if relevant) or

10.12 Once the request is received the federated governing body must send notice of the request to the following persons within five days clear working days from the date

the request was received:

- all relevant LAs,
- the headteacher or the acting headteacher of the federation, or if there is no such appointment the headteacher or acting headteacher of each school in the federation,
- all staff members employed at the school or schools leaving the federation ,
- the parents of all pupils registered at the school or schools wishing to leave the federation,
- all relevant Trade Unions
- the trustees of any school within the federation not just the school or schools proposing to leave the federation (if relevant),
- the diocese or other appropriate religious body if the school or schools are a faith school (if relevant)
- the body entitled to appoint foundation governors (if relevant).
- any other person the governing body thinks is appropriate

10.13 The governing body will have received a copy of the notice if it is sent or given to the chair of governors or the clerk to the governing body.

10.14 The governing body will have at least 14 working days from receipt of the request to consider the proposal. Within this period, the governing body must also consider any representations made to it by any party which was formally notified of the proposals. The decision to formally request that a school leave a federation, must be discussed by the federated governing body as an agenda item, where written notice has been given at least five working days in advance.

10.15 Once a decision has been taken, the federated governing body must formally notify in writing all those persons listed in paragraph 10.12 above, within five working days whether:

- the school or schools should leave the federation and if so on what date, or
- if there are only two schools in a federation, the date the federation would be

dissolved, or

- that the school or schools should not leave the federation.

10.16 If it is agreed that a school or schools should leave a federation the de-federation date must be at least 125 days from the date the decision is made.

10.17 Once it has been decided that a school is to leave an LA established federation the LA must establish a temporary governing body for the de-federated school(s) in accordance with the New Maintained Schools (Wales) Regulations 2005 and the Government of Maintained Schools (Wales) Regulations 2005.

10.18 The LA must also consider giving the de-federated schools a delegated budget in accordance with their Scheme for Financing Schools and must transfer any land or property or rights and liabilities.

Dissolution of a Federation

Governing body established federations

10.19 Where the governing body of a federation decides to dissolve the federation or decides that one of only two schools in a federation should leave, the governing body must notify the following persons of this within 14 days of the decision to dissolve the federation. The notice must also contain the proposed date of the dissolution which must be at least 125 days after the date on which the notice is given so that the LA will have sufficient time to establish temporary governing bodies. The persons who must receive the notice are:

- all relevant LAs
- the headteacher or acting headteacher of the federation, or if no such person is appointed the headteacher or acting headteacher of the schools in the federation

- every member of staff paid to work in the schools in the federation
- the parents of all registered pupils in the schools in the federation
- the foundation governors (if applicable)
- any trustees of a school with a trust (if appropriate)
- the relevant diocese or other religious body (if appropriate)
- all relevant trade unions
- any other person that is deemed appropriate

10.20 When an LA receives notice that a federation is to be dissolved they must set up a temporary governing body in accordance with the New Maintained Schools (Wales) Regulations 2005, and issue a new instrument of government for each school. On the date of dissolution the temporary governing body of each school is incorporated as the governing body. LAs must also determine the amount of delegated budget each school should receive and settle issues surrounding any transfer of land, property, rights and liabilities.

LA established federations

10.21 A federation is considered to be established by an LA if a LA initiates the federation process in the first stage or where a LA adds a school to an existing federation established by governing bodies. Where a LA wishes to dissolve a federation or decides that one of only two schools in a federation should leave a federation, it must first give notice of its intention to do so within 14 clear days of its decision. The notice must be sent to the following persons:

- all relevant LAs
- the headteacher or acting headteacher of the federation, or if no such person is appointed the headteacher or acting headteacher of the schools in the federation
- every member of staff paid to work in the schools in the federation
- the parents of all registered pupils in the schools in the federation
- the foundation governors (if applicable)
- any trustees of a school with a trust (if appropriate)

- the relevant diocese or other religious body (if appropriate)
- the body entitled to appoint foundation governors
- all relevant trade unions
- any other person that is deemed appropriate

10.22 Following a period of at least 14 days a LA must consider all the responses to the dissolution proposals and make its decision about whether the dissolution will go ahead or not and if so the date of the dissolution. The LA must notify the people listed in paragraph 10.21 within five days of its decision and complete the process as set out in paragraph 10.20.

10.23 No timescale has been set out in the regulations for LAs to dissolve a federation and establish a temporary governing body for schools. This is because a LA would know in advance of its plans to dissolve any federation, and would have received the request from a governing body to dissolve a federation, which will give an LA sufficient time to make the necessary arrangements for the setting up of temporary governing bodies.

Process for a governing body to suggest dissolution of a LA established federation

10.24 Where a governing body of an LA established federation decides that the federation should be dissolved, or that one of only two federated schools should leave the federation, the governing body must first obtain the consent of the maintaining LA.

10.25 If consent is given, the governing body must give notice of this and the proposed date of the dissolution (which must be at least 125 days after the date the notice is served) to the following persons, within 14 days of the LA's consent being given:

- all relevant LAs
- the headteacher or acting headteacher of the federation, or if no such person is appointed the headteacher or acting headteacher of the schools in the

federation

- every member of staff paid to work in the schools in the federation
- the parents of all registered pupils in the schools in the federation
- the foundation governors (if applicable)
- any trustees of a school with a trust (if appropriate)
- the relevant diocese or other religious body (if appropriate)
- all relevant trade unions
- any other person that is deemed appropriate

11. Powers of Welsh Ministers to direct federation of schools causing concern

11.1 Under the School Standards and Organisation (Wales) Act 2013 ('the 2013 Act') the Welsh Ministers have the power to intervene in the conduct of a school that is causing concern and to direct the federation of such a school where one or more of the grounds for intervention below exists and the school has failed to comply with a warning notice issued by the LA:

- (1) the standards of performance of pupils at the school are unacceptably low; or
- (2) there has been a breakdown in the way the school is managed or governed; or
- (3) the behaviour or actions of pupils at the school or their parents is severely prejudicing, or is likely to severely prejudice, the education of any pupils at the school; or
- (4) the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise); or
- (5) the governing body or headteacher has failed, or is likely to fail, to comply with a duty under the Education Acts; or
- (6) the governing body or headteacher has acted, or is proposing to act, unreasonably in the exercise of any of its or his or her functions under the Education Acts.

11.2 In addition the Welsh Ministers may intervene without issuing a warning notice where:

- They are satisfied that one or more of the grounds listed in 1-6 in paragraph 11.1 above, exists, and there is a related health and safety risk that calls for urgent intervention, or
- The school has been deemed to require significant improvement or special measures by Estyn:

11.3 The Welsh Ministers will only use their powers of intervention where the LA has failed to do so or done so inadequately.

11.4 Before issuing a written direction Welsh Ministers must consult all relevant stakeholders which are defined in section 15 of the 2013 Act as being:

- The LA
- The governing bodies concerned
- The person who appoints foundation governors (if applicable) and
- The appropriate religious body (if applicable).

11.5 Once a direction has been issued, the school governing body or LA must ensure that it is complied with.

12. Constitution and membership of federated governing bodies

12.1 The Welsh Government's consultation on the proposed 2014 Federation Regulations which took place in 2013 was based on the principle of allowing an unlimited number of schools to federate. The proposed membership of the various federation models set out in the consultation was based on this concept and looked very different from the federated governing body membership set out in the existing 2010 Federation Regulations.

12.2 The majority of responses to the consultation did not support having a federation with an unlimited number of schools as they considered this would be unmanageable and too much work for a single federated governing body who are volunteers. Respondees were not supportive of the suggested federated governing body membership set out in the consultation as it did not allow for equality of representation on the governing body. In a large federation some schools would not, for example, have any parent governor representation. Respondees felt this was important for schools and would help cement the new way of working through a shared governing body. It was suggested that a cap be introduced on the number of schools that could federate.

12.3 Since consulting on the proposed 2014 regulations the Welsh Government engaged Robert Hill to undertake a review into the Future Delivery of Education Services in Wales. In his Report, Hill also suggests that in order to be effective a federated governing body should have management and control of around 6 schools.

12.4 The Minister for Education and Skills agreed that in light of the responses to the consultation and the suggestions in the Hill Report a cap of no more than six schools should be introduced into the regulations. This allows for the membership of a federated governing body to be more closely aligned to the membership ratios set out in the existing 2010 Federation Regulations.

12.5 The Hill report also makes reference to the need for governing bodies to carry out an audit of the skills current governors may have i.e. financial or HR experience, and identify any gaps and the sort of expertise they need to improve their

effectiveness. This would allow governing bodies to recruit governors who have specific skills to suit the governing body's individual needs.

12.6 The membership of the various federation models is set out in Annex 6. They are very similar to the governing body membership set out in the 2010 Federation Regulations, but there are some differences:

- there is a limit of no more than two parent governors per school for all schools, excluding VA schools,
- there is a limit of no more than four LA governors
- there is a limit of no more than four community governors
- In order to preserve the majority of foundation governors and ensure the governing body membership does not exceed the maximum of 27 governors, a federation of voluntary aided schools cannot have a sponsor governor
- the headteacher governor will either be the head or acting head of the federation if one has been appointed and has not resigned. Or, if no such person has been appointed, the headteacher or acting headteacher of every school in the federation if that person has not resigned. This excludes any person who is not a properly qualified and appointed headteacher.

Parent governors

12.7 The regulations require at least one parent governor from every school in the federation to be a member of the governing body. If no parent governor stands for election the governing body of the federation may appoint:

- a) a parent governor who is the parent of a registered pupil at the school where there is the vacancy;
- b) the parent of another registered pupil at any school in the federation; or
- c) the parent of a child of compulsory school age (or under compulsory school age in the case of a nursery school) from anywhere in the local authority area.

12.8 Governing bodies must not appoint a parent from (b) or (c) unless they have firstly ensured that no parent wishes to be appointed from the school where there is the vacancy as in (a) above.

12.9 However, it has not been possible to put similar equitable arrangements in place for other categories of governors as the size of the governing body would be too large and become unmanageable, especially where a federation could have four, five or six schools. Governing bodies and local authorities will therefore have to make some decisions as to how other governors are appointed or elected. Governing bodies must remember that all schools in a federation are to be regarded as equal, regardless of the numbers of pupils or staff. The principle of federation is that all of the governors on a governing body of a federation must work in the interest of all of the pupils and staff in the schools. The Welsh Government expects that whatever approach is adopted the system will be a fair one. When making choices, governing bodies and those that appoint governors may also wish to keep in mind the benefits of having governors with specific skills which can enhance and improve governing body effectiveness.

Elected teacher and staff governors

12.10 It may not be possible to have a teacher and staff governor from every school in the federation and governing bodies and local authorities may have to ask the staff of all of the schools in a federation whether they wish to stand for election. If schools with larger numbers of staff are federated with small schools, the staff in the small school could be concerned that they would not have a sufficient number of votes to ensure a member of staff from their school became a governor.

12.11 The new federation regulations recognise this difficulty. Regulation 36(5) requires all teacher and staff governors to have a two year term of office instead of four. Regulations 15 and 16 do not allow a teacher or member of staff to be elected as a governor if:

- they have previously been a governor on the governing body within the previous two years, or
- they are employed to work at the same federated school as any teacher or member of staff who has been elected as a governor to that governing body within the previous two years.

12.12 These arrangements should provide some flexibility for schools and will help to ensure that there will be a rota and opportunities for teachers and staff in all the schools to stand for election as governors.

Local authority and foundation governors

12.13 It would be for the local authority and the body who appoints the foundation governors to determine the criteria for appointment of governors to represent their interests. Where there are more governors eligible for appointment than are needed, consideration must be given by the appointers to determining how those governors are to be selected using equitable and fair selection criteria and taking into account the needs of the governing body and the skills they may require to help them be effective in raising school performance.

Additional community governors

12.14 These governors are nominated by the community council and represent their interests on the governing body of a federation, where the federation includes primary or nursery schools, of any category, situated within a community council area. These governors have a duty to focus on improving the quality of life and the local environment for the residents in the area. Their role is quite separate from those of local authority appointed governors and community governors.

12.15 The membership of the governing body of a federation includes representation for one additional community governor. If there is more than one community council

serving a federation and therefore more than one person eligible for nomination to the governing body, the governing body may seek nominations from all the community councils and choose a governor.

Community governors and partnership governors

12.16 It is inevitable that a federation will cover more than one school community and with the numbers of governors set out in the regulations it may not be possible to have community governors to represent the interests of all the communities. All governing bodies need skilled governors to be effective, and making the community governor appointments is one way for the governing body to 'add value' to the skills pool of the governors and to control who could become a governor. Before making the community governor appointment it would be useful if the governing body carried out a skills audit of the existing governors to determine what additional skills they could need to help them discharge their functions.

12.17 Similarly, where a governing body seeks nominations for partnership governors from the parents of registered pupils and the school community, the same principles apply and the governing body should be quite clear about the criteria of eligibility for nomination.

Excess governors

12.18 When making decisions about the numbers of governors they would like to have, or the regulations will allow them to have, governors may be concerned that the restrictions on numbers means they will not be able to include all of the persons they would like to. This expertise and manpower need not be lost to the governing body and could be utilised through committees.

12.19 Governors know that much of the discussion and work is carried out at committee level leaving the governing body to focus on its strategic role. This is especially relevant in a federation where a governing body will have responsibility for the management of more than one school. In order to do this successfully the

governors will need a supportive and reliable committee structure consisting of governors and perhaps non governors who have drive and the relevant expertise and knowledge to make decisions and report back. Using former governors from each of the schools in this way will also help a new governing body of a federation to work together more easily.

13. Instruments of government

13.1 LAs are required to ensure that a federation of schools has an instrument of government in place on the federation date, which must be at least 125 days from the date proposals for federation are published or 100 days if a federation of small school is being established.

13.2 Regulation 43 of the 2014 federation regulations sets out the information that must be recorded in the instrument of government which includes the name of the federation and the names and categories of the schools to be federated.

13.3 Regulation 46 also requires LAs to send copies of the instrument of government, free of charge to the **Welsh Ministers** and the following people:

- every member of the governing body of the federation,
- the headteacher of the federation where one is appointed. If no such appointment has been made the headteacher of every school in the federation irrespective of whether the headteacher is a member of the governing body and
- the relevant diocese or religious body (if appropriate).

13.4 These persons must also be informed of any variations to the instrument which could include, but is not limited to the following:

- changes to the numbers of governors
- change of name of the federation
- the name of any school that leaves a federation and the date
- the date the federation is to be dissolved

13.5 It is expected that the LA and governing body will reach agreement on any proposed changes to the instrument of government. However regulation 44 (6) makes it clear that in the event of a dispute over the information contained in the instrument, the LA makes the final decision.

13.6 In order to fulfil the requirement to send copies of the instrument of government to Welsh Ministers, electronic copies should be sent to smed2@wales.gsi.gov.uk and paper copies should be sent to:

SMED2,
Welsh Government,
Cathays Park
Cardiff
CF10 3NQ

14. Appointment of headteachers and deputy headteachers

14.1 The headteacher and deputy headteacher posts in a school are the most important appointments that governors have to make. Having a headteacher and supporting deputy headteacher with the skills, experience and knowledge is critical if schools are to improve performance. Even more so perhaps in a federation where one headteacher and deputy headteacher could have responsibility for a number of schools.

14.2 In order to assist schools that are federating to create a senior management structure that suits their needs governing bodies will be anxious to ensure that the most appropriate persons are appointed to these posts. The new Staffing of Maintained Schools (Wales) Amendment Regulations 2014, which are due to come into force in July 2014 will amend the Staffing of Maintained Schools (Wales) Regulations 2006 ('the 2006 staffing regulations') to permit governing bodies to decide not to nationally advertise headteacher and deputy headteacher posts in certain circumstances, as set out below.

Appointment of a single headteacher and deputy headteacher of a federation

14.3 Where a single headteacher and deputy headteacher are being appointed to have responsibility for all schools in a federation, an existing headteacher or deputy headteacher of the schools being federated may express an interest to apply for the single headteacher/deputy headteacher posts in writing to the governing bodies of the schools being federated. Where more than one existing headteacher or deputy headteacher expresses an interest in the vacant single headteacher or deputy headteacher post, the applicants should be interviewed in order to select the most appropriate person. The schools that are federating may establish a joint interview panel consisting of governors from the schools that are federating. If there is only one headteacher or deputy headteacher in the schools to be federated that is interested in the posts, the governing bodies should still consider interviewing that person to ensure

that the right candidate will be selected.

14.4 If no headteachers or deputy headteachers express an interest in applying for the single headship and deputy headship, the post(s) must be advertised nationally in accordance with the 2006 Staffing Regulations. Or if the single headteacher or deputy headteacher vacate the posts after federation, the posts must be advertised nationally. The governing bodies of the schools to be federated would need to form an appointment panel, which could consist of governor representatives from the schools that are federating, to carry out the applicant sift and interviews.

14.5 The modified process in paragraph 14.2 does not permit a deputy headteacher or acting headteacher of a school in the federation, who has expressed an interest in the single headteacher post, to simply be interviewed for that post. In order for a deputy headteacher or acting headteacher to apply for a headteacher post it must be advertised nationally.

Appointment of headteachers and deputy headteachers in each federated school

14.6 Where the governing bodies of the schools to be federated decide that they wish to retain a headteacher and deputy headteacher in each school in the federation, and after federation one of the headteachers/deputy headteachers vacate the posts, and one of the remaining headteachers/deputy headteachers in another school in the federation has the capacity to take over the vacant headship or deputy headship, the governing body may decide not to nationally advertise those posts. This process does not allow a deputy headteacher to simply be appointed to a vacant headship post.

14.7 If there is no headteacher (or deputy headteacher) in the other schools in the federation that express an interest in the vacant posts the individual headteacher and deputy headteacher posts in each of the schools must be advertised nationally when they become vacant. The governing body of the federation must form an appointment panel in accordance with the 2006 Staffing Regulations to sift and interview applicants.

Annex 1: Actions to be taken prior to federation

In preparation for federation governing bodies and LAs (where they are establishing the federation) should consider whether the following are in place:

- school aims and policies, in relation to the curriculum; pupil admissions; pupil discipline; Additional Learning Needs (ALN) and pastoral care including welfare and behaviour, have been set;
- the curriculum is being delivered and pupils are striving to achieve success at the school;
- decisions on the school's budget have been made;
- sufficient staff has been appointed and Human Resources (HR) policies are complied with;
- good relations between the school and the community are being actively promoted;
- parents are being kept fully informed;
- an Annual Report is produced by the governors that summarises the steps taken to discharge their duties.

This information should then be included in the report that is prepared when seeking the views of stakeholders.

Annex 2: Preparing a report for school governing bodies and LAs leading to a proposal for federation, and content of the report seeking the views of stakeholders

Headings	Suggested detail
Proposal	Stating the requirement to federate under the 2014 Federation Regulations and the proposed name of the federation, if agreed
Background	A brief history of the situation in the schools concerned Any detail of the drivers for change
What does it mean for your school	Enhancing what is already in place Pupil Improvement – improvement in school performance All the benefits Any concerns and how they will be addressed
The federation process	Detail of the process as set out in the regulations

Process for seeking the views of stakeholders	<p>Who will be consulted, the timetable for federation, and the timescale for responses to the proposals to be submitted .</p> <p>Any arrangements for meetings especially for staff, trade unions and parents.</p>
Composition of governing body	Define composition of the new governing body as identified in the regulations
Conditions for a successful federation of schools	<ul style="list-style-type: none"> • Shared identity (i.e. geography or faith based schools). • Common purpose (i.e. shared ethos; joint vision of what needs to be done to improve attainment). • Cohesive leadership. • Developing and improving a strong management culture. • Creating a climate of trust, openness and willingness to work together. • Commitment of time and resources to sustain and develop the federation.
Benefits and advantages of the opportunities presented by federation	<p>Building on successes the federation will:</p> <ul style="list-style-type: none"> • Develop a strong and consistent focus on raising standards and improving school performance.

	<ul style="list-style-type: none"> • Ensure adequate governor support and development. • Create opportunities to extend the curriculum and extra-curricula activities. • Share and develop knowledge and skills. • Have a culture of networked learning. • Distributed leadership. • Share accommodation, facilities and equipment. • Avoid duplication. • Achieve economies of scale. • Build capacity. • Have single policies.
Leadership and Staffing	<ul style="list-style-type: none"> • Scope for improving Leadership and Management structures. • Review all aspects of staffing including teaching and ancillary staff.

Admissions	Current policies.
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Annex 2 Cont'd - Content of Report seeking the views of stakeholders – Summary

1. Brief outline of the schools and their governing bodies.
2. Schools' aims and policies:
 - Confirmation that the school has a statement of aims and policies in relation to the curriculum; pupil admissions; pupil discipline; ALN and pastoral care including welfare and behaviour
 - Any significant gaps and areas for policy development.
3. Confirmation that the requirements of the national curriculum are being met and significant comments in relation to pupil attainment and achievement based, for example, on teacher assessments and recent inspection reports.
4. Key matters in relation to the school budget including, for example, current financial situation/statement and pupil number projections.
5. Compliance with HR policies and any staffing issues as relevant and appropriate to this report.
6. Any significant items in relation to the condition of the building and premises that may need to be addressed in the future.
7. Brief description on the nature and quality of relations between the school and the community.
8. Confirmation that the governing body has discharged its duties in relation to the production of an Annual Report.
9. Any other items and information that the school's governing body or LA considers important to record prior to dissolution and the federation date.

If a school is joining an existing federation, a brief statement confirming that all minutes and papers of the school's governing body will be made available to the governing body of the existing federation.

Signed:..... (Chair of Governors)

Signed: (Headteacher)

Signed: on behalf of the LA.....

Date:

Annex 3: Preparation of report on responses received from stakeholders to proposals for governing body and LA-led federations

It is recommended that this report should include the names of the schools and cover the following items:

Introduction

- Date of the publication of the proposal, the date for return of responses and the length of the period for stakeholders to submit response.
- The date of the meeting to consider and analyse responses to the proposal.
- Record of those present at the meeting to consider/analyse the responses.

Analysis of responses to proposals

In order to make this part of the process easier it is suggested that where governing bodies are establishing a federation, a working group including representatives from the governing bodies be set up to consider the responses to the proposal and prepare a summary for the respective LAs and parent governing bodies. This can be the same group which has prepared the initial report on the proposal to federate.

For LA led federations, the LA will consider the responses and decide whether or not to proceed with the federation.

Number of responses received

Persons/organisation	Number of responses
LA	
Governing body or governors	
School staff	
Parents	
Trade unions	
Diocesan authorities or other religious bodies	
Foundation governors, trustees or other persons eligible to appoint foundation governors	
Other persons/organisations	
Total	

Summary of comments received

It is recommended that this section should summarise:

- significant comments in support of the proposal
- issues of concern and comments against the proposal
- the balance of views expressed overall.

Where no responses have been received this should be stated. However, a comment indicating the reason why there have been no responses should also be included, if this is known.

Working groups established to consider governing body led federation proposals must report back to the parent governing bodies through a joint meeting of the governing bodies involved as required in the 2014 Federation Regulations. If no responses are received in relation to the proposal, a joint meeting between the governing bodies must take place to determine whether or not the schools wish to continue with federation.

Annex 4: Federations – standards, well-being and school improvement

In considering federation, governing bodies and LAs should give first priority to **how** federating their schools can support children and young people’s progress and development and improve their standards of achievement.

Key aspects	Key benefits
<p>Children and young people’s progress and development.</p> <p>Raising their standards of achievement</p>	<p>Effective federations can:</p> <ul style="list-style-type: none"> • drive school improvement: • provide children and young people with a wider range of educational options and experiences: • benefit pupils by bringing them together to be taught within a narrow age band; • organise a wider range of out-of-school activities for their pupils; • broaden children and young people’s social experiences; • offer children and young people access to a wider range of materials, equipment and facilities; • develop common policies and schemes of work and promote consistency and continuity in teaching, learning and assessment across the federated

	<p>schools;</p> <ul style="list-style-type: none">• avoid duplication of effort;• utilise staff expertise across all schools within the Federation;• provide opportunities for staff professional development; and• create a clearer focus on strategic leadership and management.
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Annex 5: Federations – risk and risk management

Risk - Establishing the federation	Control Measures to Mitigate Risk
<p>Not all consultees are aware of proposals and that their views were being sought</p> <p>Communication not strong enough during period of change leading to uncertainty</p>	<ul style="list-style-type: none"> • all parents, staff, school staff unions, governors, foundation governors and trustees (where applicable), LAs, diocesan authority and others in the school community will be sent letters and a summary copy of the proposal to federate, together with a link to the LA's or schools' website where the full proposal can be seen. • A Q&A briefing can be sent to stakeholders and posted on the relevant websites. • Stakeholders are invited to attend meetings where they will be able to raise any questions or concerns. • Governing bodies or LAs establish a federation Strategic Team/ Working Group to ensure that all staff are aware of how the federation would affect them and keep parents, staff and pupils aware of benefits and opportunities. • Extensive contact with

Staff and families at the schools do not buy into the new arrangements and improvement is not effected fast enough

stakeholders and whole school community giving explanation and examples of the benefits that can be achieved so that all feel ownership and understand the positive outcomes.

- Open discussion about the benefits that may have already been established through any informal collaboration. Prepare an information and/or Q&A leaflet for parents and families – an example is at Annex 10. Clear explanation and examples about future benefits e.g. improved opportunities for staff leading to improved retention and recruitment; benefits of collaborative working for staff and children.
- For most federations the membership of a federated governing body may have equal representation from schools as regards parent governor representation to ensure the needs of schools are fairly met and there is transparency of decision making at governing body meetings and careful recording of decisions on use of

<p>Lack of trust between schools because of a concern that a school would be a “loser” in the arrangement</p>	<p>resources including budgets and staff</p> <ul style="list-style-type: none"> • Senior staff work closely with parents and families and staff in other schools in the federation. • A single headteacher should distribute their time fairly between the schools in the federation. • Single headteacher and LA works closely with governors
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Risk – after the Federation is established	Control Measures to Mitigate Risk
<p>Senior management team is spread too thinly across both schools</p>	<ul style="list-style-type: none"> • Federation Strategic Team/Working Group give clearly defined roles for senior staff. • Create a structure for senior staff working across the federation to ensure capacity to respond to all eventualities. • Clear systems and expectations need to be in place from the outset to allay concerns. • Clear planning in place to ensure that the best use is made of staff

Lack of a sense of shared identity between the schools

Resource sharing not properly managed or budget insufficient

time where staff are moving regularly between schools.

- The proposed structure would provide strong leadership with clearly defined objectives and roles for schools and senior staff at all schools in the federation.
- Plans for school staff and pupils to work closely together and pupils to visit other schools in the federation to benefit from an extended curriculum.
- Parents and families involved in events at all schools.

- The envisaged structure for financial responsibility should be fully documented at the outset of the federation.
- Need to create a strategic financial planning tool to include overview of finance systems and procedures.
- Clear audit trail kept for all budgetary planning and decisions.
- Strategic decision making across school budgets would provide greater flexibility to respond to changing circumstances.
- Staffing costs could be shared

The time of the governing body is stretched through overseeing more than one school.

across budgets.

- Governing body to review budgets at regular intervals.
- Governing body should have clearly defined objectives and roles from the outset and consider setting up joint committees to oversee the federation process
- LA to work closely with the governing body in governing body led federations, offering appropriate support advice and training.
- Well prepared and structured agendas and meetings.

Annex 6: Proposed composition of governing bodies of a federation of up to six schools taken from the 2014 Federation Regulations

The instrument of government for a federation must specify the size of the membership of the governing body of the federation being no fewer than 15 and no more than 27 governors in accordance with Regulation 25 of the 2014 Federation Regulations

Federation comprising only community, community special and maintained nursery schools	Federation comprising only foundation schools
(a) for each federated school at least one but no more than two parent governors elected or appointed to represent the interests of parents of registered pupils at that school;	(a) for each federated school at least one but no more than two parent governors elected or appointed to represent the interests of parents of registered pupils at that school;
(b) at least one but no more than two teacher governors;	(b) at least one but no more than two teacher governors:
(c) at least one but no more than two staff governors;	(c) at least one but no more than two staff governors;
(d) at least two but no more than four LA governors;	(d) at least two but no more than four LA governors;

<p>(e) at least two but no more than four community governors, one of which will be replaced by a representative governor where the federation contains at least one community special school</p> <p>(f) the head or acting head of the federation, if one is appointed or the headteacher or acting head teacher of each school in the federation unless those persons resign as a governor</p> <p>For any primary or nursery school in a federation which is situated in a community council area, the governing body must also include an additional community governor in addition to those listed above.</p> <p>The governing body may in addition-</p> <p>a. appoint one sponsor governor; and</p> <p>b. appoint up to two associate pupil governors where the federation contains secondary schools (these associate</p>	<p>(e) at least two but no more than four community governors;</p> <p>(f) at least two but no more than five foundation governors (or partnership governors, as appropriate in respect of any school without a foundation); and</p> <p>(g) the head or acting head of the federation if one is appointed or the head teacher or acting head teacher of each school in the federation unless those persons resign as a governor</p> <p>For any primary or nursery school in a federation which is situated in a community council area, the governing body must include an additional community governor in addition to those listed above.</p> <p>The governing body may in addition-</p> <p>a. appoint one sponsor governor; and</p> <p>b. appoint up to two associate pupil governors where the federation contains secondary schools (these associate</p>
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governors are not included when calculating the number of governors to meet the minimum and maximum numbers).	governors are not included when calculating the number of governors to meet the minimum and maximum numbers).
Federation comprising voluntary controlled schools	Federation comprising voluntary aided schools only
<p>a) for each federated school at least one but no more than two parent governor to be elected or appointed to represent the interests of parents of registered pupils at that school;</p> <p>(b) at least one but no more than two teacher governors;</p> <p>(c) at least one but no more than two staff governors;</p> <p>(d) at least two but no more than four LA governors;</p> <p>(e) at least two but no more than four community governors;</p> <p>(f) at least two but no more than five foundation governors;</p> <p>and</p> <p>(g) the head or acting head of the federation if one is</p>	<p>(a) at least one parent governor elected or appointed to represent the interests of all parents of registered pupils at all the schools in the federation;</p> <p>(b) at least one but no more than two teacher governors;</p> <p>(c) at least one but no more than two staff governors;</p> <p>(d) at least one but no more than two LA governors;</p> <p>(e) the head of the acting head of the federation if one is appointed or the head teacher or acting head teacher of the every school in the federation unless those persons resign as a governor</p> <p>(f) one additional community governor where the federation</p>

appointed or the headteacher or acting head teacher of each school in the federation unless those persons resign as a governor,

For any primary or nursery school in a federation which is situated in a community council area, the governing body must include an additional community governor in addition to those listed above.

The governing body may in addition-

- a. appoint one sponsor governor; and
- b. appoint up to two associate pupil governors where the federation contains secondary schools (these associate governors are not included when calculating the number of governors to meet the minimum and maximum numbers).

includes a primary school or schools situated within a community council area

- (g) The persons who are entitled to appoint foundation governors may appoint such numbers of foundation governors as outnumber all the other governors listed in (a) to (f) by one provided the maximum of 27 governors is not exceeded.

The governing body may in addition appoint up to two associate pupil governors where the federation contains secondary schools. These associate governors are not included when calculating the number of governors to meet the minimum and maximum numbers, nor when calculating the number of foundation governors as they do not have a vote.

<p>Federation comprising voluntary controlled and voluntary aided schools</p>	
<p>(a) at least one parent governor elected or appointed to represent the interests of all the parents of registered pupils at all the schools in the federation;</p> <p>(b) at least one but no more than two teacher governors;</p> <p>(c) at least one but no more than two staff governors;</p> <p>(d) at least one but no more than two LA governors;</p> <p>(e) at least one but no more than two community governors;</p> <p>(f) one additional community governor for any primary school in the federation falling within a community council area</p> <p>(g) the head or acting head of the federation if one is appointed or the headteacher or acting head teacher of each school in the federation unless those persons resign as a governor.</p>	

(h) the persons who are entitled to appoint foundation governors may appoint such number of foundation governors as are required to outnumber the total governors in (a) – (g) by no more than one provided the maximum of 27 governors is not exceeded.

The governing body may in addition appoint up to two associate pupil governors where the federation contains secondary schools (these associate governors are not included when calculating the number of governors to meet the minimum and maximum numbers or calculating the number of foundation governors required as they do not have a vote).

Annex 7: Suggested instrument of government for federated maintained schools

Note that in accordance with Regulations 42 and 46 of the 2014 Federation Regulations copies of the instrument of government for all federations must be sent to Welsh Ministers at SMED2, Welsh Government, Cathays Park, Cardiff, CF10 3NQ. It would be helpful if this could be done within two weeks of the federation date.

Example

The name of the federation is:

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

Name	Category
1. [enter school name]	[Enter school category]
2. [enter school name]	[Enter school category]
3. etc.	

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

4. The governing body shall consist of the following depending on the number and categories of schools in the federation.

Category of governor	No. in each category

Parent Governors Name of School and number per school	
Headteacher(s)	
Staff Governors Teacher Governors	
LA Governors	
Community Governors Additional Community Governors (where a primary school in a federation is situated in a community council area)	
Foundation Governor Partnership Governor Representative Governor Sponsor Governor	

5. The total number of governors appointed in accordance with Part 4 of the Federation Regulations):.....
(sponsor governors and additional community governors should be included in this number).

6. Federations which include community special schools must have a representative governor to replace a community governor. The body entitled to nominate a representative governor is:.....

7 The sponsor[s] entitled to nominate person[s] for appointment as sponsor governors under Schedule 5 of the Federation Regulations is/are:.....

8. The name of any foundation body or person entitled to appoint foundation governors. If this is more than one person, set out the basis on which appointments are made.....

9. *Where applicable:*

The holder of the following office shall be an ex-officio governor [*name of office*]
The foundation body or person named in paragraph 8 shall be entitled to appoint a foundation governor to act in the place of the ex-officio foundation governor whose governorship derives from the office named in (a) above,

10. The name of any person entitled to request the removal of any ex-officio foundation governor and to appoint any substitute governor.....

11 Where a federated school is a foundation or voluntary school which has a religious character, a description of the ethos of the school.....

12 The term of office for foundation governors where this is less than 4 years

13. This instrument comes into effect on,,,

14 This instrument was made by order of xxxxxxxxxx LA on

15 A copy of the instrument must be supplied to every member of the governing body (and the headteacher if not a governor), any trustee and to the appropriate religious body if applicable, and Welsh Ministers.

16 The instrument must comply with any trust relating to a federated school.

Annex 8: Federation – LA/consortia role and activity during the federation process

Area	Role and activity
Planning of School places	<ul style="list-style-type: none"> • Provide a strategic view on school organisation, including federation, across the authority/consortia and plan the use of resources to support that strategic view. <p>Ensure any review will encompass the effects of pupil numbers and surplus spaces as well as any proposed amalgamations and school closures.</p>
School Improvement Services	<ul style="list-style-type: none"> • Provide advice and support in developing a clear focus on school and pupil improvement as part of the reporting stages in the federation process • Be available for meetings with the headteachers and governing bodies to ensure that School Improvement is a key component of federation. • Assist governing bodies in looking at school curriculum organisation across the federation.

Governor Support	<ul style="list-style-type: none"> • Governor Support Officers in each LA are aware of provisions in the 2014 Federation Regulations and the Education (Wales) Measure 2011 • Be the first line of communication with any groups of governors considering federation. • Act as a co-ordinator for the proposed federation to ensure all the activities of the authority are available at the appropriate time • Provide on-going support and training for a governing body recognising the additional responsibilities undertaken by governors.
Data Services	<ul style="list-style-type: none"> • LA held data on schools ought to be brought together in an easily understood composite document • That data should include pupil attainment; school profiles; resources including staff numbers; school condition survey etc. • Sharing of data across schools
Human Resources	<ul style="list-style-type: none"> • Governors will need help to understand the personnel policies and implications for their schools • HR will need to provide advice and support on any proposed changes to the individual structures and staff organisation within the federation.

Finance	<ul style="list-style-type: none"> • Arrangements need to be made to ensure that the accounts of each school within the federation are kept separate whilst enabling the resources to be pooled if the governing body requires it. • LAs to review and keep up to date their funding formula as well as providing 3 year budgets • Consider whether federation has additional costs and whether changes in the formula should reflect those costs
Property Services	<ul style="list-style-type: none"> • LA to keep an up-to-date condition survey of the federated schools' respective premises together with any planned works needed and/or proposed.
Legal Services	<ul style="list-style-type: none"> • Need to check that the process and documentation meets statutory requirements • Assistance in drafting the Instrument of Government.
Translation Services	<ul style="list-style-type: none"> • Governing body may need access to translation facilities.

Annex 9: Federation – frequently asked questions

Q1. What is a Federation?

A federation is a legal governance structure where between two and six schools share a single governing body. The schools will retain their individuality, their own name, ethos, budget and school uniform but could share resources, facilities and good practice.

Q2. Why should schools federate?

Working together through a single governing body structure enables schools to raise standards and maintain local education provision by sharing resources, staff, expertise, and facilities and sharing best practice. A single governing body also provides an effective and accountable mechanism for schools to pool resources, including staff and budgets, release capacity in the senior management team and gain economies of scale and efficiencies.

Q3. What are the benefits of federation?

Federation will allow schools to more easily:

- extend the breadth and quality of provision
- respond to pupils' wider needs
- facilitate the release of our strongest school leaders teachers and governors to assist poorer performing schools
- widen opportunities for staff professional development
- deliver greater value for money.

Q4. Why might small schools benefit from federation?

Federation can help small rural primary schools to remain sustainable within their communities. The shared governing body provides an effective and accountable mechanism for schools to pool resources and staff, gain economies of scale and efficiencies that enable them to remain viable. Smaller schools in more rural and

isolated areas could also gain as federation could open up opportunities to share management, governing body responsibility and curriculum expertise. For small primary it would allow them to deliver an enriched primary education by for example, sharing a specialist language teacher or drama teacher.

Q5. Can different categories/types join the same Federation or form a Federation?

No. Community schools may not federate with VA, VC or foundation schools. As set out on pages 35 and 36 of the guidance, the governing bodies of VA, VC and foundation schools are considered charitable trusts which must only give consideration to their charity. VA, VC and foundation may federate together, provided that they meet the legal requirements set out for charity mergers. LAs can only propose a federation of VA, VC and foundation schools if they have firstly sought the consent of the relevant diocese (Church in Wales or Roman Catholic) or the person(s) who appoint foundation governors and sought advice from the Charities Commission.

Q6. Could there be a Federation between two faith schools of different faiths?

In principle yes if they have similar charitable trusts and ethos. If any schools are considering this they should discuss their ideas with the relevant LA and diocesan authority. They should also consult the Charities Commission.

Q7. Could schools in different LAs in Wales federate?

In principle yes. Any schools or LAs considering this would wish to discuss their plans with the LAs involved to avoid burdening themselves with two sets of reporting arrangements. Where governing bodies decide to federate with schools in another LA area they will need to know which LA will 'take the lead' for responsibility of the federation and what the funding and budgetary arrangements will be.

Q8 Could two schools federate just to address a single issue, for example, two secondary schools wanting to work together only on 14-19 issues?

No, this is not the purpose of federation which is schools coming together under a single governing body for the benefit of all the pupils in the schools and to improve school performance of all the schools not just a select group or for a single focus. Schools wanting to work closely with another school or schools on specific issues should consider doing so formally by collaborating under the Collaboration Between Education Bodies (Wales) Regulations 2012.

Q9. Can independent schools join a Federation?

No, these schools may work collaboratively with maintained schools but they cannot join a federation.

Q10. Can FEIs join a Federation?

No, but they can work together under formal collaborative arrangements particularly to deliver the 14-19 curriculum to give pupils more opportunity to access a broader curriculum.

Q11. What are the benefits and risks of Federation?

There are a number of benefits for schools from being within a federation including broader learning and social experiences for children leading to improvement in pupil performance. Schools will be able to share resources, best practice, facilities and expertise. There can be further emphasis on strategic leadership and management structures, and staff will have new opportunities to work together and reduce isolation. Duplication of effort can be avoided and there is an opportunity to promote better economies of scale.

Some of the risks include the potential organisational difficulties in providing a curriculum across a number of schools. Communication with parents and staff at different schools may present a challenge. Travel costs may be higher if staff and pupils move between schools to meet curriculum needs. There may also be relationship and trust issues for governors, headteachers and staff working across

schools. The federated governing body should be aware of the potential risks and have strategies and actions to mitigate them.

Q12. Will my school lose its identity within a Federation?

Schools within a federation will not lose their individual identity though they will share a single governing body. The schools retain their separate legal status and have their own budget allocations and will be subject to their own Estyn Inspection. The schools will also remain in their community and retain their own character, name, ethos and school uniform. Whilst each school receives and must account for its own separate budget, there is scope, through the single governing body, to use pooled budgets across the schools in the federation. Federation works on the basis that all schools have their own particular strengths and advantages, whether it is facilities, staff or resources.

Q13. What are the Inspection arrangements for Federated Schools?

Estyn's document 'When will the next school inspection take place?' sets out guidance on inspecting federated schools. The Education (School Inspection) (Wales) Regulations 2006 require Estyn to inspect maintained schools every six years and produce an individual report for each school. This would also apply to schools in the federation. Estyn cannot move a school inspection to later than six years but may carry out inspections in a way that the schools in a federation are inspected in the same term, especially where the schools have the same headteacher. Estyn would also consider requests from a governing body or LA to inspect schools in the same term. Estyn would also try to ensure that the inspection teams for the schools in a federation have overlapping membership.

Q14. What happens to staff within a federation? Will their Conditions of Service change?

In a federation, all staff would be employed on the same conditions of service as now and by the same employer. Whoever is the employer of staff will continue to be the employer under the contract of employment. For community, voluntary controlled, community special schools and maintained nursery schools, the LA is the employer under the contract of employment although the governing body of the federation

retains responsibility for certain staffing functions i.e. staff grievance, capability, redundancy, staff disciplinary and dismissal matters and appointments. The governing body is the employer under the contract of employment for staff in voluntary aided and foundation schools.

Combined strategic and financial planning should mean that jobs can be better protected in any combined period of contraction and that specialist staff can be used to best effect, recognising that all support and teaching staff have specialist skills and knowledge. Staff would be able to learn from each other within a coherent approach to deliver professional learning communities that use data and the National Model to focus on school improvements that link to national priorities and their school development plans.

The governing body of a federation would also be able to appoint new staff to work within all schools in the federation. This could include the appointment of a single headteacher with responsibility for all the schools in the federation, or the appointment of a Bursar or person with financial management skills and/or business management skills to oversee the non teaching aspects of the federation business.

Q15. Can a federation have a single headteacher with responsibility for all the schools in that federation?

Yes, if that is what the schools wish to have and this might be a viable option in a federation of small rural primary schools. Where this option is chosen for a larger federation of up to six schools, ie a secondary school and its feeder primary schools where each of those schools has a large number of pupils, governing bodies and local authorities should consider how this arrangement could be managed and any support structure a single headteacher might require. For example, consideration could be given to implementing a management structure that addresses the individual needs of each of the schools whilst also supporting curriculum continuity across the federation. This could mean having staff in each school whose purpose is to focus on teaching and learning supplemented by a structure of posts that work across the federation, all of which would be managed by a single headteacher.

Another option governing bodies and local authorities may consider is for the federating schools to retain headteachers in each of the schools instead of appointing a single headteacher.

From a day to day operational perspective schools may wish to adopt a third option which would be to appoint a head of the federation and retain a headteacher in each of the schools. If this arrangement was agreed, from a governance perspective only, the overarching headteacher in charge of the federation, if such an appointment is made, would be a member of the governing body. If no such appointment is made the headteachers of all the schools may be governors.

Q16. Would the ‘headteacher’ with overall responsibility for the federation be responsible for managing headteachers of each school in the federation if that is the agreed structure? .

The governing body may choose to appoint a single head of the federation with full responsibility for all of the schools in the federation and have only a senior teacher or deputy headteacher in charge of each school. If the teacher in charge is not a qualified headteacher carrying out the full range of statutory duties of a headteacher, then the head of the federation would be responsible for the performance management of those staff. The governing body would be responsible for the performance management of the head of the federation.

Q17. How should heads of federations be paid?

Following a recommendation from the School Teachers’ Review Body (STRB) the Department for Education in England is currently updating the Teachers’ Pay and Condition document to reflect interim payments for head teachers who take responsibility for more than one school.

Q18. Are parent governors elected by the parents from their school only or from parents across all schools in the federation?

The proposal for federation should state the number of parent governors from each school which in law is that every school must have at least one parent governor

elected by the parents (or appointed by the governing body if no parent stands for election), at that school but no more than two parent governors per school. It is reasonable therefore that once a decision has been made as to how many parent governors each school would have, the parents of only that school should vote in the parent governor elections. If the decision is that a school should have two parent governors each, and no parents in a particular school stand for election or only one parent stands for election, the federated governing body may appoint parent governors in accordance with Schedule 2 of the 2014 Federation Regulations. This means that the governing body could appoint a parent of a registered pupil at the school; or the parent of a registered pupil from another school in the federation; or the parent of a child of compulsory school age (or under compulsory school age for a nursery school).

Q19. Can a Federation be time-limited?

A federation should be seen as a long term commitment and not as a quick fix. The LA or respective governing bodies will have considered in depth the benefits and risks of establishing a federation in relation to the impact on children and young people's achievements. A federation would put in place strategic and operational plans to insure the sustainability and development of the schools. That will require medium to long term planning. Nonetheless, the 2014 Federation Regulations do allow individual schools to leave a federation and for a federation to be dissolved.

Q20. What are the differences between school federation and school mergers?

If two schools merge they may remain open in their community but they become one multiple site school with a single name, governing body, headteacher, ethos, budget, character and school uniform. In a merger there would only be one headteacher and it is possible there would be redundancies or staff would have to re-apply for posts in the new single school. In a multi site schools the LA could also close one of the school sites and transfer the pupils to the other sites without the need to go through statutory proposals.

In a federation, the schools remain open in their communities but they also retain their

own individuality, name, ethos, character budget and school uniform. Staff would also keep their jobs and may have wider opportunities for further professional development by working across the schools in the federation. Headteachers may also remain in post although some federations may only have a single headteacher. Schools in a federation can be closed as part of school organisation proposals but the LA would have to apply the statutory proposals process to do this.

Q21. What may influence schools in deciding whether to merge and become a single school or federate?

The LA may have long term plans for school organisation within their area and schools would need to consider these and discuss with their LA, which option is more beneficial for them and fits in with the LA's overall plans.

Q22. Should we be working collaboratively as a first step with schools we may be thinking of federating with?

If you work collaboratively with other schools it may help you to create trust between the schools and will enable you to foster a good working relationship which will make it easier for the schools to take the next step and federate. Federation will be successful where the staff and governors are committed to working together for the benefit of the school communities.

Q23. Can schools establish a joint governing body before formally federating?

No – the governing body of the federated schools comes into being on the date the federation comes into force which must be at least 125 days from the date the federation proposals are published (or 100 days if small schools are being federated). This means that the governing bodies of the schools that are federating will have to have held elections for the core governors i.e. parents, teacher and staff and the LA will have to have appointed their LA governors. On the date the federation comes into force the newly constituted single governing body can meet and appoint their community governors. The schools may however set up a joint working group or committee of governors to oversee the federation process if they wish.

Q24. If two small rural primary schools federate could they be re-organised so that all the pupils in one key stage attend school X whilst the others attend school Y?

Depending on the category of schools it would be for the LA (in respect of community and voluntary controlled schools and the governing body (in respect of voluntary aided and foundation schools) to make proposals to change the age range of a school, following consultation with parents and other interested parties. This would entail the schools going through a statutory process in order to make such a change.

Q25 What happens if a pupil is excluded from one school in a federation? Could they be placed in another school in the same federation?

Yes – although schools are federated and share a governing body the schools remain as separate entities so a pupil could not be turned away by one school because he/she had been excluded from another school in the same federation.

If the pupil is subsequently permanently excluded from the second school within the federation it is recommended that the pupil discipline committee that meets to consider the exclusion consists of members of the governing body un-associated with the consideration of the first exclusion.

This recommendation is in order to avoid possible bias that could be considered with relation to the first exclusion. Whilst it may not always be possible to provide a complete discipline committee of new governing body members any such circumstances should be discussed with the LA in the first instance.

Q26. Can we change the name of the school and or give all the schools in the federation the same name?

One of the key drivers and benefits for federation is that schools do not lose their individuality, name and identity and remain as separate establishments. The names of all the schools in the federation will appear on the new instrument of government as well as the name of the federation. The process for revising the instrument of government and changing details such as the names of the schools is set out in the

Government of Maintained Schools (Wales) Regulations 2005. The LA and the governing body should reach an agreement on the proposed changes. If they cannot the final decision rests with the LA who will want to ensure that any changes are not misleading.

All schools in a federation must retain their individual reference number and budget and it could become quite complex and confusing if all the schools decided to change their name and adopt a single name when they have to account for separate budgets.

Annex 10: Information for parents

Your child's school may be considering working more closely with neighbouring schools by becoming part of a federation (or the LA has selected your child's school to work more closely with other schools in the neighbourhood by becoming part of a federation). This leaflet will explain what this means for you and your child and the school itself.

Q1. What is a federation?

Federation is used to describe a 'formal partnership' of schools (between two and six) and is a legal and formal agreement where schools share a single governing body. The schools in a federation can be a mixture of maintained nurseries, primary schools, special schools and secondary schools. However, faith based schools can only federate with other faith based schools.

The decision to federate is made either by the governing bodies of the schools involved or by the LA. Each school in a federation remains open in its community and keeps its own budget, character, school uniform, admissions arrangements and ethos and will have its own Estyn inspection.

Federations can have a headteacher in every school and/or they can have a single headteacher for all of the schools in a federation – the decision is one for the governing body to make.

There is no blueprint for federations. Each one will be tailored to suit the needs of the different schools and communities. A successful federation will allow the children to access a broader curriculum to enrich their experiences and provide a high quality education to help raise their attainment.

Q2. Why has federation suddenly become an option for your school?

There are many reasons why schools of all sizes and type wish to federate or the LA wishes to federate them. Sharing resources such as budgets, teachers and teaching expertise, school leadership and facilities and learning from one another and sharing good practice are just some of the triggers for federation.

For some schools, working more closely in a federation can mean sharing heavy workloads amongst the staff whilst allowing schools to continue to provide a wide curriculum that offers real choices and options for pupils, that smaller schools cannot provide with fewer staff.

Federation can also offer career opportunities for staff not normally available to them, for example working in another school in the federation. This can help aid the recruitment of new highly qualified teachers to the school. Some schools also face difficulties recruiting good headteachers and federation allows schools to adopt more creative solutions to leadership appointments.

Q3. What advantages does federation offer the pupils?

Federation can bring many benefits but these will vary depending on the focus and purpose of the federation. Generally, though federation should offer opportunities for pupils of all ages and abilities to meet and work as part of a larger group, which can be particularly beneficial to older, more able, pupils in small schools. Other benefits include pupils being able to access specialist teaching, more sustained and structured social and educational opportunities, team sports, wider curriculum expertise and a wider choice of after curricular or out of school activities and clubs.

Q4. How is federation going to work?

Federations will work in different ways. How a federation is structured and operates will be decided by the governing body and headteachers or single headteacher (and the diocese where faith schools are included). These people are best placed to ensure the federation workings and arrangements match the needs of all the schools

involved. Every federation should have a detailed action plan and agreed staffing structure which provides the framework for more detailed planning and the day to day organisation and management of the schools.

Q5. Will governors or the LA listen to the views of the parents when they consult on federation proposals?

Governors and LAs are required in law to seek the views of stakeholders on the proposals to federate. The stakeholders are parents, staff, unions, pupils and other partners such as diocesan authorities. Views can be sought in a number of different ways which might include written responses, questionnaires, information surgeries and formal meetings. Once all the views are submitted the governing body they must consider the points raised and make their decision based on a majority of votes taken at a governing body meeting. Where a LA is establishing a federation it will consider the responses received and make a decision.

Q6. Do the teachers and children move from school to school?

It would most likely be the school staff who move between schools whilst the children would, for the most part, stay in their registered school. However, there may be opportunities for the children from different schools to work together on projects and through special events which could include use of technology, facilities (such as sports equipment and science laboratories) and video conferencing.

Q7. Our school already collaborates with other nearby schools so why must it federate?

The main advantage of federation over collaboration is that the quality of the collaboration arrangements is more sustainable in the longer term even if there are significant changes at one of the schools. Each school's commitment is formalised and this collective decision making of the single governing body protects provision of quality education for the children, and ensures resources are properly prioritised where needed and prevents individual schools from reallocating resources for other priorities as and when it suits them.

Q8. Is federation about financial savings?

No. It is about schools pooling resources to improve performance, raise standards of attainment and achieving more for the children whether that is providing access to opportunities and facilities children would not normally be able to access, or jointly funding, for example, a drama teacher or support teachers.

Q9. Does federation mean that our school will receive less money from the LA?

No. The way in which an individual school's budget is calculated is not affected by federation - each school in the federation should continue to receive its own budget based on the number of registered pupils at the school plus any other factors. However, schools will be able to pool or share their budgets. For example, if the schools wished to employ a drama teacher or to purchase or upgrade sports equipment they would each contribute a share of the costs from their budget.

The governing body of a federation should be in a position to take strategic decisions on the deployment of their resources including budgets, staff and facilities. Each school will need to keep a clear audit trail and accounts for their budget spend.

Q10. What are the financial benefits of federation?

Federations can increase capacity within the schools in the federation to achieve higher standards. Some of the benefits include:

- more cost effective way of increasing the opportunity for specialist teaching (if required), curriculum entitlement and extended after school curricular activities and out of hours clubs
- sharing the costs of purchasing goods and facilities etc.
- purchasing to achieve economies of scale and avoiding duplication
- saving on curriculum and strategic planning and administrative time
- being able to pool funding to award higher salaries and recruit more

experienced staff