



National College for
Teaching & Leadership

The governance of federations

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Introduction

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Welcome to the National College for Teaching and Leadership and to this booklet which explores the governance of federations. A federation is defined in law as two or more maintained schools operating under the governance of a single governing body.

This publication explores the leadership and governance structures of federations and the challenges faced by governors, including the new skills and attributes governors have had to acquire to successfully lead their federations. It also gives an overview of the process of establishing a federation and considers the reasons for doing so, focussing particularly on how federations can drive school improvement and secure better outcomes for children.

In addition there are a number of case studies of both longstanding and more recent federations which illustrate how schools and governing bodies have organised the setting up and management of successful federations in a range of contexts, including small rural schools and urban inner city schools.

We hope it will be useful to governors, headteachers, local authority (LA) and diocesan personnel who are considering joining or setting up a federation.

The creation and membership of a federation is not just about structural change. It is also about a different mindset where the governors and school leaders share a commitment to improving the outcomes and life chances for all children across the federation, as opposed to just a single school, through a school-led system of raising standards and driving improvement. All those interviewed for the case studies spoke of their moral purpose to ensure that all the children in their local area and network of schools have the best possible education in outstanding schools, regardless of their background and circumstances. It is this outward-facing approach which drives the effective collaboration and success of federations today.

As the vision statement of the Primary Advantage Federation states:

We believe our schools can gain many benefits from working collaboratively and can achieve more by working together. We have made a commitment to a shared responsibility to the wider education community, the provision of good quality education and the improvement of life chances for pupils in the community beyond our own schools. Teachers, support staff, school leaders and governors have added expertise in working alongside colleagues to improve provision and outcomes for pupils.

Definition and statutory context

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The statutory context for federations is the *Education Act 2002*, *The School Governance (Federations) (England) Regulations 2007* and *The School Governance (Federations) (England) Regulations 2012*. These set out what a federation and its management should look like, how schools may join and leave and how a federation may be dissolved. Sections 24, 25 and 26 of the *Education Act 2002* set out the different ways in which governing bodies may work together, ranging from joint committees and joint governing body meetings to a single governing body. Section 24 specifically defines a federation as two or more schools operating under a single governing body. Although initially limited to five schools *The School Governance (Federations) (England) Regulations 2007* removed the upper limit of schools that can federate.

The federation regulations state that schools wishing to federate must first consult interested parties in the area including parents, staff at the schools and the LA.

The Education and Inspections Act 2006 further recognised federations and in 2009 the regulations were amended to require governors of proposed federations to notify the Secretary of State of their proposals within a week of publishing them and of their final decision. Since 2007 maintained schools can also enter into collaborative arrangements with further education (FE) colleges through the use of joint committees (*Collaboration Arrangements (Maintained Schools and Further Education Bodies) (England) Regulations 2007*).

Governing bodies who decide to federate must now do so in accordance with *The School Governance (Federations) (England) Regulations 2012* and follow a prescribed process set out in the regulations. The regulations also apply to those federations whose instrument of government is varied after 1 September 2012. For federations established before this time the guidance in *The School Governance (Federations) (England) Regulations 2007* continues to apply.

More recently education policy under the coalition government has shifted focus away from federations to academies and collaborative working through Multi-Academy Trusts (MATs). MATs are groups of academies governed under a single board of trustees that are outside the maintained sector and therefore operate under a different legal framework to federations. A number of longstanding federations, including some in this study, have recently chosen to become MATs. Others, such as the Primary Advantage Federation in Hackney, have chosen to remain as federations within the maintained sector.

The Department for Education does not provide information about the number of federations currently in existence and the picture is further complicated by the fact that many groups of schools referring to themselves as federations have in recent times become MATs; the First Federation in Devon, for example, is now a MAT. The Federation of Stockland Green Technology College and the Arthur Terry School are both now the Learning Partnership MAT, together with four local primary schools.

Whilst a federation creates a single governing body to govern more than one school, maintained schools in federations continue to be individual schools, keeping their existing DfE category. Admission to each school continues to be determined by the appropriate admission authority.

Setting up a federation

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The statutory process that the governing body must adopt is as follows:

- Attend a meeting, for which seven clear days' notice has been given, to discuss and consider a report on the proposal to federate.
- If joining an existing federation, give notice of the proposal to federate to the governing body of the federation.
- The governing body of an existing federation then considers whether to give preliminary consent to the school to join the federation (or not to join).
- Jointly with the other governing bodies or body publish the proposals and send them to those key stakeholders listed in the regulations, including parents.
- Make the proposals available for inspection at all reasonable times at the school.
- Consider the responses to the proposals and determine whether to:
 - proceed with the proposals as published
 - proceed with modifications the governing body considers appropriate or
 - do not proceed with the proposals to federate
- Governing bodies that have agreed to proceed must jointly inform the LA and the Secretary of State of the federation within one week of determination, as must those determining not to proceed with the proposals.
- Prepare a new instrument of government (a draft is provided in the relevant guidance document).
- Prepare a report immediately before the federation date of the action taken by the governing body in discharge of their functions.
- Make available to the governing body of the federation all minutes and papers of the governing body, including the above report.

On the federation date:

- the existing governing bodies are dissolved
- the governing body of the federation is incorporated
- all land and property, which immediately before the federation date was held by the governing body of a federated school, is transferred to the governing body of the federation and
- all rights and liabilities that existed before the federation date which were acquired or incurred by the governing body of a federated school are transferred to the governing body of the federation

The School Governance (Federations) (England) Regulations 2012 also require that the governing body of a federation cannot have fewer than seven members and must include:

- one parent governor of each school in the federation
- the headteacher of each federated school, unless the headteacher resigns as a governor
- one staff governor
- one LA governor

This list is not exhaustive and full guidance can be obtained from the relevant DfE publications referred to earlier.

A particular issue for federations is that every time a new school is incorporated into the federation the Instrument of Governance has to be rewritten to include another parent governor and possibly the headteacher of the new school. As Sian Davies from the Primary Advantage Federation points out, this can be very disruptive and unsettling for a governing body that has established good working relationships and is working well together.

Why federate?

There are a number of reasons why schools choose to federate but the three main ones (all illustrated by the case studies in this publication) are to:

- address or prevent school failure
- ensure viability and achieve economies of scale
- create more integrated provision across phases

Examples include a successful school supporting and eventually federating with a struggling or underperforming school locally. In some cases this arrangement had been facilitated by the local authority and in others by the governing body and headteacher. Other examples include small schools, often in rural areas, in danger of closure through falling pupil numbers and which have difficulty in attracting and retaining high quality staff, federating with other local schools which are performing well. Also, primary and secondary schools coming together to improve the overall standard of education across their local area.

However the journey towards federation is rarely straightforward and all our case studies, without exception, stress the need to be very clear about the purpose of federation and the reasons for embarking on this particular course of action, taking the time to get it right and having a well-articulated mission with clear expectations and outcomes from the outset.

Problems commonly experienced include concerns about the possible loss of identity of individual schools coming together in a federation and how staff, parents and children would be affected by the changes. Other problems tend to be associated with the logistics and structural changes of federation: Sian Davis, Executive Headteacher of the Primary Advantage Federation, emphasises the importance of having well defined and clearly understood systems and structures where everyone has complete clarity about their roles and responsibilities.

Neil Hope-Collins, Chair of Governors of the Federation of Central Street Infant and Nursery School and Stubbings Infant School, recommends having a clear vision, taking an honest look at the challenges, consulting as widely as possible and not rushing into anything. Sir Chris Stone, Executive Headteacher, and Tim Sewell, chair of the board at the Arthur Terry Learning Partnership, emphasise the importance of working hard from the outset to develop mutual trust, confidence and understanding between the federating schools.

Despite the challenges in all the case studies, the underlying theme is a strong sense of the benefits of working together that federation provides and an outward-facing commitment to improving the provision and outcomes across a local area or group of schools for the benefit of all children, their families and communities.

The benefits of collaboration

There is now a solid body of evidence that schools working together can drive up standards and improve outcomes for children. Research undertaken by Manchester University on behalf of the National College for Teaching and Leadership (NCTL) indicates:

... there is evidence of impact on overall performance, in that while federation and comparator schools perform similarly at baseline, federation is positively related to performance in the years following federation.

The study also found that this positive impact on student attainment generally has a time lag of two to four years before it is realised (*The Impact of Federations on Student Outcomes*, 2009).

In its annual report for 2011/12 Ofsted noted that 'strong partnership work between schools is improving standards' and that 'the evidence from federations of two or more schools, led by an executive headteacher, is positive'. It went on to say:

In a survey of 61 schools that had formed 29 federations we found that provision and outcomes had shown improvement. In each case the fact that the school had federated was a contributory factor to the improvement.

The report also refers to 13 federations which had been set up to improve capacity among small schools and had been:

...successful in broadening and enriching the curriculum and care, guidance and support for pupils... and had also resulted in better achievement for different groups of pupils, such as those whose circumstances made them vulnerable. Pupils' enjoyment of school and their confidence were also increased because of greater opportunities open to them and a larger circle of friends. As well as maintaining good quality teaching and learning these federations shared a greater pool of resources and expertise that could be used more flexibly across schools.

Ofsted's study *Leadership of more than one school* (2011) also highlights the advantages to pupils' attainment, cost efficiency and governance. It notes that 'teaching and learning, achievement and behaviour had improved in all 10 of the federations visited where schools previously judged by inspection to be weak had been federated with a more successful school'.

The NCTL publication *Leading Without Limits* (2014), a study of outstanding primary school leadership and governance, suggests that for primary schools clustering them together into collaborative, managed partnerships such as federations may well be an essential prerequisite for school improvement.

In summary, therefore, the benefits of working together within a federated structure can include:

- Cost savings and efficiencies to back office systems, including the sharing of administrative functions and a school business manager, shared HR functions including pay arrangements, savings on maintenance contracts, purchasing and supplies.
- Improved opportunities for children, including a wider and richer curriculum offering often including cross-federation events in arts, sports, music etc. Improved behaviour, attainment and greater enjoyment of school.
- Improved opportunities for staff with the sharing of good practice and expertise, joint planning and assessment, richer professional development and training, better recruitment and retention through improved career progression and opportunities to work across a range of schools and in a range of contexts.
- Better leadership development and talent management through talent spotting and the development and support of future leaders, with the opportunity to work across the federation and be mentored by experienced leaders.
- Support for weaker or struggling schools through shared leadership and working arrangements leading to improvements in teaching and learning, behaviour and outcomes for children
- Strengthened governance, especially in the case of weaker schools where shared governance arrangements with stronger schools can lead to significant improvements. This can be achieved either through good practice from the stronger school being shared and absorbed as a result of the amalgamation or through the governing body of the stronger school taking over responsibility for the governance of the federation as a whole.

The governance of federations

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Federations have a single governing body overseeing the work of all the schools in the federation. It operates at a strategic level, monitoring, evaluating and holding the executive head/headteacher and other senior leaders to account.

Whilst the move from responsibility for one school to a group of schools is an opportunity to develop a more strategic perspective it can be a challenge for governors. An article for the National Governors' Association's *Governing Matters* magazine, written by a governor whose school joined a federation, describes how governor outlook alters as a result of this process:

Working as a governor in a federation... challenges you to think of a bigger picture and take in a different perspective... you have to remember that you are a governor of the federation and not a governor of a school in the federation'.

Governing Matters, January/February 2013

Taking a broader, federation-wide view may not be easy at first. The report *Leading Without Limits* (NCTL, 2014) notes that some governors find this shift difficult and can be protective of their 'own' school even while seeing the benefits of federation. Neil Hope-Collins believes it takes time for governors to develop the new skills essential to be a federation governor and initially governors remain tied to their own school. He also considers it important to get in 'new blood' to take a federation-wide approach.

The focus on governance as an important part of the leadership and management means that there is now considerable emphasis on recruiting governors with the appropriate skills to provide challenge and hold the headteacher and other senior leaders to account. As the report *Leading Without Limits* notes, 'the quality and skills of the governing board are crucial to the school's success' (NCTL, 2014). This change in the nature of governance and the roles and responsibilities of governors in recent years is reflected in our case studies which all refer to the need to recruit governors with a different set of skills including professional expertise in areas such as law, finance, marketing and HR management to bring rigour and a high level of challenge and scrutiny. At the First Federation in Devon Executive Head, Paul Jones, also brings in 'advisers' to enhance and supplement his board. At the Learning Partnership Tim Sewell, the chair of the board, speaks of the challenge of recruiting governors with key skills and is developing a talent pool of local governors who will eventually have the skills and experience to join the board.

The challenge of finding effective and high calibre governors is a key one and is likely to increase. The clustering of schools into a federation addresses this problem to some extent, reducing the number of governors needed overall.

Notwithstanding the benefits of federation, governors are usually very keen to maintain the individual identity of schools whilst raising standards and, as a result, the approach to the governance of individual schools within federations and MATs varies. Gwen Gutzmore, Chair of Governors at the Primary Advantage Federation, believes that the individual school committees are an essential part of maintaining the separate identity of the schools. As a MAT, Chris Stone and Tim Sewell at the Learning Partnership feel strongly that it is important for each school to preserve local accountability and its individual identity; the chairs of all the school governing bodies have a seat on the Learning Partnership MAT board. In the case of the Primary Advantage Federation there are school committees with between three and ten members who are elected parent and staff representatives together with diocesan representatives for the church schools. Individual schools in the First Federation MAT have parents' forums from which two parent representatives are elected to the federations' directors' board.

Appendix 1

Advice and guidance on forming a federation

This section provides advice and guidance on forming a federation. It is a combination of good practice and statutory requirement.

Step 1: Before taking the decision to federate

- The initiative should come from the headteacher and/or governors, or in some cases, usually when the school is struggling, from the LA or the diocese.
- Explore the idea of federating through open and wide-ranging discussions, visits to other federations where possible and conversations with the LA and diocese (where appropriate).
- Make staff and professional associations aware at the earliest opportunity that discussions are taking place and tell them about the implications for all schools.
- Give time to establishing the vision for the federation and involving as many key stakeholders as possible.
- Be clear about the reasons for federating and the expected outcomes.
- Think early on about leadership and governance structures; it will avoid misunderstanding and confusion later on.
- Look at the entire process and recognise the timelines and commitments implicit in moving to the next step.

Step 2: After the decision to pursue federation has been made but before formal consultation

- Make sure there is an on-going dialogue with all interested parties so that once the consultation process is launched there are no surprises.
- Set up a joint governance working party (this is not a legal requirement but is good practice) that includes at least one governor from each of the schools in the potential federation.
- Task the committee with planning and managing the formal consultation process and keeping all parties informed about progress by:
 - presenting a report on the proposal to federate as an agenda item at a meeting of each full governing body
 - designing a new governance structure for the federation
 - deciding (in consultation with stakeholders) a name for the federation

- drawing up a leadership structure that identifies key roles and responsibilities and gives careful thought to all the implications of the changes
- engaging in discussions with the LA, diocese, or both, identifying any human resources issues emerging from the work of the joint committee, and seeking appropriate advice and guidance to resolve these issues
- Examining the financial implications of federating (while each school will continue to receive its own budget, the federation will have to consider the extent to which funds will be pooled):
 - Planning a strategy and a timeline for conducting the formal consultation.
 - If schools are from more than one LA, deciding which LA will make the instrument of government of the federation.

Step 3: The formal consultation

By this stage the joint governance committee must have prepared and agreed a formal proposal for consultation and had it approved in its entirety by all the governing bodies concerned. The proposal needs to be written primarily with an audience of parents and staff in mind. It should be in plain English and explain what is required of those who are being consulted. In schools where languages other than English are spoken, translation should be provided so that all parents feel included and valued in the consultation and the proposal should have been customised for each school.

The proposal must contain:

- The names and agreement of all the governing bodies with which each school wishes to federate.
- Details of the proposed size of the federation's governing body. From 2012 the Regulations require that the governing body of a federation cannot have fewer than seven members and must include:
 - one parent governor of each school in the federation
 - the headteacher of each federated school, unless the headteacher resigns as a governor
 - one staff governor
 - one LA governor. In the case of voluntary aided schools there is a requirement for foundation governors to outnumber the other governors by two

- details of the proposed staffing arrangements. These should explain the arrangements proposed for headteachers. Will there be one for each school or an executive headteacher with responsibility for more than one school? Unless there are staff vacancies in the schools concerned, or any member of staff has agreed to a variation in their working arrangements, the schools should assume that they will federate with their existing staffing arrangements. Staff in community and voluntary controlled schools are employed by the LA but in foundation and voluntary aided schools the employer will become the federation's governing body
- the identity of the admissions authority for the schools within the proposed federation
- the date, not less than six weeks after the publication of the consultation proposal, by which written representations must be returned to the governing body – and the address to which they should be sent
- Send the consultation proposal to all headteachers, staff, parents, the LA, the diocese (if appropriate) and foundation governors or trustees of any school that has a foundation. The list of potential, other stakeholders is as extensive as the schools proposing to federate wish it to be. The wider the consultation is, the more likely it is that communities will feel engaged.
- Since September 2009 governing bodies have also been required to send a copy of the consultation proposal to the Secretary of State within one week of its publication.
- Organise consultation events where governors can explain their vision for a federation and answer questions from interested parties.
- Arrange a formal meeting to present the proposal to the professional associations representing all staff. If the associations want to follow this up with meetings with their members, embrace this as an opportunity to know exactly how staff feel and address any concerns.
- The joint committee or, if one hasn't been formed, the governing bodies of the schools that are forming the federation should prepare a draft *Instrument of Government for Federated Governing Bodies* for submission to the LA prior to the formation of the federation. This is the document that records the name of the federation and the constitution of its governing body. A model instrument is available online as *Appendix 1 of the Guidance on The School Governance (Federations) (England) Regulations 2007*.
- This instrument must be checked for compliance with the statutory requirements and approved by the LA even though the outcome of the consultation is not yet known. A LA can only decline to make a new instrument of government if the draft instrument does not comply with all the applicable statutory provisions.
- As soon as it is approved the LA must provide a copy of the instrument of government or a consolidated version, where there has been a variation, to each member of the governing body.

Step 4: After the formal consultation process

Once the closing date for consultation has passed the joint committee collates the responses in a report submitted to each of the schools' governing bodies. The governing bodies meet together to consider the responses collectively before meeting again separately to decide whether or not they wish to proceed with forming a federation. The governing bodies should then come back together again and share their views. The next steps depend entirely on what each governing body decides:

- If one or more of the governing bodies decide that they do not wish to proceed, the other schools who still want to pursue federation must go back to the drawing board and produce another proposal for consultation or;
- If all the governing bodies still wish to proceed, they have to:
 - give notice to the LA and inform all stakeholders by sending letters to parents, carers, the diocese (if relevant), staff and professional associations, and any others subject to the consultation
 - the governing bodies must also notify the Secretary of State of their decision on the proposals and
 - schools that plan to federate should retain the joint committee as it can facilitate the next step effectively

Step 5: Incorporation of the new governing body for the federation

On the federation date, the governing bodies of the schools becoming federated are dissolved and the governing body of the federation is incorporated. This involves the individual governing bodies discharging their former responsibilities. To do this each school prepares a written report explaining how governors have fulfilled their responsibilities. This does not need to be a large document; a paragraph summary such as that contained within a headteacher's end of year report is sufficient. In addition to this:

- Each school must prepare an inventory of its assets for the new governing body.
- Any land and property held by the schools' governing bodies before federation is transferred to the federated governing body.
- All rights and liabilities that existed immediately before the federation date are also transferred to the federation governing body. It can be helpful to seek legal advice at this stage from the LA.

- A clerk to the federation's newly incorporated governing body, either alone or in support of the joint committee, organises the election of staff and parent governors.
- All parents and staff receive the same letter asking for nominations etc but it comes from their own school. The election process is conducted in line with guidance available from any LA.
- The LA supplies a copy of the Instrument of Government to every member of the federation governing body.
- Once the new governing body is in place there is a lot to do before the new federation opens. Any outstanding decisions from the work undertaken by the joint governance committee (in Step 2) are made.
- Governors committees are agreed and the membership decided.
- Performance management governors are identified for the executive headteacher/ headteacher.
- Work with human resources on new contracts is completed.
- Financial projections are made, based on any decision to pool budgets.
- Work begins on key areas for school and federation improvement.
- The agenda for the first meeting of the newly constituted governing body is drawn up.

Appendix 2

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FAQs

What is a federation?

A federation is defined in law as two or more maintained schools operating under the governance of a single governing body. The statutory context for federations is the *Education Act 2002*, *The School Governance (Federations) (England) Regulations 2007* and *The School Governance (Federations) (England) Regulations 2012*. These set out what a federation and its management should look like, how schools may join and leave, and how a federation may be dissolved.

What kinds of schools can federate?

Section 24 specifically defines a federation as two or more schools operating under a single governing body. Although initially limited to five schools *The School Governance (Federations) (England) Regulations 2007* removed the upper limit of schools that can federate.

All maintained schools including voluntary controlled, foundation, nursery schools and special schools can federate. Since 2007 maintained schools can also enter into collaborative arrangements with FE colleges through the use of joint committees (*Collaboration Arrangements (Maintained schools and Further Education Bodies) (England) Regulations 2007*).

Who needs to know if you have agreed to form a federation?

The governing body decision to federate must follow a prescribed process set out in *The School Governance (Federations) (England) Regulations 2012* which applies to federations established after 1 September 2012 or whose instrument of government is varied after 1 September 2012. For federations established before this time the guidance in *The School Governance (Federations) (England) Regulations 2007* continues to apply. However, the introduction of the *School Governance (Constitution and Federation) (England) (Amendment) Regulations 2014* in May 2014 requires governing bodies of federations to constitute in accordance with the 2012 Constitution Regulations by 1st September 2015.

Within one week of the decision to federate, governing bodies that have agreed to proceed must jointly inform the LA and the Secretary of State.

Is there a required constitution for the governing body of a federation?

The *School Governance (Federations)(England) Regulations 2012* which apply to all federations created after September 2012 (will apply to all federations after 1 September 2015) require that the governing body of a federation cannot have fewer than seven members and must include:

- one parent governor of each school in the federation
- the headteacher of each federated school, unless the headteacher resigns as a governor
- one staff governor
- one LA governor

What are the likely conditions for a successful federation?

As highlighted in our case studies, successful federation is usually preceded by a period of collaborative working between schools. This allows the schools to develop a shared vision and appreciate the benefits of partnership working. Ultimately federation requires the commitment of all parties; governors need to agree it is the best way forward and staff, parents and pupils will want to understand the benefits. A strong partnership allows all of these things to develop over time.

How can a federation overcome possible culture differences associated with federating schools from differing backgrounds, such as schools with a religious character and community schools?

Federations must not be forced but rather driven by a shared vision and a commitment to common goals. All parties must be fully engaged and proactive about overcoming barriers. The Primary Advantage Federation in Hackney, a federation of four schools with a religious character and two community schools, illustrates how this can be achieved.

Will schools lose their individual character as part of a federation?

Schools in federations continue to be individual schools and admission to each school continues to be determined by the appropriate admission authority (the LA in the case of community and voluntary controlled schools, the federated governing body in the case of foundation and voluntary aided schools). Schools also keep their existing category and do not gain, lose or change their religious character through membership of a federation.

Nevertheless commonly experienced problems include concerns about the possible loss of identity of individual schools coming together in a federation and how staff, parents and children could be affected by the changes. Our case studies illustrate various approaches to addressing these concerns and how, in the end, they have been successfully overcome.

What are the benefits or disadvantages of pooling budgets?

Pooled budgets allow schools to achieve economies of scale and afford services and facilities beyond the reach of a single school. The federated governing body receives the delegated budget for all the schools in the federation which it can then allocate to each individual school or budgets can be used collectively with the agreement of governors. The federated governing body has control over how much is put into the shared pot for joint provision. Each school must remain financially viable so any shared commitments must be realistic and not threaten the viability of individual schools.

Our case studies highlight some of the advantages of shared budgets. For example in the First Federation in Devon a centralised budget has allowed for vulnerable schools to be overstaffed on a short term basis and for new teaching appointments to overlap with existing teachers to enable a smooth transition. It has also been possible to financially support the transition from three to four classes in one small school until it became self-financing—a cushion that would not have been available without the federation.

Will schools in a federation be inspected separately or jointly?

Schools in a federation are inspected separately but it is appropriate to ask Ofsted to inspect the schools at the same time in order to form a rounded picture of the work of the federation. *The September 2009 Ofsted Framework for Inspection* creates the opportunity for a federation to be inspected as a whole, with particular reference to assessing the impact of partnership.

In its annual report for 2011/12 Ofsted noted that 'strong partnership work between schools is improving standards' and that 'the evidence from federations of two or more schools, led by an executive headteacher, is positive'. It went on to say:

In a survey of 61 schools that had formed 29 federations we found that provision and outcomes had shown improvement. In each case the fact that the school had federated was a contributory factor to the improvement.

Can a federation be time limited? Can a school leave a federation?

Federations are long term commitments and should not be seen as a quick fix. It is possible however for schools to withdraw from a federation and governing bodies must follow a prescribed process, set out in the federation regulations (*The School Governance (Federations) (England) Regulations 2007* or *The School Governance (Federations) (England) Regulations 2012*) which also apply when a federation is dissolved.

Can schools in different local authorities federate?

Yes. If schools wishing to federate are in more than one LA area they must agree between them which LA will make the instrument of government for the federation.

Can staff be appointed to a federation and not to an individual school?

The contractual arrangement for all shared appointments can vary depending upon the type of schools involved.

If staff in the different schools share the same employer (for example a group of community schools or a group of voluntary-aided schools), then contractual arrangements are simply a matter of agreeing working practices. If, however, staff in the different schools in the federation have different employers then contractual arrangements become slightly more complicated. For instance each employer in a federation might have its own contract detailing its part-time obligations in the contract arrangement; or a federation may identify a lead employer, draft its contract accordingly and then draft separate contracts for any other employers who may, for example, set out their obligations to buy back time and thus contribute to the cost of the overall federation.

In practice new staff are often employed on federation contracts with time allocations to the schools within the federation being a matter for the leadership team. In many cases existing staff also welcome federation contracts because it gives them greater flexibility in career options and the possibility of employment elsewhere in the federation should budgets in one school become an issue.

What are the benefits for primary federations in rural communities?

Small isolated schools in rural locations can be limited in the breadth of resources and services they can offer. By working together they can provide a wider range of services, including specialist teaching staff, a richer curriculum offer for pupil and better professional development opportunities for staff. Federations have also attracted executive heads to schools experiencing difficulty recruiting headteachers and allowed schools to attract and retain high quality staff at all levels. The First Federation in rural Devon highlights all these advantages and both the executive head and the chair of governors believe the development opportunities and enhanced professional experience that they can offer leads to better recruitment of high quality staff and improved retention of staff at all levels.

What is the evidence that federations improve standards?

There is now a solid body of evidence that schools working together can drive up standards and improve outcomes for children. This is covered in detail in this publication.

Case Study 1:

Primary Advantage Federation, Hackney

Sian Davies, Executive Headteacher and Gwen Gutzmore, Chair of Governors

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A school led system raising standards and driving improvement across inner city primary schools

The federation was formed in 2006 between St John and St James Primary School and a neighbouring school, Holy Trinity: the two schools had already been working together in a collaborative partnership when Holy Trinity went into special measures some 18 months earlier. The newly created federation governing body made a commitment to:

A shared responsibility to the wider school community, the provision of good quality education and the improvement of the life chances for pupils in the community beyond that of our own school.

Since then four more schools have joined the federation. Three schools, Springfield Primary which was under notice to improve in 2007 and St Matthias Primary and St John the Baptist Primary both of which were at risk of being placed into special measures in 2008 had been working collaboratively with the federation before formally joining it in 2011. Morningside Primary which was in special measures joined the federation in 2013 following a year of partnership working.

The federation now has considerable experience of working in partnership with schools in challenging circumstances to secure rapid and sustainable school improvement and all the schools in the federation are now either 'Good' or 'Outstanding'. Teachers, support staff school leaders and governors work alongside colleagues to improve provision and outcomes for pupils. The federation has two national support schools and two national leaders of education. In addition the Federation is also working in partnership with two other local schools in challenging circumstances that are not part of the federation.

In all cases the decision to federate had been preceded by a long period of collaborative working with the success of the partnership paving the way for federation. The governors at Holy Trinity School, on seeing the improvements being made in their school through the work with St John and St James, recognised federation as the obvious way forward. The Executive Head, Sian Davis, sees this period of joint working as crucial, as is the need to avoid the feeling of 'being done to' by the struggling school. Gwen Gutzmore, the Chair of Governors of the federation, was a governor at Holy Trinity School at the time and says governors instigated the move to federation because the success of the partnership with St John and St James was obvious.

Despite governors' certainty that this was the way forward, Gwen notes that parents initially had reservations, particularly concerning the loss of identity of Holy Trinity. To address these concerns governors consulted widely, talked to parents at every opportunity and met with them regularly to stress the benefits of federation and provide reassurance that the distinctive ethos of the school would be maintained.

Federation structure and leadership

The federation has an executive headteacher and a single governing body, consisting of 20 members. The governing body is responsible for high level strategy development as well as scrutiny, monitoring and holding to account the performance of each of the individual schools. A core aim of the governing body is also to maintain the distinctiveness of each of the individual schools. The six schools in the federation each has a head of school who is autonomous and holds decision making powers for their school, and a school committee of between five and ten members. The executive head and chair of governors both believe that these school committees are an essential part of maintaining the distinct identity of the schools. Although Sian Davies admits there is occasionally some duplication of work between the committees and the governing body, it is, she feels, a price worth paying to ensure the schools retain their individuality and are accountable to their local community.

Both the executive head and the chair of governors believe that the federation is key in attracting and retaining experienced and high quality staff at all levels because of the professional development and career opportunities offered across the partnership of schools. Staff come together for centralised training and professional development and have the opportunity to work across the federation. In addition all the schools have identified lead practitioners to provide intervention and support in key areas.

Current range of activities

The range and breadth of the federation's current activities give an indication of the value of schools coming together to pool expertise and resources, thereby achieving collectively what couldn't be achieved by an individual school. These include:

- Working in partnership with two schools outside the federation in challenging circumstances to secure rapid improvement.
- Working as a hub school for Initial Teacher Training (ITT) in partnership with the Institute of Education developing a nationally recognised model for ITT and training 18 teachers this academic year.
- A designated Assessment for Learning (AfL) school of excellence providing training in AfL for all schools in the LA.
- Securing funding from the London Schools' Excellence Fund to develop an innovative maths curriculum and best practice approach to teaching primary maths. This programme is now being rolled out across London schools.
- Providing an NQT training programme for the LA, training 45 Newly Qualified Teachers (NQTs) this academic year.

Case Study 2:

First Federation, Devon

20/31

Paul Jones, OBE, Executive Headteacher and Nick McGuire, Chair of MAT Board

Rural federation to raise standards and safeguard the future of small schools

The First Federation was formed in 2006 between Blackpool and Chudleigh Knighton C of E Primary Schools. At the time it was the first federation to be created in Devon and one of only a handful of federations nationally. Another two primary schools joined the federation in 2009 and by 2011 the federation had increased to six schools. The majority of the schools are small rural primaries which at the time of federation were under threat of closure due to falling pupil numbers, failure to recruit a headteacher, the need to raise standards or all three. Joining the federation has led to rapid improvement: all the schools are now judged to be 'Good' or 'Outstanding' by Ofsted and are oversubscribed. Paul Jones, Executive Headteacher, speaks of a moral obligation to improve schools in the area and secure their future for the benefit of local communities.

Leadership and governance

Each school is led by a Head of Teaching and Learning (HoTL) with responsibility for the day to day running of the school with a primary focus on improving and maintaining the quality of teaching and learning and outcomes for children.

Each school has a parents' forum to capture the views of parents and discuss issues local to each school.

In addition to the executive head, the federation also employs a central school business manager who is responsible for a team of school administrators, one in each school.

Originally the federation had a single governing body of 14 members, including parent representatives from each of the schools. The federation has recently become a MAT and has kept the name and identity of First Federation. The MAT board of directors has been reduced to nine members, the majority of whom have been recruited externally for their skills in business and finance. There are two parent directors who are drawn from the individual school parents' forums. The board meets four times a year. The chair of the board reports that the directors take their role very seriously bringing a high level of challenge and scrutiny to the work of the board. From time to time advisers are also brought in to supplement and enhance the board.

Nick McGuire believes that in the case of the MAT board it was necessary to recruit directors with different skills, including the ability to be more strategic and robust in their monitoring and holding leaders to account. Four members of the board have been specifically co-opted for their skills in accountancy, finance and other key areas.

Staffing

Teaching posts have for some time been advertised across the federation rather than for individual schools and staff are expected to be flexible and move between schools as required. There is therefore much sharing of expertise and the cross-fertilisation of ideas and practice. Over 90% of the teaching is currently judged to be either 'Good' or 'Outstanding' and Paul Jones is convinced that this is only possible because of the federation.

Staff also benefit from richer professional development opportunities, the chance to work in different school environments and improved leadership development opportunities across the schools, none of which would be available in stand-alone, small, rural schools.

Both the head and the chair of the MAT board believe the development opportunities and enhanced professional experience that they can offer leads to better recruitment of high quality staff and improved retention of staff at all levels.

Economic benefits

The centralised nature of the federation administration has enabled considerable economies of scale to be achieved on service level agreements and procurement of other services. The school business manager is highly effective and is frequently consulted by other schools and trusts.

A centralised budget allows on occasion for vulnerable schools to be overstaffed on a short-term basis and also allows for new teaching appointments to sometimes overlap with existing teachers to enable a smooth transition. It has also been possible in the past to financially support the transition from three to four classes in one small school until it became self-financing – a cushion that would not have been available without the federation.

Future developments

In 2013 the First Federation became a MAT and a teaching school. The Primary Federation teaching school led by the First Federation is a partnership of primary schools and academies from across Devon and Torbay, working to share skills, experience and talent to develop and train new, outstanding teachers.

5 top tips for successful federating

- Ensure that the federation structure enables real and strategic executive headship and true distributed leadership across the member schools.
- Be clear and committed to the changes you want to achieve but also regularly review your decisions and if you've got it wrong be ready to change.
- Develop a high quality data gathering and assessment system to track pupil progress across all schools and hold leaders to account.
- Governors must be strategic and talk about children not schools, so recruit governors with specific skills and the ability to ask difficult questions.
- If it doesn't make a difference to children, don't do it.

Case Study 3:

The Federation of Central Street Infants and Nursery School and Stubbings Infant School, Hebden Bridge

23/31

Kathryn Godfrey, Headteacher and Neil Hope-Collins, Chair of Governors

The benefits to pupils and staff of federating

The federation was created in September 2013 following three and a half years of close collaborative working between two schools: Central Street, a one form entry infant and nursery school with an additional class for nursery and infant children who are on the autistic spectrum, is a strong school with a long tradition of developing specialist teachers and sending teachers out on secondment to other local schools; and Stubbings Infant School, a small one form entry infant school with a toddler group.

In 2009 Stubbings was in special measures and the local authority asked Central Street to support the school following the departure of the headteacher and the creation of an Interim Executive Board (IEB). Initially the governors at Central Street were concerned about the impact on their school of the headteacher sharing her time between two schools and only with some reluctance did they agree to the arrangement. Over time however the benefits of school to school support for both schools became apparent and in January 2012 Stubbings School was judged to be 'Good' by Ofsted.

The decision to federate was in many ways an obvious next step given the close working relationship between the two schools says Neil Hope-Collins, the Chair of Governors. But it was also a pragmatic one given the difficulty of recruiting successful headteachers to small schools such as Stubbings and the anxiety about the possible departure of the Central Street Headteacher, Kath Godfrey. In order to retain Kath, her governors recognised that they needed to provide additional career development opportunities, such as becoming an Executive Head across two schools. This was a welcome professional challenge for the (now) Executive Head, Kath, and without this she admits she would probably have left to pursue career development elsewhere.

Becoming an executive headteacher required a significant change in mindset. According to Kath it is not about being the headteacher of two schools but about stepping back and being thoughtfully strategic; monitoring and quality assuring the work of the two schools, and making decisions in the best interests of all the children. Staff and governors also need to be encouraged to move from single school perspective to a commitment of ensuring all children in the community have the best possible education, which takes time.

Kath is also clear that federation has enabled the schools to recruit and retain good staff and offer richer Continual Professional Development opportunities together with the chance to share expertise and planning across the schools. She describes the work of the federation as very inspiring for teachers and staff generally, providing career development that would not otherwise be available to them.

Both Neil and Kath believe that in order to secure good leaders and recruit and retain excellent staff in the future, small schools will need to come together in federations.

Other benefits are economic, such as savings on the cost of leadership. Each school now has a deputy headteacher in charge of the day to day running of the school, shared professional training costs, savings on service level agreements and more flexibility around budgets generally.

Nevertheless despite the obvious benefits, the progress towards federation was a gradual one involving, as Neil Hope-Collins says, 'Winning hearts and minds'. Parents' concerns were mainly about the loss of the individual nature and character of their school, whilst staff were concerned about the perceived threats to the autonomy of each school and the sense of 'one school being taken over by the other'. These were dealt with by an extensive period of consultation. Neil Hope-Collins advises, 'Don't be afraid of over-consulting' and to allow plenty of time for this in order to take as many people as possible with you. Recognising parents' concerns, a great deal of emphasis has been placed on preserving the individual distinctiveness and identity of the two schools and both Kath and Neil believe this has been crucial to the successful establishing of the federation.

The federation has a single governing body and the challenge for governors has been to develop the new skills required to become federation governors. Some of the original school governors have moved to become members of the Federation governing body and Neil Hope-Collins believes this is necessary to retain a sense of continuity. However he also sees the importance of recruiting new blood and appointing governors with different skills who are not tied to the individual schools and can therefore more easily adopt a federation-wide view.

For the future Neil Hope-Collins and Kath Godfrey are open to the possibility of other schools joining the federation, though in all cases they believe this must be preceded by a period of collaborative working. A partnership with a local junior school is currently being developed with a view to better supporting the transition of pupils from KS1 to KS2.

5 top tips for successful federating

- Take time and don't rush the process of federating.
- Consult extensively in order to take everyone with you.
- Be clear about why you are federating and share that vision.
- Take an honest look at the challenges.
- Be clear about capacity and develop the right structures which allow key people to be in place.

Case Study 4:

The Arthur Terry Learning Partnership, Birmingham

Sir Christopher Stone, Executive Headteacher and Tim Sewell, Chair of MAT Board

25/31

The journey from single schools to a federation, to a MAT in order to provide the best education for all in one community

In 2009 The Arthur Terry School, a national support school and a specialist performing arts college, was asked by the LA to work with another local secondary school in a drive to improve their standards. At the time the school being supported had a pass rate of only 15% A–C grades at GCSE. Governors at Arthur Terry were concerned about the implications of taking on a failing school and asked, 'Can we be robust and rigorous enough to do this?' But Chris Stone, the then Headteacher of Arthur Terry believed they had a moral imperative to work with the school in order to improve the local education offer for all children regardless of which school they were attending.

From the outset each school also retained its own governing body, important in maintaining local accountability and distinctiveness, according to Chris Stone, who believes the issue of local democracy and accountability is crucial to the success of the federation. He comments that, 'Whilst schools may need to raise standards and improve it is essential their individual identity and link with the local community is preserved'. And allowing the two schools to keep their governing bodies reassured many who were concerned about the process of federating. After a period of collaborative working a federation of the two schools was created in 2009 with a federation governing body and an executive headteacher, Chris Stone.

The federation then began working with four local partner primary schools to improve the education at KS2 and to smooth the transition from primary to secondary school. The approach for this work came from the primary schools themselves who wished to forge stronger links with the federation and raise standards locally. Two of the schools, however, were graded 'Good' by Ofsted and could see the benefits to all concerned by sharing best practise and by supporting each other. Both schools are working towards 'Outstanding' outcomes at their next Ofsted and are better placed to achieve that following the collaborative work that they have been engaged in.

In 2012 the federation converted into a MAT, The Arthur Terry Learning Partnership. The principal reason was to be able to continue to work with a local school facing academy status after being placed in special measures. Chris Stone observes that they would have been content to remain a federation but becoming an academy sponsor meant they were able to maintain their focus on working with their partner schools to raise standards locally. There are four primary schools and three secondary schools in the MAT, all distinctive and separate schools serving quite different communities. Geography and the sense of a learning community are important to the MAT, which has a strong local focus: no school is more than 9 miles from another. For the future the plan is to consolidate and deepen links in the three communities.

The federation and subsequently the MAT have greatly increased the training and professional development opportunities for staff across all the schools. Staff come together for training; a recent inset day was attended by over 600 primary and secondary colleagues, and school business managers, site managers and early years professionals have opportunities to come together with their peers from the other schools. There is a range of leadership programmes available to staff at all levels and specialist leaders of education (SLEs) move between schools working with colleagues to improve practice. As an executive head, Chris Stone sees one of his main roles as coaching and mentoring the headteachers of the individual schools and growing and developing new leaders.

The chairs of governors of the individual school local governing bodies sit on the MAT board. The chair of the MAT board, Tim Sewell, notes that to be effective in this role governors need to become more outward-facing and develop a wider perspective beyond the interests of their own school. He admits that this has been a challenge for some but the fact that all the local governing bodies undertake training together twice a year has been very effective and encouraged a more community focus.

As chair of the MAT board, Tim Sewell regularly visits the school local governing bodies to maintain relationships with local governors and reinforce the sense of common purpose across the MAT.

5 top tips for maximising the effectiveness of federation

- Maintain a focus on supporting local schools and the moral purpose of improving standards for all children in the community.
- Develop a framework of mutual understanding, trust and reciprocity between schools through clear communication, open discussion and engagement.
- Have robust standards and high expectations.
- Avoid the sense of one school being 'done to' by another. Schools must come together as equal partners.
- To develop resilient leadership in order to mitigate against the cycle of rise and fall in standards which can blight a community.

How the National College for Teaching and Leadership (NCTL) can help you

27/31

As outlined in *The Role of School Governing Bodies: Government response to the Committee's Second Report of Session 2013–14* the government had doubled its investment in governance support and training offered by NCTL. Believing that high-quality clerking is key to governing body effectiveness, NCTL is designing a new training programme for clerks. This work will be carried out by NCTL, so that by March 2015:

- The Chairs of Governors' Leadership Development Programme will expand to reach over 6,500 chairs, vice-chairs and aspiring chairs.
- Designate up to a total of 535 high-quality chairs as national leaders of governance (NLG).
- Develop and roll out a programme of training for 2,000 clerks to governing bodies.
- Develop and publish training resources on governance in MATs, and in federations.
- Deliver high-quality training for governors on specific key policy priorities, including understanding performance data, driving financial efficiency in schools, and developing new performance-related pay arrangements for teachers.
- Provide resources and processes on reviews of governance.
- Leading governors' resource to be publically available.

If you are interested in getting involved in any of these areas, please email governors@education.gsi.gov.uk or visit our website <https://www.gov.uk/school-governors-professional-development>

More help and resources

Membership of NCTL is free and gives you access to a range of services, benefits and networking opportunities, including:

- a monthly e-newsletter
- a comprehensive library of leadership resources and research
- training events
- online seminars, discussions and networking opportunities exploring current issues, good practice, school improvement and leadership development

For more information and to register, go to www.nationalcollege.org.uk.

Key contacts

28/31

Department for Education

The Department for Education (DfE) offers a range of information and advice for governors of all types of school, from guidance on the law and constitution of the governing body to committees, training and year planning.

www.gov.uk/schools-colleges/governance

National Governors' Association

The National Governors' Association (NGA) is an independent membership organisation that represents school governors of maintained schools and academies in England. Its aim is to improve the wellbeing of children and young people by promoting high standards in all our schools, and improving the effectiveness of their governing bodies.

NGA materials mentioned in this document are available on the NGA website at www.nga.org.uk.

Tel: 0121 237 3780

Email: governorhq@nga.org.uk

www.nga.org.uk

GovernorLine

GovernorLine offers free, confidential advice, information and support to school governors, clerks and individuals involved directly in the governance of maintained schools in England.

The service is free and open from 9am to 8pm, Monday to Friday.

Tel: 08000 722 181

National Co-ordinators of Governor Services

National Co-ordinators of Governor Services (NCOGS) represents local authority providers of services to school governors. It is a source of good practice in training, materials and support services regionally, and also lobbies national bodies on governance issues.

www.ncogs.org.uk

SGOSS

SGOSS (formally School Governors' One Stop Shop) is an independent charity dedicated to recruiting volunteers with added-value skills and helping place them on school governing bodies across England. Its services are free to volunteers, employers, schools and local authorities.

Tel: 020 7354 9805

Email: info@sgoss.org.uk

www.sgoss.org.uk

Freedom and Autonomy for Schools – National Association (FASNA)

Freedom and Autonomy for Schools – National Association (FASNA) is a national forum for self-governing primary, secondary and special schools and academies. FASNA has an Executive Board with elections structured to ensure equal representation of primary and secondary representatives, including heads and governors as well as clerks to governing bodies.

Tel: 0115 917 0142

Email: admin@fasna.org.uk

www.fasna.org.uk

Independent Academies Association

The Independent Academies Association (IAA) is a national body representing state-funded independent schools. A membership association, it brings academy leaders together, runs events and represents members' views on education policy to ministers.

Tel: 0115 942 1238

Email: iaainfo@iaa.uk.net

www.iaa.uk.net

The Schools Network

The Schools Network provides a range of training programmes for academy and school governors, including an academy governor programme.

Specific programmes are available for governors of recently converted academies to ensure that all governors are fully up to date with their new roles and responsibilities, and chairs of academy governing bodies can join a free network to receive academy-specific updates. For further details, see www.ssatuk.co.uk/governors.

Tel: 020 7802 2300

Email: info@ssatuk.co.uk

www.ssatuk.co.uk

Schools featured in the case studies and accounts of practice

- Primary Advantage Federation, Hackney
<http://primaryadvantage.co.uk/>
- First Federation, Devon
www.firstfederation.org/
- The Federation of Central Street Infants and Nursery School and Stubbings Infant School, Hebden Bridge
- The Arthur Terry Learning Partnership, Birmingham
<http://ats-lp.arthurterry.bham.sch.uk/Pages/default.aspx>

References and further resources

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National College, 2014, *Leading Without Limits*

National College, 2014, *Governance in Multi-Academy Trusts*

National Governors' Association, 2014, *The Road to Federation*

Ofsted, 2011, *Leadership of more than one school*

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