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Guidance

Federations: guidance on the governance processes

Updated 27 September 2022

Applies to England

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1. Introduction

All categories of maintained school, including voluntary-aided, foundation schools and maintained school nurseries can federate together under one governing body. Academy schools cannot federate or join a federation.

The establishment and membership of a federation means that the governors and school leaders commit to improving the outcomes and life chances for all children across the federation, as opposed to just a single school.

The Department for Education (DfE) wants all schools to benefit from the support and opportunity to collaborate that comes from being in a strong multi-academy trust. In addition to the benefits that can arise from being in a federation, a strong academy trust can provide:

- financial resilience
- the opportunity for a central approach to curriculum design and expertise

- economies of scale in the procurement of key services
- the best structure for effective teacher recruitment, training and deployment across the trust

Details are in the White Paper [‘Opportunity for all: strong schools with great teachers for your child’](#).

Use the following links for information and guidance on joining or creating an academy trust:

- [Convert to an academy: guide for schools](#)
- [Multi-academy trusts: establishing and developing your trust](#)
- [Local authority-established multi-academy trusts: registration of interest](#)

Definition and statutory context

A [federation is defined in law](#) as 2 or more maintained schools (including nursery schools) operating under the governance of a single governing body. Each federated school is treated as an individual school, meaning it:

- keeps its existing DfE category and does not gain, lose, or change its religious character through being part of a federation
- continues to have its admissions determined by the appropriate admission authority
- will receive individual budgets, noting that the local authority can allocate this as a single budget share to the federated governing body. Additionally, the federated governing body, upon receiving the delegated budget for all the schools in the federation, can allocate the budget to each individual school or pool all or part of the budget with the agreement of governors.
- is inspected individually by OFSTED
- can still be subject to a Direct Academy Order (DAO)

Pupil Referral Units (PRU) are not able to federate as they are not legally defined as a maintained school.

The statutory context for federations includes:

- [The Education Act 2002](#)
- [The School Governance \(Federations\) \(England\) Regulations 2012](#)
- [the School Governance \(Constitution and Federations\) \(England\) Amendment Regulations 2016](#)

These set out how:

- a federation and its management must be constituted
- schools join and leave (defederate) a federation
- a federation is dissolved

Governing bodies who decide to federate must do so in accordance with [The School Governance \(Federations\) \(England\) Regulations 2012](#).

2. Setting up a federation: statutory steps and guidance

Before deciding to federate

The initiative to federate should come from the headteachers or governors of the schools. However, the local authority and, where relevant, the diocese or other religious body must be involved in any considerations to federate

As a governing body, you should make sure you understand the federation process and recognise the timelines and commitments involved. You may find it useful to:

- get advice from your governance professional (clerk)
- talk to the local authority, diocese or other religious bodies (where appropriate), or the Regional Director
- visit other federations and academy trusts
- receive your own legal advice

The department would encourage any maintained school to explore the multi-academy trust model for collaboration.

In creating a single federated governing body, it is important to understand that the governing bodies of both schools do not amalgamate into one body. This is because the original governing bodies are dissolved upon the date of federation and a new governing body of the federation is incorporated. The newly federated governing body should be no larger than it needs to be to oversee the strategic direction across all schools within the federation.

Before the formal consultation

To propose a federation, you must follow the prescribed legislative process set out in [The School Governance \(Federations\) \(England\) Regulations 2012](#).

The governing bodies may set up a joint governance working party (joint committee) that includes at least one governor from each of the schools proposing to federate. The joint committee will:

- plan and manage the formal consultation process
- keep all parties informed about progress

Where there is not a joint committee, the governing bodies are responsible for undertaking the above.

The proposal to federate

You must:

- write a report on the proposal to federate – this can be done by the joint committee
- arrange a full governing body meeting for each individual school, giving 7 days' notice of the date
- make the report an agenda item at the meeting

The governing bodies must attend this meeting to discuss and consider the report.

When developing the report on the proposal to federate, school leaders and governing bodies should:

- inform staff and professional associations that discussions are taking place and tell them about the implications for all schools involved

- spend time establishing the vision for the federation, involving stakeholders, being clear about the reasons for federating and the expected outcomes
- involve the diocese or equivalent relevant religious body, where schools with a religious character are intending to federate, at an early stage; this may also include site trustees and Parochial Church Councils. The appropriate religious body must approve the proposed instrument of government later in the process.
- discuss leadership and governance structures to avoid misunderstanding and confusion later - the governing body of the federation should be no larger than it needs to be to undertake their role and must not be an amalgamation of the existing governing bodies. It should not include all previous members of the federating schools' governing bodies.

Governing bodies should make sure there are ongoing discussions with all interested parties and key stakeholders, such as the appropriate religious body where schools with a religious character are involved.

To prepare for the formal consultation process, the governing bodies should:

- design a new governance structure for the federation
- draw up a leadership structure that identifies key roles and responsibilities and gives careful thought to all the implications of the changes
- decide the federation's ethos, values, name, and strategic direction
- engage in discussions with the local authority to identify any human resource issues emerging from the work of the joint committee, and seek appropriate advice and guidance to resolve these issues
- examine the financial implications of federating; while each school will continue to receive its own budget, the local authority and/or federated governing body may decide to pool funds
- plan a strategy and a timeline for conducting the formal consultation
- consider whether, if schools are from more than one local authority, Transfer of Undertakings (TUPE) considerations may be required depending upon the employment situation of the schools that are federating. For example, in federations including foundation, foundation special, and voluntary-aided schools, TUPE considerations will be required, as there will be a change of employer. Schools should obtain their own legal advice.
- make a decision on which local authority will make the instrument of government of the federation

Joining an existing federation

Schools intending to join an existing federation must give notice of the proposal to federate to the federation's governing body. The governing body of the existing federation then considers whether to:

- give preliminary consent to the school to join the federation
- decline the proposal

To add a new school to an existing federation the federation must:

- dissolve the existing federation
- set up a new federation with all schools involved
- constitute a new governing body, including elections for elected governor positions

All steps of the federation process, as set out in legislation, must be followed by the schools and the existing federation.

The constitution and size of the new federation's governing body should be

considered carefully. It should not be a case of simply adding governors to the existing federation governing body to reflect the additional schools. This could result in a body that may be very large and not as effective in its role.

The formal consultation

The governing bodies must prepare and agree a formal proposal for consultation, and have it approved by all the governing bodies concerned. Governing bodies should discuss the details with the local authority, and the diocese or equivalent relevant religious body where appropriate.

The proposal can be prepared by the joint committee.

Each governing body must complete the following statutory process:

- publish the proposal and send this to:
 - all headteachers and staff
 - all parents and carers
 - the local authorities
 - the diocese or other religious body, if appropriate
 - the foundation governors and trustees of any trust relating to the school within the proposed federation which has a foundation
- notify the Secretary of State within 7 days of publication by sending a copy of the proposal document to: SchoolFederation.NOTIFICATIONS@education.gov.uk
- make the proposals available for inspection at reasonable times at the school

Each governing body should also:

- organise consultation events where governors can explain the 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 to understand and address any concerns staff may have

The proposal document

The proposal document must contain:

- the names and confirmed agreement (that they wish to federate) of all the governing bodies involved in the proposal to federate
- details of the proposed size and constitution of the federation's governing body
- the date of the proposed federation
- details of the proposed staffing arrangements, including the arrangements for headteachers and whether there are any TUPE considerations:
 - unless there are staff vacancies in the schools concerned, the schools should assume that they will federate with their existing staffing arrangements
 - staff in community and voluntary-controlled schools are employed by the local authority and this will remain unchanged upon federation. In foundation and voluntary-aided schools the federation's governing body will become the employer.
- the identity of the admissions authority for the schools within the proposed federation
- the address and the date, not less than 6 weeks after the publication, by which written responses to the consultation must be returned to the appropriate governing body. Schools should remember to consider school closure days when

- deciding on the consultation period.
- such other matters as the governing bodies consider appropriate

How to set up (constitute) a new governing body

The schools must form a new federated governing body. The governing body of the federation should not:

- be an amalgamation of the existing governing bodies of the schools
- include all previous members of the federating schools' governing body

It is recommended that a governing body contains an odd number of governors to help reduce the risk of a split vote, whereby the chair would have a deciding vote.

The schools' governance professionals (clerks), working together, can assist in advising on appropriate governance structure.

Regardless of the number of schools in a federation, its governing body cannot have fewer than 7 members and must include:

- only 2 parent governors
- the headteacher of each federated school, unless the headteacher resigns as a governor
- only one staff governor
- only 1 local authority governor

New elections will need to be held for elected governor positions.

There are also specific requirements for federations which include foundation and voluntary schools as set out in the [additional requirements for federations comprising foundation and voluntary schools legislation](#).

Headteachers including executive headteachers

A headteacher is a person who is:

- being paid on the headteacher pay range of the appropriate headteacher group
- performing the duties in the school, which the board has conferred upon them through the [School teachers' pay and conditions document](#)

There are a number of different scenarios for school leadership in a federation. For example:

- each school has its own headteacher and therefore all headteachers are entitled to a place on the governing board
- one headteacher has responsibility for all the schools in the federation (and may have the title executive headteacher), and therefore that one headteacher is entitled to a place on the governing board
- one executive headteacher oversees all the schools in the federation and each school has its own headteacher, therefore all headteachers will be entitled to a place on the governing board

Where there is one executive headteacher alongside heads of schools, only the executive headteacher will be entitled to a place on the board, unless the heads of school are paid on the headteacher pay scale.

The department strongly recommends against proposals, when constituting a proposed federated governing body, to carry a headteacher vacancy. It also does not expect the instrument of government to carry an additional post where one does

not exist in reality.

Parent and staff governors

New elections will need to be held for elected governor positions.

Parent governors are not representatives of the parents or carers of their child's respective individual school. All parents and carers of the federated schools' pupils are entitled to put themselves forward for election regardless of the school their child attends in the federation. Parent governor places should not be reserved for parents of a particular school.

The [School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2016](#) states that the governing body of a federation must include only 2 parent governors. Under these regulations, a federation cannot stipulate that a parent is elected from each school in a federation. The 2 parent governors can come from across the parent and carer body, which could mean they can be from the same school. All governors, including parents, are responsible for all schools within the federation. They are not there to represent a single school.

The staff governor exists to bring their experience and knowledge as a member of staff and not to represent staff.

Co-opted governors

The governing body may appoint as many co-opted governors as it considers necessary. Federations comprising of foundation and voluntary schools may need to have a majority of foundation governors. This should be considered when thinking about the number of co-opted governors and overall size of the governing body.

A co-opted governor should not be selected to 'represent' the views of a particular group: for example, the parents and carers at one of the schools within the federation or the members of staff at one of the federated schools. All governors on a federated governing body are there to consider the interests of all the pupils and schools within the federation.

Where a parent has the required knowledge, experience or skills required by the governing body, they could instead be appointed as a co-opted governor, rather than be elected as a parent governor.

The total number of co-opted governors who are also eligible to be elected or appointed as a staff governor (when counted with the staff governor and the headteacher positions) must not exceed one third of the total membership of the governing body of the federation.

Foundation and partnership governors

Federations which include foundation and voluntary schools are required to have specific numbers of foundation or partnership governors as set out in [The School Governance \(Federations\) \(England\) Regulations 2012](#). When calculating the number of governors required to comply with regulations, round the number to the nearest whole number.

The governing body of a federation comprising:

- only qualifying foundation schools must also include such number of foundation governors as to outnumber all the other governors by up to 2
- only voluntary-aided schools must also include such number of foundation governors as to outnumber all the other governors by 2
- only voluntary-controlled schools must also include at least 2 (but no more than one quarter of the total) foundation governors
- voluntary-controlled schools and community, community special or maintained

nursery schools must also include at least one foundation governor

- more than one category of school including at least one foundation, foundation special or voluntary-aided school must also include at least 2 foundation governors (or partnership governors as appropriate in respect of any school without a foundation)
- only foundation or foundation special schools which do not have a foundation, in either case, must also include at least 2 (but no more than one quarter of the total) partnership governors
- only foundation or foundation special schools which have a foundation, but which are not qualifying foundation schools, must also include at least 2 (but no more than 45% of the total) foundation governors

Associate members

Associate members can be appointed to a committee of the governing body based on their specific expertise and experience, so that they can contribute to the effective governance and success of the school. They:

- are appointed to serve on one or more committees by the governing body
- are not governors and they are not recorded in the instrument of government
- cannot be appointed to the governing body (they may attend full governing body meetings, but they are not governors and do not have a vote in governing body decisions)
- may be excluded from any part of a meeting where the business being considered concerns a member of school staff or an individual pupil

Further information on the role of an associate member can be found in the [maintained schools governance role descriptors](#) and the [governance handbook](#).

After the formal consultation process

Once the closing date for consultation has passed, the joint committee should collate the responses and submit them to each of the schools' governing bodies. The governing bodies must:

- jointly consider any responses
- decide whether they wish to proceed with forming a federation

If one or more of the governing bodies decide that they do not wish to proceed, those governing bodies must inform:

- the relevant local authority and the Secretary of State within one week of the decision
- all relevant stakeholders

If the remaining schools still want to pursue a federation, then those schools must start the procedure again and produce another proposal for consultation.

If all the governing bodies still wish to proceed, they must:

- decide whether to proceed with the proposals as published, or with any appropriate modifications
- give notice to the local authority(s) within one week of the decision, and the diocese or other religious body (if appropriate), and inform all stakeholders by sending letters to parents, carers, staff and professional associations, and any others subject to the consultation
- give notice to the Secretary of State of their decision on the proposals within one

- week of the decision, to SchoolFederation.NOTIFICATIONS@education.gov.uk
- prepare to update their schools' records on [Get Information About Schools \(GIAS\)](#)

Schools that have a joint committee could continue to use it to facilitate the next steps effectively.

Preparing the Instrument of Government

The governing bodies of the schools that are forming the federation must prepare a draft [Instrument of Government for Federated Governing Bodies](#) for submission to the local authority, and the diocese or other religious body where required, prior to the formation of the federation. The joint committee can prepare this on behalf of the governing bodies, but the governing bodies must approve and submit the finalised version.

This instrument must be checked for compliance with the statutory requirements by the local authority, even though the outcome of the consultation is not yet known. A local authority can only decline to make a new instrument of government if the draft instrument does not comply with all the applicable statutory provisions.

Where the federation will have foundation governors, the governing bodies of the proposed federation must not submit the draft to the local authority unless it has been approved, in respect of each foundation or voluntary school, by:

- the school's foundation governors
- the trustees of any trust relating to that school
- the appropriate religious body in the case of a Church of England or Roman Catholic Church school
- the appropriate religious body, in the case of any other school designated under Section 69(3) of SSFA 1998 as having a religious character

The department strongly recommends that this approval is obtained in a written format.

As soon as it is approved, the local authority must provide a copy of the draft instrument of government, or a consolidated version where there has been an amendment, to each member of the governing body of each school proposing to federate.

Before the federation date

Before the new federation is incorporated, each governing body must:

- prepare a report explaining how governors have discharged their former responsibilities – a paragraph summary similar to the one in a headteacher's end of year report is sufficient
- provide all the previous governing bodies' minutes and papers, including confidential papers and the above report, to the federation's governing body

Any outstanding decisions from the work undertaken by the joint committee should be made. The federation should also:

- appoint a governance professional (clerk) to manage and support the federation governing body, including:
 - organising and managing the election of the one staff and 2 parent governors, either alone or with the joint committee

- setting up a secure filing system for the federation governing body documentation, including all previous governing bodies' minutes, papers, and reports
- ensure all parents and staff across the proposed federation receive the same letter from their own school asking for nominations for parent and staff governors; the election process is conducted in line with guidance available from the local authority
- agree the governing body's committees, and decide which individuals to appoint to them
- identify governors to manage the performance of the headteachers/executive headteacher
- ensure the work with human resources on new contracts or contractual issues is completed
- make financial projections, based on any decision to pool budgets
- ensure that they are aware of the structural differences between the schools in the federation, where these differ
- begin work on key areas for school and federation improvement
- consider due diligence and prepare inventories of the assets of each school for the new federated governing body
- draw up the agenda for the first meeting of the newly constituted governing body

On the federation date

On the federation date, the existing governing bodies are dissolved (including the established federation, if one exists) and the governing body of the new federation is incorporated.

All land and property held by the schools' governing bodies before the federation date is transferred to the federated governing body.

All rights and liabilities that existed immediately before the federation date are also transferred to the federated governing body. It can be helpful to seek legal advice at this stage.

Each school or federation must update their school's record on [Get Information About School \(GIAS\)](#). If there is an existing federation record, this will need to be closed on GIAS and a new federation record set up. Use the [GIAS guidance documents](#) to help, or get support by using the [data collections request for assistance form](#).

3. Leaving and dissolving a federation

Removing a school from a federation (defederation)

When a school decides to leave a federation (defederate), [the School Governance \(Federations\) \(England\) Regulations 2012](#) must be followed.

A written request to leave a federation must be sent to the governance professional (clerk) or chair of the governing body of the federation. It must be signed by one of the following:

- 2 or more governors

- the parents of at least one-fifth of the registered pupils at the school requesting to leave
- at least two-fifths of staff who are paid to work at the school requesting to leave
- the local authority
- the trustees of any trust relating to that school (if relevant)
- a body entitled to appoint foundation governors to the governing body of the federation (if relevant)

The governing body of the federation must give notice of the request to:

- all relevant local authorities, within one week of the request
- the headteacher/executive headteacher of the federation or the headteacher at each federated school, within one week of the request
- staff paid to work at the school requesting to leave
- every parent of a registered pupil at the school requesting to leave
- the trustees of any trust relating to the school requesting to leave, where the school is a foundation or voluntary school with a religious foundation
- the appropriate diocesan authority, in the case of a Church of England or Roman Catholic Church schools, and for all other such schools, the appropriate religious authority
- anyone else the governing body of the federation considers appropriate – for example, the parents and staff of the other school(s) in the federation and/or professional associations

Not less than 14 days after giving notice of the request, the federation's governing body must consider the request and all responses received and decide whether the:

- school should leave the federation and the date of leaving
- federation should be dissolved and the date of dissolution
- school should not leave the federation

This decision must be made at a governing body meeting, as a specified item on the agenda.

The governing body must notify the group of people listed above about their decision within one week. If it is decided the school should leave the federation, the Secretary of State must be notified within one week of the decision by email to SchoolFederation.NOTIFICATIONS@education.gov.uk.

The governing body of the federation must review the instrument of government and may need to consider elections to fill staff or parent roles which were previously filled by staff or parents from the defederating schools.

[The School Governance \(Federations\) \(England\) Regulations 2012](#) provides further information on the process including what to do with budgets and the transfer of properties, rights and liabilities.

When a federated school is discontinued

If a school in a federation is closing (discontinued), follow the specific steps in the [School Governance \(Federations\) \(England\) Regulations 2012](#).

If there are at least 2 schools left in the federation, the governing body of the federation:

- must review the instrument of government before the discontinuance date
- may need to consider elections to fill staff or parent roles which were previously

filled by staff or parents from the discontinued school

If only one school is left, the federation will dissolve as set out in the [School Governance \(Federations\) \(England\) Regulations 2012](#) and [Dissolving a federation](#).

Dissolving a federation

The dissolution of a federation happens if the governing body of the federation decides to dissolve the federation, so that the individual schools become separate maintained schools. This includes where a school has made the decision to leave a federation or is discontinued, where they are one of only 2 schools.

The schools may also join or form a multi-academy trust (MAT).

The governing body of the federation must give notice of the decision and of the date of dissolution within one week to:

- the Secretary of State
- all relevant local authorities
- the headteacher or executive headteacher of the federation or the headteacher of each federated school (where appointed)
- staff paid to work at the federation or a federated school
- every parent and carer of a registered pupil at a federated school
- the trustees of any trust relating to the relevant school, where the relevant school is a foundation or voluntary school with a religious foundation
- the appropriate diocesan authority, in the case of a Church of England or Roman Catholic Church schools and for all other such schools, the appropriate religious authority
- anyone else the governing body considers appropriate, for example, the parents and staff of the other schools in the federation and/or professional associations

Setting up a temporary governing body when a federation dissolves

If a school has made the decision to leave a federation, where it is one of only 2 schools, or where a federation is to be dissolved and a notice of dissolution has been received, the local authority must:

- set up a temporary governing body for each school in accordance with Parts 3 and 4 of the [New Schools Regulations](#)
- issue a new instrument of government for each school

On the dissolution date:

- the temporary governing body of each school is incorporated as the governing body of each defederated school on the date the federation dissolves
- all land or property which, immediately before the date of dissolution, was held by the governing body of the federation for the purposes of each defederated school, transfers to the new governing body of each defederated school
- all rights and liabilities existing immediately before the date of dissolution which were acquired or incurred by the governing body of the federation for the purposes of each defederated school transfer to the new governing body of each defederated school

Applying for an Academy Order

An application for an Academy Order for a federated school must be made under Section 3 of the [Academies Act 2010](#) and Part 9 of [The School Governance \(Federations\) \(England\) Regulations 2012](#) by those governors, being no fewer than 3 in number who:

- together make up a calculated proportion of the total number of governors – this proportion is determined by dividing one by the total number of federated schools (if this proportion of the total number of governors does not give a whole number, it must be rounded up to the nearest whole number)
- includes at least 50% of governors of the federated governing body who fall within the following descriptors:
 - the headteacher of the federated school, unless the headteacher has resigned the office of governor
 - any parent governor or parent governors elected by parents of registered pupils at the federated school
 - any staff governor employed by the federated governing body or local authority to work at the federated school
 - where the proposed application is for a foundation or voluntary school, any foundation governors appointed in respect of the federated school

Where a federated school with a religious character is intending to apply for an Academy Order, the school should consult their religious authority at the outset.

The relevant regional director will then consider the application and decide whether to issue an Academy Order.

Find out more from the guidance on [forming a multi-academy trust](#).

Converting to a multi-academy trust

The process for a federation to convert to a multi-academy trust is not set out in legislation.

The federation's governing board should make an [application for an Academy Order](#). When the application process is complete, the federation should then be [dissolved](#), immediately before the schools' conversion to academies. The schools will not need to create a new instrument of government because of the conversion.

The federation governing board should follow the steps of notifying relevant parties of its [dissolution](#). The federation should also update GIAS, including closing the federation on the dissolution date.

The legislation does not provide for automatic dissolution. A federation that wants assurance about whether the federation automatically dissolves when its schools become an academy should seek their own legal advice.

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