

Federation – Notes for Church of England Schools

A formal hard governance federation (as opposed to the many uses of the word ‘federation’ for non-statutory models of collaborative working) was facilitated through the 2004 Act, revised in 2007. Schools seeking to form a federation under this legislation will have a single governing body over all schools within the federation. Regulations set out the statutory process and consultation required by any school considering such a proposal. Federation is **not** amalgamation.

Key Points of Federation

- On the effective date, the governing bodies of the schools proposing federation would relinquish their individual autonomy and transfer power to the Federated Governing Body.
- There will therefore be a single governing body over all schools within the federation.
- Each school retains its name, category, budget, staff.
- Each school can retain its headteacher.
- In the event of a headteacher resignation within the federation, the federated governing body can legally appoint another headteacher from within the federation as headteacher without recourse to national advert.
- Each school within a federation retains the budget for a headteacher, whether or not they have their own.
- Each school has its own Ofsted (and if a Church school its SIAS) inspection, though increasingly these are co-ordinated to happen very close together for all schools within the federation to minimise stress and disruption
- The federated governing body cannot require existing staff to work across all schools within the federation, but can appoint new staff to do so.
- Models for the constitution of the federated governing body are set out within the Federation Regulations and cover all combinations of school, ensuring a minimum representation from every school within the federation.
- Statutory consultation on federation proposals must take place and the Diocesan Board of Education is a statutory consultee for all church schools.
- Although governors on the federated governing body will have a particular interest in the school they represent, all the governors will have joint and several responsibility for the schools in the federation. The federation is therefore a true partnership. Governors must not see it as their role to protect the interests of one school in the federation, but to secure the interests of all schools.

Statutory Process

1. Informal discussions and decision in principle to proceed by each school considering federation.
2. Statutory Consultation – minimum 6 weeks
3. Joint meeting of governing bodies to consider outcomes from the statutory consultation.
4. Individual governing bodies make their final decision.
5. New Instrument of Government for the Federation is drafted and approved.
6. Federation takes effect from the effective date.

The Consultation Document

This must must be drafted and sent to:-

- DfE
- Diocese and LA
- All staff and their professional associations
- Parents/carers of all registered pupils
- Foundation Governors & School Trustees
- Anyone else considered relevant (n.b. it is good practice to circulate to all local schools).

The content of the Consultation Document is prescribed by regulations.

Benefits

- Consistency of teaching and learning methodology especially cross-phase
- Reduced transitional dips in pupil performance
- Streamlining of policies and structure
- Sharing of best practice, preparation materials and resources
- Enhanced opportunities for pupil activities
- Enhanced opportunities for staff professional development
- Increased opportunity for middle management development
- Improved social opportunities for pupils
- Financial efficiencies through economies of scale

Disadvantages

- Heavy workload for governors during inception and first year
- Potential loss of experienced governors (can stay on as sponsor governors or Associate Members)

Keys for Success

- Building of trust between governors and school communities
- Commitment from all schools involved
- Shared vision
- Clear leadership structures
- Sufficient time for all parties to be at ease with the proposed changes
- All to feel like equal partners
- Sense of ownership of process by the schools
- Good communication

The decision to federate lies with the governing bodies of the schools involved, and although it can be encouraged and supported by local authorities or dioceses, they do not have the authority to impose a federation.

Specific Issues for Church Schools in Federations

- I. While the Federation Regulations allow for the federation of any different type of school, the constitution of the federated governing body can be an issue when church schools federate with other categories of school.

Ideally, it is best when VC schools federate with other VC schools, and VA with VA, but other combinations are possible providing there is a commitment from the whole federated governing body to honour and support the Church of England character of any CE school in the federation.

VC/Community school federations can work very effectively but with the following issues:

- The maintenance of foundation governors for each VC school within the federation is critical to maintaining the ethos and Christian distinctiveness of the school.
 - A balance of clergy and lay foundation governors should be sought; there should be consideration of models of chaplaincy and pastoral support across the federation.
 - Foundation governors should not be left to undertake the RE, PSHE, SIAS and Collective Worship policies across all schools within the federation unsupported. There must be corporate responsibility from the federated governing body for **all** aspects of **each** of the schools within the federation
 - The appointment of an executive head across the federation must be very carefully considered (see below)
2. The trust deed of each church school must be checked to ensure that there are no requirements contained within it which would inhibit a federation. Most issues can be resolved by making a submission to the Charity Commission, but care should be taken in relation to early years and extended services provision, and if children from a different age range may be taught at the school under the federation arrangements.
 3. The instrument of government for the federated governing body **must** contain the National Society recommended ethos statement for all church schools. This and the trust deed are the legal documents underpinning the school's Christian distinctiveness and must not be weakened or overlooked.
 4. The Church of England schools' governing bodies proposing to federate must send a copy of the draft Instrument of Government for approval to:-
 - (a) that school's foundation governors;
 - (b) that school's trustees;
 - (c) the Diocesan Board of Education.

Only if approved, can the Instrument be sent to the LA to be formally made. Although it has not been tested in law, the requirement to obtain the consent of the foundation governors, trustees and DBE means that these bodies could effectively veto a church school entering a federation. It is therefore essential that these bodies are consulted at an early stage so that any issues can be considered and addressed.

5. Appropriate training in 'Church School Distinctiveness' should be provided automatically for all members of a federated governing body involving one or more church schools.
6. If a VA school federates with any category of school, then the federated governing body may no longer contain a majority of foundation governors, unless this has been agreed by all parties involved. This is obviously a fundamental issue for VA schools as it could represent a diminution of the strength of the school's foundation and Christian distinctiveness.
7. Where an executive headteacher is appointed over schools within the federation, it is essential that the person appointed should be willing and able to maintain and develop the distinctive Christian character of any church school within the federation. Equally, if a church school within a federation is recruiting a new headteacher, then the federated governing body must respect the religious character of that school and seek to recruit an appropriate headteacher. It is essential that the DBE should be consulted about all these matters. The Diocesan Director of Education should be

afforded the normal advisory rights, especially in relation to the recruitment of a headteacher (or executive headteacher).

8. In a mixed VA/non VA federation, the federated governing body will be the admissions authority for the VA school, while the local authority will be the admissions authority for any VC or community school. While this is possible, the governors need effective training and to have fully embraced the shared vision for the federation.
9. In a mixed VA/non VA federation, the governing body will also be the employers of the staff at the VA school, but not at the VC or community school. This can generate issues over contracts for staff working across more than one school in the federation, including an executive head, but work with the LA HR (Human Resources) team can find an appropriate means of resolving any problems.
10. The capital funding for VA and non VA schools is different and VA capital cannot be vired across and used in non VA schools. This inhibits the ability to effectively share resources in a mixed federation.
11. The governing body of a VA school is responsible for funding 10% of all capital costs. Where a VA school joins a federation, then this responsibility passes to the federated governing body. All schools must understand this responsibility before entering into the federation. A VA governing body must not see federation as a means of diluting or transferring its responsibility for its 10% liability, but equally other partners within the federation may be able to provide practical help and support in fundraising etc. It is helpful if the expectations in respect of capital funding and liabilities are agreed upfront as part of the consultation, and formally minuted, so that there is a clear agreement as to the way forward. Federation should be seen as a true partnership, and all federated schools should work together to support one another for the good of the pupils.

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