

Formal Collaboration Process

Consultation Process for Formal Collaborative Working

Unlike setting up a federation, there is not a requirement for any formal consultation. However, before entering into such arrangements, and depending on its nature and purpose, it is advised that the views of staff, parents, Local Authority and, where necessary, the Anglican and Catholic Diocese and any other key partners are sought. Governors of the individual schools will make the final decision, taking into account any views, in the usual manner through a simple majority taken at a meeting which is quorate.

Establishment of Joint Committees

Two or more governing bodies may arrange for any of their functions to be discharged jointly and may delegate any of their functions to a joint committee in the same way that they may delegate them to a committee of a single governing body as recorded in School Governance Regulations (procedures) (England) Regulations and explained in the Governance Handbook. This will allow a wide range of operational models, from an overarching committee delegated to take strategic decisions on behalf of two or more governing bodies, to setting up single issue committees such as premises or curriculum committees. It will also allow the ad-hoc meeting of two or more full governing bodies to discuss and take decisions on matters of a common interest.

Delegation of functions to joint committees.

There are **a number** of functions detailed in the Constitution Regulations which it is **not possible** for a governing body to delegate such as:

- the constitution of the governing body;
- the removal of the chair/vice chair of governors;
- the appointment of the clerk;
- the delegation of functions and the establishment of committees
- a decision to change the name of the school.

It is also not possible for a governing body to delegate any of the powers or duties covered in Sections 35 and 36 of the 2002 Education Act which relate to staffing matters.

Key points to remember when setting up a committee:

- Annual review** – governing bodies wishing to discharge their functions jointly must determine and review annually the constitution, membership and terms of reference of any joint committees they decide to establish.
- Quorum** – it is for the joint committee itself to decide the quorum for any of its meetings, but it cannot consist of fewer than three governors.
- Chair** – a joint committee must appoint a chair annually and may remove its chair from office at any time.
- Clerk** – a joint committee must appoint a clerk (who cannot be one of the headteachers) and may remove the clerk from office at any time.
- Associate members** – A joint committee may appoint persons who are not a member of one of the governing bodies. It is for the governing body (**not the joint committee**) to determine the voting right of associate members. They cannot, however, vote on any resolution concerning admissions, pupil discipline or budgetary issues.

□ **Proceedings of joint committees** – the clerk must convene meetings of the joint committee, giving at least seven clear days notice. A shorter notice period can be given where the chair of the joint committee believes that the matters need more urgent consideration.

□ **Voting** – no vote may be taken at a meeting of a committee unless the majority of members of the committee present are members of one of the collaborating governing bodies. If necessary, the committee chair has a second or casting vote.

□ **Restrictions on taking part** – the usual restrictions apply and members must disclose their interest and withdraw from a meeting if:

- there is a conflict between their interests and the interests of a collaborating governing body;
- there is a reasonable doubt about their ability to act impartially;
- they have a pecuniary interest in a matter.

□ **Minutes** – these must be drawn up by the clerk and must be signed by the chair of the next meeting of the joint committee. They must then, or as soon as reasonably practicable, be made available for inspection by any interested person. The collaborating governing bodies should receive signed minutes for every joint committee meeting, and any other report or paper considered at the meeting. This may exclude, however, material relating to a named person working at a school; a named pupil; or any other matter, by reason of its nature, that the joint committee is satisfied should remain confidential.

Staffing Arrangements

The School Staffing Regulations apply to staffing matters. Governing bodies of collaborating schools **cannot delegate these functions to a joint committee**. If schools, as part of their formal collaborative arrangements, agree to share staff, then a framework to clarify the working arrangements should be agreed in advance and formalised by contractual arrangements and protocols. Schools are advised to consult their Human Resources Officer at the Local Authority.

How to Cease Collaborative Working As with the consultation process there is no formal process to follow should a governing body wish to cease any formal collaborative arrangements, other than through a decision taken at a meeting of the governing body which is quorate.