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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. An 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:
  o 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
  o the governing bodies must also notify the Secretary of State of their decision on the proposals and
  o 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.
For more information, please contact:

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