



Policy and Process of School Governing Boards Exploring Federation

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Policy

1. To offer positive encouragement to governing boards of CE schools exploring federation.
2. To agree our policy of only approving a new Instrument of Government to create a new federation where:
 - All the Governing Boards forming the federation are united in their position on the future status of schools in the federation.
 - The establishment of the federation is church school to church school except in exceptional circumstances.
 - A federation containing only Voluntary Aided (VA) schools is established using a VA model of governance, with an overall foundation majority of two.
 - A federation containing any combination of at least one VA school with any VC, Foundation and/or Community schools is established using a VA model of Governance, with an overall foundation majority of two.

Where a VC/VA federation is suggested, our strong advice will be for the VC school(s) to consider a change of status to VA before embarking on the federation process. The procedures for changing category are set out in the DfE statutory guidance "Making significant changes ("prescribed alterations") to maintained schools (2024). A proposed change of category from VC to VA may be proposed by the governing body but following completion of the statutory process the decision on the proposal is taken by the local authority (although the decision can be appealed to the adjudicator). For a proposal to change the category from VC to VA, the decision maker needs to be satisfied that the governing body and/or the foundation are able and willing to meet their responsibilities for building work. The decision maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

In such a case, where a VC/VA federation is suggested, should both/all schools petition the DBE to federate without any change of status, the DBE **would not** veto the federation. However, were the VA school to express a strong preference for the VC school to change status as a condition of creating a federation, the DBE would honour that preference in making its decision whether or not to agree to the federation.

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3. There are, and will be, exceptional cases. Issues may in particular arise where “mixed federations” involving one or more CE schools and one or more community schools are concerned. These exceptions do not set precedents for any school to follow.

Diocesan Process

1. The governing board(s) of one or more Church of England school(s) considering federation should first seek advice and agreement from the DBE, through the Schools, Organisation & Resources Committee, before considering a report on the proposal. The request for diocesan advice and agreement should include.
 - a. *Why federation is being considered.*
 - b. *How long any collaboration, formal or not, has been in operation and how positive its impact has been, leading to the decision to seek federation.*
 - c. *A copy of all relevant Governing Body resolutions and in particular the resolution to seek diocesan advice before considering publishing proposals for federation.*
 - d. *Any other information you think relevant to the decision.*
 - e. *The request is to be signed by the Headteacher(s) and Chair of Governors)*
2. If the governing boards, having considered the advice from the diocese, wish to proceed to consider a report on the proposal to federate, they should before considering the report, seek advice and in-principle agreement from the diocese on the possible/proposed governance arrangements for the federation.
3. If the governing board(s) wish to proceed to consider a report on the proposal to federate, they must specify the report as an item on the agenda for a meeting of the governing body, and must each decide whether they wish to propose to federate with the other school(s). This decision must be minuted.
4. If the governing boards, having considered the report, wish to proceed with the proposal to federate, they must jointly publish the proposals for federation.
5. The Chelmsford DBE receives the published proposal documents as part of the Formal Consultation. Any representations from the DBE on the proposals are to be sent before the end of the consultation period, which must last for a minimum of six weeks.

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6. Following the closing date for representations the governing boards must jointly consider any responses to the proposals and each governing board must then separately determine whether to
 - Proceed with the proposals for federation as published.
 - To proceed with the proposals for federation with such modifications as the governing bodies consider appropriate.
 - Not to proceed with the proposals for federation.
7. The governing board(s) should inform Chelmsford DBE of the outcomes of the consultation and the governing board(s) decision.
8. If the governing boards decide to proceed to federate, then before the federation date they will need to jointly prepare a proposed instrument of government for the federation. The proposed instrument must be sent to the DBE for approval. The governing board(s) will also need to seek approval to the proposed instrument from the school's foundation governors, and, where applicable, from the trustees of any trust relating to the school and will need to notify the DBE that such approvals have been received.
9. The proposed Instrument of Governance is considered/approved by the DBE prior to the federation coming into being.
10. Once the DBE has approved the proposed Instrument of Government, the governing board must send the proposed Instrument to the LA to be checked and made. The governing board **must not** submit the proposed instrument to the local authority unless it has been approved in respect of each foundation or voluntary school by the DBE. (The proposed instrument must also have been approved by the school's foundation governors, and by the trustees of any trust relating to that school. The DBE will wish to be notified of these other approvals, where applicable, before considering granting DBE approval to the proposed instrument).

Date approved by DBE: March 2025

Date for Review: March 2028