



Board of Education
Diocese of Chelmsford



GUIDANCE ON FEDERATION

for Church of England Schools
in the Diocese of Chelmsford

**Promoting life in all its fullness
through Education across Essex
and East London**

*'I have come that they may have
life and have it to the full.'*

John 10:10



Please note: This guidance is not intended to provide exhaustive information regarding federation in Church of England Schools. The statutory context for federations includes: The Education Act 2002, The School Governance (Federations) (England) Regulations 2012 & The School Governance (Constitution & Federations) (England) Amendment Regulations 2016.

Governing Bodies who decide to federate must do so in accordance with the School Governance (Federations) (England) Regulations 2012. Further advice is available in the DfE document 'Federations: Guidance on the Governance Process 2022' and the National College for Teaching & Leadership document 'The Governance of Federations 2014'. Consideration should also be given to documentation provided by the LA. In Essex this includes the 'Essex Strategy for Sustainable Schools' document. This document is intended to support discussions of schools considering federation options and to outline minimum Diocesan requirements. It is not a substitute for schools doing their own research, seeking advice, and engaging with the Diocese and the LA.

Introduction to Federations

What is a federation?

A federation is when two or more schools operate under a single governing body. This single governing body is accountable for all the schools in the federation. In many cases the federation may have a single Headteacher and shared staffing although this is not a required part of federation.

While a federation creates a single governing body to govern more than one school, maintained schools in federations continue to be individual schools. It is possible for a school to join an existing federation.

Why federate?

There are several reasons why schools may wish to consider federation. These benefits can include increased opportunities for staff and pupils, a wider and richer curriculum, stronger governance, improved financial viability, sharing of key resources and enhanced leadership. Federation is often a natural progression from existing collaborative arrangements where schools already share a Headteacher.

The Governance of Federations

A federation has a single governing body operating at a strategic level, monitoring, evaluating and holding to account the senior leaders. The new governing body will be constituted under a new Instrument of Government. The Instrument will specify the number and type of governors on the new governing body. The structure for a federated governing body is set out in the School Governance (Federations) (England) Regulations 2012 legislation (as amended in 2014, 2015, 2016 and 2017).

The DBE will have certain expectations relating to the governance of federations involving Church of England schools. Appropriate governance arrangements must be in place to ensure the Church of England foundation of the school is protected. The DBE will consider proposals that

Chelmsford Diocesan Board of Education

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- a) Include a Voluntary Aided School – The DBE is happy to consider federations that only include VA schools, and VA, VC and Foundation schools. It is expected that any proposals for a federation involving a VA school will include the usual VA majority on the federated governing body i.e. that the foundation governors will outnumber other governors by 2
- b) Do not include a VA school – The DBE is happy to consider Church of England federations in this context. It is expected that the proposals will include at least two, but no more than a quarter of the total, foundation governors.

Aligning Vision

It is essential that the schools considering joining a federation get to know each other sufficiently before proceeding. The visions of the school must align, with a commonality of purpose and a complimentary ethos. The federation should be in the best interests of all schools, with the governing bodies united on the future status of the schools in the federation. Areas such as curriculum, school performance, finances, property, staffing and governance should all have been carefully considered.

Leadership & Staffing

Shared leadership and staffing are common features of federations, however it not essential and is possible for schools to retain their own Headteacher where the governing bodies agree. In general staff contracts remain unchanged because of federation.

In Voluntary Controlled schools the employer, the Local Authority, does not change and staff continue to work under the same arrangements as previously. In Voluntary Aided and Foundation Schools the employer changes – from the former governing body to the federated governing body. The existing terms and conditions of employment will transfer across to the new employer under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). HR advice is required in this context.

Funding and Financial Impact/Land Issues

Financial implications should be carefully considered by Governing Bodies exploring federation. It is important to understand the financial implications of future funding and budget arrangements. Schools do not lose money by forming a federation, and federated schools usually retain the budget share they would receive if not federated. The Local Authority can advise further on this matter.

Federation does provide the opportunity for a group of schools to identify and implement cost saving measures and benefits in the areas of administration, business development, leadership, staffing, shared senior teaching positions, shared site management and procurement.

The process of federation does incur legal costs and these should be fully explored by the Governing Body before proceeding. Further advice is available both on legal costs and potential land issues from the Diocesan Buildings Officer at BuildingsOfficers@chelmsford.anglican.org Governing bodies are urged to engage with the Buildings Officer at the earliest opportunity.



Specific Considerations for Church of England Schools

The DBE must be consulted as part of the federation process and must also approve the Instrument of Government for Church of England Schools to become part of a federation.

As soon as a school or schools are considering federation it is essential to involve the School Adviser and seek further advice from the Director of Education. This advice will include assisting the governing body in assessing potential partners and helping to ensure careful consideration of the impact of the proposal on the school and the Church of England foundation.

Before moving forward formally with the consultation process the governing bodies of each school are asked to seek an in-principle agreement from the DBE. This includes sharing why the federation is desirable, how long any existing partnership working has been in operation and its impact, and to confirm that all relevant governing bodies have agreed to issue the request to proceed with the process at their respective meetings, as well as any other information relevant to the decision.

The DBE will need to ensure that there are enough foundation governors, guided by legislation, on the federated governing body to preserve the Church of England foundation of the schools and ensure that the trusts underpinning the operation of the school as a Church school are upheld. It is important that plans for leadership and staffing are clear and that they will enable the Christian foundation of the school to be appropriately safeguarded both at the outset and in the future. The proposed size of the federated governing body and the proposed number of governors for each category of governor should be included in the consultation documents and ultimately in the federation's Instrument of Government.

Copies of the draft consultation documents should be sent to the DBE prior to publishing. Sufficient time should be allowed to ensure the DBE can input into the draft consultation documents. No consultation document should be published without DBE agreement. The documents should include details of proposed leadership arrangements and composition of the proposed federated governing body.

The Diocese, the foundation governors, the PCC and any other person or body included in the appointment of the foundation governors and the site trustees should be involved as stakeholders in the formal consultation, and as such should receive copies of the final consultation documents.

The federated governing bodies Instrument of Government will need to be approved by the DBE prior to the federation coming into being and prior to being submitted to the Local Authority. The Local Authority will 'make' the Instrument, but only after the DBE's consent has been obtained. The DBE's consent to the federation is indicated by the formal approval of the Instrument of Government and of any other additional formal documentation.

The agreed composition of the federated governing body may mean there are more serving foundation governors than places on the new body. If insufficient foundation governors have indicated that they



wish to step down then the governing body and the DBE will need to work together to identify those who are best placed to contribute to the effective governance and success of the federation, as well as preserving the Church of England ethos of the schools. If there are vacancies for foundation governors on the federated governing body new foundation governors will need to be appointed.

The DBE should be notified once the new federation has come into being.

Additional Factors

When schools federate they remain individual schools. This means a Church of England school will remain a Church of England designated school. The Instrument of Government for the federated governing body must reflect this and must include an appropriately worded ethos statement.

Religious Education should continue to be taught as appropriate for a Church of England School of the relevant status. The daily act of Collective Worship must continue to be provided in accordance with the trust deed/Anglican tradition. The schools will continue to be inspected in the same manner under SIAMS. The federated governing body would still need to find the usual 10% capital contribution in the case of capital works to a Voluntary Aided school.

The Formal Process

Below is a brief overview of the process to join a federation, for illustrative purposes only. The Diocesan perspective should be fully reflected within this process. Any federation involving one or more Church of England schools requires the consent of the Diocesan Board of Education before obtaining the final agreement of the Local Authority.

STAGE	ACTION
1	<p>Prior to deciding to proceed in exploring federation</p> <ul style="list-style-type: none"> • Get advice from a Governance professional e.g. clerk • Talk to the LA, Diocese, Regional Director • Visit other federations • Receive own legal advice • Consider all collaborative options available
2	<p>Governing Bodies informally explore federation</p> <ul style="list-style-type: none"> • Informally agree to explore option of federation • Diocesan School Adviser & DDE notified • Diocesan and LA advice sought throughout the process including liaison with the Diocese Buildings Officer regarding potential land issues and legal costs. • Obtain dates for DBE meetings to include in planned timeline • Joint governance working group established including governors from all governing bodies. The joint governance working party plan and manage the formal consultation process and keep all parties informed about progress.



	<ul style="list-style-type: none"> Joint governance working group drafts a report on the proposal to present to the Governing Bodies. Further information on the recommended content of the report is available in the DfE 'Federation: Guidance on the Governance Process 2022' document. Discuss with any site trustees if required
3	<p>Governing bodies decide whether to proceed to consultation and firm up plans</p> <ul style="list-style-type: none"> Each governing body should discuss and consider the report and decide whether it wishes to proceed to consultation. The report must be an agenda item at the meetings for which at least seven days' notice is given. The decision is minuted. In-Principle Agreement sought from the DBE. DBE meetings take place twice a term, so consideration needs to be given to available timeframes. Written confirmation of the outcome will be provided within 5 working days of the meeting. Draft consultation proposals drawn up by the joint governance working group. Draft consultation proposal documents are shared with the Diocese for input prior to publication. Governing bodies agree joint consultation proposals for federation in line with requirements in the regulations
4	<p>Consultation Proposal</p> <ul style="list-style-type: none"> Joint proposals for federation are published and made available for inspection – consultees specified in regulations. Minimum 6-week consultation period (not including the school holidays) The proposal documents should be made available for inspection at reasonable times in the schools The Diocese receives the published proposal documents as part of the formal consultation. Consultation meetings to take place e.g. parents, staff etc... Any necessary TUPE consultation and process is carried out
5	<p>Final Consultation and decision</p> <ul style="list-style-type: none"> Joint governance working party collate consultation responses and submit them to each of the Governing Bodies. The governing bodies must jointly consider the responses to consultation. Individual governing bodies meet to consider the individual school's position and make final decision on whether they wish to proceed to federation. Decision shared with the other governing body within 7 days. If the Governing Bodies decide to proceed, they must decide whether to proceed with the proposals as published or with any appropriate modifications. Notification of decision is made in accordance with regulations Governing bodies must seek DBE's final approval of decision to federate, this includes – <ul style="list-style-type: none"> a formal request for the federation to proceed, confirming all relevant governing bodies agreement and that of any site trustees, if any final agreed Instrument of Government a brief summary of the consultation outcome

Chelmsford Diocesan Board of Education

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	<p>DBE meetings are twice a term and consideration should be given to the available dates within the timeline. Written confirmation of the decision will be provided within 5 working days of the meeting.</p> <ul style="list-style-type: none">• DBE approved Instrument of Government is submitted to the Local Authority. The Local Authority will require proof of DBE approval.
6	<p>Prior to the new federation date</p> <ul style="list-style-type: none">• Each Governing Body must follow the required activities as detailed in the DfE Regulations and Guidance documentation.• New federation governors are agreed ready for federation 'with effect from 'date – with support from Diocese/LA• Draw up the agenda for the first meeting of the newly constituted Governing Body
7	<p>On the federation date</p> <ul style="list-style-type: none">• The existing governing bodies are dissolved, 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.