

## **Frequently Asked Questions**

Q1. What is a Federation?

A federation is a legal governance structure where between two and six schools share a single governing body. The schools will retain their individuality, their own name, ethos, budget and school uniform but could share resources, facilities and good practice.

Q2. Why should schools federate?

Working together through a single governing body structure enables schools to raise standards and maintain local education provision by sharing resources, staff, expertise, and facilities and sharing best practice. A single governing body also provides an effective and accountable mechanism for schools to pool resources, including staff and budgets, release capacity in the senior management team and gain economies of scale and efficiencies.

Q3. What are the benefits of federation?

Federation will allow schools to more easily :

- extend the breadth and quality of provision
- respond to pupils' wider needs
- facilitate the release of our strongest school leaders teachers and governors to assist poorer performing schools
- widen opportunities for staff professional development
- deliver greater value for money.

Q4. Why might small schools benefit from federation?

Federation can help small rural primary schools to remain sustainable within their communities. The shared governing body provides an effective and accountable mechanism for schools to pool resources and staff, gain economies of scale and efficiencies that enable them to remain viable. Smaller schools in more rural and isolated areas could also gain as federation could open up opportunities to share management, governing body responsibility and curriculum expertise. For small primary it would allow them to deliver an enriched primary education by for example, sharing a specialist language teacher or drama teacher.

Q5. Can different categories/types join the same Federation or form a Federation?

No. Community schools may not federate with VA, VC or foundation schools. As set out on pages 35 and 36 of the guidance, the governing bodies of VA, VC and foundation schools are considered charitable trusts which must only give consideration to their charity. VA, VC and foundation may federate together, provided that they meet the legal requirements set out for charity mergers. LAs can only propose a federation of VA, VC and foundation schools if they have firstly sought the consent of the relevant diocese (Church in Wales or Roman Catholic) or the person(s) who appoint foundation governors and sought advice from the Charities Commission.

Q6. Could there be a Federation between two faith schools of different faiths?

In principle yes if they have similar charitable trusts and ethos. If any schools are considering this they should discuss their ideas with the relevant LA and diocesan authority. They should also consult the Charities Commission.

Q7. Could schools in different LAs in Wales federate?

In principle yes. Any schools or LAs considering this would wish to discuss their plans with the LAs involved to avoid burdening themselves with two sets of reporting arrangements. Where governing bodies decide to federate with schools in another LA area they will need to know which LA will 'take the lead' for responsibility of the federation and what the funding and budgetary arrangements will be.

Q8 Could two schools federate just to address a single issue, for example, two secondary schools wanting to work together only on 14-19 issues?

No, this is not the purpose of federation which is schools coming together under a single governing body for the benefit of all the pupils in the schools and to improve school performance of all the schools not just a select group or for a single focus. Schools wanting to work closely with another school or schools on specific issues should consider doing so formally by collaborating under the Collaboration Between Education Bodies (Wales) Regulations 2012.

Q9. Can independent schools join a Federation?

No, these schools may work collaboratively with maintained schools but they cannot join a federation.

Q10. Can FEIs join a Federation?

No, but they can work together under formal collaborative arrangements particularly to deliver the 14-19 curriculum to give pupils more opportunity to access a broader curriculum.

#### Q11. What are the benefits and risks of Federation?

There are a number of benefits for schools from being within a federation including broader learning and social experiences for children leading to improvement in pupil performance. Schools will be able to share resources, best practice, facilities and expertise. There can be further emphasis on strategic leadership and management structures, and staff will have new opportunities to work together and reduce isolation. Duplication of effort can be avoided and there is an opportunity to promote better economies of scale.

Some of the risks include the potential organisational difficulties in providing a curriculum across a number of schools. Communication with parents and staff at different schools may present a challenge. Travel costs may be higher if staff and pupils move between schools to meet curriculum needs. There may also be relationship and trust issues for governors, headteachers and staff working across schools. The federated governing body should be aware of the potential risks and have strategies and actions to mitigate them.

#### Q12. Will my school lose its identity within a Federation?

Schools within a federation will not lose their individual identity though they will share a single governing body. The schools retain their separate legal status and have their own budget allocations and will be subject to their own Estyn Inspection. The schools will also remain in their community and retain their own character, name, ethos and school uniform. Whilst each school receives and must account for its own separate budget, there is scope, through the single governing body, to use pooled budgets across the schools in the federation. Federation works on the basis that all schools have their own particular strengths and advantages, whether it is facilities, staff or resources.

#### Q13. What are the Inspection arrangements for Federated Schools?

Estyn's document 'When will the next school inspection take place?' sets out guidance on inspecting federated schools. The Education (School Inspection) (Wales) Regulations 2006 require Estyn to inspect maintained schools every six years and produce an individual report for each school. This would also apply to schools in the federation. Estyn cannot move a school inspection to later than six years but may carry out inspections in a way that the schools in a federation are inspected in the same term, especially where the schools have the same headteacher. Estyn would also consider requests from a governing body or LA to inspect schools in the same term. Estyn would also try to ensure that the inspection teams for the schools in a federation have overlapping membership.

Q14. What happens to staff within a federation? Will their Conditions of Service change?

In a federation, all staff would be employed on the same conditions of service as now and by the same employer. Whoever is the employer of staff will continue to be the employer under the contract of employment. For community, voluntary controlled, community special schools and maintained nursery schools, the LA is the employer under the contract of employment although the governing body of the federation retains responsibility for certain staffing functions i.e. staff grievance, capability, redundancy, staff disciplinary and dismissal matters and appointments. The governing body is the employer under the contract of employment for staff in voluntary aided and foundation schools.

Combined strategic and financial planning should mean that jobs can be better protected in any combined period of contraction and that specialist staff can be used to best effect, recognising that all support and teaching staff have specialist skills and knowledge. Staff would be able to learn from each other within a coherent approach to deliver professional learning communities that use data and the National Model to focus on school improvements that link to national priorities and their school development plans.

The governing body of a federation would also be able to appoint new staff to work within all schools in the federation. This could include the appointment of a single headteacher with responsibility for all the schools in the federation, or the appointment of a Bursar or person with financial management skills and/or business management skills to oversee the non teaching aspects of the federation business.

Q15. Can a federation have a single headteacher with responsibility for all the schools in that federation?

Yes, if that is what the schools wish to have and this might be a viable option in a federation of small rural primary schools. Where this option is chosen for a larger federation of up to six schools, ie a secondary school and its feeder primary schools where each of those schools has a large number of pupils, governing bodies and local authorities should consider how this arrangement could be managed and any support structure a single headteacher might require. For example, consideration could be given to implementing a management structure that addresses the individual needs of each of the schools whilst also supporting curriculum continuity across the federation. This could mean having staff in each school whose purpose is to focus on teaching and learning supplemented by a structure of posts that work across the federation, all of which would be managed by a single headteacher.

Another option governing bodies and local authorities may consider is for the federating schools to retain headteachers in each of the schools instead of appointing a single headteacher.

From a day to day operational perspective schools may wish to adopt a third option which would be to appoint a head of the federation and retain a headteacher in each of the schools. If this arrangement was agreed, from a governance perspective only, the overarching headteacher in charge of the federation, if such an appointment is made, would be a member of the governing body. If no such appointment is made the headteachers of all the schools may be governors.

Q16. Would the 'headteacher' with overall responsibility for the federation be responsible for managing headteachers of each school in the federation if that is the agreed structure? .

The governing body may choose to appoint a single head of the federation with full responsibility for all of the schools in the federation and have only a senior teacher or deputy headteacher in charge of each school. If the teacher in charge is not a qualified headteacher carrying out the full range of statutory duties of a headteacher, then the head of the federation would be responsible for the performance management of those staff. The governing body would be responsible for the performance management of the head of the federation.

Q17. How should heads of federations be paid?

Following a recommendation from the School Teachers' Review Body (STRB) the Department for Education in England is currently updating the Teachers' Pay and Condition document to reflect interim payments for head teachers who take responsibility for more than one school.

Q18. Are parent governors elected by the parents from their school only or from parents across all schools in the federation?

The proposal for federation should state the number of parent governors from each school which in law is that every school must have at least one parent governor elected by the parents (or appointed by the governing body if no parent stands for election), at that school but no more than two parent governors per school. It is reasonable therefore that once a decision has been made as to how many parent governors each school would have, the parents of only that school should vote in the parent governor elections. If the decision is that a school should have two parent governors each, and no parents in a particular school stand for election or only one parent stands for election, the federated governing body may appoint parent governors in accordance with Schedule 2 of the 2014 Federation Regulations. This means that the governing body could appoint a parent of a registered pupil at the school; or the parent of a registered pupil from another school in the federation; or the parent of a child of compulsory school age (or under compulsory school age for a nursery school).

Q19. Can a Federation be time-limited?

A federation should be seen as a long term commitment and not as a quick fix. The LA or respective governing bodies will have considered in depth the benefits and risks of establishing a federation in relation to the impact on children and young people's achievements. A federation would put in place strategic and operational plans to insure the sustainability and development of the schools. That will require medium to long term planning. Nonetheless, the 2014 Federation Regulations do allow individual schools to leave a federation and for a federation to be dissolved.

Q20. What are the differences between school federation and school mergers?

If two schools merge they may remain open in their community but they become one multiple site school with a single name, governing body, headteacher, ethos, budget, character and school uniform. In a merger there would only be one headteacher and it is possible there would be redundancies or staff would have to re-apply for posts in the new single school. In a multi site schools the LA could also close one of the school sites and transfer the pupils to the other sites without the need to go through statutory proposals.

In a federation, the schools remain open in their communities but they also retain their own individuality, name, ethos, character budget and school uniform. Staff would also keep their jobs and may have wider opportunities for further professional development by working across the schools in the federation. Headteachers may also remain in post although some federations may only have a single headteacher. Schools in a federation can be closed as part of school organisation proposals but the LA would have to apply the statutory proposals process to do this.

Q21. What may influence schools in deciding whether to merge and become a single school or federate?

The LA may have long term plans for school organisation within their area and schools would need to consider these and discuss with their LA, which option is more beneficial for them and fits in with the LA's overall plans.

Q22. Should we be working collaboratively as a first step with schools we may be thinking of federating with?

If you work collaboratively with other schools it may help you to create trust between the schools and will enable you to foster a good working relationship which will make it easier for the schools to take the next step and federate. Federation will be successful where the staff and governors are committed to working together for the benefit of the school communities.

Q23. Can schools establish a joint governing body before formally federating?

No – the governing body of the federated schools comes into being on the date the federation comes into force which must be at least 125 days from the date the federation proposals are published (or 100 days if small schools are being federated). This means that the governing bodies of the schools that are federating will have to have held elections for the core governors i.e. parents, teacher and staff and the LA will have to have appointed their LA governors. On the date the federation comes into force the newly constituted single governing body can meet and appoint their community governors. The schools may however set up a joint working group or committee of governors to oversee the federation process if they wish.

Q24. If two small rural primary schools federate could they be re-organised so that all the pupils in one key stage attend school X whilst the others attend school Y?

Depending on the category of schools it would be for the LA (in respect of community and voluntary controlled schools and the governing body (in respect of voluntary aided and foundation schools) to make proposals to change the age range of a school, following consultation with parents and other interested parties. This would entail the schools going through a statutory process in order to make such a change.

Q25 What happens if a pupil is excluded from one school in a federation? Could they be placed in another school in the same federation?

Yes – although schools are federated and share a governing body the schools remain as separate entities so a pupil could not be turned away by one school because he/she had been excluded from another school in the same federation.

If the pupil is subsequently permanently excluded from the second school within the federation it is recommended that the pupil discipline committee that meets to consider the exclusion consists of members of the governing body un-associated with the consideration of the first exclusion.

This recommendation is in order to avoid possible bias that could be considered with relation to the first exclusion. Whilst it may not always be possible to provide a complete discipline committee of new governing body members any such circumstances should be discussed with the LA in the first instance.

Q26. Can we change the name of the school and or give all the schools in the federation the same name?

One of the key drivers and benefits for federation is that schools do not lose their individuality, name and identity and remain as separate establishments. The names of all the schools in the federation will appear on the new instrument of government as well as the name of the federation. The process for revising the instrument of government and changing details such as the names of the schools is set out in the Government of Maintained Schools (Wales) Regulations 2005. The LA and the governing body should reach an agreement on the proposed changes. If they cannot the final decision rests with the LA who will want to ensure that any changes are not misleading.

All schools in a federation must retain their individual reference number and budget and it could become quite complex and confusing if all the schools decided to change their name and adopt a single name when they have to account for separate budgets.