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# Circular Letter No 02/10/11

To: Headteachers and Chairpersons of all schools  
Date: 9 September 2010  
**Status: Read and Retain**  
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Dear Colleague

## **COLLABORATION AND FEDERATION**

From recent conversations I have had with Headteachers and Chairpersons there appears some misunderstanding about Collaboration between schools and Federation.

Please find attached to letter a guidance note which should clarify what each of two mean in terms of school governance.

Yours sincerely

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Assistant Head of Service

# **GUIDANCE NOTE FOR GOVERNING BODIES ON COLLABORATION AND FEDERATION**

## **Introduction**

At an operational level headteachers of schools can agree to work in partnerships or alliances in order to deliver the curriculum and share resources etc. In this respect schools can be seen to work collaboratively in the ordinary meaning of the word collaboration and thus is an informal arrangement.

However, within the Regulations which apply to school governance, the term “collaboration” is a statutory power given to governing bodies to enter into arrangements with other governing bodies which allow for the delegation of their statutory functions.

## **Collaboration**

(Often referred to as a “soft Federation”)

Two or more governing bodies may arrange for any of their functions to be discharged jointly.

They may also 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.

Collaboration would allow for the establishment of a joint committee(s) with delegated authority to take strategic decisions on behalf of two or more governing bodies and / or the setting up of single issue committees such as premises or curriculum committees.

Governing bodies may also meet jointly to take decisions on matters which affect both bodies. In such a situation the meeting would be treated as a single meeting of each governing body and the procedural regulations would apply eg quorums, majorities.

The Staffing Regulations would apply where schools entered into collaboration arrangements for appointments. For example, the governing bodies would be able to decide on the appointment of a headteacher on the recommendation of a selection panel made up of governors of the collaborating governing bodies. The decision to appoint, however, could not be delegated to a joint committee, but must be made by the collaborating governing body.

Decisions on dismissals can also be delegated to a committee established jointly from the collaborating governing bodies.

Governing bodies currently use committees with delegated powers to take decisions. Collaboration is the same in that two or more governing bodies established a joint committee with delegated powers to take decisions in relation to the collaborating governing bodies.

The procedure for establishing a joint committee is the same as that for a single governing body, in that a number of resolutions must be made:

- agree to establish a joint committee;
- agree the constitution and terms of reference;
- appoint governors to the joint committee.

Each year the collaborating governing bodies must determine and review annually the constitution, membership, and terms of reference of any joint committee, which is the same as single governing bodies do for their committees.

A joint committee must determine the quorum for any of its meetings which must be at least three governors each of whom is a member of any of the collaborating governing bodies.

The joint committee must appoint a Chairperson and Clerk, ensure minutes are taken, and those minutes presented to the collaborating governing bodies.

The joint committee can appoint an “associate member” who is not a member of a collaborating governing body.

The voting rights of associate members are determined by the collaborating governing bodies.

The procedures of joint committees are covered by the Procedure Regulations in the same way as are committees of single governing bodies.

Governing bodies of maintained schools can also enter into collaboration arrangements with Further Education bodies.

Nothing in the Regulations prevents schools entering into informal arrangements through working groups with out any delegated statutory powers. Such arrangements could include bodies / organisations which are not schools. This informal arrangement provides an advisory role to the respective partner schools on specific issues. Such groups have no decision making powers.

The Local Authority is not involved in the decision making on collaborations, it is solely the participating governing bodies.

## **Federation**

A federation is where two or more schools are governed by a single governing body. Schools within a federation can be a single phase or include primary and secondary schools.

In a federation there may be a single headteacher for all the schools or a headteacher for each school.

A federation is not an amalgamation of schools into a single school. Each remains a single entity with its own DFE number and is inspected separately by OFSTED.

The degree of integration between the schools in the federation is determined by the governing body of the federation.

The admission into each school continues to be determined by the appropriate admission authority.

The size of a federated governing body may range from a minimum of 9 to a maximum of 29 (excluding sponsor governors).

Federated governing bodies reflect the same principals of stakeholder representation as single governing bodies, and any group which would be represented on the single governing body of a school of a certain category must be represented on the governing body of a federation containing a school of that category.

The federation must have instrument of government. It is the responsibility of the governing bodies of the schools wishing to federate to prepare a draft instrument and submit it to the Local Authority.

When the governing bodies of least two schools wish to federate, or a school wishes to join an existing federation, they must consult interested parties in the area, including the Local Authority, headteachers, staff parents, trade unions etc. The consultation documents must be jointly published by all the governing bodies concerned and give the information which is required by the Regulations.

If after considering the response to the consultation the governing bodies decide to proceed with the federation they must inform the Local Authority and provide a draft instrument of government.

The decision on entering into a collaboration is that of the governing bodies not the Local Authority.

It is important to recognise that the move towards a federation is a statutory process set out in the Regulations. This means there is step by step approach to be adopted from the point at which the proposal is raised at a governing body meeting to the point at which the new governing body is incorporated.

Once a federation is established a school can leave the federation or a new school may join. In both cases there is a statutory process to follow.

Where the governing body of a federation decides that the federation shall be dissolved or that one of only two federated schools shall leave the federation, there is again a procedure to follow which will include the establishment a temporary governing body in respect of each school.

Composition of federated governing bodies, procedures, staffing etc are all covered by the Regulations.

### **Further Information**

There is a chapter in the Guide to the Law for School Governors: Governing Body Federation and Collaboration; which provides further details on the statutory processes and references to the relevant Regulations.

Steve Brailsford  
3 August 2010