

Appendix 1: Formal Federations - Briefing Document

Introduction

The formal federation of schools is a legal process which enables schools to work together through a formal structured process by sharing a governing body that will make decisions in the best interest of all the schools, staff and pupils in that federation.

The term federation is often used to describe many forms of collaboration between schools. The Statutory process of Federation is often referred to as “Hard Federation” or “Formal Federation”. An informal, non-statutory arrangement between schools is often called “Soft Federation” or “Collaborative”, where schools have made a commitment to work together through some form of joint governance.

Legislation:

Welsh Government have brought in new regulations around federation of Maintained schools in Wales

The Federation of Maintained Schools (Wales) Regulations 2014 which came into force on 22 May 2014 give effect to the Local Authority’s (LA’s) powers to federate schools. (School governors already have powers to federate by choice under provisions introduced in 2010. These powers have now been consolidated into the 2014 Regulations). See link to Regulations:-

<http://wales.gov.uk/docs/dcells/publications/140522-guidance-on-federation-of-schools-en.pdf>

Overview:

The process for a LA led federation of schools has not changed since the consultation. However, the following changes were made to the consultation proposals to reflect consultation responses and the outcome of Robert Hill’s Review of the Future Delivery of Education Services in Wales:

- A cap of no more than six has been imposed on the number of schools that can federate.
- The membership of the various models of Federated Governing Bodies has been more closely aligned to that set out in the 2010 Federation Regulations, although limits have been introduced on the numbers of governors in each category,
- The minimum number of governors on a governing body remains at 15 but the maximum number has been increased to 27.
- The provision for separate teacher and staff governor categories on a federated governing body has been maintained.

- A Small Schools' Order will define a small school as having fewer than 91 pupils rather than 100 pupils or under. Welsh Government (WG) regulations give LA powers to close schools with 10 pupils or under without statutory process.
- The federation date for a federation of small schools only is at least 100 days from the date federation proposals are published rather than the 125 days for other federations.
- Schools with a faith or trust base such as voluntary aided, voluntary controlled and foundation schools cannot federate with community schools and maintained nurseries; foundation schools will be able to federate with other foundation schools. Voluntary aided and voluntary controlled schools will be able to federate with each other where they share a similar charitable trust status and/or religious ethos. There will continue to be a majority of foundation governors on the governing body.
- Governing bodies can choose to appoint a single headteacher with overall responsibility for all of the schools in the federation, or in the absence of such an appointment have a headteacher in every, or some of the schools in the federation.

Key facts

- There will be a single governing body with strategic oversight of all schools within the federation.
- Each school retains its name, category, budget, staff and remains in its community.
- Shared staff - Each school can retain its headteacher if it wishes although some federations may wish to share a headteacher. This might be particularly helpful for small schools but in federations of bigger schools the decision may be to appoint a head of the federation or, if no such appointment is made, to retain the headteachers of every school.
- If a single headteacher and deputy headteacher post is created to manage all of the schools in the federation, those posts do not have to be advertised nationally if one of the headteachers or deputy headteachers expresses an interest in the post (See Section 14 for further information).
- Each school has its own Estyn inspection, though increasingly these are co-ordinated to happen at the same time for all schools within the federation to minimise stress and disruption.
- The governing body of a federation can use budget, resources and staff across the federation to improve the educational outcomes for all pupils. An audit trail must be kept and separate accounts produced for each school in the federation. .
- The governing body of a federation cannot require existing staff to work across all schools within the federation, but they can negotiate with the school staff

School Modernisation

In the context of School Modernisation, federal arrangements in schools have not been progressed by the LA, as previously under the old regulations the LA did not have the powers to do so. Federations were considered only as an option available to the Governing Bodies when reviewing areas.

Consequently, reviews in areas, historically have used the following models for review:-

- Continuing existing schools
- Merging of existing schools
- Building new Area schools
- Co-locating schools (primary/secondary campus)
- Closure of schools that are no longer fit for purpose

The drivers of Schools modernisation are:-

- Educational Improvement
- Resilient Leadership
- Suitable Buildings
- Reducing the Number of Unfilled Places in Our Schools to an Acceptable Level
- Ensuring That All Pupils Have Equality of Access to Resources

Advantages of Federal Arrangements

Educational Standards

A survey undertaken by Ofsted (Office for Standards in Education, Children's Services and Skills) in September 2011 on the impact of federated schools in England found improvements were evident in the three key areas of teaching and learning, behaviour and pupil achievement

A copy of the report can be accessed at:

<http://www.ofsted.gov.uk/resources/leadership-of-more-one-school>

Three main reasons were given for federating. Some schools had been approached by a LA to help a struggling school; others were small schools in danger of closure or unable to recruit high quality staff; and others were seeking to strengthen the overall education of pupils in their communities.

Federations set up to improve the capacity of small schools were successful in broadening and enriching the curriculum and care, guidance and support for pupils. These also resulted in better achievement for groups of pupils such as the vulnerable and those with special educational needs and/or disabilities.

In good federations, leaders made the most of increased resources and opportunities for professional development and used these to achieve their

priorities. Crucially, training and development were carefully tailored to meet the needs of the school.

Sharing these strengths, through a federation, can bring benefits to learners across a number of schools. A school's strengths can come in many forms, including leadership, staff, resources, expertise, and facilities. By working together, through federation and other partnership arrangements, schools can:

- Raise their standards, for example, by shared training and working practices, encouraging their staff to support each other and developing integrated curriculum and pastoral policies.
- Offer pupils a wider range of opportunities, for example, by holding joint activities or sharing facilities or teachers that might be difficult to sustain individually.
- Develop a range of extended services and activities for pupils and the wider community.
- Improve their leadership and management, for example, through shared headship
- Maximise the sharing of resources, taking advantage of economies of scale

Recruitment

The National Association of Headteachers (NAHT) Annual Report in 2011 stated that some 36% of primary, 19% of secondary and 39% of special school head teacher posts were reported unfilled after an advertisement. Last year the percentages were 34% of primary, 19% of secondary and 43% of special schools. This suggests that all sectors are still experiencing considerable difficulty in filling their posts, and secondary more than most.

As in recent years, a significant proportion of head teacher vacancies are the result of a retirement (65% of primary, 61% of secondary and 82% of secondary school vacancies). Most head teachers are still retiring before the age of 65.

Small schools also face above average challenges when seeking a new headteacher.

Federal arrangements may assist in areas where headteacher appointments are difficult or challenging.

Disadvantages of Federal Arrangements

Federation arrangements in schools do not appear to meet a number of the key drivers of School Modernisation. Disadvantages include:

- **Ensuring All Our Buildings Are Suitable** – The 21st Century programme funding arrangements from WG, relies on rationalisation of school estate to generate revenue savings to enable access to

prudential borrowing. Additionally in some cases sale of surplus estate will also generate capital receipts used to fund the LA's 50% contribution to the programme. Federal arrangements will not rationalise the estate, therefore revenue saving will be either nil or limited to potential savings in the school allocations and only if formula allocations and or structures can be changed.

- **Reducing the Number of Unfilled Places in Our Schools to an Acceptable Level** - As Federal arrangements do not rationalise school estate, reducing unfilled places is limited to "mothballing" areas of schools. This may or may not be achievable in individual schools for operational, practicable or building related reasons
- **Ensuring That All Pupils Have Equality of Access to Resources** (cost per pupil) – Federation arrangements do not significantly reduce the range of cost per pupil. A significant reduction in range is likely to occur only where there is a change in school formula allocations or if structures can be changed from the current arrangements.

Conclusion

Governing Bodies or the Local Authority may consider that Formal Federation is an appropriate way forward for organisation in an area review of educational provision.