
STATUTORY INSTRUMENTS

2012 No. 1035

**The School Governance (Federations)
(England) Regulations 2012**

PART 2

ESTABLISHING OR JOINING A FEDERATION

Prescribed cases

6.—(1) Regulations 7 to 10 apply where at least two governing bodies propose to federate in accordance with section 24 of EA 2002.

(2) Regulations 11 and 12 apply where it is proposed to establish a new school and either—

- (a) the temporary governing body wish to federate with one or more governing bodies;
- (b) the local authority propose that the school should be a federated school; or
- (c) where the school is to be a foundation or voluntary school proposals for the establishment of which were published by proposers, the proposers propose that the school be a federated school.

Procedure for schools proposing to federate

7.—(1) Where a governing body are proposing to federate, they must first consider a report on the proposal.

(2) The consideration of the report must be specified as an item on the agenda for the meeting of which notice has been given in accordance with regulation 11(4) of the Procedures Regulations.

8.—(1) Where a governing body propose to federate with the governing body of a federation, they must give notice of the proposal to the governing body.

(2) Upon receipt of the notice, the governing body of that federation must consider whether to—

- (a) give preliminary consent to the governing body joining the federation (“preliminary consent”); or
- (b) reject the proposal for the governing body to join the federation.

9.—(1) Where a governing body propose to federate with one or more other governing bodies and, where necessary, preliminary consent has been given, they must jointly with the other governing body or bodies publish proposals for federation.

(2) The proposals must contain the following—

- (a) the name or names of the governing body or bodies with which the governing body propose to federate and confirmation that that governing body, or those governing bodies, agree with the proposal to federate;
- (b) the proposed size of the governing body of the federation;

- (c) the proposed number of governors for each category of governor;
 - (d) the proposed arrangements for staffing the schools within the federation;
 - (e) the proposed federation date;
 - (f) the identity of the admission authority or authorities for the schools within the federation;
 - (g) the date, not less than six weeks after the publication of the proposals, by which written representations may be made to any governing body regarding the proposals and the address to which they should be sent; and
 - (h) such other matters as the governing bodies consider appropriate.
- (3) The governing bodies proposing to federate must publish the proposals by sending them to—
- (a) the Secretary of State;
 - (b) the relevant local authorities;
 - (c) the head teacher of each school;
 - (d) in the case of any school with a foundation—
 - (i) the foundation governors; and
 - (ii) the trustees of any trust relating to the school;
 - (e) where any of the schools are designated under section 69(3) of SSFA 1998 as having a religious character, the appropriate diocesan authority in the case of a Church of England or Roman Catholic Church school, or the appropriate religious body in the case of any other school;
 - (f) all staff paid to work at any of the schools;
 - (g) every person known to them to be a parent of a registered pupil at any of the schools; and
 - (h) such other persons as the governing bodies consider appropriate.
- (4) A copy of the proposals must be made available for inspection at all reasonable times at each school.

10.—(1) The governing bodies proposing to federate must jointly consider any responses to the proposals and each governing body must determine whether—

- (a) to proceed with the proposals for federation as published;
- (b) to proceed with the proposals for federation with such modifications as the governing body consider appropriate; or
- (c) not to proceed with the proposals for federation.

(2) The modifications referred to in paragraph (1)(b) may not include a change in the identity of the governing bodies proposing to federate.

(3) All the governing bodies which determine to proceed must jointly give notice of that fact to the relevant local authority or authorities and the Secretary of State within one week of that determination.

(4) Any governing body which determines not to proceed must give notice of that fact to the Secretary of State within one week of that determination.

New schools proposing to federate

11.—(1) Where it is proposed that a new school should federate with one or more schools or a federation, paragraph (2) or (3) applies as appropriate.

(2) Where a temporary governing body has been established, regulations 7 to 10 have effect as if references to a governing body proposing to federate were references to a temporary governing body proposing to federate.

(3) Where a temporary governing body is yet to be established, regulations 7 to 10 have effect as if—

- (a) references to the governing body proposing to federate were references to the local authority or, where proposals are to establish a foundation or voluntary school proposals for the establishment of which were published by proposers, the proposers;
- (b) regulation 7(2) were omitted; and
- (c) in regulation 9(2)(a) for “the governing body propose to federate” there were substituted “the authority or the proposers propose that the temporary governing body of the new school should federate”.

12.—(1) Parts 1 to 3 and 5 to 7 of the New Schools Regulations apply to a temporary governing body constituted pursuant to this regulation.

(2) Where it is proposed that two or more new schools should federate together, with or without one or more other schools or other federations, the local authority may make arrangements providing for the constitution of a single temporary governing body for those new schools.

(3) Where the proposed federation includes schools which are maintained by two or more local authorities, those local authorities must agree who may make arrangements providing for the constitution of a single temporary governing body for those new schools.

(4) Where one or more of the new schools referred to in paragraph (2) is to be a foundation or voluntary school proposals for the establishment of which were published by proposers, the local authority must consult the proposers—

- (a) as to whether the power given to the local authority in paragraph (2) should be exercised; and
- (b) if the local authority propose to exercise it, as to the date on which the arrangements should be made.

(5) Schedule 1 applies to a temporary governing body constituted pursuant to this regulation.

Incorporation of governing bodies of federations and dissolution of former governing bodies

13.—(1) On the federation date—

- (a) the governing bodies of the federating schools or federations are dissolved;
- (b) the governing body of the federation is incorporated;
- (c) all land and property which, immediately before the federation date, was held by the governing body of a federating school or federation transfers to, and by virtue of these Regulations vests in, the governing body of the federation; and
- (d) all rights and liabilities subsisting immediately before the federation date which were acquired or incurred by the governing body of a federating school or federation are transferred to the governing body of the federation.

(2) Section 198 of and Schedule 10 to ERA 1988(1) (which make further provision in relation to transfers of property, rights and liabilities) apply in relation to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
