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STATUTORY INSTRUMENTS

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**2007 No. 960**

**The School Governance (Federations)  
(England) Regulations 2007**

**PART 1**

**GENERAL PROVISIONS**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the School Governance (Federations) (England) Regulations 2007 and come into force on 25th May 2007.

(2) These Regulations apply only in relation to England.

**Revocation**

2. The School Governance (Federations) (England) Regulations 2004<sup>(1)</sup> are revoked.

**Interpretation**

3.—(1) In these Regulations—

“SSFA 1998” means the School Standards and Framework Act 1998<sup>(2)</sup>;

“EA 2002” means the Education Act 2002;

“authority” means the local education authority by which a maintained school is, or a proposed school is to be, maintained;

“the Constitution Regulations” means the School Governance (Constitution) (England) Regulations 2007<sup>(3)</sup>;

“day” means school day as defined by section 579 of the Education Act 1996<sup>(4)</sup>;

“the federation date” means the date on which governing bodies federate;

“governing body” means a governing body incorporated under section 19(1) of EA 2002 or these Regulations as appropriate;

“new school” has the same meaning as in the New Schools Regulations;

“the New Schools Regulations” means the School Governance (New Schools) (England) Regulations 2007<sup>(5)</sup>;

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(1) [S.I. 2004/2042](#) as amended by the School Governance (Constitution, Federations and New Schools) (England) (Amendment) Regulations 2005 ([SI 2005/1730](#)).

(2) [1998 c.31](#).

(3) [SI 2007/957](#).

(4) [1996 c.56](#).

(5) [SI 2007/958](#).

“the Procedures Regulations” means the School Governance (Procedures) (England) Regulations 2003(6);

“qualifying foundation school” means a foundation or a foundation special school which has a foundation established otherwise than under SSFA 1998, and whose instrument of government, before the federation date, provided for the majority of governors to be foundation governors appointed by the foundation; and

“the Staffing Regulations” means the School Staffing (England) Regulations 2003(7).

## PART 2

### ESTABLISHING OR JOINING A FEDERATION

#### Prescribed cases

4.—(1) Regulations 6 to 9 apply where at least two governing bodies propose to federate in accordance with section 24 of EA 2002.

(2) Regulations 10 and 11 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; or
- (b) the authority or, 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 wishing to federate

5. If, before 25th May 2007 any action was taken which (had it been taken on or after that day) would to any extent have satisfied the requirements of regulations 6 to 9, those requirements are to that extent to be treated as satisfied.

6.—(1) Where a governing body are considering federation, they must first consider a report on the proposal.

(2) 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.

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

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

- (a) give preliminary consent to the governing body joining the federation (“preliminary consent”); or
- (b) determine that the governing body should not join the federation.

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(6) [SI 2003/1377](#) as amended by the School Governance (Constitution and Procedures) (England) (Amendment) Regulations 2003, the School Staffing (England) Regulations 2003 ([SI 2003/1963](#)), the School Governance (Constitution, Procedures and New Schools) (England) (Amendment) Regulations 2004; and by the School Governance (Procedures) (England) (Amendment) Regulations 2007 ([SI 2007/959](#)).

(7) [SI 2003/1963](#) as amended by the School Staffing (England) (Amendment) Regulations 2003 ([SI 2003/2725](#)) and by the School Staffing (England) (Amendment) (No 2) Regulations 2006 ([SI 2006/3197](#)).

**8.—(1)** Where a governing body decide that they should 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, have resolved likewise 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 6 weeks after the publication of the proposals, by which written representations may be made to the 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 relevant authorities;
- (b) the head teacher of each school;
- (c) in the case of any school with a foundation—
  - (i) the foundation governors; and
  - (ii) any trustees of a trust relating to the school;
- (d) 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 such school;
- (e) all staff paid to work at any of the schools;
- (f) every person known to them to be a parent of a registered pupil at any of the schools; and
- (g) 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.

**9.—(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 that have determined to proceed must jointly give notice of that fact to the relevant authority or authorities.

### **New schools wishing to federate**

**10.**—(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 6 to 9 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 6 to 9 have effect as if—

- (a) references to the governing body proposing to federate were references to the 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 6(2) were omitted; and
- (c) in regulation 8(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”.

**11.**—(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 federation, the 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 authorities, those authorities are to agree amongst themselves 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 authority must consult the proposers—

- (a) as to whether the power given to the authority in paragraph (2) should be exercised; and
- (b) if the authority proposes 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**

**12.**—(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 be transferred to the governing body of the federation.

(2) Section 198 of the Education Reform Act 1988<sup>(8)</sup> (which, with Schedule 10 to that Act, makes further provision in relation to transfers of property, rights and liabilities) applies in relation

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(8) 1988 c.40.

to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.

## PART 3

### CATEGORIES OF GOVERNOR

#### Parent governors

13.—(1) In these Regulations “parent governor” means—

- (a) a person who is elected in accordance with paragraphs 3 to 7 of Schedule 2 as a member of the governing body of a federation by—
  - (i) parents of registered pupils at a federated school, or
  - (ii) parents of children for whom educational or other provision is made on the premises of any maintained nursery school in the federation (including any such provision made by the governing body under section 27 of EA 2002),and is himself such a parent at the time when he is elected; or
- (b) a person appointed as a parent governor in respect of a federated school in accordance with paragraphs 8 to 10 of Schedule 2.

(2) Schedule 2 applies to the election and appointment of parent governors.

(3) A person is disqualified from election or appointment as a parent governor of a federation if he is—

- (a) an elected member of the authority; or
- (b) paid to work at the federation or a federated school for more than 500 hours in any consecutive twelve month period.

(4) A person is not disqualified from continuing to hold office as a parent governor when he ceases to be a parent of a registered pupil at a federated school or to fulfil any of the requirements set out in paragraphs 9 and 10 of Schedule 2 (as the case may be) unless he is otherwise disqualified under these Regulations.

#### Staff governors

14.—(1) In these Regulations “staff governor” means—

- (a) the head teacher of a federation or of a federated school who is a staff governor by virtue of his office, unless he resigns in accordance with regulation 23(1) of the Constitution Regulations;
- (b) a person who is elected in accordance with Schedule 3 as a member of the governing body of a federation by persons who are paid to work at the federation or at a federated school and is himself a person so working at the time when he is elected.

(2) At least one staff governor (in addition to the head teacher or head teachers) is to be a school teacher unless no school teacher stands for election.

(3) Where the federation’s instrument of government<sup>(9)</sup> specifies that there are to be three or more staff governors, at least one staff governor must be a person who is not a school teacher, unless no such person stands for election.

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<sup>(9)</sup> As defined by section 20 of EA 2002.

(4) Upon ceasing to work at the federation or at a school within the federation, a staff governor is disqualified from continuing to hold office as such a governor.

### **LEA governors**

**15.**—(1) In these Regulations “LEA governor” means a governor appointed to be a member of the governing body of a federation by the authority that maintains the federated schools.

(2) Where the federation includes schools which are maintained by two or more authorities, those authorities must agree amongst themselves who is to appoint such governors and, if more than one governor is to be appointed, in what proportion.

(3) A person is disqualified from appointment as an LEA governor if he is eligible to be a staff governor.

### **Community governors**

**16.**—(1) In these Regulations “community governor” means a person who is appointed as such by the governing body of a federation and who is—

- (a) a person who lives or works in the community served by the federation; or
- (b) a person who, in the opinion of the governing body, is committed to the good government and success of the federation.

(2) If one or more of the federated schools is a community special school or foundation special school the governing body of the federation must appoint as one of the community governors a person nominated in accordance with Schedule 4 in respect of each such school.

- (3) A person is disqualified from appointment as a community governor if he is—
- (a) eligible to be a staff governor; or
  - (b) an elected member of the authority.

### **Foundation governors**

**17.**—(1) In these Regulations,

- (a) “foundation governor” means a person who is appointed to be a member of the governing body of the federation in respect of a particular federated school, otherwise than by the local education authority and who—
- (i) is appointed for the purposes of securing that the character of the federated school, including where the federated school has a particular religious character, such religious character, is preserved, and
  - (ii) where the federated school has a foundation, is appointed for the purpose of securing that the federated school is conducted in accordance with the foundation’s governing documents, including, where appropriate, any trust deed relating to the federated school;
- (b) “ex officio foundation governor” means a foundation governor who is the holder of an office by virtue of which he is entitled to be a foundation governor; and
- (c) “substitute governor” means a foundation governor appointed to act in the place of an ex officio foundation governor who is unwilling or unable to act as a governor or has been removed from office under regulation 24(3) of the Constitution Regulations.

(2) An ex officio foundation governor is, upon ceasing to hold the office from which his governorship derives, disqualified from continuing to hold office as such a governor.

### **Partnership governors**

**18.**—(1) In these Regulations “partnership governor” means a person who is nominated as a partnership governor and appointed as such in accordance with Schedule 5.

(2) A person is disqualified from nomination or appointment as a partnership governor of a federation if he is—

- (a) a parent of a registered pupil at a school within the federation;
- (b) eligible to be a staff governor of the federation;
- (c) an elected member of a relevant authority; or
- (d) employed by a relevant authority in connection with its functions as a local education authority.

### **Sponsor governors**

**19.** In these Regulations “sponsor governor” means a person nominated as a sponsor governor and appointed as such by the governing body of a federation in accordance with Schedule 6.

### **Associate members**

**20.**—(1) In these Regulations “associate member” means a person appointed by the governing body of a federation as a member of any committee established by them but who is not a governor.

(2) An associate member holds office for a period of four years or such shorter period (not being less than one year) as may be determined by the governing body of a federation at the date of his appointment.

(3) Nothing in this regulation prevents an associate member from being reappointed at the expiration of his term of office.

(4) Any person who is disqualified from holding office as a governor of a school under Schedule 6 to the Constitution Regulations is likewise disqualified from appointment as, or from continuing as, an associate member of the governing body of a federation, save as provided in paragraph 1 of Schedule 6 to the Constitution Regulations.

## **PART 4**

### **COMPOSITION OF GOVERNING BODIES OF A FEDERATION**

#### **General principles**

**21.**—(1) Subject to paragraphs (2) and (3), the instrument of government for a federation is to specify the size of the membership of the governing body of the federation, being no fewer than 9 or more than 29 governors.

(2) In determining the size of the membership of the governing body of a federation any sponsor governors appointed in accordance with regulations 22 to 29 and any additional foundation governors appointed in accordance with regulations 25(2)(b) or 27(2)(b) are not to be included.

(3) Subject to regulations 22 to 29, the instrument of government is to specify the number of governors from each of the following categories of governor to be elected or appointed—

- (a) parent governors;
- (b) staff governors;
- (c) LEA governors;

- (d) community governors;
- (e) foundation governors;
- (f) partnership governors;
- (g) sponsor governors.

(4) Where application of this regulation and regulations 22 to 29 produces a number other than a whole number, the governing body must specify either the whole number next above or the whole number next below (at their choice) provided that the total number of governors may not exceed the limit set in this regulation.

(5) In calculating the number of staff governors required, the head teachers must be included whether or not the head teacher of the federation, or any head teacher of a federated school, has resigned his governorship.

#### **Federation comprising community, community special and maintained nursery schools**

**22.**—(1) The governing body of a federation containing any combination of community schools, community special schools and maintained nursery schools<sup>(10)</sup> (and no other category of school) is to comprise the following—

- (a) one third or more parent governors, provided always that for each federated school at least one parent governor must be elected or appointed in accordance with regulation 13(1) to represent the interests of such parents;
- (b) at least two but no more than one third staff governors;
- (c) one fifth LEA governors; and
- (d) one fifth or more community governors.

(2) The governing body of the federation may in addition appoint up to two sponsor governors, or where the federation contains secondary schools only, up to four sponsor governors.

#### **Federation comprising only foundation or foundation special schools without foundations**

**23.**—(1) The governing body of a federation containing only foundation or foundation special schools<sup>(11)</sup> which, in either case, do not have a foundation, is to comprise the following—

- (a) at least one third parent governors, provided always that for each federated school at least one parent governor must be elected or appointed in accordance with regulation 13(1) to represent the interests of such parents;
- (b) at least two but no more than one third staff governors;
- (c) at least one but no more than one fifth LEA governors;
- (d) one tenth or more community governors; and
- (e) at least two but no more than one quarter partnership governors.

(2) The governing body of the federation may in addition appoint up to two sponsor governors, or where the federation contains secondary schools only, up to four sponsor governors.

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<sup>(10)</sup> Within the meaning of section 20 of and Schedule 2 to SSFA 1998 and section 39(1) of EA 2002.

<sup>(11)</sup> Within the meaning of section 20 of and Schedule 2 to SSFA 1998.



**Federation comprising only foundation or foundation special schools which have a foundation but which are not qualifying foundation schools**

24.—(1) The governing body of a federation containing only foundation or foundation special schools which have foundations but which are not qualifying foundation schools is to comprise the following—

- (a) at least one third parent governors, provided always that for each federated school at least one parent governor must be elected or appointed in accordance with regulation 13(1) to represent the interests of such parents;
- (b) at least two but no more than one third staff governors;
- (c) at least one but no more than one fifth LEA governors;
- (d) one tenth or more community governors; and
- (e) at least two but no more than 45 per cent foundation governors.

(2) The governing body of the federation may in addition appoint up to two sponsor governors, or where the federation contains secondary schools only, up to four sponsor governors.

**Federation comprising qualifying foundation schools only**

25.—(1) The governing body of a federation comprising qualifying foundation schools only is to comprise the following—

- (a) for each federated school at least one parent governor elected or appointed in accordance with regulation 13(1) to represent the interests of such parents;
- (b) at least two but no more than one third staff governors;
- (c) at least one but no more than one fifth LEA governors;
- (d) one tenth or more community governors;
- (e) such number of foundation governors as out number all the other governors listed in subparagraphs (a) to (d) by up to two; and
- (f) such number of foundation governors who are eligible for election or appointment as parent governors that, when they are counted with the parent governors, comprise one third or more of the total membership of the governing body.

(2) In addition—

- (a) the governing body of the federation may appoint up to two, or where the federation contains secondary schools only, up to four sponsor governors; and
- (b) the foundation may appoint such number of foundation governors (up to two, or where the federation contains secondary schools only, up to four) as are required to preserve their majority.

**Federation comprising voluntary controlled schools only**

26.—(1) The governing body of a federation containing voluntary controlled schools(12) only is to comprise the following—

- (a) one third or more parent governors, provided always that for each federated school at least one parent governor must be elected or appointed in accordance with regulation 13(1) to represent the interests of such parents;
- (b) at least two but no more than one third staff governors;
- (c) at least one but no more than one fifth LEA governors;

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(12) Within the meaning of section 20 of and Schedule 2 to SSFA 1998.

- (d) one tenth or more community governors; and
- (e) at least two but no more than one quarter foundation governors.

(2) The governing body of the federation may in addition appoint up to two sponsor governors, or where the federation contains secondary schools only, up to four sponsor governors.

**Federation comprising voluntary aided schools only**

**27.**—(1) The governing body of a federation containing voluntary aided schools<sup>(13)</sup> only is to comprise the following—

- (a) for each federated school at least one parent governor elected or appointed in accordance with regulation 13(1) to represent the interests of such parents;
- (b) at least two but no more than one third staff governors;
- (c) at least one but no more than one tenth LEA governors;
- (d) such number of foundation governors as out number all the other governors listed in subparagraphs (a) to (c) by two; and
- (e) such number of foundation governors who are eligible for election or appointment as parent governors that, when they are counted with the parent governors, comprise one third or more of the total membership of the governing body.

(2) In addition—

- (a) the governing body of the federation may appoint up to two, or where the federation contains secondary schools only, up to four sponsor governors; and
- (b) the persons who are entitled to appoint foundation governors may appoint such number of foundation governors (up to two, or where the federation contains secondary schools only, up to four) as are required to preserve their majority.

**Federation comprising voluntary controlled schools and community, community special or maintained nursery schools**

**28.**—(1) The governing body of a federation containing at least one voluntary controlled school and at least one community school, community special school or maintained nursery school is to comprise the following—

- (a) one third or more parent governors, provided always that for each federated school at least one parent governor must be elected or appointed in accordance with regulation 13(1) to represent the interests of such parents;
- (b) at least two but no more than one third staff governors;
- (c) at least two but no more than one fifth LEA governors;
- (d) at least two community governors; and
- (e) at least one foundation governor.

(2) The governing body of the federation may in addition appoint up to two sponsor governors, or where the federation contains secondary schools only, up to four sponsor governors.

**Federation comprising more than one category of school including at least one foundation or foundation special or voluntary aided school**

**29.**—(1) The governing body of a federation containing—

- (a) more than one category of school, and

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<sup>(13)</sup> Within the meaning of section 20 of and Schedule 2 to SSFA 1998.

(b) at least one foundation school, foundation special school or voluntary aided school, is to be constituted in accordance with paragraph (2).

(2) The governing body of a federation to which paragraph (1) applies is to comprise the following—

- (a) for each federated school at least one parent governor elected or appointed in accordance with regulation 13(1) to represent the interests of such parents;
- (b) at least two but no more than one third staff governors;
- (c) at least two but no more than one fifth LEA governors;
- (d) at least two community governors; and
- (e) at least two foundation governors (or partnership governors as appropriate in respect of any school without a foundation).

(3) The governing body of the federation may in addition appoint up to two sponsor governors, or where the federation contains secondary schools only, up to four sponsor governors.

## PART 5

### INSTRUMENTS OF GOVERNMENT, PROCEDURES, STAFFING AND CHARITABLE STATUS

#### **Qualifications, tenure of office and instruments of government**

**30.** Regulations 19 (*Notification of appointments*) and 21 to 33 of, and Schedule 6 (*Qualifications and disqualifications*) to, the Constitution Regulations apply to the governing body of a federation and its members subject to the modifications in Schedule 7.

#### **Procedures of governing bodies of federations**

**31.** The Procedures Regulations apply to the procedure of governing bodies of federations subject to the modifications in Schedule 8.

#### **Staffing of federations**

**32.** The Staffing Regulations apply to the staffing of federations subject to the modifications in Schedule 9.

#### **Charitable status of federations**

**33.—**(1) The governing body of a federation which includes a foundation, voluntary or foundation special school is a charity which is an exempt charity for the purposes of the Charities Act 1993<sup>(14)</sup>, but no governing body of a federation which includes only community, community special or maintained nursery schools is a charity.

(2) So far as it is a charity, any institution which—

- (a) is administered by or on behalf of any governing body of a federation which includes a foundation, voluntary or foundation special school; and
- (b) is established for the general purposes of, or for any special purpose of, or in connection with, that body or that federation or any foundation, voluntary or foundation special school within that federation,

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(14) 1993 c.10.

shall also be an exempt charity for the purposes of the Charities Act 1993.

(3) In this regulation, “charity” and “institution” have the same meaning as in the Charities Act 1993.

## PART 6

### INFORMATION AND FUNDING

#### Information for the governing body of a federation

**34.**—(1) Immediately before the federation date, the governing body of a school which is to become a federated school must prepare, for the purpose of assisting the governing body of the federation, a written report on the action which they have taken in the discharge of their functions relating to the school.

(2) All minutes and papers of a governing body of a school which is to become a federated school on the federation date, including the report prepared under paragraph (1), must be made available to the governing body of the federation.

#### Financing of federations

**35.** Except as provided by regulation 36, Chapter 4 of Part 2 of SSFA 1998 (*Financing of maintained schools*) applies to federated schools and their governing bodies as it applies to other maintained schools and their governing bodies.

**36.**—(1) In its application to a federated school in England, other than one for which a temporary governing body is established pursuant to regulation 38 or 43, section 50 of SSFA 1998 (*Effect of financial delegation*) has effect subject to the following modifications.

(2) In subsection (1), for “maintained” substitute “federated”.

(3) In subsection (2) for “any amounts are made available by the authority to the governing body” substitute “any amounts in respect of a federated school are made available by the authority to the governing body of a federation”.

(4) In subsection (3)—

(a) for “the governing body may spend any such amounts” substitute “the governing body of a federation may spend any amounts made available under subsection (2), or previously made available to the governing bodies of the federated schools before federation”, and

(b) for paragraph (a) substitute—

“(a) for any purposes of the federated school to which the amounts relate;

(ab) for any purposes of any other federated school within the federation;

(ac) for any purposes of the federation; or”.

(5) In subsection (4) for “In subsection (3) “purposes of the school” does not include” substitute “In subsection (3)(a), (ab) and (ac) any reference to the purposes of a federated school or a federation does not include”.

(6) In subsection (6), for “the head teacher” substitute “the head teacher of the federation or to the head teachers of federated schools”.

(7) In subsection (7), for “school” substitute “federation”.

## PART 7

### FEDERATED SCHOOLS LEAVING FEDERATIONS

#### **Procedure for a school to leave a federation**

**37.**—(1) This regulation applies to a request made to a governing body of a federation for a federated school (“the relevant school”) to leave the federation.

(2) The request must be made in writing and signed by—

- (a) two or more governors;
- (b) one fifth of the parents of registered pupils at the relevant school;
- (c) two fifths of staff who are paid to work at the relevant school;
- (d) the authority;
- (e) the trustees of the relevant school; or
- (f) a body entitled to appoint foundation governors to the governing body of the federation.

(3) The governing body of the federation must give notice of the request to—

- (a) all relevant authorities;
- (b) the head teacher of the federation and the head teacher of each federated school;
- (c) where the relevant school is a foundation or voluntary school with a religious foundation, any trustees of a trust relating to the relevant school and, in the case of a Church of England or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
- (d) all staff paid to work at the relevant school;
- (e) every person known by them to be a parent of a registered pupil at the relevant school; and
- (f) such other persons as the governing body of the federation consider appropriate.

(4) Notice under paragraph (3)(a) and (b) must be given within the period of 5 days beginning with the date on which the request was received.

(5) A request under paragraph (1) is to be taken to have been received by a governing body of a federation if given or sent to the chair or to the clerk of the governing body of a federation.

(6) Not less than 14 days after the governing body of a federation has given notice of the request in accordance with paragraph (3), the governing body must consider the request and all responses received from the persons to whom notification of the request was sent and must decide whether—

- (a) the relevant school should leave the federation and, if so, on what date it should do so (“the de-federation date”);
- (b) the federation should be dissolved, and if so, on what date; or
- (c) the relevant school should not leave the federation.

(7) Such a decision does not have effect unless the matter is specified as an item of business on the agenda for the meeting of which notice has been given in accordance with regulation 11(4) of the Procedures Regulations.

(8) The governing body of a federation must give notice in writing of their decision under paragraph (6) within 5 days to those persons referred to in paragraph (3).

#### **Decision to permit federated school to leave a federation**

**38.**—(1) Upon notification that a governing body of a federation have resolved that a federated school should leave a federation paragraphs (2) or (3) apply.

(2) Where one of only two federated schools is to leave a federation, the federation is dissolved in accordance with Part 8.

(3) Where paragraph (2) does not apply,

(a) the authority must—

(i) establish a temporary governing body in respect of the school leaving the federation in accordance with Parts 3 and 4 of the New Schools Regulations; and

(ii) issue a new instrument of government for that school in accordance with Part 5 of the Constitution Regulations<sup>(15)</sup>;

(b) the governing body of the federation must review the instrument of government of the federation in accordance with regulation 32 of the Constitution Regulations.

#### **Availability of amounts representing budget share**

**39.** Subject to any provision made by or under a scheme made under section 48(1) of SSFA 1998, the temporary governing body of a school leaving a federation may spend any sum made available by the authority under section 50(1) of that Act<sup>(16)</sup> to the governing body of the federation in respect of the school leaving the federation, as they think fit for any purposes of that school.

#### **Incorporation of governing body of a school leaving a federation**

**40.** On the de-federation date the temporary governing body of the de-federated school are incorporated as the governing body of that school under the name given in the school's instrument of government.

#### **Transfer of property**

**41.—**(1) On the de-federation date—

(a) all land or property, which, immediately before the de-federation date, was held by the governing body of the federation for the purposes of the de-federated school transfers to, and by virtue of these Regulations vests in, the governing body incorporated under regulation 40; and

(b) all rights and liabilities subsisting immediately before the de-federation date which were acquired or incurred by the governing body of the federation for the purposes of the de-federated school transfer to the governing body incorporated under regulation 40.

(2) Section 198 of and Schedule 10 to the Education Reform Act 1988<sup>(17)</sup> (which make 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.

## **PART 8**

### **DISSOLUTION OF FEDERATIONS**

#### **Dissolution of federations**

**42.—**(1) Where—

(a) a governing body of a federation decides that the federation should be dissolved; or

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<sup>(15)</sup> As modified by Schedule 7 to these Regulations.

<sup>(16)</sup> As modified by regulation 36 of these Regulations.

<sup>(17)</sup> 1988 c.40.

- (b) a governing body of a federation decides that one of only two federated schools should leave a federation,

the governing body of a federation must give notice of the fact and the proposed date of dissolution to the persons mentioned in paragraph (2) within 14 days.

- (2) The persons to be notified are—
  - (a) all relevant authorities;
  - (b) the head teacher of the federation and each head teacher of a federated school;
  - (c) every member of staff paid to work at the federation or a federated school;
  - (d) every person known by the governing body to be a parent of a registered pupil at a federated school;
  - (e) where a federated school is a foundation or voluntary school with a religious foundation, the foundation governors, any trustees of a trust relating to the federated school and, in the case of a Church of England or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools; and
  - (f) such other persons as the governing body of the federation consider appropriate.

**43.** Upon receipt of the notice issued under regulation 42, the relevant authority or authorities must—

- (a) establish a temporary governing body in respect of each school in accordance with Parts 3 and 4 of the New Schools Regulations; and
- (b) issue a new instrument of government for each school in accordance with Part 5 of the Constitution Regulations.

#### **Availability of amounts representing budget share**

**44.** Subject to any provision made by or under a scheme made under section 48(1) of SSFA 1998, the temporary governing body of each school may spend any sum made available by the authority under section 50(1) of that Act(18) to the governing body of the federation in respect of each school, as they think fit for any purposes of that school.

#### **Incorporation of governing body of a school leaving a federation**

**45.** On the date of dissolution the temporary governing body of each federated school are incorporated as the governing body of each de-federated school under the name given in the school's instrument of government.

#### **Transfer of property**

- 46.—**(1) On the date of dissolution—
  - (a) all land or property which, immediately before the date of dissolution, was held by the governing body of the federation for the purposes of each de-federated school, transfers to, and by virtue of these Regulations vests in, the new governing body of each de-federated school incorporated under regulation 45; and
  - (b) all rights and liabilities subsisting immediately before the date of dissolution which were acquired or incurred by the governing body of the federation for the purposes of each de-federated school transfer to the new governing body of each de-federated school incorporated under regulation 45.

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(18) As modified by regulation 36 of these Regulations.

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

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(2) Section 198 of and Schedule 10 to the Education Reform Act 1988 (which make 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.

22nd March 2007

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