
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to federations consisting of all categories of maintained schools in England.

Part 1 provides for the Regulations to come into force on 25th May 2007, revokes the School Governance (Federations) (England) Regulations 2004 and contains interpretative provisions. The reference in the definition of a “qualifying foundation school” to “a foundation established otherwise than under the School Standards and Framework Act 1998” is to a foundation which is not a foundation body in each case, within the meaning of section 21 of that Act.

Part 2 sets out the circumstances in which a federation can be established or a school can join an existing federation. At least two schools can federate in accordance with section 24 of the Education Act 2002.

Regulation 5 enables action taken before 25th May 2007 to take effect as complying with prescribed procedure.

Regulations 6 to 11 set out the procedure for schools to federate including circumstances where a federation wishes to join another federation to form a new federation and where a new school wishes to join a federation. Regulation 11 and Schedule 1 enable new schools which propose to be federated schools to have a single temporary governing body.

Regulation 12 provides that on the federation date the governing bodies of the individual schools dissolve and the governing body of the federation is incorporated. All relevant land, property, rights and liabilities are transferred to the governing body of the federation.

Part 3 describes the various types of governor. Regulation 13 and Schedule 2 deal with parent governors and set out the basis on which they are elected or appointed.

Regulation 14 deals with staff governors. This category includes both teaching and non-teaching staff and the head teacher of each federated school or of the federation. Every head teacher, whether he is the head teacher of a federation or the head teacher of a school within the federation is a staff governor by virtue of his position but may resign his governorship (or withdraw his resignation) at any time. Schedule 3 sets out the election process for other staff governors.

Regulation 15 deals with the appointment of LEA governors.

Regulation 16 sets out who is eligible for appointment as a community governor. Schedule 4 sets out provisions as to the appointment of community governors in special schools.

Regulation 17 deals with the appointment of foundation governors, including ex officio foundation governors and substitute governors. Regulation 18 and Schedule 5 make provision for the nomination and appointment of partnership governors and regulation 19 and Schedule 6 make provision for the nomination and appointment of sponsor governors. The appointment of sponsor governors is optional.

Regulation 20 provides for the appointment of persons who are not governors (known as associate members) to committees of the governing body of a federation.

Part 4 sets out the general principles by which the size and composition of governing bodies of federations are to be determined. Regulations 22 to 29 set out the specific requirements for the constitution of the governing bodies of federations, dependent upon the type of schools which make up a federation.

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

Part 5 applies provisions within other sets of Regulations to the governing bodies of federations, and to governors, where certain modifications are required as set out in Schedules 7 to 9. Provisions relating to the exercise of the power to nominate and appoint a governor and relating to qualifications and terms of office apply, together with provisions dealing with the procedure for making, reviewing and varying a federation's instrument of government and the contents of that instrument of government. The instrument of government of a federation must conform to the School Governance (Constitution) (England) Regulations 2007.

Part 6 deals with information and funding matters. Regulation 34 provides for the governing bodies of each school which will be part of a federation to provide specified information to assist the governing body of the federation.

Regulation 35 applies Chapter 4 of Part 2 of SSFA 1998 to federations subject to regulation 36, which modifies section 50 of SSFA 1998 as it applies to federated schools and the governing bodies of federations. The modified section 50 applies until a temporary governing body is established when a school proposes to leave a federation or when a federation is dissolved.

Part 7 sets out the procedure required for a federated school to leave a federation.

Regulation 38 provides that where a school is to leave a federation, the local education authority must establish a temporary governing body and issue an instrument of government in respect of that school and review the instrument of government of the federation. Under regulation 39, the temporary governing body of the school leaving the federation may spend their budget share made available by the local education authority.

Regulation 40 provides for the incorporation of the governing body of the school leaving the federation on the de-federation date and regulation 41 deals with the transfer of land, property, rights and liabilities to the governing body of the school leaving the federation.

Part 8 sets out the procedure for the dissolution of a federation. The local education authority must establish a temporary governing body for each school within the federation and issue an instrument of government in relation to each school.

Regulation 44 enables the temporary governing body of each school to spend the budget share made available to them by the local education authority.

Regulation 45 provides for the incorporation (on the date of dissolution) of the governing bodies of each school previously within the dissolved federation and regulation 46 deals with the transfer of land, property, rights and liabilities to the governing body of each of those schools.