

21. Collaboration and federation

Collaboration between governing bodies of maintained schools

1. Bringing schools together under collaboration arrangements can make better use of resources, pool expertise, and allow schools to explore ways of doing things more effectively and efficiently.
2. Decision making on collaborative activities can be more streamlined benefitting schools and making it more attractive for them to work together by enabling them to more easily share and develop good practices which individual schools may find difficult to sustain.
3. Some examples of the types of issues on which governing bodies could collaborate are:
 - exploiting cost efficiencies
 - cross phase arrangements
 - raising standards by sharing curriculum delivery, school leadership and resources.
4. Two or more governing bodies may arrange for any of their functions to be discharged jointly, subject to the school's instrument of government, and regulations [50 to 52 of The Government of Maintained Schools \(Wales\) Regulations 2005](#) ("the Government Regulations"), which prescribe the functions a governing body may or may not delegate to a committee.
5. Collaborating governing bodies may not delegate to a committee functions about:
 - categories of governors
 - constitution of governing bodies
 - removal of governors
 - instruments of government
 - election and removal of chairs and vice chairs
 - appointment and removal of the clerk of the governing body
 - suspension of governors
 - delegation of functions
 - the establishment of committees
 - head teacher or deputy head teacher selection panels.
6. Where collaborating governing bodies make such arrangements in respect of any of their functions relating to individual members of the school staff, [The Staffing of Maintained Schools \(Wales\) Regulations 2006](#) ("the Staffing Regulations"), as amended apply to the discharge of such functions.

7. Collaborating governing bodies may delegate the discharge of any of their functions that may be delegated to a committee under regulation [50 of the Government Regulations](#), to a joint committee established by them.
8. Unless otherwise specified in paragraph 17, all references to committees in the chapter dealing with governing body procedures should be read as joint committees.
9. [The Government Regulations](#) apply to joint meetings of collaborating governing bodies in the same way as they apply to meetings of individual governing bodies not part of a formal collaboration arrangement.

Legislative position

10. The [Collaboration Between Maintained Schools \(Wales\) Regulations 2012](#) (“the Collaboration Regulations”) provide for maintained schools to have increased collaborative arrangements with other maintained schools, including joint meetings of governing bodies and joint committees.

Collaboration between further education bodies and governing bodies of maintained schools

11. One or more school governing bodies may collaborate with one or more further education governing bodies, subject to the school’s instrument of government, and regulations 50 to 52 of [the Government Regulations](#), which prescribe which functions a governing body may or may not delegate to a committee.
12. One or more further education governing bodies may collaborate with one or more school governing bodies, subject to the provisions of their instrument and articles of government in force under Part 1 of the Further and Higher Education Act 1992 (“the Act”)
13. Two or more further education governing bodies may enter into collaboration arrangements with each other, subject to the provisions of their instrument and articles of government in force under section [the Act](#).
14. Where a school governing body enters into collaboration arrangements as described, [the Staffing Regulations](#) will apply to those members of staff employed by a school governing body.
15. Subject to paragraph 16, where further education and school governing bodies collaborate as described at paragraphs 10-15, they may also delegate the discharge of any of their functions to a joint committee.

16. Where the collaborating body is:
- a school governing body, it may only delegate to a joint committee those functions which may be delegated to a committee under regulation 50 of the Government Regulations
 - a further education governing body, it may only delegate to a joint committee those functions which may be delegated to a committee under the relevant provisions of its instrument and articles of government in force under section 22 or 29 of the Act.

Legislative position

17. [Under section 166 of the Education and Inspections Act 2006](#), further education colleges may collaborate formally with the governing bodies of maintained schools or other further education institutions through the use of joint committees. Provisions are outlined in [the Collaboration Between Education Bodies \(Wales\) Regulations 2012](#).

Collaborative procedures

18. The following procedures apply where a maintained school agrees to work collaboratively with one or more other maintained schools and/or further education bodies.

Establishment of joint committees

19. The collaborating governing bodies must determine and review annually the constitution, terms of reference and membership of any joint committees they decide to establish. For further information on the establishment of committees for maintained schools, see chapter 4 of this guide Governing body procedures and meetings.
20. A joint committee must appoint a chair annually and may remove its chair from office at any time. In the absence of the chair, the joint committee must elect a member of the committee to act as chair in their absence. No person who is employed to work at the school or the further education body, nor a registered pupil of the school or a registered student of the further education body, may act as chair of a joint committee.
21. The quorum for a meeting of the joint committee and for any vote on any matter at such a meeting, is one-half (rounded up to a whole number) of the membership of the joint committee, excluding any vacancies and any members suspended from that meeting.
22. The majority of members on any joint committee must be governors of the constituent governing bodies.
23. The membership of a joint committee may include non-governor members, i.e. a person who is not a member of any of the collaborating governing bodies, and

the extent to which such members are entitled to vote is to be determined by the joint committee, but the majority of members on any joint committee must be governors.

24. . The requirements for the membership and responsibilities of these committees dealing with staff disciplinary and dismissal issues remain as set out in chapter 10 of this guide Staffing.

Clerks to joint committees

25. A joint committee must appoint a clerk (who cannot be one of the head teachers or further education college principals) and may remove the clerk from office at any time. In the absence of the clerk from a meeting, a joint committee may appoint any one of their number (except for the head teachers or further education college principals) to act as clerk for the purposes of that meeting.

26. The functions of the clerk to the joint committee are to:

- convene meetings of the joint committee
- attend meetings of the joint committee and ensure that minutes of the proceedings are drawn up
- perform any other functions determined by the joint committee.

Non-governor members

27. Non-governor members can play a valuable role in providing additional knowledge and experience to collaborating bodies. In the regulations non-governor means a person who is appointed to a joint committee as a member of that committee, but who is not a member of one of the collaborating bodies.
28. Any person who is disqualified from holding office as a governor of a school or who is ineligible to be a member of a further education body is disqualified from holding, or continuing to hold, office as a non-governor member of a joint committee.
29. It is for the collaborating bodies to determine the voting rights of non-governor members.
30. For maintained schools, the voting rights of non-governor members are prescribed in the Government Regulations and chapter 4 of this guide Governing body procedures and meetings. References to governing bodies should read collaborating governing bodies and references to committee should read joint committees.
31. The information relating to non-governor members of committees is not to be read in relation to the independent non-governor member required on staff disciplinary and dismissal panels and staff disciplinary and dismissal appeal panels convened to hear allegations in relation to child protection issues. For information refer to chapter 10 Staffing.

Right of persons to attend meetings of joint committees

32. Subject to regulation 9 of the Collaboration Regulations, the following persons are entitled to attend any meeting of a joint committee:
- a. any members of the joint committee, provided they have not been suspended by one of the collaborating governing bodies
 - b. the head teachers, whether or not they are members of the joint committee
 - c. the principal of a collaborating body, whether or not they are a member of the committee
 - d. the clerk to the joint committee
 - e. such other persons as the joint committee may determine.
33. A joint committee may exclude a non-governor member from any part of its meeting when the business under consideration concerns an individual pupil or member of staff.
34. Paragraph 32b will not apply in relation to the committees referred to in regulations 55 and 56 of the Government Regulations or in relation to any joint committee or selection panel exercising any function under regulations 9 to 34 of the Staffing Regulations.
35. In such circumstances, a head teacher does not have the right to attend a meeting of a joint committee as a member of that Committee. This does not preclude a head teacher from being present at such a meeting, as required/allowed and/or invited by the governing body under regulations, to present evidence or provide advice.

Proceedings of joint committees

36. The clerk must convene meetings of the joint committee and, when exercising this function, must comply with any direction given by the joint committee or its chair (providing it is not inconsistent with any direction given by the joint committee).
37. At least five clear days in advance of a meeting, the clerk must provide the following to each member of the joint committee and to the head teachers and principals of the collaborating bodies (whether or not they are members of the joint committee):
- written notice of the meeting
 - a copy of the agenda for the meeting
 - any reports or papers to be considered at the meeting.

38. A shorter notice period may be given if the chair of the committee believes that matters need more urgent consideration, providing this is made clear in the notice for the meeting.
39. The proceedings of a joint committee are not invalidated by any vacancy in the membership of the committee or any defect in the appointment of any member of the committee. The provision does not remove the obligation of the governing body to rectify the defect.
40. No vote on any matter may be taken at a meeting of a joint committee unless the majority of members of the committee present are members of a collaborating body.
41. Every question to be decided at a meeting of a joint committee must be determined by a majority of the votes of the members of the committee present and voting on the question.
42. Where there is an equal division of votes the person who is acting as chair for the purposes of the meeting has a second or casting vote, provided that person is a member of a collaborating body. (In this context the member means a governor).

Minutes

43. Minutes of the proceedings of a meeting of a joint committee must be drawn up by the clerk or by the person acting as the clerk for the purposes of the meeting, and must be signed (subject to the approval of the joint committee) by the chair of the next meeting of the joint committee.
44. The joint committee must supply its LA with a copy of the draft or signed minutes of any of its meetings on request by that LA.
45. The minutes of proceedings may be kept on paper or electronically. Where they are kept electronically, they may also be signed electronically..
46. Subject to paragraph 50, the joint committee must, as soon as reasonably practicable, make available for inspection at each of the collaborating schools by any interested person and give to the collaborating governing bodies:
 - the agenda for every meeting
 - the signed minutes of every such meeting
 - any report or other paper considered at any such meeting
 - the draft minutes of any meeting, if they have been approved by the person acting as chair of that meeting.

47. The joint committee may exclude from the above, any material relating to:
- a named person who works, or who it is proposed should work, for a collaborating body
 - a named pupil or student at, or candidate for admission to, a collaborating body
 - any other matter that, by reason of its nature, the joint committee is satisfied should remain confidential.
48. Each page of published copies of any draft minutes of proceedings of meetings approved by the chairperson must indicate that they are draft minutes.

Restrictions on persons taking part in proceedings

49. In the regulations the term relevant person means a member of the joint committee, a maintained school head teacher or a further education college principal of a collaborating body or the clerk to the joint committee.
50. Relevant persons must, if present at a meeting of the joint committee, disclose their interest, withdraw from the meeting, and not vote on a matter, if:
- there may be a conflict between their interests and the interests of a collaborating body
 - there is reasonable doubt about their ability to act impartially in relation to a matter where a fair hearing is required
 - they have a pecuniary interest in a matter.
51. A joint committee may:
- allow any person who is able to give evidence to attend any hearing conducted by them into any matter in order to present that evidence
 - hear representations from a relevant person who is acting in a capacity other than that of a relevant person.
52. A relevant person may enter into a contract with a collaborating body from which they are entitled to profit.
53. A person who is acting as the clerk to a meeting of the joint committee is not required to withdraw from a meeting unless consideration is being given to their appointment to office, remuneration or disciplinary action against them. However, if the regulation or the Schedule would otherwise have required them to withdraw, they must not act in any other capacity than that of clerk.
54. Where there is any dispute as to whether a relevant person is required to withdraw from a meeting of the joint committee and not vote, it is for the other members of the joint committee present at the meeting to decide the question.

55. Provision for pecuniary interests and other specified conflicts of interest is set out in the Schedules to the Regulations.

Federation of governing bodies of maintained schools in Wales

56. School federation is a more formal way of extending collaboration and promoting closer working relationships and is the principal initiative for achieving formal partnership working amongst schools to improve performance and narrow the attainment gap for deprived pupils.
57. Federation is a formal and legal agreement by which a number of schools (between two and six) share governance arrangements and have a single governing body. Federations can involve a mix of maintained community and community special schools which are either nursery, primary or secondary schools.
58. Schools with a faith and/or a trust such as voluntary aided, and voluntary controlled can only federate with schools of the same category or with schools that have a similar charitable trust status and/or religious ethos. Foundation schools will only be able to federate with other foundation schools.
59. There is no blueprint for federation and the design or operational workings of a federation will depend entirely on the circumstances of the individual schools and the focus or purpose of working together, but there are some distinct advantages to federation.
60. The most important reason for considering federation must be the benefits such an arrangement would bring for children and young people in the federating schools by enhancing educational provision.
61. Since the School Standards and Framework Act 1998, and subsequently the Education Act 2002, every maintained school in Wales has had its own governing body.
62. The Education Act 2002 permits the Welsh Ministers to make regulations allowing two or more governing bodies to formally unite to create one federated governing body (federate). This process involves each separate governing body dissolving and in its place there is one governing body for all the schools in the federation. The schools are not dissolved and retain their separate identities.

Legislative position

63. Schools have been able to federate since 2010 using a process set out in the Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010. The [Federation of Maintained Schools \(Wales\) Regulations 2014](#) which came into force on 22 May 2014 replaced the 2010 regulations.
64. Under the 2014 regulations governing bodies continue to be able to federate their schools if they wish. In addition the regulations provide LAs with the power to federate schools. LAs are able to federate a school, including a proposed new school with another school or schools or federate schools within an existing federation. The 2014 regulations also contain a process for LAs to federate small schools, which have been defined in an Order made by the Welsh Ministers as a school which has fewer than 91 pupils.

The Law

[The Education Reform Act 1988](#): Section 198 and Schedule 10

[The School Standards and Framework Act 1998](#): Sections 28, 58- 60, and 69

[The Education Act 2002](#)

[The Government of Maintained Schools \(Wales\) Regulations 2005](#)

[The Staffing of Maintained Schools \(Wales\) Regulations 2006](#), as amended

[The Education and Inspections Act 2006](#)

The Federation of Maintained Schools (Wales) Regulations 2014 [The Collaboration Between Education Bodies \(Wales\) Regulations 2012](#)

Guidance

[Federation process of maintained schools: guidance for governing bodies and local authorities](#)

