GOVERNING BODY FEDERATION AND COLLABORATION

UPDATE STATUS
This section reflects current legislation. The Education Act 2011 will introduce changes to the constitution of governing bodies, including federated governing bodies, and revisions to the school governance procedures regulations. These changes will come into force in September 2012.

KEY POINTS
This section outlines the conditions and processes allowing maintained schools to federate under one governing body (federation), or for maintained schools to adopt collaborative arrangements with other maintained schools and further education institutions, including joint meetings of governing bodies and joint committees (collaboration).

GOVERNING BODY FEDERATION

1. Under Sections 24 and 25 of the Education Act 2002 ("the Act"), maintained schools are able to federate under one governing body. The conditions and procedures for schools to federate under the Act are set out in the School Governance (Federations) (England) Regulations 2007 ("Federation Regulations").

N.B. References to federations in this section are to federated governing bodies (i.e. federated in accordance with the Federation Regulations) unless otherwise specified.

2. The Regulations provide that a federation must contain at least two schools.

3. More informal collaborative arrangements between maintained schools and non-maintained schools (such as City Technology Colleges, Academies, Free Schools and independent schools) and Further Education Colleges are also possible, but these may not include federation of the governing bodies. Maintained schools can form formal joint committees of the governing bodies under the Act with Further Education Colleges, but cannot form such committees with non-maintained schools (such as City Technology Colleges, Academies, Free Schools and independent schools). More detailed guidance on the Regulations is available on the DfE website.

Procedure for governing bodies wishing to federate

4. In order to form a federation with one or more other schools, or join an existing federation, the governing body must first consider a report on the proposal. The report must be 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 School Governance (Procedures) (England) Regulations 2003.

5. Where the governing body proposes that its school should join an existing federation, it must give notice of the proposal to the governing body of that federation. Upon receipt of the notice, the governing body of the federation must consider whether it should give preliminary consent to the school joining the federation or determine that the school should not join the federation.

6. Where the governing body decides that its school should federate with one or more other schools or join a federation and, where necessary, preliminary consent has been given, it must jointly publish proposals for federation with the other governing body or bodies.

7. The proposals must contain:
the name or names of the governing body or bodies with which the governing body proposes to federate, and confirmation that that governing body, or those governing bodies, have resolved likewise to seek federation;

the proposed size of the governing body of the federation (paragraphs 31–38);

the proposed numbers for each category of governor (paragraphs 31–38);

the proposed arrangements for staffing the schools within the federation;

the proposed federation date;

the identity of the admission authority/ies for the schools within the federation;

the date, not less than six 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;

such other matters as the governing body considers appropriate.

8. The governing bodies proposing to federate must publish the proposals by sending them to:

- the relevant Local Authority (LA) (or LAs if the schools are in more than one authority);
- the head teacher of each school;
- all staff paid to work at any of the schools;
- the parents of registered pupils at any of the schools;
- such other persons as the governing bodies consider appropriate; and
- the Secretary of State for Education, via school.organisationproposals@education.gsi.gov.uk (this requirement was introduced in the School Organisation and Governance (Amendment) (England) Regulations 2009).

N.B. In the case of a school with a foundation, proposals must also be sent to the foundation governors and any trustees of the school. In the case of a school designated as having a religious character under Section 69(3) of the School Standards and Framework Act 1998, proposals must also be sent to the appropriate diocesan authority in the case of a Church of England or Roman Catholic school, or the appropriate religious body in the case of all other such schools.

A copy of the proposals must be made available for inspection at all reasonable times at each school.

9. The governing bodies proposing to federate must jointly consider any responses to the proposals, and each governing body must determine either:

- to proceed with the proposals for federation as published;
- to proceed with the proposals for federation with such modifications as the governing body considers appropriate (but such modifications may not include a change in the schools proposing to federate); or
- not to proceed with the proposals for federation.

10. All the governing bodies must notify the Secretary of State of their decision on the proposals via the school.organisationproposals@education.gsi.gov.uk mailbox. In addition, all the governing bodies that have determined to proceed must jointly give notice of that fact to the relevant LA or LAs.

**New schools wishing to federate**

11. Where it is proposed that a school will form part of a federation when it opens, this should be made clear in the consultation on the statutory proposals for the new school under Sections 7, 10, or 11 of the Education and Inspections Act 2006. Those
bringing forward the proposals (i.e. the LA or the proposers) must ensure that the consultation contains all the elements specified in paragraphs 4–10, above.

12. If a proposal to federate did not form part of the consultation on the statutory proposals, but it is proposed that a new school should become part of a federation and a temporary governing body has not yet been established, the procedure set out in paragraphs 4–10 must be carried out by those bringing forward the proposals.

13. If a temporary governing body has been established for the school, it is for the temporary governing body to carry out the procedures in paragraphs 4–10.

14. If two or more new schools are to federate together, with or without any other schools or federations, the LA may establish a single temporary governing body for the new schools. Such a temporary governing body must be constituted in accordance with Schedule 1 to the 2007 Federation Regulations. Where one or more of the new schools is to be a foundation or voluntary school, the LA must consult the proposers about whether or not it should establish such a temporary governing body, and if so, on what date.

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

15. On the federation date:
   - the governing bodies of the schools that become federated schools are dissolved;
   - the governing body of the federation is incorporated;
   - all land and property, which immediately before the federation date was property held by the governing body of a federating school or federation, is transferred to and vests in the governing body of the federation;
   - all rights and liabilities subsisting immediately before the federation date, that were acquired or incurred by the governing body of a federating school or federation, are transferred to the governing body of the federation.

Categories of governors on federated governing bodies

16. The criteria for election or appointment to the categories of governors on federated governing bodies are broadly the same as those for governing bodies, outlined in the School Governance (Constitution) (England) Regulations 2007. Unless otherwise specified in paragraphs 17–30, all references to “school” in section 3 of this Guide (Constitution of governing bodies) should be read as “school within the federation”.

Parent governors

17. The criteria for eligibility to stand for election as a parent governor on the federated governing body are as for a parent governor on a governing body, outlined in section 3 of this Guide (Constitution of governing bodies), except for paragraph 18, below.

18. If insufficient parents stand for election, the governing body may appoint the following in the order below, to represent the school:
   - a parent of a pupil at the school;
   - a parent of a pupil from another school within the federation;
   - a parent of a former pupil at the school;
   - a parent of a former pupil from another school within the federation;
   - a parent of a child.

Staff governors

19. The criteria for eligibility and election as a staff governor are outlined in paragraphs 9–12 of section 3 of this Guide (Constitution of governing bodies), except for
paragraph 20, below. In these paragraphs, references to “the school” in this section should be read as “the federation”.

20. The head teacher of a federation or a federated school (unless he or she resigns as a governor in accordance with Regulation 23(1) of the School Governance (Constitution) (England) Regulations 2007) is an ex officio member of the federated governing body.

**Authority (LA) governors**

21. LAs can appoint any eligible person as an Authority governor. A person eligible to be a staff governor is disqualified from appointment as an Authority governor.

22. If a federation includes schools that are maintained by more than one LA, the LAs must agree among themselves who shall appoint the Authority governors, and in what proportion.

**Community governors**

23. The definition of community governors is outlined in paragraphs 14–16 of section 3 of this Guide (Constitution of governing bodies). This is a wide definition and people from a business or professional background and minor authority representatives may be appointed as community governors.

**Foundation governors**

24. Where a federation includes a foundation or voluntary school, its governing body will include foundation governors. The definition of a foundation governor is outlined in paragraphs 17–19 of section 3 of this Guide (Constitution of governing bodies). References to “the school” in this section should be read as “the federated school”.

**Partnership governors**

25. Where the federation includes a foundation school which has no foundation, the governing body of the federation must include partnership governors. Partnership governors take the place of foundation governors in foundation schools that have no foundation.

26. The governing body must seek nominations for partnership governors from parents of registered pupils at schools with no foundation in the federation. It may also seek nominations from parents of registered pupils at other schools in the federation, and from such other persons in the community served by the federation as it considers appropriate.

27. Partnership governors must meet the same eligibility criteria as community governors and, in addition, may not be the parent of a registered pupil at a school within the federation, or employed by a relevant authority in connection with its functions as an LA. Partnership governors can be members of staff employed at schools that do not form part of the federation.

28. If the number of eligible nominees is fewer than the number of vacancies, the number of partnership governors required may be made up by persons selected by the governing body of the federation.

**Sponsor governors**

29. Sponsor governors are appointed by the governing body, at whose discretion it is whether or not to choose to appoint sponsor governors. The governing body of a federation may appoint up to two (or where the federation contains secondary schools only, up to four) sponsor governors. The definition of sponsor governors is outlined in section 3 of this Guide (Constitution of governing bodies).
Associate members

30. Associate members are appointed as members of any committees established by the governing body of a federation. Paragraphs 22–23 of section 3 of this Guide (Constitution of governing bodies) explain the roles and terms of office of associate members.

COMPOSITION OF THE GOVERNING BODY: GENERAL PRINCIPLES

31. The number of governors must be no fewer than 9 and no more than 29, excluding sponsor governors or additional foundation governors, as per paragraph 36, below.

32. Where the number of governors in any category arrived at in accordance with the following proportions is not a whole number, the instrument may specify either the next whole number above or the next whole number below, provided that the total number of governors does not exceed the limits mentioned in paragraph 31, above.

33. In calculating the number of staff governors required, the head teacher governors must be included whether or not the head teacher of the federation (if there is one), or any head teacher of a federated school, has chosen not to act as a governor.

Federations comprising only one category of school

34. The governing body of a federation containing only one category of school must consist of the same proportion of categories of governor, as laid down in paragraph 24 of section 3 of this Guide (Constitution of governing bodies).

35. When calculating the number of parent governors, the governing body must ensure that for each federated school at least one parent governor is elected by the parents of registered pupils at that school, or appointed by the governing body of a federation to represent the interests of such parents.

36. Where the federation comprises voluntary aided schools or qualifying foundation schools only, and the governing body appoints sponsor governors, then notwithstanding the overall limit of the number of governors, the persons who are entitled to appoint foundation governors may appoint such a number of additional foundation governors (up to two, or where the federation contains secondary schools only, up to four), as is required to preserve their majority.

FEDERATIONS COMPRISING MORE THAN ONE CATEGORY OF SCHOOL

Federations comprising voluntary controlled schools and community, community special or maintained nursery schools

37. The governing body of a federation containing at least one voluntary controlled school and at least one community school, community special or maintained nursery school, must consist of:

- one-third or more parent governors, provided that for each federated school at least one parent governor is elected by the parents at that school, or appointed by the governing body of a federation, to represent the interests of such parents;
- at least two, but no more than one-third staff governors;
- at least two, but no more than one-fifth Authority governors;
- at least two community governors;
- at least one foundation governor.

The governing body of a federation may, in addition, appoint up to two sponsor governors or, where the federation contains secondary schools only, up to four sponsors.
Federations comprising more than one category of school, including at least one foundation or foundation special or voluntary aided school

38. The governing body of a federation that includes more than one category of school, but at least one foundation or foundation special or voluntary aided school, must consist of:

- at least one parent governor elected by the parents of registered pupils at that school, or appointed by the governing body of a federation, to represent the interests of such parents for each federated school;
- at least two, but no more than one-third staff governors;
- at least two, but no more than one-fifth Authority governors;
- at least two community governors;
- at least two foundation governors (or partnership governors for schools without a foundation).

The governing body of a federation may also appoint one or two sponsor governors or, where the federation contains secondary schools only, up to four sponsors.

Qualifications and disqualifications, terms of office and instruments of government

39. Qualifications and disqualifications, terms of office and instruments of government are broadly as for other governing bodies, and Regulations 19 and 21 to 33 of, and Schedule 6 to the School Governance (Constitution) (England) Regulations 2003 apply, with some modifications set out in Schedule 7 to the School Governance (Federation) (England) Regulations 2007.

40. The instrument of government is the document that records the name of the federation and the constitution of its governing body.

41. The instrument must set out:

- the name of the federation;
- the names and categories of the schools within the federation;
- the name of the governing body of the federation;
- the categories of governor;
- the number of governors in each category;
- the total number of governors, including any sponsor governors;
- the terms of office of any category of governor, if less than four years;
- the name of the nominating person or body where the federation has sponsor governors;
- the date the instrument takes effect.

The instrument must also record:

- the name of the foundation body or person (if any) who is entitled to appoint foundation governors and, if there is more than one, the basis upon which appointments are made in the case of a federation involving one or more foundation or voluntary schools;
- details of any foundation governorship to be held ex officio;
- the name of the person entitled to request the removal of any ex officio foundation governor and to appoint any substitute governor;
- the fact that there is a Trust relating to the school, if any;
- a description of the ethos of the school if a school has a religious character.

43. For a federation involving one or more community special school(s) or foundation special school(s), the instrument must also record the name of the body that has the
right to nominate a person for appointment as a community governor.

44. The governing bodies of the schools that are to federate jointly prepare the draft instrument of government and submit it to the LA. Where the federation will have foundation governors, the draft must first be approved in respect of each foundation or voluntary school by the foundation governors and, where relevant, any trustees or appropriate religious body. If the draft instrument complies with the legal requirements, the LA or LAs will make the instrument. (Where the federation is to include schools maintained by different LAs, the governing bodies of the schools need to agree between them which one of those LAs should make the instrument of government for the federation.) The governing body of the federation and LA or LAs can review and change the instrument at any time.

45. Where there is disagreement about the draft instrument and the federation includes one or more foundation or voluntary schools, a variation can be proposed by any party either solely or in conjunction with another and all parties should seek to reach an agreement on the revised draft. Once agreement has been reached, the LA will make the instrument.

46. If the school does not have foundation governors and the LA is not content with the draft instrument, it must tell the governing body and explain why it is not content. The LA must give the governing body a reasonable opportunity to reach agreement with it on a revised draft. If no agreement can be reached, the LA will produce a final draft for the school as it thinks fit and make the instrument.

Procedures of governing bodies of federations

47. The School Governance (Procedures) (England) Regulations 2003, and associated guidance covering individual governing bodies, apply to the proceedings of federated governing bodies, with amendments set out in Schedule 8 to the School Governance (Federations) (England) Regulations 2007. These amendments mainly consist of substituting “federation or a federated school” for “school”. A governor who is paid to work at the federation or a federated school is not eligible to be the chair or vice-chair of the governing body of the federation.

Staffing of federations

48. The School Staffing (England) Regulations 2009 apply to the staffing of governing bodies of federations, with amendments set out in Schedule 9 to the School Governance (Federation) (England) Regulations 2007. The amendments substitute “federation or a federated school” for “school” and provide that both the governing body and the head teacher of the federation (if any) shall have the power to suspend any person employed to work at the federation. The head teacher of a federated school shall have the power to suspend any person employed to work at that federated school.

Information for the governing body of a federation

49. Immediately before the federation date, the governing body of each school that will become a federated school must prepare, for the purpose of assisting the governing body of the federation, a brief report of the action which it has taken in the discharge of its functions relating to the school.

50. All minutes and papers of a governing body relating to a federated school, including the report prepared under paragraph 49, above, must be made available to the governing body of the federation.
Financing of federations

51. Federated schools and their governing bodies are subject to the same provisions as individual schools and their governing bodies (Section 4 of Part 2 of the School Standards and Framework Act 1998). References to “maintained” schools become references to “federated” schools, and “governing body” becomes “governing body of a federation”, and so on. The governing body of the federation will continue to receive individual delegated budgets for each of the federated schools*. The governing body will be able to use these budgets across the schools in the federation, but will need to maintain mechanisms to provide an audit trail for each school budget. Once a federation is formed, a modified Section 50 of the 1998 Act applies to ensure that the governing bodies of federations:

- receive the budget shares of all the schools in the federation;
- have the same powers as individual governing bodies to spend both the schools’ budget shares and any carried-over amount (which may include a deficit).

*Since March 2011 LAs have been able to allocate a single budget share to a ‘hard’ federation (Regulation 22 of the School Finance (England) Regulations 2011), though they do not have to do so. If they do, they must ensure that the single budget share is not less than the federation would have received had the LA allocated a budget share for each school within the federation.

PROCEDURES FOR A SCHOOL TO LEAVE A FEDERATION

52. In order for a school to leave a federation the following procedure must be followed. The request must be signed by one of the parties listed below:

- two or more governors;
- one-fifth of the parents of registered pupils at the federated school;
- two-fifths of staff who are paid to work at the federated school;
- the LA;
- the trustees of the federated school;
- a body entitled to appoint foundation governors onto the governing body of a federation.

53. The governing body of the federation must give notice of the request to:

- all relevant LAs;
- the head teacher of the federation and each head teacher of a federated school;
- the foundation governors, any trustees under a Trust deed relating to the federated school and, in the case of a Church of England or Roman Catholic school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools, where the federated school in respect of which the request has been made is a foundation or voluntary school with a religious character;
- all staff paid to work and the parents of all registered pupils at the federated school in respect of which the request has been made;
- such other persons as the governing body of a federation considers appropriate.

54. The notice referred to in paragraph 53 must be given within the period of one week, beginning with the date on which the request was received.

55. A request shall be taken to have been received by a governing body of a federation if given or sent to the chair or to the clerk to the governing body of that federation.
56. Not fewer than 14 days after the governing body of a federation has given notice of the request, 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:
   • the federated school should leave the federation and, if so, on what date the school should do so (this is known as the “de-federation date”);
   • the federation should be dissolved, and if so, on what date;
   • the federated school should not leave the federation.

57. 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 School Governance (Procedures) (England) Regulations 2003.

58. The governing body of a federation must, so far as is practicable, give notice in writing of its decision under paragraph 56, above, within one week to the persons named under paragraph 53, above. Where the governing body of the federation decides that a school should leave the federation, it must notify the Secretary of State of this decision within one week via the school.organisationproposals@education.gsi.gov.uk.

Decision to permit a federated school to leave a federation

59. Where a governing body of a federation has resolved that a federated school should leave the federation and there are two or more schools remaining in the federation, upon notification of the decision, the LA must:
   • establish a temporary governing body in respect of the school leaving the federation in accordance with Parts 3 and 4 of the School Governance (New Schools) (England) Regulations 2007;
   • issue a new instrument of government for that school in accordance with Part 5 of the School Governance (Constitution) (England) Regulations 2007;
   • review the instrument of government of the federation in accordance with Regulation 32 of the School Governance (Constitution) (England) Regulations 2007.

60. Where only two schools are federated and one school is to leave the federation, the federation is dissolved in accordance with Part 8 of the School Governance (Federations) (England) Regulations 2007.

Availability of amounts representing budget share on leaving a federation

61. Subject to any provision made by or under a scheme made under Section 48(1) of the 1998 Act, the temporary governing body of a school leaving a federation may spend any sum made available by the authority (under Section 50(1) of the 1998 Act as modified by Regulation 36) to the governing body of the federation in respect of the school leaving the federation, as it thinks fit for any purposes of that school.

Incorporation of the governing body of a school leaving a federation

62. On the de-federation date, the temporary governing body of the school leaving the federation is incorporated as the governing body of that school under the name given in the school’s instrument of government.

Transfer of property on leaving a federation

63. On the de-federation date:
   • all land or property that immediately before the de-federation date was
property held by the governing body of the federation for the purposes of the
de-federated school is transferred to and vests in the new governing body of
the school which has left the federation;
• all rights and liabilities subsisting immediately before the de-federation date
that were acquired or incurred by the governing body of the federation for
those
purposes are transferred to the new governing body of the school which has
left the federation.

64. Section 198 of the Education Reform Act 1988 (which, with Schedule 10 to that Act,
makes further provision in relation to transfers of property, rights and liabilities)
applies.

DISSOLUTION OF FEDERATIONS

65. Where a governing body of a federation decides that the federation shall be
dissolved or that one of only two federated schools shall leave a federation, the
governing body of a federation must give notice of the fact and the date of dissolution
to the persons mentioned below within one week.

66. The persons to be notified are:

• all relevant LAs
• the Secretary of State (via the
school.organisationproposals@education.gsi.gov.uk mailbox);
• the head teacher of the federation and each head teacher of a federated
school;
• every member of staff paid to work at the federation or a federated school;
• the parents of every registered pupil at a federated school;
• the foundation governors, any trustees under a Trust deed relating to the
federated school, and in the case of a Church of England or Roman Catholic
school, the appropriate diocesan authority, or the appropriate religious body
in the case of all other such schools where the federated school is a
foundation or voluntary school with a religious character;
• such other persons as the governing body of the federation considers
appropriate.

67. Upon receipt of the notice, the LA or LAs must:

• establish a temporary governing body in respect of each school in
accordance with Parts 3 and 4 of the School Governance (New Schools)
(England) Regulations 2007;
• issue a new instrument of government for each school in accordance with

Availability of amounts representing budget share on dissolution of a
federation

68. Subject to any provision made by or under a scheme made under Section 48(1)
of the School Standards and Framework Act 1998, the temporary governing body of
each school may spend any sum made available by the LA (under Section 50(1) of
the 1998 Act) to the governing body of the federation in respect of each school as it
thinks fit for any purposes of that school.

Incorporation of the governing body of a school on dissolution of a federation

69. On the date of dissolution, the temporary governing body of each school previously
federated is incorporated as the governing body of the school under the name given
in the school’s instrument of government.
Transfer of property on dissolution of a federation

70. On the date of dissolution:
   - all land or property that immediately before the date of dissolution was property held by the governing body of the federation for the purposes of each de-federated school is transferred to and vests in the new governing body of each school;
   - 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 are transferred to the new governing body of each school.

71. Section 198 of the Education Reform Act 1988 will also apply to the division of property upon a school leaving a federation. This section, and Schedule 10 to that Act, make further provision in relation to transfers of property, rights and liabilities, and will need to be taken into account by the schools and federations involved.

GOVERNING BODY COLLABORATION

72. Under Section 26 of the Act, schools are able to have increased collaborative arrangements with other maintained schools, including joint meetings of governing bodies and joint committees. The School Governance (Collaboration) (England) Regulations 2003 came into force on 1 September 2003. All maintained schools are able to have increased collaborative arrangements with other maintained schools, including joint meetings of governing bodies and joint committees.

Collaboration between schools

73. Two or more governing bodies may arrange for any of their functions to be discharged jointly. They may also delegate any of their functions to a joint committee in the same way that they may delegate them to a committee of a single governing body. The criteria for joint committees are broadly the same as those for governing body committees, outlined in the School Governance (Procedures) (England) Regulations 2003. Unless otherwise specified in paragraphs 77–83, below, all references to “committees” in paragraphs 76–90 of section 4 of this Guide (Governing body powers, duties and procedures) should be read as “joint committees”.

74. The School Governance (Procedures) (England) Regulations 2003 apply to joint meetings of full governing bodies in the same way as they apply to meetings of individual governing bodies. Where governing bodies make arrangements to discharge their functions jointly in respect of any of their functions relating to individual members of the school staff, the School Staffing (England) Regulations 2009 apply.

75. The selection of the head teacher or deputy head teacher may be delegated to a special selection panel taken from the governors of the collaborating schools and must be approved by the relevant governing body. Decisions relating to the dismissal of the head teacher may be delegated to one or more governors.

76. As the guidance on the School Staffing (England) Regulations 2009 makes clear, most decisions on staff appointments are recommended to be delegated to the head teacher, as are the decisions on dismissal. However, these functions can be delegated to several combinations of head teachers and governors.

Establishment of joint committees

77. The governing bodies wishing to discharge their functions jointly must determine and
review annually the constitution, membership and terms of reference of any joint committees they decide to establish. It is for a joint committee itself to decide the quorum for any of its meetings, but it cannot consist of fewer than three persons, each of whom is a governor of any of the collaborating bodies. A joint committee will appoint a chair annually and may remove its chair from office at any time.

**Clerks to joint committees**

78. A joint committee must appoint a clerk (who cannot be one of the head teachers) 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 a head teacher) to act as clerk for the purposes of that meeting. The functions of the clerk to the joint committee are as outlined in paragraph 82 of section 4 of this Guide (Governing body powers, duties and procedures).

**Associate members**

79. An “associate member” is a person who is appointed by a joint committee as a member of that committee but who is not a member of one of the governing bodies. The voting rights of associate members are outlined in paragraphs 88–89 of section 4 of this Guide (Governing body powers, duties and procedures). References to “governing bodies” should read “collaborating governing bodies” and references to “committees” should read “joint committees”.

**Right of persons to attend meetings of joint committees**

80. Except as specified in paragraph 81, below, or if they have a pecuniary interest in a matter, the following people may attend a meeting of a joint committee:

- any members of the joint committee, provided they have not been suspended by one of the collaborating governing bodies;
- the head teachers, whether or not they are members of the joint committee;
- the clerk to the joint committee;
- such other persons as the joint committee may determine.

81. A joint committee may exclude an associate member from any part of its meeting when the business under consideration concerns an individual pupil or member of staff.

**Proceedings and minutes of joint committees**

82. The proceedings and minutes of joint committees are as outlined in paragraphs 76–90 of section 4 of this Guide (Governing body powers, duties and procedures). Any references to “governing bodies” should read “collaborating governing bodies” and references to “committees” should read “joint committees”.

**Restrictions on persons taking part in proceedings**

83. The restrictions on persons taking part in proceedings of joint committees are as outlined in paragraph 83 of section 4 of this Guide (Governing body powers, duties and procedures). References to “governing bodies” should read “collaborating governing bodies” and references to “committees” should read “joint committees”.

**Collaboration between further education bodies and schools**

84. Additionally, under Section 166 of the Education and Inspections Act 2006 and the Collaboration Arrangements (Maintained Schools and Further Education Bodies) (England) Regulations 2007, maintained schools are able to form joint committees with Further Education Colleges. More detailed guidance on the Regulations is available at the DfE website.
Subject to paragraph 87, below, one or more governing bodies may make arrangements with a further education body or bodies for their functions to be discharged jointly by establishing joint committees. They may also delegate any of their functions to a joint committee in the same way that they may delegate them to a committee of a single governing body. The procedures and proceedings for joint committees are broadly the same as those for collaborating governing body committees, outlined above.

Where a school governing body enters into collaboration arrangements as described at paragraph 85, the School Staffing (England) Regulations 2009 (as amended) apply to the discharge of any functions relating to individual members of school staff. The relevant provisions of the instrument and articles of government of the further education governing body apply to the discharge of any functions relating to individual members of college staff.

Where the collaborating body is a school governing body, it may only delegate to a joint committee those functions that it is able to delegate to a committee under Regulations 16–18 of the School Governance (Procedures) (England) Regulations 2003. Where the collaborating body is a further education governing body, it may only delegate to a joint committee functions in accordance with the provisions of its instrument and articles of government.

Establishment of joint committees

The provisions of paragraph 77 apply to joint committees of maintained schools and Further Education Colleges. Any reference to “governor” should be read as “member”.

Clerks to joint committees

A joint committee must appoint a clerk (who cannot be one of the head teachers or a principal of a Further Education College) and may remove the clerk from office at any time. If the clerk is absent from a meeting, a joint committee may appoint any one of its members (except a head teacher or principal) to act as clerk for the purposes of that meeting. The functions of the clerk to the joint committee are as outlined in paragraph 82 of section 4 of this Guide (Governing body powers, duties and procedures).

Associate members

An associate member is a person who is appointed by a joint committee as a member of that committee but who is not a member of one of the collaborating bodies. The collaborating bodies (not the joint committees) determine the voting rights of associate members, who cannot vote on any resolution concerning:

- admissions;
- pupil or student discipline;
- an individual pupil or student or a member of staff, if the associate member was excluded from that part of the meeting at which the resolution was considered;
- the budget or financial commitments of one of the collaborating bodies.

Subject to the above, associate members of joint committees of maintained schools and Further Education Colleges who are under 18 years of age can have voting rights at joint committee meetings.
Rights of persons to attend meetings of joint committees

91. Those persons listed in paragraph 80 above may attend a meeting of a joint committee along with the principal of a collaborating body, whether or not he or she is a member of a joint committee.

92. A joint committee may exclude an associate member from any part of its meeting when the business under consideration concerns an individual pupil or member of staff.

Procedures of joint committees

93. 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).

94. Subject to any direction given under paragraph 93, above, at least seven 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; and
- any reports or other papers to be considered at the meeting.

A shorter notice period may be given if the chair of the joint committee believes that matters need more urgent consideration, provided that this is made clear in the notice for the meeting.

95. 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.

96. 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. 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. 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.

Minutes of joint committee meetings

97. 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, subject to the approval of the joint committee, must be signed by the chair of the next meeting of the joint committee.

98. As soon as reasonably practicable, the joint committee must make available for inspection by any interested person, and give to the collaborating bodies, a copy of the agenda and signed minutes (or the draft minutes, if approved by the chair) for every meeting of the joint committee and any report or other paper considered at the meeting.

99. The joint committee may exclude from any item specified in paragraph 98, 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.

**Restrictions on persons taking part in proceedings**

100. The restrictions on persons taking part in proceedings of joint committees are as outlined in paragraph 66 of section 4 of this Guide (Governing body powers, duties and procedures). References to “governing bodies” should read “collaborating bodies”, references to “committees” should read “joint committees” and references to “governor” should read “member of a collaborating body”.

**WHAT LEGISLATION DOES THIS REFER TO?**

The Education Act 2002: Sections 24–26

The Education Reform Act 1988: Section 198 and Schedule 10

The School Organisation and Governance (Amendment) (England) Regulations 2009: (SI/1556)


The School Standards and Framework Act 1998: Sections 28 and 69

The Education and Inspections Act 2006: Section 166

**FURTHER SOURCES OF INFORMATION**

Guidance on the School Governance (Federations) (England) Regulations 2007