



Procedures for joining Cadmus Family of Schools

Ratified by Governors:

The membership of Cadmus Family of Schools means that the governors and school leaders commit to improving the outcomes and life chances for all children across the federation.

A [federation is defined in law](#) as 2 or more maintained schools (including nursery schools) operating under the governance of a single governing body. Each federated school is treated as an individual school, meaning it:

- keeps its existing DfE category and does not gain, lose, or change its religious character through being part of a federation
- continues to have its admissions determined by the appropriate admission authority
- will receive individual budgets, noting that the local authority can allocate this as a single budget share to the federated governing body. Additionally, the federated governing body, upon receiving the delegated budget for all the schools in the federation, can allocate the budget to each individual school or pool all or part of the budget with the agreement of governors.
- is inspected individually by OFSTED
- can still be subject to a Direct Academy Order (DAO)

Pupil Referral Units (PRU) are not able to federate as they are not legally defined as a maintained school.

The statutory context for federations includes:

- [The Education Act 2002](#)
- [The School Governance \(Federations\) \(England\) Regulations 2012](#)
- [the School Governance \(Constitution and Federations\) \(England\) Amendment Regulations 2016](#)

These set out how:

- a federation and its management must be constituted
- schools join and leave (defederate) a federation
- a federation is dissolved

Governing bodies who decide to federate must do so in accordance with [The School Governance \(Federations\) \(England\) Regulations 2012](#).

Joining Cadmus

Schools intending to join Cadmus Family of Schools must give notice of the proposal to federate to the federation's governing body. The governing body of Cadmus then considers whether to:

- give preliminary consent to the school to join the federation
- decline the proposal

To add a new school to an existing federation the federation must:

- dissolve the existing federation
- set up a new federation with all schools involved
- constitute a new governing body, including elections for elected governor positions

All steps of the federation process, as set out in legislation, must be followed by the schools as well as Cadmus.

The formal consultation

The governing bodies must prepare and agree a formal proposal for consultation, and have it approved by all the governing bodies concerned. Governing bodies should discuss the details with the local authority, and the diocese or equivalent relevant religious body where appropriate.

The proposal can be prepared by the joint committee.

Each governing body must complete the following statutory process: They must publish the proposal and send this to:

- all headteachers and staff
- all parents and carers
- the local authorities
- the diocese or other religious body, if appropriate
- the foundation governors and trustees of any trust relating to the school within the proposed federation which has a foundation

- notify the Secretary of State within 7 days of publication by sending a copy of the proposal document
to: SchoolFederation.NOTIFICATIONS@education.gov.uk
- make the proposals available for inspection at reasonable times at the school

Each governing body should also:

- organise consultation events where governors can explain the vision for a federation and answer questions from interested parties
- arrange a formal meeting to present the proposal to the professional associations representing all staff to understand and address any concerns staff may have

The proposal document

The proposal document must contain:

- the names and confirmed agreement (that they wish to federate) of all the governing bodies involved in the proposal to federate
- details of the proposed size and constitution of the federation's governing body
- the date of the proposed federation
- details of the proposed staffing arrangements, including the arrangements for headteachers and whether there are any TUPE considerations:
 - unless there are staff vacancies in the schools concerned, the schools should assume that they will federate with their existing staffing arrangements
 - staff in community and voluntary-controlled schools are employed by the local authority and this will remain unchanged upon federation. In foundation and voluntary-aided schools the federation's governing body will become the employer.
- the identity of the admissions authority for the schools within the proposed federation
- the address and the date, not less than 6 weeks after the publication, by which written responses to the consultation must be returned to the

appropriate governing body. Schools should remember to consider school closure days when deciding on the consultation period.

- such other matters as the governing bodies consider appropriate

The constitution of a new governing body

The schools will then form a new federated governing body. The governing body of the federation will not simply:

- be an amalgamation of the existing governing bodies of the schools
- include all previous members of the federating schools' governing body

It is recommended that a governing body contains an odd number of governors to help reduce the risk of a split vote, whereby the chair would have a deciding vote.

The schools' governance professionals (clerks), working together, can assist in advising on appropriate governance structure.

Regardless of the number of schools in a federation, its governing body cannot have fewer than 7 members and must include:

- only 2 parent governors
- the headteacher of each federated school, unless the headteacher resigns as a governor
- only one staff governor
- only 1 local authority governor

New elections will need to be held for elected governor positions.

There are also specific requirements for federations which include foundation and voluntary schools as set out in the [additional requirements for federations comprising foundation and voluntary schools legislation](#).

Headteachers including executive headteachers

A headteacher is a person who is:

- being paid on the headteacher pay range of the appropriate headteacher group
- performing the duties in the school, which the board has conferred upon them through the [School teachers' pay and conditions document](#)

There are a number of different scenarios for school leadership in a federation. For example:

- each school has its own headteacher and therefore all headteachers are entitled to a place on the governing board
- one headteacher has responsibility for all the schools in the federation (and may have the title executive headteacher), and therefore that one headteacher is entitled to a place on the governing board
- one executive headteacher oversees all the schools in the federation and each school has its own headteacher, therefore all headteachers will be entitled to a place on the governing board

Where there is one executive headteacher alongside heads of schools, only the executive headteacher will be entitled to a place on the board, unless the heads of school are paid on the headteacher pay scale.

The department strongly recommends against proposals, when constituting a proposed federated governing body, to carry a headteacher vacancy. It also does not expect the instrument of government to carry an additional post where one does not exist in reality.

Parent and staff governors

New elections will need to be held for elected governor positions.

Parent governors are not representatives of the parents or carers of their child's respective individual school. All parents and carers of the federated schools' pupils are entitled to put themselves forward for election regardless of the school their child attends in the federation. Parent governor places should not be reserved for parents of a particular school.

The [School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2016](#) states that the governing body of a federation must include only 2 parent governors. Under these regulations, a federation cannot stipulate that a parent is elected from each school in a federation. The 2 parent governors can come from across the parent and carer body, which could mean they can be from the same school. All

governors, including parents, are responsible for all schools within the federation. They are not there to represent a single school.

The staff governor exists to bring their experience and knowledge as a member of staff and not to represent staff.

Co-opted governors

The governing body may appoint as many co-opted governors as it considers necessary. Federations comprising of foundation and voluntary schools may need to have a majority of foundation governors. This will be considered when thinking about the number of co-opted governors and overall size of the governing body.

A co-opted governor will not be selected to 'represent' the views of a particular group: for example, the parents and carers at one of the schools within the federation or the members of staff at one of the federated schools. All governors on a federated governing body are there to consider the interests of all the pupils and schools within the federation.

Where a parent has the required knowledge, experience or skills required by the governing body, they could instead be appointed as a co-opted governor, rather than be elected as a parent governor.

The total number of co-opted governors who are also eligible to be elected or appointed as a staff governor (when counted with the staff governor and the headteacher positions) must not exceed one third of the total membership of the governing body of the federation.

Foundation and partnership governors

Federations which include foundation and voluntary schools are required to have specific numbers of foundation or partnership governors as set out in [The School Governance \(Federations\) \(England\) Regulations 2012](#). When calculating the number of governors required to comply with regulations, number will be rounded to the nearest whole number.

Associate members

Associate members may be appointed to a committee of the governing body based on their specific expertise and experience, so that they can contribute to the effective governance and success of the school. They:

- are appointed to serve on one or more committees by the governing body
- are not governors and they are not recorded in the instrument of government
- cannot be appointed to the governing body (they may attend full governing body meetings, but they are not governors and do not have a vote in governing body decisions)
- may be excluded from any part of a meeting where the business being considered concerns a member of school staff or an individual pupil

Further information on the role of an associate member can be found in the [maintained schools governance role descriptors](#) and the [governance handbook](#).

After the formal consultation process

Once the closing date for consultation has passed, the central team will collate the responses and submit them to each of the schools' governing bodies. The governing bodies must:

- jointly consider any responses
- decide whether they wish to proceed with forming a federation

If one or more of the governing bodies decide that they do not wish to proceed, those governing bodies must inform:

- the relevant local authority and the Secretary of State within one week of the decision
- all relevant stakeholders

If the remaining schools still want to pursue a federation, then those schools must start the procedure again and produce another proposal for consultation.

If all the governing bodies still wish to proceed, they must:

- decide whether to proceed with the proposals as published, or with any appropriate modifications

- give notice to the local authority(s) within one week of the decision, and the diocese or other religious body (if appropriate), and inform all stakeholders by sending letters to parents, carers, staff and professional associations, and any others subject to the consultation
- give notice to the Secretary of State of their decision on the proposals within one week of the decision, to SchoolFederation.NOTIFICATIONS@education.gov.uk
- prepare to update their schools' records on [Get Information About Schools \(GIAS\)](#)

The Instrument of Government

The governing bodies of the schools that are forming the federation must prepare a draft [Instrument of Government for Federated Governing Bodies](#) for submission to the local authority, and the diocese or other religious body where required, prior to the formation of the federation. The central team can prepare this on behalf of the governing bodies, but the governing bodies must approve and submit the finalised version.

This instrument must be checked for compliance with the statutory requirements by the local authority, even though the outcome of the consultation is not yet known. A local authority can only decline to make a new instrument of government if the draft instrument does not comply with all the applicable statutory provisions.

Where the federation will have foundation governors, the governing bodies of the proposed federation must not submit the draft to the local authority unless it has been approved, in respect of each foundation or voluntary school, by:

- the school's foundation governors
- the trustees of any trust relating to that school
- the appropriate religious body in the case of a Church of England or Roman Catholic Church school
- the appropriate religious body, in the case of any other school designated under Section 69(3) of SSFA 1998 as having a religious character

The DFE strongly recommends that this approval is obtained in a written format.

As soon as it is approved, the local authority must provide a copy of the draft instrument of government, or a consolidated version where there has been an amendment, to each member of the governing body of each school in the federation as well as the school (s) proposing to federate.

On the federation date

On the federation date, the existing governing bodies are dissolved (including the established federation, if one exists) and the governing body of the new federation is incorporated.

Each school or federation must update their school's record on [Get Information About School \(GIAS\)](#). If there is an existing federation record, this will need to be closed on GIAS and a new federation record set up. Use the [GIAS guidance documents](#) to help, or get support by using the [data collections request for assistance form](#).

