

SCHEDULE 5

Regulation 23

Modification of the Constitution Regulations 2012

1. In regulation 18(2) for “head teacher of the school” substitute “head teacher of the federation or a federated school”.

2. In regulation 24 for “paragraphs 9 to 11 of Schedule 1” substitute “paragraphs 8 to 10 of Schedule 2 to the School Governance (Federations) (England) Regulations 2012”.

3. In regulation 26 for “school” substitute “federated school”.

4. In regulation 28—

(a) in paragraph (1) for “maintained school” substitute “federation”;

(b) in paragraph (1)(a), (c) and (f) for “school” substitute “federation”;

(c) for paragraph (1)(b) substitute the following paragraph—

“(b) the names and categories of the federated schools within the federation;”;

(d) in paragraph (1)(d) for “Part 3” substitute “Part 4 of the School Governance (Federations) (England) Regulations 2012”;

(e) for paragraph (1)(g) substitute the following sub-paragraph—

“(g) where a federated school is a foundation or voluntary school which has a religious character, a single description of the religious ethos of each such school”;

(f) in paragraph (2) for “these Regulations as they apply to a school of the category to which the schools belong” substitute “regulations 21 and 22 of the School Governance (Federations) (England) Regulations 2012”; and

(g) in paragraph (3) for “the school” substitute “a federated school”.

5. For regulation 29, substitute—

“29.—(1) In this regulation, where reference is made to the local authority and the federation is to include schools maintained by different local authorities, the reference is to be taken as a reference to whichever of those local authorities the governing bodies of the schools agree should make the instrument of government for the federation.

(2) The governing bodies of the schools which are to form the federation must jointly prepare a draft instrument of government and submit it to the local authority.

(3) 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—

(a) that school’s foundation governors;

(b) the trustees of any trust relating to that school;

(c) in the case of a Church of England or Roman Catholic Church school, the appropriate diocesan authority; and

(d) in the case of any other school designated under section 69(3) of SSFA 1998 as having a religious character, the appropriate religious body.

(4) If—

(a) the local authority are content that the draft complies with all the applicable statutory provisions, or

(b) there is agreement between the local authority, the governing bodies and (where the federation will have foundation governors) the persons mentioned in

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paragraph (3) that the draft should be revised to any extent, and the revised draft complies with all the applicable statutory provisions,

the instrument of government must be made by the local authority in the form of the draft or (as the case may be) the revised draft.

(5) If neither sub-paragraph (a) nor (b) of paragraph (4) applies in the case of a federation which will not have foundation governors, the local authority must—

- (a) inform the governing body of the federation of the reasons why they are not content with the draft instrument of government, and
- (b) give the governing body of the federation a reasonable opportunity to reach agreement with them on revising the draft,

and must make the instrument of government either in the form of a revised draft agreed between them and the governing body of the federation or (in the absence of such agreement) in such form as they think fit having regard, in particular, to the category of school to which the school belongs.”.

6. In regulation 30—

- (a) in paragraphs (4) to (7)—
 - (i) for “school” substitute “federation”; and
 - (ii) for “regulation 29(2)” substitute “regulation 29(3)(1)”;
- (b) in paragraph (6) omit from the words “having regard, in particular” to the end; and
- (c) in paragraph (7) for “regulation 29(3)” substitute “regulation 29(4)(2)”.

7. In regulation 31—

- (a) in paragraphs (1) and (2)(a) for “school” substitute “federation”;
- (b) in paragraph (2)(b) for “head teacher” substitute “head teacher of the federation or of a federated school”;
- (c) in paragraph (2)(c) for “the school” substitute “a federated school”; and
- (d) in paragraph (2)(d) and (e) for “school” substitute “federated school”.

8. In paragraph 1 of Schedule 4 for “the school” substitute “one of the federated schools”.

(1) As substituted by paragraph 5 of Schedule 5 to the [School Governance \(Federations\) \(England\) Regulations 2012 S.I. 1035](#).

(2) As substituted by paragraph 5 of Schedule 5 to the [School Governance \(Federations\) \(England\) Regulations 2012 S.I. 1035](#).