

**EXPLANATORY MEMORANDUM TO**  
**THE SCHOOL GOVERNANCE (FEDERATIONS) (ENGLAND)**  
**REGULATIONS 2007**

**2007 No. 960**

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 The School Governance (Federations) (England) Regulations 2007 set out the arrangements for the constitution and procedures of governing bodies of federations of all categories of maintained schools in England. The Regulations incorporate consequential changes from the Education and Inspections Act 2006 to include the models for governing body federations which include trust schools (foundation schools with foundations acquired under the provisions of the Education and Inspections Act 2006).

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 The School Governance (Federations) (England) Regulations 2007 consolidate the School Governance (Federations) (England) Regulations 2004 and the Federations Amendment regulations made since 2004. As a result the following regulations will be revoked:

- the School Governance (Federations) (England) Regulations 2004
- the School Governance (Constitution, Federations and New Schools) (England) (Amendment) Regulations 2005 [revoked in the School Governance (Constitution) (England) Regulations 2007]

4.2 The Regulations incorporate consequential changes from the Education and Inspections Act 2006 to include the models for governing bodies of federations of maintained schools which include foundation schools where the governing body has determined that the foundation or trust should appoint the minority of governors and qualifying foundation schools where the governing body have determined that the foundation or trust should appoint the majority of the governing body.

4.3 The Regulations also remove the restriction on no more than five schools federating under a single governing body that applied under the School Governance (Federations) (England) Regulations 2004.

4.4 These Regulations form part of a series of consequential changes to school governance regulations to implement the provisions of the Education and Inspections Act 2006. Related Regulations are:

- the School Governance (Constitution) (England) Regulations 2007
- the School Governance (New Schools) (England) Regulations 2007
- the School Governance (Procedures) (England) (Amendment) Regulations 2007

## **5. Extent**

5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The Education and Inspections Act 2006 introduced provisions whereby maintained schools could become “trust schools”. Each trust school will be a foundation school supported by a charitable foundation or Trust, which will appoint governors to the school's governing body. They will be funded in exactly the same way as other local authority maintained schools. A trust school will employ its own staff, and manage its own land and assets.

7.2 These Regulations set out the requirements for the constitution and membership of the governing bodies of federations of all categories of maintained schools, including trust schools.

7.3 The Regulations also remove the restriction on no more than five schools federating under a single governing body that applied under the School Governance (Federations) (England) Regulations 2004. This will implement the Government commitment to lift this restriction that was made in the joint Cabinet Office & ODPM Report “Consent Regimes – Reducing Unnecessary Burdens” that was issued in March 2006.

7.4 The maximum size of a federated governing body permitted under the existing Regulations is ordinarily 20 members, however, this rises to 28 members in specified circumstances. This is to allow all headteachers of schools in a 5 school federation to have a seat on the governing body as a staff governor and the foundation, where the schools are voluntary aided schools, to appoint the majority of the governors.

7.5 The size and composition of federated governing bodies is determined

by the guiding principles set out in Regulations. The Regulations being brought forward will increase the maximum allowable size to 29 members. This will allow federations of the following numbers and types of schools:

- 5 qualifying foundation schools;
- 6 Voluntary aided schools;
- 8 Community, Community special & Maintained Nursery schools;
- 9 Foundation & Foundation special schools without foundations or with foundations but which are not qualifying foundation schools;
- 9 Voluntary Controlled schools;
- 9 mixed category schools.

7.6 The Regulations have been subject to public consultation from 13<sup>th</sup> November 2006 until 4<sup>th</sup> February 2007. Only one comment was made on the proposal to lift the restriction, requesting further consultation. Following a meeting between the correspondent (a teaching union) and officials, the union has indicated that they are content with the proposal. The remaining 6 comments made on these regulations were minor drafting points, issues for clarification and indications of support for particular proposals.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument since it will not impose any significant cost or increase in workload to schools or local authorities.

## **9. Contact**

9.1 Geoffrey Friston at the Department of Education and Skills Tel: 01325 391288 or e-mail: [geoff.friston@dfes.gsi.gov.uk](mailto:geoff.friston@dfes.gsi.gov.uk) can answer any queries regarding the instrument.