
WELSH STATUTORY INSTRUMENTS

2014 No. 1132

**The Federation of Maintained
Schools (Wales) Regulations 2014**

PART 13

DISSOLUTION OF FEDERATIONS

Dissolution by governing body of non local authority federations

85.—(1) Subject to paragraph (3) where—

- (a) a governing body of a federation decides that the federation should be dissolved; or
- (b) a governing body of a federation decides that one of only two federated schools should leave the federation,

the governing body of a federation must give notice of the decision and the proposed date of dissolution to the persons mentioned in paragraph (2) within fourteen clear working days of the decision.

(2) The persons to be notified are—

- (a) all relevant local authorities;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) each head teacher of a federated school;
- (c) every member of staff paid to work at the federation or a federated school;
- (d) every person known by the governing body to be a parent of a registered pupil at a federated school;
- (e) where a federated school is a foundation or voluntary school with a religious foundation, the foundation governors, any trustees of a trust relating to the federated school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
- (f) every trade union known to them to have members paid to work at any of the schools; and
- (g) such other persons as the governing body of the federation considers appropriate.

(3) Nothing in this regulation applies to the governing body of a local authority federation.

(4) The proposed date of dissolution specified by the governing body must be not less than 125 days after the day on which notice is given under paragraph (1) .

Dissolution by governing body of local authority federations

86.—(1) Where—

- (a) a governing body of a local authority federation decides that the federation should be dissolved; or

- (b) a governing body of a local authority federation decides that one of only two federated schools should leave the federation,

the governing body must seek the consent of any maintaining local authority that the federation should be dissolved.

(2) If consent under paragraph (1) is given, the governing body must give notice of their decision and the proposed date of dissolution to the persons mentioned in paragraph (3) within fourteen clear working days of the consent being given.

(3) The persons to be notified are—

- (a) all relevant local authorities;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) each head teacher of a federated school;
- (c) every member of staff paid to work at the federation or a federated school;
- (d) every person known by the governing body to be a parent of a registered pupil at a federated school;
- (e) where a federated school is a foundation or voluntary school with a religious foundation, the foundation governors, any trustees of a trust relating to the federated school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
- (f) every trade union known to them to have members paid to work at any of the schools; and
- (g) such other persons as the governing body of the federation considers appropriate.

(4) The proposed date of dissolution specified by the governing body must be not less than 125 days after the day on which notice is given under paragraph (2) .

Dissolution by local authority of local authority federations

87.—(1) Where—

- (a) a maintaining local authority of a local authority federation determines that the federation should be dissolved; or
- (b) a maintaining local authority of a local authority federation determines that one of only two federated schools should leave the federation,

the local authority must give notice of the fact and the propose date of dissolution to the persons mentioned in paragraph (2) within fourteen clear working days of making that determination.

(2) The persons to be notified are—

- (a) all relevant local authorities;
- (b) the head teacher of the federation or (if there is no head teacher of the federation) each head teacher of a federated school;
- (c) every member of staff paid to work at the federation or a federated school;
- (d) every person known by the governing body to be a parent of a registered pupil at a federated school;
- (e) where a federated school is a foundation or voluntary school with a religious foundation, the foundation governors, any trustees of a trust relating to the federated school and, in the case of a Church in Wales or Roman Catholic Church school, the appropriate diocesan authority, or the appropriate religious body in the case of all other such schools;
- (f) a body entitled to appoint foundation governors to the governing body of the federation;
- (g) the trustees of a trust of any federated school of the federation;

- (h) every trade union known to them to have members paid to work at any of the schools; and
- (i) such other persons as the local authority considers appropriate.

(3) Not less than fourteen clear working days after the local authority has given notice of the determination in accordance with paragraph (2), the local authority must consider the determination and all responses received from the persons to whom notification of the determination was sent and must decide whether—

- (a) the federation should be dissolved and, if so, on what date;
- (b) that one of only two federated schools should leave the federation, and if so, on what date; or
- (c) the federation should not be dissolved.

(4) The local authority must give notice in writing of its decision under paragraph (2) within five clear working days to those persons referred to in paragraph (4).

Establishment of temporary governing body

88.—(1) Upon receipt of the notice issued under regulation 85, 86 or 87 the relevant local authority or local authorities must—

- (a) establish a temporary governing body in respect of each school in accordance with Parts 3 and 4 of the New Maintained Schools Regulations; and
- (b) issue a new instrument of government for each school in accordance with Part 5 of the Government of Maintained Schools Regulations.

(2) For the purposes of regulation 88(1)(b)—

- (a) the reference in regulation 32 of the Government of Maintained Schools Regulations to “governing bodies” is treated as a reference to “temporary governing bodies”; and
- (b) references in regulation 34 of the Government of Maintained Schools Regulations to—
 - (i) “governing body” are treated as references to “temporary governing body”; and
 - (ii) “foundation governors” are treated as references to “temporary foundation governors”.

Availability of amounts representing budget share

89. Subject to any provision made by or under a scheme made under section 48(1) of the 1998 Act, the temporary governing body of each school may spend any sum made available by the local authority under section 50(1) of that Act⁽¹⁾ to the governing body of the federation in respect of each school, as they think fit for any purposes of that school.

Incorporation of governing body of a school leaving a federation

90. On the date of dissolution the temporary governing body of each federated school is incorporated as the governing body of each de-federated school under the name given in the school’s instrument of government.

Transfer of property

91.—(1) On the date of dissolution—

- (a) all land or property which, immediately before the date of dissolution, was held by the governing body of the federation for the purposes of each de-federated school, transfers to,

(1) As modified by regulation 78 of these Regulations.

and by virtue of these Regulations vests in, the new governing body of each de-federated school incorporated under regulation 88; and

- (b) 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 transfer to the new governing body of each de-federated school incorporated under regulation 90.

(2) Section 198 of and Schedule 10 to the Education Reform Act 1988(2) (which make provision in relation to transfers of property, rights and liabilities) are to apply in relation to transfers effected by this regulation as they apply in relation to transfers to which that section and Schedule apply.