

**THE SCHOOL GOVERNANCE (FEDERATIONS) (ENGLAND) REGULATIONS  
2012**

**DEPARTMENTAL ADVICE FOR LOCAL AUTHORITIES, SCHOOL LEADERS,  
SCHOOL STAFF AND GOVERNING BODIES**

**ABOUT THIS DEPARTMENTAL ADVICE**

This is advice from the Department for Education. This advice is non-statutory, and has been produced to help recipients understand their obligations and duties in relation to the School Governance (Federations) (England) Regulations 2012 SI No 2012/1035 (“the Regulations”). This advice is not intended to be a substitute for the Regulations to which all recipients should refer.

The Regulations set out the arrangements for establishing statutory federations of governing bodies in maintained schools in England, the constitution of the federated governing body of those maintained schools, the procedures for a school to leave the federation and the procedures to dissolve the federation. They apply to federations

- which are established on or after 1 September 2012 or
- whose instrument of government is varied following a decision to vary made on or after 1 September 2012.

The School Governance (Federations) (England) Regulations 2007 continue to apply to existing federated governing bodies until such time as it is decided to vary the instrument of government.

**EXPIRY/REVIEW DATE**

This advice will be reviewed next in September 2013.

**WHO IS THIS ADVICE FOR?**

This advice is for:

- School governors
- Local Authorities
- School leaders and school staff in all maintained schools in England
- Governor organisations and other organisations with an interest

## KEY POINTS

- The Regulations allow federated governing bodies constituted on or after 1<sup>st</sup> September 2012 to have a minimum size of seven members<sup>1</sup>, rather than nine as under the Federations Regulations 2007
- The governing body should ensure that it has the skills needed to conduct the governing body's business effectively
- The method of appointing the local authority governor has been amended
- A new category of co-opted governor has been introduced
- The role of sponsor governor has been removed.
- The Regulations enable a school to close or convert to an Academy, without having to first undertake a statutory procedure to leave the federation in order to avoid dissolving the federated governing body.
- The Regulations enable a federated school to apply for an Academy order without requiring the agreement of the whole federated governing body.
- They also make provision regarding the transfer of school surpluses after a maintained school converts to Academy status, and for the determination of the amount of any school surplus that should be attributed to a federated school converting to Academy status.

## THE REGULATIONS EXPLAINED

The Regulations, and so this advice, cover aspects of the arrangements for the constitution of federated governing bodies:

- the procedures to establish or join a federation,
- the description of the different categories of governor,
- how federated governing bodies are to be constituted,
- instruments of government, procedures, staffing, financing and charitable status of federated governing bodies,
- the procedures for a federated school to leave a federation,
- the procedures to dissolve a federation,
- discontinuance of federated schools, and
- applications for Academy Orders by federated schools.

### 1. ESTABLISHING OR JOINING A FEDERATION (Part 2 of the Regulations)

#### Procedure for schools proposing to federate (regulations 7 - 9)

1.1 Where a governing body proposes to federate with one or more other schools, or join a federation, the governing body of the school must first consider a report on the proposal. The report must be specified as an item of business on the agenda for the meeting for which seven clear days' notice has been given.

1.2 It must then give notice of the proposal to the governing body of the federation. Upon receipt of the notice, the governing body of the federation must consider whether they should give preliminary consent to the school joining the federation or determine that the school should not join the federation.

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<sup>1</sup> Subject to the requirements regarding foundation governors in qualifying foundation schools and voluntary aided schools

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

1.4 Regulation 9(2) sets out the required contents of the proposals.

1.5 The governing bodies must publish the proposals by sending them to the bodies listed in regulation 9(3).

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

1.7 The governing bodies proposing to federate must jointly consider any responses to the proposals, and each governing body must determine whether:

- (a) to proceed with the proposals for federation as published;
- (b) to proceed with the proposals for federation with such modifications as the governing body consider appropriate; or
- (c) not to proceed with the proposals for federation.

1.8 The modifications referred to above may not include a change in the schools proposing to federate.

1.9 All the governing bodies that have determined to proceed must jointly give notice of that fact to the Secretary of State by emailing [school.organisationproposals@education.gsi.gov.uk](mailto:school.organisationproposals@education.gsi.gov.uk) and by notifying the relevant LA or LAs within one week of that decision.

1.10 Where any governing body determine not to proceed with the proposals for federation, they must give notice of that fact to the Secretary of State, at the above address, within one week of that determination.

### **New schools wishing to federate (regulations 11 and 12)**

1.11 Where it is proposed that a new 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. Those bringing forward the proposals (i.e. the LA or the proposers) must ensure that the consultation contains all the elements specified in regulation 9(2).

1.12 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 above must be carried out by those bringing forward the proposals.

1.13 If a temporary governing body has been established for the school, it is for the temporary governing body to carry out the procedures specified above.

1.14 If two or more new schools are to federate together, with or without any other schools, 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 2012 Federation Regulations. If any of the new schools are to be foundation or voluntary schools, 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 (Regulation 13).**

1.15 On the federation date:

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

1.16 Schools should draw up an inventory of the property and assets being transferred.

## **2. CATEGORIES OF GOVERNOR (Part 3 of the Regulations)**

2.1 The various categories of governor that can serve on a federated governing body are the same as for maintained school governing bodies. Eligibility to serve and method of appointment for the various categories of governor are set out in the School Governance (Constitution) (England) Regulations 2012 (“the Constitution Regulations 2012”) and in its statutory guidance. This should be read in conjunction with the following provisions applying to federated governing bodies below.

### **Parent governors (regulation 14 and Schedule 2)**

2.2 Parent governors are elected by other parents at the school. Parents, including carers, of registered pupils at a school within the federation and, in the case of a maintained nursery school within the federation, parents of children for whom educational or other provision is made on the premises of the school, are eligible to stand for election as a parent governor on the federated governing body.

2.3 Schools must make every reasonable effort to fill parent governor vacancies through elections. If not enough parents stand for election, the governing body of the federation may appoint parent governors to represent a school on the federated governing body. The method of appointment is set out in paragraphs 7 and 8 of Schedule 2 to the Regulations.

### **Staff governors (regulation 15 and Schedule 3)**

2.4 Staff governors are elected by the staff of the schools within the federation. They are not elected by the staff at one school to represent them, but by all the staff in all the schools.

2.5 Teaching and support staff who, at the time of election, are employed by either the federated governing body or the local authority to work at a school in the federation under a contract of employment, are eligible to be staff governors.

2.6 Staff governors cease to hold office when they cease to work at the federation or at a school within the federation.

#### **Local authority governors (regulation 16)**

2.7 Where the federation includes schools maintained by more than one local authority, those local authorities must agree who may nominate the local authority governor.

#### **Foundation governors (regulation 17)**

2.8 Foundation governors are appointed to be a member of the governing body of a federation in respect of a particular federated school. Where appointed, appointment must be made by the person entitled under the instrument of government.

#### **Partnership governors (regulation 18 and Schedule 4)**

2.9 Partnership governors are appointed by the governing body and take the place of foundation governors in foundation schools in the federation which have no foundation, charitable trust or equivalent body. These schools are mainly former grant-maintained schools.

#### **Co-opted governors (regulation 19)**

2.10 Co-opted governors are appointed by the federated governing body.

#### **Associate members (regulation 20)**

2.11 Associate members are appointed by the federated governing body to serve on one or more governing body committees and attend full governing body meetings. They are not governors but bring expertise and experience which can add to that provided by the governor membership.

#### **The head teacher (regulation 21)**

2.12 The head teacher of a federation or a federated school (unless he or she chooses not to be a governor) is a member of the governing body by virtue of their office.

2.13 The head teacher may at any time resign as a governor, and withdraw their resignation, in both cases by telling the clerk in writing.

### **3. COMPOSITION OF GOVERNING BODIES OF A FEDERATION (Part 4 of the Regulations)**

3.1 This section explains how the governing body of every federation must be constituted.

## **Requirements for all federations (regulation 21)**

3.2 The total number of governors in all schools must be no fewer than seven. There is no upper limit but we recommend that the governing body considers whether a smaller number of governors would allow business to be conducted more effectively.

3.3 The governing body of all federations must include:

- one parent governor in respect of each school in the federation;
- the head teacher of each federated school unless the head teacher resigns as a governor;
- one staff governor; and
- one local authority governor.

3.4 The governing body may appoint as many co-opted governors as they consider necessary but the number of co-opted governors who are eligible to be elected or appointed as staff governors under Schedule 3 must not, when counted with the one staff governor and the head teacher, exceed one-third of the total membership of the governing body.

## **Additional requirements for federations comprising foundation and voluntary schools (regulation 22)**

3.5 In addition to the requirements imposed by regulation 21 and considered in the preceding section, federations comprising foundation and voluntary schools are required to have partnership or foundation governors as follows:

- federations comprising only foundation and foundation special schools without a foundation must have at least two (but no more than one quarter of the total number of governors) partnership governors;
- federations comprising only foundation and foundation special schools that have a foundation but are not a qualifying foundation school must have at least two (but not more than 45% of the total number of governors) foundation governors;
- federations comprising only qualifying foundation schools must have up to two more foundation governors than all other governors;
- federations comprising only voluntary aided schools must have two more foundation governors than all other governors; and
- federations comprising only voluntary controlled schools must have at least two (but no more than one quarter of the total number of governors) foundation governors.
- federations comprising voluntary controlled schools and community, community special or maintained nursery schools must include at least one foundation governor;
- federations comprising more than one category of school including a foundation, foundation special or voluntary aided school must include at least two foundation governors or partnership governors as appropriate.

#### **4. INSTRUMENTS OF GOVERNMENT, PROCEDURES, STAFFING, FINANCING AND CHARITABLE STATUS (Part 5 of the Regulations)**

##### **Qualifications, tenure of office and instruments of government (regulation 23 and Schedule 5).**

4.1 These are broadly as for other governing bodies and regulations 16 to 31 of, and Schedule 4 to, the Constitution Regulations 2012 apply (with the modifications detailed in Schedule 5 to the Federation Regulations).

##### **Disqualifications**

4.2 The grounds for disqualification as a governor can be found in Schedule 4 to the Constitution Regulations 2012.

##### **Term of Office**

4.3 The term of office for all categories of governor is detailed in regulation 18 of the Constitution Regulations 2012.

##### **Removal of Governors**

4.4 The provisions concerning the removal of governors are detailed in regulations 20-24 of the Constitution Regulations 2012.

##### **The Instrument of Government**

4.5 The instrument of government is the document which records the name of the federation and the constitution of its governing body. The governing body drafts the instrument and submits it to the LA. The LA must check if the draft instrument complies with the statutory requirements, including the relevant guiding principles for the constitution of governing bodies. If the instrument complies with the legal requirements the LA will make the instrument. The governing body and LA can review and change the instrument at any time.

4.6 The required contents of the instrument of government are set out in regulation 28 of the Constitution Regulations 2012 subject to the modifications in Schedule 5 to the Regulations. There is a pro forma model instrument of government as an Annex to this guidance.

##### **Making the Instrument**

4.7 The governing bodies of the schools which will form the federation jointly prepare a draft instrument of government and submit it to the LA to consider whether it complies with the relevant legal requirements.

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

- (a) that school's foundation governors;
- (b) any trustees of a trust relating to such a school;

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

(d) in the case of any other school with a religious character, the appropriate religious body.

If:

(a) the LA is content that the draft complies with all the applicable statutory provisions, or

(b) there is agreement between the LA, the governing bodies and (where the federation will have foundation governors) the persons mentioned in paragraph (2) 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 LA in the form of the draft or (as the case may be) the revised draft.

4.9 The LA must supply a copy of the instrument of government, or a consolidated version where there has been a variation, to each member of the governing body (and any head teacher who is not a governor), the Secretary of State, the trustees of any relevant school trust and to the appropriate diocesan authority or other religious body.

4.10 The governing body or LA may review and vary the instrument at any time. The procedures to review the instrument are set out in regulation 30 of the Constitution Regulations 2012 subject to the modifications in Schedule 5 to the Regulations.

#### **Procedures of governing bodies of federations (regulation 24 and Schedule 6)**

4.11 The School Governance (Procedures) (England) Regulations 2003 ("the Procedures Regulations 2003") and their associated guidance broadly apply to the proceedings of federated governing bodies. For modifications applying these procedures to federations, see Schedule 6 to the Regulations.

#### **Staffing of federations (regulation 25 and Schedule 7)**

4.12 The School Staffing (England) Regulations 2009 broadly apply to the staffing of governing bodies of federations, as modified by Schedule 7 to the Regulations. In a mixed federation the governing body will need to apply Part 2 or 3 of these Regulations as appropriate.

4.13 Paragraph 10 of Schedule 7 to the Regulations inserts paragraph 3A into regulation 27 of the Staffing Regulations such that the foundation governors appointed in respect of a particular federated voluntary aided school must agree any recommendation in respect of the appointment of a head teacher to that school.

4.14 The provisions of regulations 15(7) and 27(7) of the Staffing Regulations, concerning the advertising of head teacher positions, apply to federations. The staffing guidance gives advice on advertising the post of head teacher and deputy head teacher.

4.15 If a head of more than one school or a staff member working at more than one category of school were an employee of both the governing body and the LA, it might be that separate contracts would be needed in respect of each, following procedures in Part 2 or 3 of the Staffing Regulations as appropriate. But other arrangements might be possible, including employment by one body, but

secondment to another, particularly if the arrangement was intended to be of limited duration. (Any such secondment might be covered by a formal agreement between the two employers, which could include an indemnity in respect of employers' liabilities.)

4.16 The provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") apply where there is a change of employer. Where voluntary aided and foundation schools join federations, TUPE will apply as staff will cease to be employed by the school governing body (which will be dissolved) and enter into new employment contracts with the governing body of the federation. The TUPE regulations include an obligation to consult the relevant staff unions about such a change of employer.

### **Charitable status of federations (regulation 26)**

4.17 The governing body of a federation which includes a foundation, voluntary or foundation special school is an exempt charity. Federations that do not include such schools do not have charitable status. Further advice on charitable obligations and duties is available from the Charity Commission.

### **Information for the governing body of a federation (regulation 27)**

4.18 Immediately before the federation date, the governing body of each school which will become a federated school must prepare a brief report of the action which they have taken in the discharge of their functions relating to the school. The report and all the school's governing body minutes and papers must be made available to the governing body of the federation.

### **Financing of Federations (regulations 28 and 29)**

4.19 Chapter 4 of Part 2 of SSFA 1998 applies to federated schools and their governing bodies. Local authorities can choose to allocate a single budget share to the governing body of a federation. If they do so, then the budget allocated to the federation must be no less than the total of what the individual schools would have received had they been given separate budget shares. If the authority decides not to issue a single budget share, then the governing body of the federation will receive individual delegated budgets for each of the federated schools. It will be able to use these 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 SSFA 1998 applies to ensure that the governing bodies of federations receive the budget shares of all the schools in the federation and 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).

## **5 FEDERATED SCHOOLS LEAVING FEDERATIONS (Part 6 of the Regulations)**

### **Procedures for a school to leave a federation (regulation 30)**

5.1 In order for a school to leave a federation a written request must be given to the governing body of the federation. The request must be signed by one of the groups listed in Regulation 30(2)(a) - (f).

5.2 The governing body of the federation must give notice of the request to all parties listed in Regulation 30(3).

5.3 The notice must be given within the period of one week beginning with the date on which the request was received.

5.4 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 of the governing body of a federation.

5.5 Not less than 14 days after the governing body of a federation have 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:

- (a) the federated school should leave the federation and, if so, on what date the school should de-federate (this is referred to as “the de-federation date”),
- (b) the federation should be dissolved, and if so, on what date, or
- (c) the federated school should not leave the federation.

5.6 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 Procedures Regulations 2003.

5.7 The governing body of a federation must give notice in writing of their decision on the request within one week to all parties given notice of the request to leave.

#### **Decision to permit federated school to leave a federation (regulation 31)**

5.8 Where a governing body of a federation has resolved that a federated school should leave the federation, upon notification of the decision, the LA must:

- (a) establish a temporary governing body in respect of that school in accordance with Parts 3 and 4 of the School Governance (New Schools) Regulations 2007 (“the New Schools Regulations”); and
- (b) issue a new instrument of government for the school in accordance with Part 5 of the Constitution Regulations 2012.

5.9 The governing body of the federation must then review the instrument of government of the federation and submit the new draft instrument to the LA. (In the case of a school with a religious character the draft instrument must be agreed by the appropriate religious authority before it is submitted to the LA).

5.10 On the de-federation date the temporary governing body of the school leaving the federation should be incorporated as the governing body of that school under the new instrument of government.

#### **Availability of amounts representing budget share (regulation 32)**

5.11 Subject to any provision made by or under a scheme made under section 48(1) of the School Standards and Framework Act 1998 (“SSFA 1998”), the temporary governing body of a school leaving a federation may spend any sum made available by the authority under section 50(1) (as modified by the Regulations) of that Act to the governing body of the federation in respect of the school leaving the federation, as they think fit for any purposes of that school.

#### **Transfer of property, rights and liabilities (regulation 33)**

5.12 On the de-federation date:

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

(b) all rights and liabilities subsisting immediately before the de-federation date which were acquired or incurred by the governing body of the federation for those purposes,

are transferred to the new governing body of each newly incorporated school.

5.13 This means that any joint agreements, contracts or undertakings involving the school will continue, and the institutions concerned will need to agree among themselves how access to any joint land or property is to continue, and, if arrangements are wound-up, the compensation arrangements.

5.14 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.

## **6 DISSOLUTION OF FEDERATIONS (Part 7 of the Regulations)**

### **Dissolution of federations (regulations 34 to 36)**

6.1 Where:

(a) a governing body of a federation decides that the federation shall be dissolved, or

(b) a governing body of a federation decides 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 all parties listed in Regulation 34(2)(a) to (g).

6.2 Upon receipt of the notice, the LA or LAs must:

(a) establish a temporary governing body in respect of each school in accordance with Parts 3 and 4 of the New Schools Regulations; and

(b) issue a new instrument of government for each school in accordance with Part 5 of the Constitution Regulations 2012.

### **Expenditure of amounts representing budget share (regulation 37)**

6.3 The requirements of paragraph 5.11 apply in respect of the temporary governing body of each de-federated school on dissolution of the federation.

### **Incorporation of governing body of a school leaving a federation (regulation 38)**

6.4 On the date of dissolution the temporary governing body of each federated school is incorporated as the governing body of the school under the name given in the school's instrument of government.

### **Transfer of property, rights and liabilities (regulation 39)**

6.5 On the date of dissolution the requirements of paragraph 5.12 apply in respect of all land or property and rights and liabilities held by the governing body of the federation for the purposes of each school.

6.6 Paragraph 5.14 also applies to the division of property upon dissolution of a federation.

## **7 DISCONTINUANCE OF FEDERATED SCHOOLS (Part 8 of the Regulations)**

### **Dissolution of federations on discontinuance of federated schools (regulations 40 to 43)**

7.1 Where one or more schools in a federation are to be discontinued, for example on their conversion to Academy status, but one school in the federation is not to be discontinued, the federated governing body must inform the Secretary of State of the discontinuance at least two months before it takes place.

7.2 Before the discontinuance date the LA must establish a temporary governing body for the continuing school and issue a new instrument of government for that school. On the dissolution date the temporary governing body is incorporated as the governing body of the school under the name given in the school's instrument of government.

7.3 Where land held by the federated governing body for the purposes of the de-federated school is transferred to and vested in the LA on the dissolution of the federation, the LA must within six months of the dissolution transfer the land to the temporary governing body of the continuing school.

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

### **Dissolution of federated schools where federation not dissolved (regulation 44 & 45)**

7.5 Where one or more schools in a federation are to be discontinued, for

example on their conversion to Academy status, but more than one school will remain in the federation, the governing body of the federation must review its instrument of government before the discontinuance date.

7.6 On the discontinuance date:

- (a) all land or property, which, immediately before the discontinuance date, was property held by the governing body of the federation for the purposes of the discontinuing federated schools, transfers to and vests with the LA, and
- (b) all rights and liabilities subsisting immediately before the discontinuance date which were acquired or incurred by the governing body of the federation for the purposes of the discontinuing federated schools transfer to the LA.

7.7 Paragraph 5.11 also applies, on the discontinuance date, so that the temporary governing body of a de-federated school may spend any sum made available by the authority under section 50(1) of SSFA 1998 to the governing body of the federation in respect of each school, as they think fit for any purposes of that school.

## **8 APPLICATION FOR ACADEMY ORDERS (Part 9 of the Regulations)**

### **Members of the federated governing body applying for an Academy Order (regulation 46)**

8.1 An application for an Academy Order in respect of a federated school can be made by no fewer than three governors who together make up a proportion of the governors reflecting the total number of schools in the federated governing body and who include:

- the head teacher of the federated school, unless he has resigned his office as a governor;
- any parent governor representing the federated school applying for the Academy Order;
- any staff governor employed at the school applying for the Order; and
- where the applying school is a foundation school, any foundation governors appointed in respect of that school.

## **FURTHER SOURCES OF INFORMATION**

### **Associated resources (external links)**

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

**MODEL INSTRUMENT OF GOVERNMENT FOR FEDERATED GOVERNING BODIES**

1. The name of the federation is:

2. The names and categories of the schools in the federation are:

Name	Category
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

3. The name of the governing body is: "The governing body of ..... "[insert name of federation as set out in paragraph 1 above].

4. The governing body shall consist of the following (this depends on the number and categories of schools in the federation under Part 4 of the Federation Regulations):

Category of governor (state where the term of office is less than four years)	No. of governors in each category	Name of school (For parent and foundation governors)	No. of governors for each school
Parent governors			
Head Teacher/s			
Staff governor	One		
LA governor	One		
Co-opted governors			
Foundation/ partnership governors (where applicable)			

5. Total number of governors: [insert number]

[If the term of office of is less than four years, state the length of that term of office]

6. Set out the name of any foundation body or person entitled to appoint foundation

governors. If this is more than one person, set out the basis on which appointments are made.

7. [*where applicable*]

(a) The holder of the following office shall be an ex-officio foundation governor:  
[*name of office*]

(b) The foundation body or person named in paragraph 6 shall be entitled to appoint a foundation governor to act in the place of the ex-officio foundation governor whose governorship derives from the office named in (a) above, in the event that the ex-officio foundation governor is unable or unwilling to act as a foundation governor or has been removed from office under regulation 21 (2) of the Constitution Regulations.

[*Repeat 7(a) and (b) as necessary where there is more than one ex-officio foundation governorship*]

8. Set out the name of any person entitled to request the removal of any ex-officio foundation governor and to appoint any substitute governor.

9. [Where there is a trust relating to any of the federated schools] the fact that such a trust exists.

10. Where a federated school is a foundation or voluntary school which has a religious character, a description of the ethos of the school.

11. This instrument comes into effect on [*insert date*]

12. This instrument was made by order of \_\_\_\_\_ Local Authority on \_\_\_\_\_

13. A copy of the instrument must be supplied to every member of the governing body (and the head teacher if not a governor), any trustees and to the appropriate religious body.