

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Kirsty Williams, AM
National Assembly for Wales
Cardiff Bay
Cardiff

18 March 2014

Dear Kirsty,

At Business Questions on 11 March 2014 you raised an issue with Lesley Griffiths, the Minister for Local Government and Government Business about the guidance the Welsh Government has issued on the federation of schools. Lesley Griffiths gave a commitment to ask me for a written statement on this matter.

You refer to a recent public meeting held on 10 March 2014 where parents of Presteigne community primary school were informed that the school could not be federated with Whitton voluntary aided school. You have looked at the current guidance in Circular 070/2012 'Guidance on the Federation Process of Maintained Schools' and could not find anything that would prevent such a federation, and asked whether I intend to update the guidance.

The current Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010 does permit a voluntary aided and community school to federate. However, when we consulted on the new 2014 federation regulations, which will enact provisions in the Education (Wales) Measure 2011 and give local authorities the power to federate schools, my officials received a response from the Charities Commission stating that a federation involving voluntary aided and voluntary controlled schools and community schools, should not be permitted.

The advice of the Commission was that voluntary aided and voluntary controlled schools are considered to be charitable trusts, and as such the governing body must only give consideration to their charity. This is contrary to the principles of federation where a single governing body acts in the best interests of all the schools and pupils in the federation.

In response to the concerns of the Charities Commission the new 2014 federation regulations, which are due to come into force in May 2014, will only allow schools with a similar charitable trust status and/or religious ethos to federate, which in reality would be voluntary aided and voluntary controlled schools. The new comprehensive guidance which my officials are preparing to accompany the new federation regulations makes this clear.

I trust this responds to the issue raised.

Best Regards

Huw

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