

**COUNCIL:**

**24 MAY 2018**

---

**REPORT OF THE DIRECTOR GOVERNANCE & LEGAL  
SERVICES**

---

**URGENT DECISIONS TAKEN – INSTRUMENT OF GOVERNMENT – THE  
PEAR TREE FEDERATION**

**Reason for this Report**

1. In accordance with the Director of Education's delegation under DEd1 in Section 4F and Council Constitution - Scrutiny Procedure Rule 13(a), this urgent decision, certified by the Director of Education in relation to the making of an Instrument of Government under The Federation of Maintained Schools (Wales) Regulations 2014 for the Pear Tree Federation, is reported to Council for information.

**Background and Issues**

2. Section 20 of the Education Act 2002 states that for every maintained school there must be an instrument known as the instrument of government which determines the constitution of the governing body and other matters relating to the school.
3. Section 44 of The Federation of Maintained Schools (Wales) Regulations 2014 states that the governing bodies which are to form the federation must jointly prepare a draft instrument of government and submit it to the Local Authority. If the Local Authority is content that the draft complies with all the applicable provisions, the instrument of government is to be made by the Local Authority in the form of the draft.
4. A federation is a formal and legal agreement by which the schools involved work together in a formal partnership. There is a single Governing Body which has strategic oversight in all schools within the federation.
5. In April 2017, the Governing Bodies of Coryton Primary School and Tongwynlais Primary School began exploring federation and the process for establishing federations. A joint committee consisting of members of the two governing bodies was established to provide information, advice and guidance to the respective governing bodies on options for establishing a federation/collaboration. Following this, a decision was made by the two individual governing bodies to consult on federation.
6. The two governing bodies developed consultation proposals to establish the Pear Tree Federation and these were published on 17 July 2017. The proposals were circulated to a wide range of stakeholders and a number

of consultation events were held. The closing date for responses was 6 October 2017.

7. On 20 November 2017, the two governing bodies met jointly to consider the responses to the proposals and then individually and agreed to proceed to federation.
8. The two governing bodies met on 28 February 2018 and prepared a draft instrument of government for the new federated governing body of The Pear Tree Federation.
9. The Local Authority is required to ensure that a federation of schools has an instrument of government in place on the federation date, which must be at least 125 days from the date proposals for federation are published. The two governing bodies agreed that the federation date would be 27 March 2018 and the draft instrument of government should be made immediately. Any delay in implementation of the decision would have seriously prejudice the Council and/or the public. It was therefore recommended that the decision be taken on an urgent basis.
10. The Cabinet Member for Education and Skills and the Local Ward Members were consulted and were content with the recommended decision. The Monitoring Officer and the Chair of the Children and Young People Scrutiny Committee on the basis of the consultation and legal requirement agreed that the decision should be taken on an urgent basis and was therefore not subject to call-in. The Director of Education in accordance with his delegated took the decision on 20 March 2018.

### **Legal Implications**

11. There are no direct legal implications arising from this report. Legal implications were considered and included as part of the Officer Decision process.

### **Financial Implications**

12. There are no direct financial implications arising from this report.

### **RECOMMENDATION**

That Council receives the report for information.

**Davina Fiore**  
**DIRECTOR GOVERNANCE & LEGAL SERVICES**  
**17 May 2018**

*The following Background Papers have been taken into account*  
Instrument of Government – The Pear Tree Federation