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Consultation Document

Consultation on the draft Education (Pupil Referral Unit) (Management Committees etc.) (Wales) Regulations 2014 and accompanying guidance

Date of issue: **31 March 2014**

Action required: Responses by **23 June 2014**

Consultation on the draft Education (Pupil Referral Unit) (Management Committees etc.) (Wales) Regulations 2014 and accompanying guidance

Overview

This consultation seeks views on draft Regulations which set out requirements on the constitution and roles of management committees of pupil referral units (PRUs) and the procedures for the operation of management committees for PRUs. The consultation also seeks views on draft guidance to accompany the Regulations.

How to respond

Responses to this consultation should be e-mailed/posted to the address below to arrive by **23 June 2014** at the latest.

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

The consultation documents can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations

Useful links:

Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007

www.legislation.gov.uk/wsi/2007/1069/pdfs/wsi_20071069_mi.pdf

Inclusion and Pupil Support National Assembly for Wales Circular No: 47/2006 (2006)

<http://wales.gov.uk/topics/educationandskills/publications/circulars/2463797/?lang=en>

Contact details

For further information:
Pupil Wellbeing Branch
Support for Learners Division
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CF10 3NQ

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

What is a PRU?

PRUs provide education outside the school setting for children and young people who are unable to attend a mainstream school or special school maintained by the local authority. Children and young people may be unable to attend school because they have been excluded from school, or have health problems, or for some other reason. PRUs are maintained by the local authority.

What are the main issues?

This consultation is about the introduction of regulations which will require local authorities to put in place management committees for all their PRUs, to make arrangements to appoint and elect members of the committees, and to set out requirements for the procedures of management committees and the delegation of functions to management committees.

Where are we now?

The National Assembly for Wales circular 47/2006 [‘Inclusion and Pupil Support’](#) states that local authorities “are expected to set up Management Committees for PRUs” (Annex 5.i, paragraph 1.8). It is recommended good practice, rather than a statutory requirement, that PRUs in Wales have management committees.

An independent report commissioned following allegations of professional abuse at a PRU, and a subsequent Senior Management Review of the same PRU, both concluded that the lack of an effective Management Committee contributed to the failings there.

In 2011, Estyn and Care and Social Services inspectors also conducted a series of unannounced visits to PRUs across Wales. The ensuing [report](#) identified areas for improvement in the current arrangements for management committees. The Welsh Government has since concluded that PRUs, like schools in Wales, should have a management committee, akin to a board of governors in a school, who can be held to account.

Why are we proposing change?

Although the vast majority of PRUs in Wales have reported that they have Management Committees in place, greater direction on the remit and governance of management committees will ensure consistency throughout Wales.

The expectation is that the establishment of a management committee for each PRU, or group of PRUs operating jointly under one management committee, will ensure that similar standards governing schools also govern PRUs.

The introduction of regulations will also complement the work that is being taken forward in [response](#) to recommendations in the [Edinburgh University evaluation](#) of education provision for children and young people educated outside the school setting.

Not every aspect of how PRUs function is covered by the draft regulations, as the Welsh Government will introduce change incrementally, to ensure that the sector is ready for legislation. Consideration will be given in future on whether the Welsh Government needs to introduce further regulations in respect of PRUs.

Key provisions

The introduction of regulations will put a duty on Local Authorities to establish management committees for each PRU, or group of PRUs operating jointly under one management committee.

The draft regulations provide details about the establishment of management committees, the categories of members, the composition of the management committees, the qualifications and tenure of office of members, the procedures of management committees, and the delegation of functions by local authorities to management committees. The draft statutory guidance provides information on the implementation of the draft Education (PupilReferral Unit) (Management Committees etc.)(Wales) Regulations 2014.

Establishment of management committees (Regulations 3 to 8)

These provisions will require local authorities to establish management committees, make an instrument of government and appoint first members. This is explained in more detail on pages 6-8, 26 and 28 of the draft statutory guidance.

Categories of members (Regulations 9 to 13 and Schedule 1)

These provisions will require certain categories of members to be on the management committee including parent members, staff members, local authority appointment members and community members. The management committee may also choose to include sponsor members. This is explained on pages 9 - 12 of the draft statutory guidance.

Composition of the management committees (Regulations 14 and 15)

These provisions will require the instrument of government to set out the numbers for each category of member and proportions of members. This is explained on pages 9 and 27 of the draft statutory guidance.

Qualifications and tenure of office of members (Regulations 16 to 20 and Schedule 2)

These provisions will set out the circumstances in which a person is qualified for, or disqualified from, being a member of a management committee, as well as setting out the term of office of members, and arrangement around resignation and removal of members. This is explained on pages 13 to 14 of the draft statutory guidance.

Procedures of management committees (Regulation 21 and Schedule 3)

These provisions will require that the constitution and roles of PRU management committees are similar to those of governing bodies, as set out in the Government of Maintained Schools (Wales) Regulations 2005. This is explained on pages 20 to 22 of the draft statutory guidance.

Delegation of functions by local authorities to management committees (Regulations 22 and 23)

These provisions will set out which functions local authorities must delegate to the management committee, and the statutory responsibility, shared by the management committee, the local authority and the teacher in charge to make and periodically review the PRU's curriculum policy. This is explained on pages 15 to 16 of the draft statutory guidance.