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The Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014



Draft guidance

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Audience	This guidance is mainly intended for local authority officers responsible for pupil referral unit (PRU) provision and for the clerks, chairs and members of management committees.
Overview	This document offers guidance on the constitution and roles of management committees of PRUs (Part 1) and on the procedures for the operation of management committees for PRUs (Part 2).
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: Pupil Wellbeing Branch Support for Learners Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ e-mail: WellbeingSHARE@Wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at www.wales.gov.uk/educationandskills
Related documents	<i>Inclusion and Pupil Support</i> National Assembly for Wales Circular No: 47/2006 (2006)

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Introduction

Legislative basis, timing and implementation

This guidance explains the requirements in The Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014 (SI 2014/XXXX) as regards the constitution and roles and responsibilities of pupil referral unit (PRU) management committees, and the procedures on management committees.

The regulations came into force on [DATE]. From that date local authorities should make an instrument of government for their PRUs. The instrument must take effect from [DATE].

Management committees must be established by [DATE]. From [DATE], management committees should follow the provisions in the regulations, as explained in Part 2 of this guidance, in exercising their roles and responsibilities. The procedures to be followed by management committees are similar to those of school governing bodies.

Definitions

A PRU is a type of school established and maintained by a local authority to provide suitable education for children and young people who, by reason of illness, exclusion or otherwise, may not receive such education (section 19 of the Education Act 1996).

The 'teacher in charge' of the PRU is the person responsible for the day to day running of the PRU. In some PRUs the term 'head teacher' may be used interchangeably with 'teacher in charge'. In this guidance the term 'teacher in charge' is used throughout, to reflect the wording in the regulations.

The instrument of government

Each PRU, or group of PRUs operating jointly under one management committee, must have an instrument of government. The instrument records the name of the PRU (or the PRUs in the group) and the constitution of the management committee or joint management committee and other details. It is the local authority's responsibility to prepare an instrument of government for all PRUs. A model instrument of government is attached at Annex A.

The guiding principles for constitution

The guiding principles prescribe which categories of member must be represented on the management committee, and their level of representation. There are four compulsory stakeholder groups: parents, PRU staff, the local authority, and the community. Sponsors form a fifth, optional group (see section 3 for more detail). The proportions of places that must be reserved for

the different categories of member in each PRU or group of PRUs are set out in section 3 and Annex B.

Transitional arrangements

All members currently serving on existing PRU management committees can be appointed/elected to serve on the management committees prescribed in the regulations if they satisfy the definition of the category of member they wish to serve as. See section 3 for the definition of categories of member, and Annex C for more detail.

Roles and responsibilities of management committees

From [DATE], management committees will play a major role in the governance of their PRUs. Regulations give management committees responsibility for the conduct of their PRUs, and they set out the respective terms of reference for management committees, local authorities and teachers in charge. Regulations also confer other powers and duties directly on management committees. See section 5 and Annex D for more information on the roles and responsibilities of management committees.

Part 1: Constitution, roles and responsibilities

1. Instrument of government (Part 2 of the regulations)

Summary

1.1.1 The instrument of government records the main details of each PRU or group of PRUs, including their size and constitution. Local authorities must prepare draft instruments for all PRUs.

1.1.2 Once a PRU has a management committee which is constituted under the regulations, it will be open to the management committee to propose any revision to the constitution and submit a draft of the revised instrument of government to the local authority to check if it complies with the statutory requirements, including the relevant guiding principles for the constitution. If the instrument complies with the legal requirements, the local authority will make the instrument and give a copy to members of the management committee. The management committee and local authority can review and change the instrument at any time. See paragraphs 2.3.1 and 2.4.1 for more detail.

Contents and form

1.2.1 The instrument of government must set out:

- the name, address and the departmental number of the PRU (or joint name where a group of PRUs are operating jointly)
- the name of the management committee
- the number of members in each category
- the total number of members, including any sponsor members
- the term of office of any category of member, if less than four years
- where the PRU has sponsor members, the name of the nominating body; and
- the date the instrument of government takes effect, which cannot be before [DATE].

1.2.2 For PRUs established in a hospital, the instrument of government should also record the name of the body that has the right to nominate a person for appointment as a community member.

Reviewing and varying the instrument of government

1.3.1 The management committee or local authority can review the instrument of government at any time. The procedural requirements are as follows:

- each party, i.e. the management committee and the local authority, must let the other know in writing what item on the instrument of government they wish to vary and give reasons;
- the other party must then respond, with any objections, and give reasons;
- if there is disagreement, some other variation can be proposed by either party;
- if the local authority is not content with the management committee's revised proposal, it must: (a) inform the management committee giving its reasons, or; (b) propose its own variation giving the reasons, and in each case give the management committee reasonable opportunity to reach an agreed revised draft between them;
- once an agreement has been reached, the local authority can vary the instrument of government;
- in the absence of an agreement, the local authority may vary the instrument of government as it thinks fit; and
- the varied instrument of government should record the date the variation takes effect.

Other requirements relating to instruments of government

1.4.1 The local authority must supply a copy of the instrument of government, or a consolidated version where there has been a variation, to each member of the management committee (and the teacher in charge, whether or not they are a member).

1.4.2 Local authorities are responsible for ensuring that all existing PRUs have instruments of government in place by [DATE], which comply with The Education (Pupil Referral Units) (Management Committees etc.)(Wales) Regulations 2014. For PRUs that are proposed to open on or after [DATE], the local authority must ensure that a draft instrument of government is prepared as soon as is practical, but by no later than the date the PRU admits learners.

Instrument of government covering two or more PRUs

1.5.1 Where a management committee is expected to govern two or more PRUs, the Welsh Government recommends that the local authority discuss the proposal with the management committee, or proposed management committee in question, and seek its agreement. Local authorities and existing management committees, if appropriate, should consider all relevant factors that may impact on the management committee, e.g. the size of the individual

PRU and the various types of learner need they each address, before deciding whether it would be appropriate to operate more than one PRU under a single management committee.

2. Composition of management committees and categories of member (Parts 3 and 4 of the regulations)

2.1.1 There must be no fewer than seven members on a management committee. Although legally a management committee can have a maximum of 20 members, in practice, we recommend that membership of a committee should not exceed 12, other than where a management committee is covering more than one PRU or where a PRU has more than one unit. In other circumstances, there is a risk that a larger committee would become unwieldy, and the risk that a management committee could have more members than there are pupils in the PRU. The proportions of places allocated to each of the categories are as follows:

- Parent members: at least one place but no more than one-fifth
- Staff members: at least one place, but no more than one-third, including the teacher-in-charge
- Local authority members: at least one place, but no more than one-third
- In addition, the management committee may appoint one or two Sponsor members
- Community members: the number of places must exceed all other members by one or more

Examples of constitutional models are set out in Annex B.

2.1.2 Proportions and percentages must be rounded to the nearest whole number, apart from sponsor members where the requirement is based on numbers. Annex B gives examples of models that comply with the principles. These examples are not exhaustive and local authorities and management committees are free to adopt alternative models that comply with the guiding principles.

Categories of member

Parent members

2.2.1 **Parent members**, including carers, of registered pupils at the PRU are eligible to stand for election for parent membership at the PRU. Parent members are elected by other parents at the PRU. Management committees must make every reasonable effort to fill parent member vacancies through elections. However, if insufficient parents stand for election, the management committee can appoint:

- (a) a parent of a registered pupil at the PRU, or if that is not possible
- (b) a parent of a former pupil at the PRU, or if that is not possible
- (c) a parent of a pupil registered at another PRU or a school maintained by the local authority, or if that is not possible
- (d) a parent of a child of or under compulsory PRU age, or if that is not possible
- (e) any parent.

2.2.2 A person is disqualified from election or appointment as a parent member of a PRU if they are an elected member of the local authority or if they work at the PRU for more than 500 hours in an academic year.

2.2.3 Where two or more PRUs operate jointly under one management committee, the Welsh Government recommends that when electing parent members for joint management committees, parents of pupils in all PRUs in the group should be given an opportunity to stand and that all the parents should be invited to vote on the appointment.

Staff members

2.3.1 Both teaching and non-teaching/support staff that are paid to work at the PRU are eligible for staff membership. **Staff members** are elected by the PRU staff and must be paid to work wholly or mainly at the PRU. Volunteers are not eligible. Any election which is contested must be held by ballot.

2.3.2 The teacher in charge of a PRU must be included in the membership of the management committee and counts as a member of the staff category. Where a management committee includes two or more staff members, the Welsh Government recommends that at least one staff member (excluding the teacher in charge) is appointed from the teaching staff complement at the PRU. If no member of teaching staff stands for election, a member of the non-teaching or support staff can be elected to take that place. If a management committee has three or more staff member places, the Welsh Government recommends that at least one of these places should be for non-teaching or support staff. But if no member of this group of staff stands for election, a teacher can be elected to take that place.

2.3.3 If the teacher in charge decides not to be a member the Welsh Government recommends that they inform the clerk of that decision in writing. The place remains reserved for them and cannot be taken by anyone else.

2.3.4 Where two or more PRUs operate jointly under one management committee, all teachers in charge should be members of the management committee.

2.3.5 The Welsh Government also recommends that when electing staff members for joint management committees, staff in all PRUs in the group should be given an opportunity to stand and that all the staff should be invited to vote on the appointment.

2.3.6 PRU staff who are eligible for election as staff members (i.e. who are paid to work at the PRU) are not eligible to serve as LA members or community members at their PRU. If they are paid to work at the PRU for more than 500 hours in an academic year they are not eligible for election or appointment as parent members. Staff can, however, vote in parent member elections if they are parents of pupils at the PRU and be members at another PRU. Their employment status will not affect their qualification for memberships in these categories at another PRU.

Local authority members

2.4.1 Local **authority members** are appointed by the local authority. Local authorities can appoint any eligible person as a local authority member, and should consider appointing from service areas where there are a high number of young people who use the PRU (for example Looked After Children). Local authorities are advised to appoint candidates irrespective of any political affiliation or preferences, who are committed to the effective running of the PRU.

2.4.2 A person is disqualified from appointment as a local authority member if they are eligible to serve as a staff member of the PRU.

Community members

2.5.1 **Community members** are appointed to represent community interests. Community members should be persons who are committed to the good governance and success of the PRU and who live or work in the community served by the PRU. Community members can be drawn from, for example, local schools, social services, educational charities, local colleges of further education and alternative education and training providers.

2.5.2 When appointing community members, it is recommended that local authorities (or the management committee itself where it is already in place) **should first seek to appoint representatives from local schools**, to help ensure that feeder schools retain ownership and can monitor and support the progress of their pupils. The regulations also specify that someone who is eligible to be a staff member and elected members of the authority cannot be community members.

2.5.3 Increasing school representation on management committees will help ensure that the needs of pupils are better met, and help build continuity and raise standards in their educational attainment. This is therefore a priority for management committee membership. Where it is not possible to appoint a school representative and there is difficulty in finding people to appoint as community members, consideration should be given to appointing community members who are involved with the young people, who may typically be in alternative provision in their area. This may include community groups, offending or drug support groups, and other alternative provision and pupil referral units. Local businesses, colleges and others who work with young people could also be considered. Where the local authority or management committee feel it would be valuable to retain the input from other local authority services (who previously sat on the committee as community members) it should be noted that representatives from these services can still attend management committee meetings to offer valuable insights, though they would not have voting rights.

2.5.4 PRUs are expected to work closely with local schools and, in some cases, as part of a school partnership for behaviour. The Welsh Government strongly recommends that most or all community member places should be taken up by local schools or, where the PRU is part of a school partnership, by representatives of these partnerships, e.g. head teachers, deputy head teachers and governors of schools in these partnerships.

2.5.5 In some cases the PRU management committee might comprise of representatives from a single local school as its community members. This would be appropriate where, for example, a high-performing school, including a special school, is working closely with a PRU, perhaps by sharing facilities or management expertise with a PRU that is judged by Estyn as needing to improve.

2.5.6 If a PRU is based in a hospital, one or more persons should be nominated by the Local Health Board or the National Health Service Trust that manages the hospital to fill community member places.

2.5.7 The local Police and third sector youth organisations can also be community members.

2.5.8 A person is disqualified from appointment as a community member if they are eligible to be a staff member of the management committee, or if they are an elected member of the local authority.

Sponsor members

2.6.1 **Sponsor members** are appointed by the management committee. It is at the management committee's discretion whether they choose to appoint sponsor members. If the management committee decides to appoint one or two sponsor members, it must seek nominations for the sponsor(s). The management committee can appoint a maximum of two persons as sponsor members.

2.6.2 Persons who give substantial assistance to the PRU, financially or in kind, or who provide services to the PRU, can be appointed by the management committee as sponsor members. This definition allows for a wide range of partners, including other PRUs, who offer advice and support to the PRU to be represented on the management committee.

2.6.3 Where a management committee includes sponsor members, the number of community member places must be increased by the same number of sponsor members to ensure that community members continue to be in a majority.

Pupil participation

2.7.1 In addition, the Welsh Government recommends that the management committee encourage **pupil participation** in the committee, so that the learners' views are represented in the decision making processes.

3. Term of office (Part 5 of the regulations)

Qualifications and disqualifications of members

3.1.1 Schedule 2 of the regulations (Annex F) sets out the circumstances in which a person is qualified for or disqualified from, holding or continuing in office as a member.

Term of office

3.2.1 The term of office for all categories of member is four years, but the management committee can decide to set a shorter term of office for one or more categories of member. This does not apply to the teacher in charge. If the term of office is shorter than four years, this has to be recorded in the instrument of government. The term of office cannot be shorter than one year and cannot be varied for individual members. Any member may at any time resign by giving written notice to the clerk. A member who reaches the end of their term and remains eligible can be re-appointed or re-elected for a further term.

Removal from office

3.3.1 Local authority members may be removed from office by the local authority that appointed them. The person who appointed the local authority member must give written notice to the clerk, to the management committee, and the member in question of their removal.

3.3.2 The management committee may remove community members from office.

3.3.3 The management committee may remove any sponsor members from office, and it may also do so at the request of the nominating body.

3.3.4 The management committee may also remove any parent member who has been appointed, but they may not remove an elected parent member. (A parent member is considered to be elected if they stood for election for parent membership; whether or not a ballot took place is irrelevant for this purpose.)

3.3.5 The management committee may not remove any staff member.

Procedure for removal

3.4.1 In the case of any community member, appointed parent member, or sponsor member whose removal is requested by the management committee, the member(s) proposing the removal must give the reasons for the proposed removal and the member in question must be given the opportunity to make a statement in response before a vote is taken on a resolution to remove the member in question.

3.4.2 In the case of a community member nominated by a voluntary organisation, Local Health Board or NHS trust, or sponsor member proposed for removal at the request of the nominating body, the nominating body proposing the removal must inform the clerk to the management committee and the member in question in writing of the reasons for proposing the removal. The clerk to the management committee must give the reasons for the proposed removal and the member proposed for removal must be given the opportunity to make a statement in response before a vote is taken on a resolution to remove the member in question.

3.4.3 A management committee's decision to remove any community, sponsor, or appointed parent member must be confirmed at a second meeting held not less than 14 days after the first meeting. At both meetings the removal of the member in question must be specified as an item of business on the agenda.

4. Roles and responsibilities of management committees (Parts 6 and 7 of the regulations)

4.1.1 Almost all local authorities have established PRUs to cater for the needs of some of the children and young people in their area who are unable to attend mainstream or special schools for whatever reason. Management committees are intended to fulfil an advisory role with statutory responsibility for certain specific functions or tasks. They are expected to be actively involved in most decision making to ensure that their PRUs are run effectively and that they provide a suitable education for learners. Consequently, Part 7 of the regulations provides that the local authority must delegate to management committees some of its functions. These are:

- conducting the PRU,
- dealing with complaints relating to the curriculum
- responsibility for discipline
- appraisal of teaching staff

4.1.2. The requirement to delegate does not extend to the following functions:

- the authority's intervention powers
- control of school premises
- direction by authority concerning health and safety
- the appointment, suspension or dismissal of teaching and non-teaching staff
- the spending of the local authority's money.

4.1.3 Management committees have joint statutory responsibility in the exercise of some functions, e.g. in deciding the curriculum to offer and in deciding the times of school sessions. In relation to exclusion, for example, they have similar roles to school governing bodies in terms of confirming or rejecting these exclusions.

4.1.4 In cases where a power or duty relating to the running of the PRU has not been formally delegated to or conferred on the management committee, the Welsh Government strongly recommends that the committee is invited to advise its local authority on decisions on such matters. For example, local authorities have statutory responsibility for the setting of the budget for their PRUs and for determining staffing matters, including the recruitment and dismissal of staff.

4.1.5 Annex D sets out key functions relevant to PRUs and associated tasks. The annex also shows at what level or levels decisions should be, or are recommended to be, carried out.

Terms of reference

4.2.1 In exercising their functions, and any functions delegated by the local authority, the management committee should act with integrity, objectivity and honesty and in the best interests of the PRU.

The role of the management committee

4.3.1 Management committees should play a strategic and advisory role in exercising their functions, and any functions delegated to them by the local authority. In particular, they should work closely with the local authority and set up a strategic framework for the PRU. This will include:

- setting out appropriate aims and objectives;
- identifying and including policies, targets and priorities; and
- setting out arrangements for monitoring and reviewing aims, objectives, and whether the policies, targets and priorities are being achieved.

4.3.2 Management committees should take advice on all this from the teacher in charge before taking their own decisions. Working strategically, management committee members should use any monitoring evidence to review and evaluate progress against any targets set to see whether a policy is working or needs changing.

4.3.3 The Welsh Government recommends that management committees are used to provide local authorities with a sounding board for considering issues around education other than at school (EOTAS) in the wider context (i.e. EOTAS outside the PRU setting).

The role of the teacher in charge

4.4.1 The teacher in charge is responsible for the internal organisation, management and control of the PRU, and for advising on and implementing the strategic plan. In particular, teachers in charge need to formulate aims and objectives, policies and targets for the management committee and the LA to consider adopting.

The role of the local authority

4.5.1 The local authority has a duty to make arrangements for the provision of suitable education for children who may not receive such education in a mainstream school because of illness, exclusion or otherwise. Where a local authority establishes a PRU to fulfil this duty, it is responsible for maintaining the PRU. It must ensure that the PRU is suitably resourced and organised to provide a high standard of education.

4.5.2 With the requirement to establish management committees for PRUs, local authorities must ensure that these committees are correctly constituted and that their members are appropriately supported to help them fulfil their roles.

Part 2: Management committee procedures

5. Appointment, functions and removal of officers (Parts 5 and 6 and Schedules 1 and 3 to the regulations)

The chair of the management committee

Role of the chair

5.1.1 The regulations require the appointment of a chair for each management committee. Decisions about the chair's role are for local determination, but might include:

- a) ensuring the business of the management committee is conducted properly, in accordance with legal requirements and recommendations;
- b) ensuring meetings are run effectively, focusing on priorities and making the best use of time available, and ensuring that all members have an equal opportunity to participate in discussion and decision-making; and
- c) establishing and fostering an effective relationship with the teacher in charge, based on trust and mutual respect for each other's roles, and ensuring that the management committee acts as a sounding board to the teacher in charge and provides strategic direction.

Election of the chair and vice chair

5.1.2 The management committee must elect a chair and a vice chair from amongst their members annually. It is for the management committee to agree the process, but the regulations require that any election which is contested must be held by secret ballot.

5.1.3 The clerk to the governing body is to act as chair during that part of any meeting at which the chair is to be elected. The clerk cannot be a management committee member; therefore the clerk does not have a vote (or casting vote in the event of a tied vote) in this case.

5.1.4 A management committee member (in any capacity) who is paid to work at the school is not eligible to be elected as chair or vice chair of the management committee.

Term of office of the chair and vice-chair

5.1.5 The term of office of the chair or vice chair is one year.

5.1.6 The persons elected as chair or vice-chair will hold office until their successors are appointed, although they may resign at any time by giving notice in writing to the clerk to the management committee, or be removed in line with the process described at paragraph 6.1.10.

5.1.7 When the office of chair or vice chair becomes vacant, the management committee must elect a new chair or vice chair at the next meeting. If the chair is absent from a meeting, or if the office of chair is vacant, the vice chair will act as chair for all purposes.

5.1.8 The chair or vice chair will cease to hold office when he or she ceases to be a governor or if they are paid to work at the school.

Delegation of functions to the chair and vice chair in cases of urgency

5.1.9 The chair or vice chair has the power to carry out functions of the management committee if a delay in exercising a function is likely to be seriously detrimental to the interests of the PRU, a pupil at the PRU or their parents, or a person who works at the PRU.

Removal from office

5.1.10 The management committee can remove the chair or vice chair from office. A motion to remove the chair or vice chair must be an agenda item for a management committee meeting and the agenda must be circulated to management committee members seven days in advance of the meeting. The member proposing the removal must state his/her reasons for doing so at the meeting. The chair or vice chair must be given the opportunity to make a statement in response before he/she withdraws from the meeting and the management committee votes on the proposal to remove the chair or vice chair from office.

The clerk to the management committee

Role of the clerk

5.2.1 The clerk needs to work effectively with the chair of the management committee, the other members and the teacher in charge of the PRU to support the management committee. The clerk should be able to advise the management committee on constitutional and procedural matters, duties and powers. The clerk is accountable to the management committee.

Appointment of the clerk to the management committee

5.2.2 The local authority must appoint a clerk to the management committee and it may wish to seek the views of the management committee before deciding the appointment. Members of the management committee, including the teacher in charge cannot be appointed as clerk, although PRU staff that are not on the management committee could be appointed to this role.

5.2.3 If the clerk does not attend a meeting, the members present at the meeting can appoint a member of the management committee (but not the teacher in charge) to act as clerk for that meeting.

Functions of the clerk

5.2.4 It is the responsibility of the clerk to the management committee to¹:

- a) convene meetings of the management committee;
- b) attend meetings of the management committee and ensure minutes are taken;
- c) maintain a register of members of the management committee and report vacancies to the management committee;
- d) maintain a register of attendance and report this to the management committee;
- e) give and receive notices in accordance with relevant regulations and guidance; and
- f) perform such other functions as may be determined by the management committee from time to time.

Removal of the clerk

5.2.5 The local authority can remove the clerk from office, but it may wish to seek the views of the management committee before deciding so.

¹ The Governors' guide on the role of the Clerk can be accessed on the Governors Wales website: http://www.governorswales.org.uk/media/files/documents/2014-01-20/The_role_of_the_Clerk_English.pdf

6. Meetings and proceedings of management committees (Part 6 and Schedule 3 of the regulations)

Right to attend management committee meetings

6.1.1 Members, the teacher in charge and the clerk have the right to attend management committee meetings. In addition, the management committee can allow any other person to attend their meetings. Where there is a joint management committee for two or more PRUs, it is important that the teacher in charge of each of the PRUs should have the opportunity to attend management committee meetings

Convening management committee meetings

6.2.1 Each management committee must hold at least one meeting per school term. Many management committees will wish to meet more often; this and the length of each meeting are for the management committee to decide.

6.2.2 Meetings are convened by the clerk who takes directions from the management committee and the chair. Any three members of the management committee can request a management committee meeting by giving written notice to the clerk that summarises the business to be conducted. The clerk must convene a meeting as soon as is practicable.

6.2.3 The clerk must give each member and the teacher in charge (if not a member) written notice of a meeting, a copy of the agenda and any papers to be considered at the meeting at least five days before the meeting. If the chair considers that there are matters that demand urgent consideration he/she can determine a shorter period of notice, but the period of notice must be at least seven working days if the removal of the chair or the suspension of any member are to be considered.

Quorum for management committee meetings

6.3.1 The quorum for any management committee meeting and vote must be one half (rounded up to a whole number) of the membership of the management committee; this does not include any member vacancies. *For example*; if the full membership is 15, then the quorum for a management committee meeting is eight members. However, if there are two vacancies on a committee of 15, the quorum is seven.

Voting

6.4.1 Every question to be decided at a management committee meeting must be determined by a majority of votes of those members present and voting. If there is an equal number of a vote, the chair or the person acting as chair - provided that they are a member - has a second (or casting) vote.

Minutes and papers

6.5.1 The clerk must ensure that minutes are drawn up, approved by the management committee and signed by the chair at the next meeting.

6.5.2 The management committee must make available for inspection to any interested person who requests it, a copy of the agenda, signed minutes and reports or papers considered at the meeting as soon as is reasonably practicable. Information relating to a named person, or any other matter that the management committee considers confidential, does not have to be made available for inspection.

Restrictions on persons taking part in proceedings of management committee meetings and committees

6.6.1 The general principles are that:

- Where there is a conflict between the interests of any person and the interests of the management committee, that person should withdraw from the meeting and should not vote.
- In a situation where the principles of natural justice require a fair hearing and there is any reasonable doubt as to a person's ability to act impartially, that person should also withdraw from the meeting and not vote.

6.6.2 Examples of cases where a fair hearing must be given include decisions relating to pupil discipline. The restrictions on persons taking part in proceedings do not stop a management committee or sub-committee from allowing someone who can offer relevant evidence to a case in question from giving that evidence.

6.6.3 If there is any dispute as to whether a person must withdraw from a meeting under the regulations, the other members present at the meeting must decide on this.

6.6.4 More specific provisions relating to restrictions on taking part in proceedings are set out in Annex E.

Suspension of members

6.7.1 In certain prescribed circumstances the management committee can decide to suspend a member for a period of up to six months. The management committee can only suspend a member if one or more of the following grounds apply:

- a) the member is paid to work at the PRU and is the subject of disciplinary proceedings in relation to his/her employment;
- b) the member is the subject of any court or tribunal proceedings, the outcome of which may be that he/she is disqualified from continuing to hold office as a member;

- c) the member has acted in a way that is inconsistent with the ethos of the PRU and has brought or is likely to bring the PRU or the management committee or his office of member into disrepute; and
- d) the member is in breach of his/her duty of confidentiality to the PRU, its staff or pupils.

6.7.2 A management committee can vote to suspend a member on any of the above grounds, but does not have to do so. The Welsh Government recommends that the management committee should only vote to suspend a member as a last resort and should seek first to resolve any difficulties or disputes in more constructive ways.

6.7.3 Any motion to suspend a member must be specified as an agenda item of a meeting for which at least seven working days notice is given. Before the management committee votes to suspend a member, the member proposing this must give their reasons. The member who is proposed for suspension must be given the opportunity to make a statement in response before he or she withdraws from the meeting and a vote is taken.

6.7.4 A member who has been suspended must be given notice of any meetings and must be sent agendas, reports and papers for any meetings during their suspension.

6.7.5 A member who has been suspended is not affected by the provisions relating to disqualification of members from holding office for failure to attend meetings of the management committee for a period of six months or more without the consent of the management committee.

7. Sub-committees of management committees (Part 6 and Schedule 3 of the regulations)

Delegation of functions by the management committee

7.1.1 A management committee can delegate some of its functions to a sub-committee, to a member or to the teacher in charge. The management committee must review the delegation of functions annually. Each management committee remains accountable for any decisions taken, including those relating to functions delegated to a committee or individual.

7.1.2 The management committee cannot delegate any functions to a sub-committee relating to:

- the appointment or removal of the chair and vice-chair
- the appointment and removal of the clerk
- the suspension of Management Committee members
- the delegation of functions
- the establishment of sub-committees
- the review of the instrument of government
- the appointment of parent members, community members and sponsor members
- the removal of members and the procedure for the removal of members.

7.1.3 Moreover the management committee cannot delegate to an individual responsibility for pupil discipline and exclusions.

7.1.4 Any individual or committee to whom a decision has been delegated must report to the management committee in respect of any action taken or decision made. The management committee can still perform functions it has delegated; this enables the management committee to take decisions on matters that are discussed at meetings on functions that have been delegated.

Establishment of sub-committees

7.2.1 The management committee must determine the membership and proceedings of any sub-committee it decides to establish. The management committee must also review the establishment, terms of reference, constitution and membership of any sub-committee annually. Each sub-committee must have a chair, who is either appointed by the management committee or elected by the sub-committee. The management committee may remove the chair of a sub-committee from office at any time.

Clerk to sub-committees

Appointment and removal of the clerk to sub-committees

7.3.1 The management committee must appoint a clerk to each sub-committee it decides to establish. Sub-committees do not include other groups established by the management committee, such as working groups set up for a specific purpose.

7.3.2 The teacher in charge cannot be appointed as clerk to a sub-committee. The management committee can appoint a member to clerk one or more sub-committees, but the Welsh Government recommends that the management committee appoints and pays a clerk who is qualified (or receiving training), as a professional clerking service helps management committees to be more effective.

7.3.3 If the clerk does not attend a sub-committee meeting, the members present at the meeting can appoint a member of the sub-committee (but not the teacher in charge) to act as clerk for that meeting.

7.3.4 The management committee can remove a clerk to a sub-committee from office at any time.

Functions of the clerk

7.3.5 It is the responsibility of the clerk to a sub-committee to²:

- a) convene meetings of the sub-committee;
- b) attend meetings of the sub-committee and ensure minutes are taken; and
- c) perform such other functions with respect to the sub-committee as may be determined by the management committee from time to time.

Right of persons to attend meetings of sub-committees

7.4.1 Members of committees, the teacher in charge (whether or not a member of the committee) and the clerk to the sub-committee have the right to attend committee meetings. In addition the management committee or the sub-committee can allow any other person to attend their meetings.

Meetings of sub-committees

7.5.1 Sub-committee meetings are convened by the clerk to the sub-committee who takes directions from the management committee and the chair of the sub-committee.

² The Governors' guide on the role of the Clerk can be accessed on the Governors Wales website: http://www.governorswales.org.uk/media/files/documents/2014-01-20/The_role_of_the_Clerk_English.pdf

Notice of sub-committee meetings

7.5.2 The clerk must give each member of the sub-committee, and the teacher in charge (whether or not a member) written notice of a meeting, a copy of the agenda and any papers to be considered at the meeting at least five days in advance. If the chair of the sub-committee considers that there are matters that demand urgent consideration he or she can determine a shorter period of notice.

Quorum

7.5.3 The quorum for any sub-committee meeting and for any vote must be one half (rounded up to a whole number) of the membership of the committee excluding any vacancies.

Voting

7.5.4 Every question to be decided at a sub-committee meeting must be determined by a majority of votes of those members present and voting. If there is an equal number of votes, the chair (or the person acting as chair) – provided that they are a member - has a second (or casting) vote.

Minutes of sub-committee meetings

7.5.5 Minutes must be drawn up by the clerk and signed by the chair of the sub-committee, after approval at the next meeting of the sub-committee. The sub-committee must make available for inspection to any interested person a copy of the agenda, signed minutes and reports or papers considered at the meeting as soon as is reasonably practicable. Information relating to a named person, or any other matter that the sub-committee considers confidential, does not have to be made available for inspection.

Annex A: Model instrument of government

1. The name of the PRU (or group of PRUs) is
2. The PRU's reference number is
3. The address of the PRU (and any other sub units forming part of the PRU) is

Post code.....

4. The name of the management committee is

“The management committee of”
(insert the name of the PRU as set out in paragraph 1. above).

5. The management committee shall consist of:
 - a. X parent members (at least one but no more than one fifth of the places);
 - b. X staff members (at least one but no more than one third of the places and including the teacher in charge);
 - c. X local authority members (at least one but no more than one third of the places);
 - d. X sponsor members (up to two);
 - e. X community members (at least one more than the total of all other member places);
6. Total number of members XX
7. The sponsor(s) entitled to nominate X person(s) for appointment as sponsor members under schedule 1 of the Regulations is/are

(insert name here)
8. (applicable if the term of office of one or more categories of members is shorter than four years:)
The term of office of (X category of member) is.....
(insert period between one and four years)
9. This Instrument of government comes into effect on DD/MM/YYYY
(insert date)
10. This instrument was made by order of local authority XYZ on D/MM/YYYY
(insert date)
11. A copy of the instrument must be supplied to every member of the management committee (and the teacher in charge if not a member).

Annex B: Examples of constitutional models

Please note that this annex gives examples. This is not an exhaustive list;

Local authorities and management committees are free to adopt alternative models, provided these comply with the guiding principles set out in section 3.

Examples of constitutional models (categories of member and compliance with principles)								
Total number of members	Parents	Principle: at least one but no more than 1/5	Staff	Principle: at least one but no more than 1/3	Local authority	Principle: at least one but no more than 1/3	Community	Principle: at least one more than all others
7	1	14%	1	14%	1	14%	4	57%
8	1	13%	1	13%	1	13%	5	63%
9	1	11%	2	22%	1	11%	5	56%
9	1	11%	1	11%	2	22%	5	56%
10	2	20%	1	10%	1	10%	6	60%
10	1	10%	2	20%	1	10%	6	60%
11	1	9%	2	18%	2	18%	6	55%
11	2	18%	2	18%	1	9%	6	55%
12	1	8%	3	25%	1	8%	7	58%
12	1	8%	2	17%	2	17%	7	58%
13	2	15%	2	15%	2	15%	7	54%
13	1	8%	3	23%	2	15%	7	54%
14	1	7%	2	14%	3	21%	8	57%
14	2	14%	3	21%	1	7%	8	57%
15	2	13%	3	20%	2	13%	8	53%
15	2	13%	2	13%	3	20%	8	53%
16	2	13%	3	19%	2	13%	9	56%
16	2	13%	2	13%	3	19%	9	56%
17	2	12%	3	18%	3	18%	9	53%
17	2	12%	3	18%	2	12%	10	59%
18	2	11%	3	17%	3	17%	10	56%
18	2	11%	4	22%	2	11%	10	56%
19	3	16%	3	16%	3	16%	10	53%
19	3	16%	3	16%	2	11%	11	58%
20	3	15%	3	15%	3	15%	11	55%
20	2	10%	3	15%	4	20%	11	55%

Note: figures have been rounded up or down to the nearest whole number. 0.5 has been rounded up.

Sponsor members are not included in this table as sponsor members do not have to constitute a proportion of the committee membership.

Annex C: Establishment of first management committee, transitional arrangements and temporary management committees

1. Local authorities are responsible for the establishment of the first management committee for each of their PRU in accordance with the regulations. Elections of parent and staff members and the appointments of local authority and community members should take place between [DATE] and [DATE]. Members' start day of office will be [DATE]. Local authorities must ensure that they take the necessary steps to ensure that elections and appointments take place during the time frame mentioned above.
2. Members appointed or elected to management committees established prior to the coming into force of the regulations [DATE] – referred to as 'current members' – may be considered for election or appointment on formal management committees if they meet the definition of the category of member they wish to serve as. The Welsh Government recommends that where such members are already serving on existing management committees they should be considered for appointment by local authorities to serve on the new management committees.
3. A current member who continues as a member after an instrument of government made under the Regulations becomes effective will be given a fresh term of office, as set out in the instrument of government, for the category under which they have been appointed/elected.
4. The instrument of government must record the number of members, as determined by the management committee. As current members serve out their term of office there may therefore be more members on the management committee than are recorded on the instrument of government.
5. A current member can be re-elected or re-appointed for a further term under the Regulations.
6. The Welsh Government recommends that local authorities set up temporary management committees for PRUs which they propose to open. The constitution of temporary management committees should be similar to that of management committees. Where possible, members appointed to serve on temporary management committees should meet the criteria for the category of member which they plan to serve. This way they will be able to serve on the formal management committee once the instrument of government takes effect, and they will provide continuity in the management of the new PRU.

Annex D: Roles and responsibilities of management committees

Key Functions of Pupil Referral Units

Key to decision levels
<p>Level 1 = decisions made by local authority</p> <p>Level 2 = decisions made by local authority (where advice from the management committee is strongly recommended)</p> <p>Level 3 = decisions made by management committee only (e.g. function/task delegated to management committee)</p> <p>Level 4 = decisions made by management committee (where advice from the local authority is strongly recommended)</p> <p>Level 5 = decision made by the teacher in charge</p>

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
Budgets	1	Local authorities to establish a budget and finance policy for their PRUs		✓				PRUs do not have a delegated budget, and it is for the LA to decide the budget for each of their PRUs. However, we recommend that the local authorities should have a budget and finance policy for their PRUs; and MCs' views should be sought in deciding budgets. MCs should be encouraged to undertake some of the associated tasks, e.g. to advise on any tendering exercises or discussions about contracts.
	2	To approve the budget plan each financial year	✓					
	3	To monitor monthly expenditure						
	4	To establish a charging and remissions policy		✓				
	5	Miscellaneous financial decisions (identified in policy)		✓				
	6	To enter into contracts (identified in policy)	✓					
	7	To make payments (identified in policy)	✓					
Staffing	1	Teacher in charge appointments		✓				Staff who work in PRUs are employed by LAs; and existing legislation provides for the LA to discharge all staffing functions, including pay matters. Some teachers/instructors are employed under similar terms as those in maintained schools – under teachers' pay and conditions – and others on similar terms to other LA staff. MCs are expected to help in improving the effectiveness of PRUs. They should, therefore, be encouraged to be involved in deciding on staff structures and to assist in the appointment and other staffing matters of key posts in the PRU. The LA must obtain enhanced criminal record certificates in respect of members of staff who work in PRUs.
	2	Deputy TiC appointments		✓				
	3	Appoint other teachers		✓				
	4	Appoint non teaching staff		✓				
	5	Agree a pay policy		✓				
	6	Pay discretions		✓				
	7	Establishing staff disciplinary/ capability procedures		✓				
	8	Dismissal of teacher in charge		✓				
	9	Dismissal of other staff		✓				
	10	Suspending head		✓				
	11	Suspending staff (except head)		✓				
	12	Ending suspension (head)		✓				
	13	Ending suspension (except head)		✓				
	14	Determining staff complement		✓				
	15	Determining dismissal payments / early retirement	✓					
	16	To ensure that staff have successfully undergone criminal records checks.	✓					

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
Curriculum	1	To establish a curriculum policy (broad and balanced, not necessarily national curriculum)		✓	✓		✓	The regulations provide for the LA, the MC and the TiC to work jointly in agreeing a curriculum policy for their PRU and to review the policy from time to time. It is recommended that they do so at least once a year. The policy must therefore set out the procedures for the implementation and monitoring of the policy. The level(s) at which tasks 2 to 6 should be carried out are recommended.
	2	To implement curriculum policy					✓	
	3	To monitor curriculum policy			✓			
	4	Responsible for standards of teaching			✓		✓	
	5	To decide which subject options should be taught having regard to resources, and implement provision for flexibility in the curriculum (including activities outside the school day)			✓		✓	
	6	Responsibility for individual child's education			✓		✓	
	7	Provision of sex education – to establish and keep up to date a written policy		✓			✓	
	8	To prohibit political indoctrination and ensuring the balanced treatment of political issues		✓		✓	✓	
Performance Management	1	To formulate a performance management policy		✓				The LA is responsible for performance management of staff working in PRUs. However, the Welsh Government recommends that the views of MCs are sought in all tasks relating to performance management, and that the MC and the TiC are given responsibility to deliver the policy. Also, the LA must appoint school improvement partners to provide advice on improving standards at the PRU to the LA, the MC and the TiC.
	2	To establish a performance management policy		✓				
	3	To implement the performance management policy		✓				
	4	To review annually the performance management policy		✓				
	5	To deliver the performance management				✓	✓	
Target Setting	1	To set targets for individual pupil achievement (learning plan), including exit strategy.					✓	Each pupil should have a learning plan based on prior attainment and expected future attainment. The TiC and other staff should have primary responsibility for this task.

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
Discipline/ Exclusions	1	To establish a discipline policy			✓			The MC is responsible for establishing and reviewing discipline policies. The MC must agree measures to ensure the promotion and implementation of high standards of behaviour and discipline. In relation to pupil exclusion, the MC will need to consider whether or not to confirm decisions to exclude pupils permanently or those that are excluded for fixed periods of more than 15 days in total in a term. Where a pupil would lose the opportunity to sit an examination while on exclusion, the MC (can be delegated to chair/vice-chair in urgent cases) must consider whether or not to lift the exclusion.
	2	To review the use of exclusion or would lose the opportunity to sit a public examination			✓			
	3	To direct reinstatement of excluded pupils (Can be delegated to chair/vice-chair in urgent cases)			✓			
Admissions		Admissions policy (and exit strategy)		✓				Although admissions of pupils is the responsibility of the LA, it would be sensible for the MC to be able to advise the LA on all admission issues, e.g. the maximum number of pupils to admit and the type(s) of needs to cater for, taking account of available resources (as set out in the budget plan).
Special Educational Needs	1	To have regard to guidance in the Code of Practice on SEN		✓			✓	The LA, MC and TiC must have regard to statutory guidance set out in the Code in meeting the needs of pupils who have SEN.
	2	To secure appropriate provision for pupils who have SEN		✓			✓	The LA must inform the TiC, relevant staff and the MC (or a member of the MC with responsibility for pupils with SEN) about the particular SEN of pupils attending their PRU with a view to meeting their needs effectively.
	3	To ensure that teachers identify and effectively provide for pupils who have SEN		✓			✓	
	4	To co-ordinate SEN provision with other schools.		✓			✓	Where it is desirable to co-ordinate the provision for pupils who have SEN, MCs should consult the LA and local schools (including special schools) to ensure that effective provision is available for all such pupils in the area.

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
Premises & Insurance	1	Buildings insurance and personal liability	✓					The LA, as owner of the premises, must ensure that suitable insurance is in place. The Welsh Government suggests that the LA and the MC jointly develop a buildings strategy.
	2	Developing school buildings strategy or master plan and contributing as required to LA Asset Management Planning arrangements		✓				
	3	Procuring and maintaining buildings, including developing properly funded maintenance plan		✓				
Health & Safety	1	To institute a health and safety policy		✓				
	2	To ensure that health and safety regulations are followed.			✓		✓	
School Organisation	1	Proposal to alter or discontinue a PRU		✓				It is good practice for management committees as well as staff and parents to be consulted when the LA proposes to close a PRU or to make significant changes to PRUs. While it is for the LA to decide dates for terms and holidays, the Welsh Government suggests that the MC's views are sought. The LA must jointly decide with the MC the times of school sessions.
	2	To set the times of school sessions and the dates of school terms and holidays		✓	✓			
	3	To ensure that the school meets for agreed number of sessions in a year				✓		
Management Committee Procedures	1	To draw up instrument of government and any amendments thereafter	✓					
	2	To appoint (and remove) the chair and vice-chair			✓			
	3	To appoint and dismiss the clerk to the MC				✓		
	4	To ensure that at least three MC meetings are held in a school year			✓			
	5	To appoint and remove community or sponsor members				✓		
	6	To set up a Register of Members' Business Interests				✓		
	7	To consider whether or not to exercise delegation of functions to individuals or sub-committees			✓			
	8	To regulate the MC procedures (where not set out in law)			✓			
	9	Set up a complaints procedure	✓					It is good practice to have a complaints procedure which sets out how complaints about any aspect of the PRU can be registered. In the case of complaints about the curriculum the MC must establish a complaints procedure.

Roles and responsibilities of management committees (MCs)								
Key function	No	Tasks	Level 1	Level 2	Level 3	Level 4	Level 5	Comments
Provision of facilities and assistance	1	To decide to offer additional activities and to what form these should take				✓		Regulations provide for MCs to provide additional services which meet the needs of the local community if they wish to do so. However, MCs will need the consent of their LA before considering doing so. Where such additional services are being provided, the MC must establish and publicise procedures to deal with complaints relating to these services.
	2	To put into place the additional services provided			✓			
	3	To ensure delivery of services provided			✓			
	4	To cease providing extended school provision			✓			
	5	To decide to provide advice to schools and local authorities				✓		
Pupil wellbeing/ community		To promote the wellbeing of pupils and community cohesion			✓			As part of their responsibility for the good management of PRUs, MCs have a duty to promote pupils' wellbeing and community cohesion. Like schools, PRUs are expected to play an active part in the development of local services, through engagement in children's trusts and by having regard to the local Children and Young People's Plan – for example when making decisions on childcare arrangements.

Annex E: Restrictions on persons taking part in proceedings of the management committee or its sub-committees

1. Members must withdraw from any meeting in which they have a direct or indirect pecuniary interest. The clerk can continue to act as clerk unless his own appointment, pay or disciplinary action against him is under consideration.
2. Specific provision is made in the regulations in relation to certain issues, namely:
 - i) a person paid to work at the school is not regarded as having a pecuniary interest if his interest is no greater than that of other persons paid to work at the PRU;
 - ii) a person must withdraw and not vote on his own appointment, re-appointment, suspension or removal as a member or member of a committee, or as clerk, chair or vice chair;
 - iii) a person paid to work at the PRU, other than the teacher in charge, must withdraw and cannot vote in relation to the pay or performance appraisal of any particular person working at the PRU. This does not affect general discussions about general policy; and
 - iv) the teacher in charge must withdraw and cannot vote in relation to an item where their own pay or performance appraisal is the subject of discussion.

