



DfE intervention in pupil referral units judged inadequate by Ofsted (applicable from 27 June 2016)

Introduction

1. The pupil referral unit (PRU) regulations¹ have been amended to reflect changes to intervention powers introduced by the Education and Adoption Act 2016. The amendments are explained below.

Amendments to the PRU regulations

2. From 27 June 2016, the Secretary of State will have a duty to make an academy order in respect of a PRU that has been judged inadequate (requires significant improvement or special measures) by Ofsted, requiring it to become an alternative provision (AP) academy. This duty will apply to PRUs judged inadequate prior to 27 June 2016, in addition to PRUs that are judged inadequate subsequently.
3. The Regional Schools Commissioner (RSC), acting on behalf of the Secretary of State, will take responsibility for ensuring that the PRU becomes a sponsored academy as swiftly as possible. This includes identifying the most suitable sponsor and brokering the new relationship between that sponsor and the PRU.
4. The PRU's management committee will not be required to conduct a consultation but, along with the local authority that maintains the PRU, will be under a duty to take all reasonable steps to facilitate the conversion of the PRU into an AP academy. Where necessary, the Secretary of State for Education will be able to direct the PRU's management committee or the local authority to take specified steps within a set timescale to enable the PRU to become an academy.
5. In order to ensure that parents are kept informed, there will be a duty on the proposed academy trust that will run the new AP academy to communicate information to parents about their improvement plans before the PRU becomes an academy.
6. The Secretary of State will have the power to revoke an academy order which was made because a PRU has been judged inadequate. This power will only be used in very exceptional circumstances – for example, should the PRU not be viable and therefore it is most appropriate that it should close. Where the PRU is not viable and the Secretary of State has taken the decision to revoke the academy order, then the local authority will be expected to close the PRU. The Secretary of State already has the power to direct a local authority to close a PRU which has been judged inadequate by Ofsted.²

¹ The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 as amended by The Education (Pupil Referral Units) (Application of Enactments) (England) (Amendment) Regulations 2016, which came into force on 27 June 2016.

² Paragraph 23 of Schedule 1 of the of the Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 as amended by The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012.

Other intervention provisions

7. The provisions listed above reflect those that now apply to maintained schools. More information can be found in the 'Schools Causing Concern' guidance.³ Other provisions introduced by the Education and Adoption Act 2016, including the duty to make an academy order where the Secretary of State has issued a performance standards and safety warning notice, and the coasting provisions, do not apply to PRUs and the amendments to the PRU regulations will not change this.
8. The Secretary of State is already able to establish an Interim Executive Board (IEB) in a PRU that she is satisfied is underperforming or which requires significant improvement or special measures and this has not changed.⁴

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Reference: DFE-00153-2016

³ [Schools causing concern: Intervening in failing, underperforming and coasting schools - Guidance for local authorities and RSCs \(March 2016\)](#).

⁴ Regulation 24 of the Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007 as amended by The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012.