



Constitution, Procedures, Roles and Responsibilities of Management Committees for Pupil Referral Units in Dorset

The following constitution comes into force in September 2013. It meets the requirements set out in the Alternative Provision Statutory guidance for local authorities (January 2013) which may be found at www.education.gov.uk/g00211923/alternative-provision

1. Overall Purpose

The overall purpose of the Management Committee is to fulfil a strategic role, setting out and monitoring the aims and objectives of the unit to ensure children are safe, have their needs met and receive a good standard of education.

In exercising their functions the management committee must act with integrity, objectivity and honesty and in the best interests of the PRU.

Management committees should play a strategic role in exercising their functions and work with the Head teacher to:

- Set out appropriate aims and objectives;
- Identify and adopt policies, targets and priorities;
- Set out arrangements for monitoring and reviewing;
- Promote pupils' well-being.

2. Composition

Management committees must contain at least 7, but no more than 20 members.

The following template is taken from the statutory guidance

Parent members	At least one, but no more than one-fifth of the total committee.
Staff members	At least one, but no more than one-third of the total committee.
Local authority appointed members	At least one, but no more than one-third of the total committee.
Community members	Must outnumber all of the other members combined.
Sponsor members	Sponsor members are entirely optional but where a committee has sponsor members there must be at least one, but no more than two.

The Local Authority intends that the Instruments of Government established in 2010 remain in place; they provide for nine members, are compliant with statutory guidance and provide for the following:

- One parent member
- Two staff members
- One LA member
- Five community members
- No sponsor members

Changes were made to regulations in 2012, specifically about **community members**. When appointing community members, local authorities (or the management committee itself where it is already in place) must first seek to appoint representatives from local schools. The regulations also specify that local authority employees, other than persons employed by the local authority to work in a school maintained by them, cannot be community members.

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 LA, 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.

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

Staff members 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. The Head teacher of the PRU must be included in the membership of the management committee and counts as a member of the staff category. The second staff member should first be appointed from the teaching staff complement at the PRU, but if no member of the teaching staff stands for election, a member of the non-teaching or support staff can be elected to take that place.

Local authority members are appointed by the LA. The LA can appoint any eligible person as a LA member. A person is disqualified from appointment as a LA member if they are eligible to serve as a staff member of the PRU.

3. The Instrument of Government

Each PRU must have an instrument of government which records the name of the PRU, the constitution of the management committee, the total number of members, the length of the term of office and the date when the instrument came into effect.

The management committee or LA can review and vary the instrument at any time. The procedural requirements are as follows:

- each party (i.e. management committee and the LA) must let the other know in writing what item on the instrument 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 LA is not content with the management committee's revised proposal, it must: (a) inform the management committee giving reasons, or; (b) propose its own variation giving 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 LA can vary the instrument;
- in the absence of an agreement, the LA may vary the instrument as it thinks fit; and the varied instrument should record the date the variation takes effect.

4. Term of Office

The term of office for all categories of member is four years. This does not apply to the Head teacher.

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.

5. Removal from Office

The management committee may remove community or parent members from office.

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

The management committee may not remove any staff member.

In the case of any community member or parent member whose removal is requested by the management committee, the committee 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.

6. Roles and Responsibilities: The Local Authority has delegated the following powers to management committees

6.1 Budgets

The Management Committee will

1. Agree a procedure for setting a budget, adopt a budget and approve the budget plan each financial year in accordance with the schools' funding formula for pupil referral units as laid down by the DfE and the arrangements for place and place plus funding and school contributions as established by the LA.
2. Monitor expenditure on a regular basis and keep within budget, highlighting areas of variance and agreeing actions with the Head teacher to correct/mitigate these.
3. Establish a charging policy.
4. Enter into contracts, ensuring that DCC procedures relating to financial control are adhered to.
5. Monitor and ensure the adequacy of financial systems within the Unit, ensuring that DCC procedures relating to financial control are adhered to.

6.2 Staffing

Staff working in learning centres will continue to be employees of the LA (unless the centre gains independence as an academy or free school). Teachers/Instructors will continue to be employed under school teacher's pay and conditions (STP&C) and others on the terms and conditions of similar staff within the LA ("green book").

Working with the Head teacher (who is appointed by the management committee when the post falls vacant), the management committee will have the responsibility to

1. Decide on staff structures in order to maximise the effectiveness of the centre.
2. Determine staff complement.
3. Appoint members of staff.
4. Ensure that DCC policies for recruitment are followed, particularly in relation to safer recruitment.
5. Agree/adopt a pay policy and ensure that it is administered.
6. Adopt appropriate disciplinary/capability procedures.
7. Suspend/dismiss staff.
8. Ensure that staff have successfully undergone DSB and other safeguarding checks.

9. Establish, implement and review the appraisal (performance management) policy.
10. Appoint a consultant/self evaluation partner to advise in matters relating to the performance management of the Head teacher.

6.3 Curriculum

Working with the Head teacher, the management committee will have the responsibility to

1. Establish, monitor and review the curriculum annually, ensuring that it is compliant with the Statutory Guidance for Pupil Referral Units and that it continues to meet the needs of the learners.
2. Approve new educational activities which involve the engagement of third party providers or additional expenditure ensuring that these are fully costed, compliant with DCC procedures and regulations and that insurance and risk assessments have been addressed.
3. Agree procedures whereby the MC can support and review the standards of teaching.

6.4 Appraisal/Performance Management

Working with the Head teacher, the management committee has the responsibility to

1. Formulate or adopt an appropriate performance management /appraisal policy.
2. Ensure that the policy is implemented and review it annually.
3. Appoint a consultant/self evaluation partner to advise in matters relating to the performance management of the Head teacher.
4. Ensure that CPD is available to all personnel.

6.5 Target setting and reviewing pupil progress

The committee should seek regular reports on the progress and performance of pupils against targets in relation to

1. Attainment,
2. Attendance,
3. Re-integration,
4. Progression to further education and training post 16,
5. Groups of pupils with identified additional vulnerability (e.g. Travellers, pupils with statements).

The management committee will have a clear understanding of the current performance of the PRU and will work with the Head teacher to support the annual self evaluation cycle.

The Management Committee will keep under review the programmes, progress and destinations of all Children in Care.

6.6 Discipline/Exclusions

Working with the Head teacher, the MC is responsible for

1. Establishing and reviewing discipline policies. The MC must agree measures to ensure the promotion and implementation of high standards of behaviour and discipline.
2. Considering 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 cases of urgency) must consider whether or not to lift the exclusion for the purposes of sitting the examination.

6.7 Policies

The MC is required to hold each of the policies and other documents, as outlined for PRUs in the attached DfE document: ***POLICIES AND OTHER DOCUMENTS THAT GOVERNING BODIES AND PROPRIETORS ARE REQUIRED TO HAVE BY LAW***, however:

- policies published by the LA may be appropriately adapted and adopted;
- the drafting of school policies can be delegated to any member of school staff;
- there is no requirement for all policies to be reviewed annually;
- not all policies need to be signed off by the full management committee;
- the MC may choose to adopt additional policies and are strongly advised to do so in relation to complaints, appraisal and pay, health and safety.

6.8 Special Educational Needs

Working with the Head teacher, the MC must

1. Have regard to guidance in the Code of Practice on SEN.
2. Ensure that there is appropriate provision for pupils who have SEN.

6.9 Management Committee Procedures

In summary, the management committee has the responsibility to

1. Appoint (and remove) the chair and vice-chair (Staff members may not be elected as Chair or Vice-Chair);
2. Appoint (and dismiss) the clerk to the MC;
3. Ensure that at least three MC meetings are held in a school year;

4. Appoint and remove community or parent members;
5. Set up a Register of MC members' business interests;
6. Consider whether or not to exercise delegation of functions to individuals or committees;
7. Establish a complaints procedure;
8. Ensure that the school meets for the required number of sessions in a school year;
9. Ensure that meetings are quorate – there is a quorum when half of the membership is present. This is rounded to whole numbers and does not include vacancies;
10. Ensure decisions are determined by a majority. The chair has a casting vote.

The role of the Chair is to ensure that business of the Management Committee is conducted properly and effectively. The Chair and Head teacher should establish and foster an effective working relationship, based on trust and mutual respect for each other's roles. The Clerk must convene meetings, attend and minute meetings, maintain a register of members and attendance and report both to the MC. The Clerk must give written notice of the meeting and the agenda and papers to be considered should be sent seven days prior to the meeting. Minutes are drawn up by the clerk, approved by the committee and signed at the next meeting by the chair.

Further information may be found in ***Additional Guidance on the procedures for the operation of management committees for pupil referral units.***

6.10 School Organisation

The management committee has the right to be consulted when the LA proposes to close a PRU or to make significant changes to PRUs.

It has the responsibility to ensure that the school meets for the required number of sessions in a school year.

The MC may decide to offer additional activities or facilities which are based at the PRU. Regulations provide for MCs to provide additional services which meet the needs of the local community if they wish to do so. Where such additional services are being provided, the MC must establish and publicise procedures to deal with complaints relating to these services.

7. Roles and Responsibilities: The Local Authority has retained the following powers

7.1 Admissions

The formulation, publication and administration of the Admissions policy remain the responsibility of the LA. Please see the [Policy for Admission to Learning Centres \(PRUs\) in Dorset](#) for further information concerning who can make a

request for involvement and what criteria apply. This can be found at www.dorsetforyou.com/educ/exclusion.

However, the MC may advise the LA on admission issues.

7.2 Premises & Insurance

The LA remains the owner of the premises and must ensure that suitable insurance is in place. The LA is responsible for procuring and maintaining buildings, including developing a properly funded maintenance plan.

However the management committee will work with the Head teacher and the LA on all matters concerning building, grounds and asset management.

The Management Committee will be responsible for agreeing all contracts for the renting of premises and/or any contracts of sub-letting.

7.3 School Organisation

It is the responsibility of the LA to decide dates for terms and holidays.

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