

---

## **Meeting of Executive Members and Children's Services Advisory Panel**

6 September 2007

Report of the Director of Learning, Culture and Children's Services

### **Establishment of a Management Committee for the Pupil Referral Service**

#### **Purpose of Report**

1. This report informs the Panel of new regulations on the establishment of Management Committees for Pupil Referral Units (PRU). The regulations will come into force on 1 November 2007.
2. This report further outlines the composition of Management Committees and proposes options for the number of members of the Management Committee to be established in the City of York.

#### **Background**

3. The arrangements for the composition and constitution of PRU Management Committees is laid down in The Education (Governance of Pupil Referral Units) (England) Regulations 2007.
4. All PRUs will be required to have a management committee from 1 November 2007 which is constituted under the regulations and is set out in an Instrument of Government.
5. The size of a PRU management committee may be between seven and 20 members and must include the following categories of member:
  - Staff;
  - Local authority;
  - Parent; and
  - Community (from schools and other local agencies)
6. In addition, a management committee may include up to two sponsor members. Persons who give substantial assistance to the PRU, financially or in kind, or who provide services to the PRU may be appointed by the management committee as sponsor members.
7. To allow the establishment of a management committee to meet the deadline and to start operating fully from 1 November 2007, it is proposed that the committee be established by 1 October 2007.
8. The Local Authority's School Governance Clerking Service will provide clerking support for the management committee.
9. There are three local establishments, all located at Danesgate in Fulford, which will be covered by the Management Committee:

- The PRU offers provision both for pupils who have been excluded from mainstream secondary schools and those who are in danger of being excluded and who would benefit from respite from a specific situation within school. The unit offers 24 places.
  - The Bridge Centre offers six-week placements for younger pupils who need respite from mainstream school to address specific behaviour or emotional needs, or who have been excluded. The unit offers 12 places
  - The Skills Centre offers vocational training to older pupils for whom mainstream education is not meeting their needs. Schools may buy places within this provision for pupils on roll. There are 75 pupil places offered per year.
10. Because the referral units are based on the same site and there is a close working inter-relationship between the three establishments it is proposed that one Management Committee be established. There is provision within the legislative framework to support this.

### **Consultation**

11. Once the size and composition of the management committee has been agreed, the Local Authority will consult with partnership schools and agencies to request the names of possible members.

### **Size and composition of the Management Committee**

12. The regulations determine the proportions of places allocated to each category of committee member as follows:
- Community members: the number of places must exceed all other members by one or more;
  - 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; and
  - In addition, the management committee may appoint one or two sponsor members.
13. Proportions and percentages must be rounded to the nearest whole number. Annex 1 gives examples of models that comply with the principles above.
14. It is proposed that the Management Committee be composed of fourteen members (see Annex 1). This proposed number is recommended as achieving a good balance between inclusiveness and establishing an effective scale of organisational body. This model offers places for one parent, two members of staff, eight community and three local authority representatives. Members are asked to give consideration to:
- which schools/organisations should be approached to fill the community places;
  - how potential parent governors are to be identified

## Categories of Member

15. **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 they 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 FE colleges and alternative education and training providers.
16. PRUs are expected to work closely with local schools. It is strongly recommend 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, eg headteachers, deputy headteachers and governors of schools in these partnerships.
17. A person is disqualified from appointment as a community member if they are a registered pupil at the PRU, eligible to be a staff member at the PRU, or if they are an elected member of the LA.
18. **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, because pupils attend the PRU and The Bridge on a short-term basis, the identification of parents who might stand for election may present a challenge. 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.
19. 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 any consecutive period of 12 months.
20. Where two or more establishments operate jointly under one management committee, it is recommended that when electing parent members for joint management committees, parents of pupils in all establishments in the group should be invited to stand and vote.
21. **Staff members** Both teaching and non-teaching/support staff who 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.
22. The teacher in charge of a PRU is a member of the management committee and counts as a member of the staff category. Where a management committee consists of two or more staff members it is recommended that at least one staff member (excluding the teacher in charge) is appointed from the teaching staff complement at the PRU, but if no 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, at least one of these places should be for a non-teaching or support staff, but if no member of this group of staff stands for election a member of the teaching staff can be elected to take that place.

23. If the teacher in charge decides not to be a member they must inform the clerk of that decision in writing. The teacher in charge's place remains reserved for them and cannot be taken by anyone else.
24. Where two or more PRUs operate jointly under one management committee, it is recommended that all teachers in charge may participate in discussions at meetings if they wish but they must bear in mind that they share only one vote. They should therefore agree before the meetings who will exercise the vote on their behalf.
25. It is also recommended that when electing staff members for joint management committees, staff in all PRUs in the group should be invited to stand and vote.
26. 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 a PRU year they are not eligible for election or appointment as parent members. Staff can, however, vote in parent member elections if they are parents and be members at another PRU. .
27. **Local authority members** are appointed by the LA. LAs may appoint any eligible person as an LA member. The DfES encourages LAs to appoint candidates irrespective of any political affiliation or preferences who are committed to assisting in the effective running of the PRU.
28. A person is disqualified from appointment as an LA member if they are eligible to serve as a staff member of the PRU.
29. **Sponsor members** are appointed by the management committee. It is at the discretion of the management committee whether they choose to appoint sponsor members or not.

#### **Options:**

30. Members have options to influence the recommended size and composition of the management committee. They do not have options to not establish such a body.

#### **Corporate Priorities**

30. To improve the life chances of the most disadvantaged and disaffected children, young people and families in the city

#### **Implications**

31. There are no specific financial or HR implications arising from this report.

#### **Legal Basis**

32. The basis for appointing governors to temporary governing bodies is The Education (Governance of Pupil Referral Units) (England) Regulations 2007.

#### **Risk Management**

33. There are no known specific risks associated with this paper. It is essential that the three referral units have robust, accountable and active governance arrangements which meet new legislative requirements and contribute to effective management. The establishment of such governance will reduce risks to the organisation.

## Recommendations

34. That the Executive Members agree the constitutional model;
35. That the Panel makes recommendations as to any additional organisations not included in paragraphs 13 and 14 and which might be approached to provide community members.

Reason: To enable the authority to fulfil statutory regulations on the establishment of Management Committees for Pupil Referral Units (PRU) inline with the Education (Governance of Pupil Referral Units) (England) Regulations 2007

## Contact Details

### Author:

Sue Pagliaro  
Governance Service Manager  
Tel: 554258

### Chief Officer Responsible for the report:

*Pete Dwyer*  
Director of Learning, Culture and Children's Services

Report Approved  Date 15 August 2007

*Pete Dwyer*  
Director of Learning, Culture and Children's Services

Report Approved  Date 15 August 2007

## Specialist Implications Officer(s)

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Annex 1: Examples of Constitutional Models