
STATUTORY INSTRUMENTS

2007 No. 2978

The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007

PART 2

ESTABLISHMENT OF MANAGEMENT COMMITTEES

Establishment of committees

3. Subject to regulation 4, an authority must establish a committee to act as the management committee of each unit maintained by them—

- (a) in relation to a unit opened before 13th November 2007, by 1st February 2008; and
- (b) in relation to a unit opened on or after 13th November 2007, as soon as practicable, and in any event no later than the first day on which the unit is open to pupils.

Joint committees

4. An authority may—

- (a) establish a committee to act as the management committee of two or more units maintained by them; or
- (b) make arrangements for a committee established by them under regulation 3 or paragraph (a) to act as the management committee of an additional unit, or units, maintained by them.

Duty to make instrument of government and appoint first members

5. An authority must—

- (a) make an instrument of government, to determine the composition and other matters relating to the committee, in respect of every unit (or, as the case may be, every group of units) maintained by them; and
- (b) appoint the first members of each committee established by them under regulation 3 or 4, (other than parent members, and staff members required to be elected under regulation 10(1)(b)).

Content of instrument of government

6. The instrument of government must set out—

- (a) the name of the unit (or group of units);
- (b) the name of the committee;
- (c) the manner in which the committee is to be constituted in accordance with regulation 14, specifying—

- (i) the number of members in each category of member, and
- (ii) the total membership of the committee, including any sponsor members;
- (d) where the term of office for a category of member is to be less than four years, the length of that term of office;
- (e) the name of any sponsor who is entitled to nominate persons for appointment as such members under Schedule 1; and
- (f) the date when the instrument of government takes effect.

Review of instrument of government

7.—(1) The committee or the authority may review the instrument of government at any time after it is made.

(2) Where, on any review, the committee or the authority decide that the instrument of government should be varied, the committee or (as the case may be) the authority must notify the other of their proposed variation together with their reasons for proposing such a variation.

(3) Where the committee has received notification under paragraph (2), they must inform the authority whether or not they are content with the proposed variation and, if not content, their reasons.

(4) If—

- (a) whichever of the committee and the authority is the recipient of a notification under paragraph (2) agrees with the proposed variation; or
- (b) there is agreement between the authority and the committee that some other variation should be made instead,

the instrument of government must be varied accordingly by the authority.

(5) If paragraph (4) does not apply, the authority must—

- (a) inform the committee of the reasons—
 - (i) why they are not content with the committee’s proposed variation, or as the case may be,
 - (ii) why they wish to proceed with their own variation; and
- (b) give the committee a reasonable opportunity to reach agreement with them with regard to the variation, and

the instrument of government must be varied by them either in the manner agreed between them and the committee or (in the absence of such agreement) in such manner as they think fit.

(6) Where the instrument of government is varied under this regulation, it must set out the date on which the variation takes effect.

Other requirements relating to instruments of government

8.—(1) The authority must ensure that the persons set out in paragraph (2) are provided (free of charge) with—

- (a) a copy of the instrument of government; and
- (b) where any variation is made to the instrument of government, a consolidated version of the instrument of government incorporating all variations made by the authority (other than variations which have ceased to have effect).

(2) The persons who are to be provided with the information referred to in paragraph (1) are—

- (a) every member of the committee; and

- (b) if he is not a member of the committee, the teacher in charge (or, in the case of a group of units, any teacher in charge who is not a member of the committee).