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STATUTORY INSTRUMENTS

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**2007 No. 2978**

**EDUCATION, ENGLAND**

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

<i>Made</i>	- - - -	<i>16th October 2007</i>
<i>Laid before Parliament</i>		<i>23rd October 2007</i>
<i>Coming into force</i>		
<i>regulations 1 to 21</i>		<i>13th November 2007</i>
<i>regulations 22 and 23</i>		<i>1st February 2008</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by section 569(4) and (5) of, and paragraphs 3, 6(2) and 15 of Schedule 1 to, the Education Act 1996<sup>(1)</sup>:

**PART 1**

**GENERAL**

**Citation, commencement, and application**

1.—(1) These Regulations may be cited as the Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007.

(2) These Regulations, except regulations 22 and 23, come into force on 13th November 2007.

(3) Regulations 22 and 23 come into force on 1st February 2008.

(4) These Regulations apply only in relation to England.

**Interpretation**

2. In these Regulations—

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(1) 1996 c. 56; paragraph 15 of Schedule 1 is inserted by section 48 of the Education Act 1997 (c.44), and amended by paragraph 184(c) of Schedule 30 to the School Standards and Framework Act 1998 (c.31), and by S.I. 2001/2237. See section 579(1) of the Education Act 1996 for the definitions of “prescribed” and “regulations”.

“authority”, in relation to a unit, means the local education authority by which the unit is maintained;

“clerk to the committee” means a clerk appointed to a committee in accordance with the School Governance (Procedures) (England) Regulations 2003(2);

“committee” means a management committee of a unit, or a group of units, established under these Regulations;

“group of units” means two or more units managed by the same committee in accordance with regulation 4;

“instrument of government” means an instrument of government of a unit, or a group of units, made in accordance with these Regulations;

“member” means a member of a committee appointed or elected in accordance with these Regulations; and

“unit” means a pupil referral unit.

## 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)).

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(2) [S.I. 2003/1377](#), as amended by [S.I. 2003/1916](#), [2004/450](#) and [2007/959](#), which apply in relation to units by virtue of regulation 21 of, and Schedule 3 to, these Regulations.

### **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).

## PART 3

### CATEGORIES OF MEMBERS

#### Parent members

- 9.—(1) In these Regulations “parent member” means—
- (a) a person who is elected in accordance with paragraphs 2 to 6 of Schedule 1 as a member by parents of registered pupils at the unit (or, as the case may be, at all the units in the group of units), and is himself a parent of a registered pupil at the unit (or, as the case may be, any unit in the group of units) at the time when he is elected; or
  - (b) a person appointed as a parent member in accordance with paragraphs 7 and 8 of Schedule 1.
- (2) A person is disqualified from election or appointment as a parent member if he is—
- (a) an elected member of the authority; or
  - (b) disqualified under regulation 10(2).
- (3) A person is not disqualified from continuing to hold office as a parent member when he ceases to be a parent of a registered pupil at the unit (or, as the case may be, any unit in the group of units) or to fulfil any of the requirements set out in paragraph 8 of Schedule 1 unless he is otherwise disqualified under these Regulations.

#### Staff members

- 10.—(1) In these Regulations “staff member” means—
- (a) the teacher in charge of a unit (or, in the case of a group of units, the teacher in charge of one of the units); or
  - (b) a person who is elected in accordance with paragraphs 9 to 11 of Schedule 1 as a member by persons who are paid to work wholly or mainly at the unit (or, as the case may be, any unit in the group of units) and is himself a person so working at the time when he is elected.
- (2) A person who is eligible for election as a staff member and who is paid to work at that unit for more than 500 hours in each academic year is not eligible for election or appointment as a member under regulation 9, 11, 12 or 13.
- (3) Upon ceasing to work at that unit, a staff member is to be disqualified from continuing to hold office as such a member.

### **Authority appointed members**

**11.**—(1) In these Regulations “authority appointed member” means a person who is appointed as a member by the authority (other than a staff member, a community member, or a sponsor member appointed by the authority under regulation 5(b)).

(2) A person is disqualified from appointment as an authority appointed member if he is eligible to be a staff member.

### **Community members**

**12.**—(1) In these Regulations “community member” means a person who is appointed as a member by the committee (or by the authority under regulation 5(b)) and who is—

- (a) a person who lives or works in the community served by the unit (or, as the case may be, the group of units); or
- (b) a person who, in the opinion of the committee (or in the case of a community member appointed under regulation 5(b), the authority), is committed to the good government and success of the unit (or, as the case may be, the group of units).

(2) A person is disqualified from appointment as a community member if he is—

- (a) eligible to be a staff member of the committee; or
- (b) an elected member of the authority.

### **Sponsor members**

**13.** In these Regulations “sponsor member” means a person who is nominated as a sponsor member and is appointed as such by the committee in accordance with paragraphs 12 to 14 of Schedule 1 (or is appointed as a sponsor member by the authority under regulation 5(b)).

## **PART 4**

### **COMPOSITION OF COMMITTEES**

#### **General principles**

**14.**—(1) The instrument of government is to specify the size and membership of the committee, which is to be no fewer than 7 and no more than 20 members (disregarding any sponsor members).

(2) The instrument of government is to specify the numbers of members from each of the following categories of member to be elected or appointed—

- (a) parent member;
- (b) staff member;
- (c) authority appointed member;
- (d) community member;
- (e) sponsor member.

(3) In calculating the number of members required in each category in accordance with paragraph (5), the number must be rounded up or down to the nearest whole number.

(4) In calculating the number of staff members required, the teacher in charge must be included whether or not he has resigned his membership.

(5) Of the total number of members—

- (a) at least one but no more than one fifth must be parent members;
- (b) at least one but no more than one third must be staff members;
- (c) at least one but no more than one third must be authority appointed members;
- (d) at least one but no more than two may be sponsor members; and
- (e) the number of community members must out number all the other members listed in sub-paragraphs (a) to (d).

### **Notification of appointments**

15. Where any person makes an appointment or nominates a person to be appointed to the committee he must give written notice of the appointment or the nomination to the clerk to the committee, specifying the name and usual place of residence of the person appointed or nominated.

## **PART 5**

### **QUALIFICATIONS AND TENURE OF OFFICE OF MEMBERS**

#### **Qualifications and disqualifications**

16. Schedule 2 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**

17.—(1) Subject to paragraphs (2) to (4), a member is to hold office for a fixed period of four years from the date of his election or appointment.

(2) Paragraph (1) does not apply to any staff member who is the teacher in charge of a unit, who may hold office for as long as he is the teacher in charge.

(3) The instrument of government may specify a shorter term of office for a particular category of member, being not less than one year.

(4) This regulation does not prevent a member from—

- (a) being elected or appointed for a further term, except as otherwise provided in these regulations;
- (b) resigning his office in accordance with regulation 18(1);
- (c) being removed from office in accordance with regulation 19; or
- (d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.

#### **Resignation**

18.—(1) A member may at any time resign his office by giving written notice to the clerk to the committee.

(2) The teacher in charge of a unit may withdraw his resignation at any time by giving written notice to the clerk to the committee.

#### **Removal of members**

19.—(1) Any authority appointed member may be removed from office by the authority, who must give written notice thereof to the clerk to the committee, and to the member so removed.

(2) Any community or sponsor member may be removed from office by the committee in accordance with the procedure set out in regulation 20.

(3) A nominating body proposing the removal of a community or a sponsor member must inform the clerk to the committee, and the member in question, in writing of the reasons why it is proposing his removal.

(4) The committee may, in accordance with the procedure set out in regulation 20, remove any community member, or any sponsor member, at the request of the nominating body.

(5) In this regulation, “nominating body” means any person from whom nominations were sought for the purpose of appointing, and who nominated, the member in question.

(6) Any parent member appointed by the committee under paragraphs 7 and 8 of Schedule 1 may be removed by the committee in accordance with the procedure set out in regulation 20.

### **Procedure for removal of members by the committee**

**20.**—(1) This regulation applies in relation to the removal of a member from office in accordance with regulation 19.

(2) A resolution to remove a member from office which is passed at a meeting of the committee will not have effect unless—

- (a) in relation to the removal of a member who has been nominated by a nominating body, before the committee resolve to remove the member from office, the clerk to the committee gives the reasons for removal provided by the nominating body (as appropriate), and the member whom it is proposed to remove is given an opportunity to make a statement in response;
- (b) in relation to the removal of a community, sponsor or parent member, before the committee resolve to remove the member from office, the member or members proposing his removal state, at that meeting, their reasons for doing so, and the member who it is proposed to remove is given an opportunity to make a statement in response;
- (c) it is confirmed by a resolution passed at a second meeting of the committee held not less than fourteen days after the first meeting; and
- (d) the matter of the member’s removal from office is specified as an item of business on the agenda for each of those meetings.

## **PART 6**

### **PROCEDURES OF COMMITTEES**

#### **Application of the School Governance (Procedures) (England) Regulations 2003**

**21.** The School Governance (Procedures) (England) Regulations 2003 apply in relation to units as they apply in relation to maintained schools to the extent and with the modifications prescribed in Schedule 3 (and in those regulations as so applied any expression defined in regulation 2 has the same meaning as in that regulation).

## PART 7

### DELEGATION OF FUNCTIONS TO COMMITTEES AND CURRICULUM

#### Delegation of functions

**22.**—(1) Subject to paragraph (3), an authority must delegate the functions mentioned in paragraph (2) relating to a unit to the committee, together with such of the authority's powers as are requisite for discharging those functions.

(2) The functions are—

- (a) conducting the unit;
- (b) the authority's functions under paragraph 6(3) of Schedule 1 to the Education Act 1996 (complaints relating to the curriculum);
- (c) the authority's functions under section 88 of the Education and Inspections Act 2006<sup>(3)</sup> (responsibility for discipline).

(3) Paragraph (1) does not apply to the following—

- (a) the authority's functions under—
  - (i) section 62 of the School Standards and Framework Act 1998<sup>(4)</sup> (authority's reserve power to prevent a breakdown of discipline),
  - (ii) Schedule 13 to that Act (control of school premises), and
  - (iii) section 29(5) of the Education Act 2002<sup>(5)</sup> (direction by authority concerning health and safety);
- (b) any power to appoint, dismiss or suspend teachers and non-teaching staff at the unit;
- (c) any power to spend any sum of money appropriated by the authority for the purposes of the unit.

#### Curriculum

**23.** The authority, committee and teacher in charge of a unit (acting jointly) must make, and from time to time review, a written statement of the policy in relation to the curriculum for the unit.

*Kevin Brennan*

Parliamentary Under Secretary of State  
Department for Children, Schools and Families

16th October 2007

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<sup>(3)</sup> 2006 c. 40.  
<sup>(4)</sup> 1998 c. 31.  
<sup>(5)</sup> 2002 c. 32.



## SCHEDULE 1

Regulations 9, 10, and 13

### Election and appointment of members

1. The authority may delegate to the teacher in charge of a unit any of their functions under this Schedule.

### **Election and appointment of parent members**

2. Subject to paragraphs 1 and 3 to 6, the authority must make all the necessary arrangements for the election of parent members.

3. The duty imposed by paragraph 2 does not include power to impose any requirements as to the minimum number of votes required to be cast for a member to be elected.

4. Any election which is contested must be held by ballot.

5.—(1) The arrangements made under paragraph 2 must provide for every person who is entitled to vote to have an opportunity to do so by post.

(2) For the purposes of sub-paragraph (1), “post” includes delivery by hand.

(3) The arrangements made under paragraph 2 may provide for every person who is entitled to vote to have an opportunity to do so by electronic means.

6. Where a vacancy for a parent member arises, the authority must take such steps as are reasonably practicable to secure that every person who is known to them to be a parent of a registered pupil at the unit or one of the units is—

(a) informed of the vacancy and that it is required to be filled by election;

(b) informed that he is entitled to stand as a candidate and vote in the election; and

(c) given the opportunity to do so.

7. The number of parent members required must be made up by parent members appointed by the committee if one or more vacancies for parent members arises and the number of parents standing for election is less than the number of vacancies.

8.—(1) The committee may only appoint as a parent member—

(a) a parent of a registered pupil at the unit;

(b) a parent of a former registered pupil at the unit;

(c) a parent of a pupil registered at another unit, or at a maintained school in the area of the authority;

(d) a parent of a child of compulsory school age; or

(e) any parent.

(2) The committee may only appoint a person referred to in sub-paragraph (1)(b), (c), (d) or (e) if it is not reasonably practicable to appoint a person referred to in the sub-paragraph which immediately precedes it.

### **Election of staff members**

9. Subject to paragraphs 1, 10 and 11, the authority must make all the necessary arrangements for the election of staff members.

10. The duty imposed by paragraph 9—

(a) includes the power to make provision as to qualifying dates; but

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- (b) does not include the power to impose any requirements as to the minimum number of votes required to be cast for a candidate to be elected.

11. Any election which is contested must be held by ballot.

### **Appointment of sponsor members**

12. In this Schedule, “sponsor” in relation to a unit means—

- (a) a person who gives or has given substantial financial assistance (which for these purposes includes benefits in kind) to the unit other than pursuant to statutory obligation; or
- (b) any other person (not being otherwise represented on the committee) who provides or has provided substantial services to the unit.

13. Where the unit has one or more sponsors, the instrument of government may provide for the appointment of such number of sponsor members, not exceeding two, nominated in accordance with paragraph 14.

14. Nominations must be sought for such appointments from the sponsor or (as the case may be) from one or more of the sponsors.

## SCHEDULE 2

Regulation 16

### Qualifications and disqualifications

#### **General**

1.—(1) A person is disqualified from holding or from continuing to hold office as a member at any time when he is a registered pupil at a unit.

(2) No person is qualified to be a member unless he is aged 18 or over at the date of his election or appointment.

2. Except as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a member of a particular category does not disqualify him from election or appointment or from continuing as a member of any other category.

#### **Mental disorder**

3. A person is disqualified from holding or from continuing to hold office as a member at any time when he is detained under the Mental Health Act 1983(6).

#### **Failure to attend meetings**

4.—(1) This paragraph applies to any member who is not a member of the committee by virtue of his office.

(2) A member who, without the consent of the committee, has failed to attend their meetings for a continuous period of six months beginning with the date of the first such meeting he failed to attend, is, on the expiry of that period, disqualified from continuing to hold office as a member of that committee.

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(6) 1983 c. 20.

## **Bankruptcy**

5. A person is disqualified from holding or continuing to hold office as a member, if—
- (a) his estate has been sequestrated and the sequestration has not been discharged, annulled or reduced; or
  - (b) he is the subject of a bankruptcy restrictions order(7) or an interim bankruptcy restrictions order.

## **Disqualification of company directors**

6. A person is disqualified from holding, or from continuing to hold, office as a member at any time when he is subject to—
- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(8),
  - (b) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989(9),
  - (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002(10), or
  - (d) an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).

## **Disqualification of charity trustees**

7. A person is disqualified from holding or from continuing to hold office as a member if—
- (a) he has been removed from the office of trustee for a charity by an order made by the Charity Commissioners, the Charity Commission for England and Wales, or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or to which he contributed or which he facilitated by his conduct; or
  - (b) he has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(11) (Powers of Court of Session), from being concerned in the management or control of any body.

## **Persons whose employment is prohibited or restricted**

8. A person is disqualified from holding or from continuing to hold office as a member at any time when he is—
- (a) included in the list kept under section 1 of the Protection of Children Act 1999(12) (list of those considered by the Secretary of State as unsuitable to work with children);
  - (b) subject to a direction of the Secretary of State under section 142 of the Education Act 2002(13) (or any other disqualification, prohibition or restriction which takes effect as if contained in such a direction);

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(7) By virtue of paragraph 8 of Schedule 4A to the Insolvency Act 1986 (c.45), reference to a person who is the subject of a bankruptcy restrictions order includes reference to a person in respect of whom a bankruptcy restrictions undertaking has effect.

(8) 1986 c. 46; as amended by the Insolvency Act 2000 (c. 39).

(9) S.I. 1989/2404 (N.I. 18). This has been prospectively repealed by the Companies Act 2006.

(10) S.I. 2002/3150 (N.I. 4).

(11) 2005 asp 10.

(12) 1999 c. 14; as amended by the Care Standards Act 2000 (c. 14).

(13) 2002 c. 32.

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- (c) disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000<sup>(14)</sup>;
- (d) disqualified from registration under Part 10A of the Children Act 1989<sup>(15)</sup> for child minding or providing day care; or
- (e) disqualified from registration under Part 3 of the Childcare Act 2006<sup>(16)</sup>.

### **Criminal convictions**

**9.**—(1) Subject to sub-paragraph (5) below, a person is disqualified from holding, or continuing to hold, office as a member where any of sub-paragraphs (2) to (4) or (6) below apply to him.

(2) This sub-paragraph applies to a person if—

- (a) within the period of five years ending with a date immediately preceding the date on which his appointment or election as member would otherwise have taken effect or, as the case may be, on which he would otherwise have become a member by virtue of his office, or
- (b) since his appointment or election as member or, as the case may be, since he became a member by virtue of his office,

he has been convicted, of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

(3) This sub-paragraph applies to a person if within the period of 20 years ending with the date immediately preceding the date on which his appointment or election as member would otherwise have taken effect or, as the case may be, on which he would otherwise have become a member by virtue of his office, he has been convicted of any offence and has had passed on him a sentence of imprisonment for a period of not less than two and a half years.

(4) This sub-paragraph applies to a person if he has at any time been convicted of any offence and he has had passed on him a sentence of imprisonment for a period of not less than five years.

(5) For the purposes of sub-paragraphs (2) to (4) above, references to a conviction are references to a conviction whether in the United Kingdom or elsewhere but any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom must be disregarded.

(6) This sub-paragraph applies to a person if—

- (a) within the period of five years ending with the date immediately preceding the date on which his appointment or election as member would otherwise have taken effect or, as the case may be, on which he would otherwise have become a member by virtue of his office, or
- (b) since his appointment or election as member, as the case may be, since he became a member by virtue of his office,

he has been convicted under section 547 of the Education Act 1996<sup>(17)</sup> or under section 85A of the Further and Higher Education Act 1992<sup>(18)</sup> (nuisance and disturbance on educational premises) of an offence and has been sentenced to a fine.

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<sup>(14)</sup> 2000 c. 43. Section 29A is inserted by the Criminal Justice Act 2003 (c.44).

<sup>(15)</sup> 1989 c. 41. Part 10A is inserted by the Care Standards Act 2000 and amended by the Childcare Act 2006 (c.21).

<sup>(16)</sup> 2006 c. 21.

<sup>(17)</sup> As amended by the School Standards and Framework Act and by section 206 and Schedule 20 of the Education Act 2002.

<sup>(18)</sup> 1992 c. 13; inserted by section 206 and Schedule 20 of the Education Act 2002.

### **Refusal to make an application for a criminal records certificate**

10. A person is disqualified from holding or continuing to hold office as a member at any time when he refuses a request by the clerk to the committee to make an application under section 113A of the Police Act 1997(19) for a criminal records certificate.

### **Notification to clerk**

11. Where, by virtue of any paragraphs 5 to 9—

- (a) a person is disqualified from holding, or for continuing to hold, office as a member; and
- (b) he is, or is proposed to become, a member,

he must give notice of that fact to the clerk to the committee.

## SCHEDULE 3

Regulation 21

### Application, with modifications, of the School Governance (Procedures) (England) Regulations 2003

1. Wherever they appear—

- (a) for references to the “governing body” substitute references to the “committee”;
- (b) for references to a “governor” substitute references to a “member”;
- (c) for references to the “school” substitute references to the “unit or, as the case may be, the group of units”; and
- (d) for references to a “committee” substitute references to a “sub-committee of the committee”.
- (e) omit references to associate members.

### **Introduction**

2. In regulation 3(2)—

- (a) in sub-paragraph (a) omit “statutory”,
- (b) after a sub-paragraph (b) insert—

“(bb) the functions of the committee is a reference to the functions conferred on, or applied to, the committee by any enactment and functions delegated to the committee by the local education authority;”.

### **Meetings, proceedings and sub-committees**

3. In regulation 5(1) and (6), omit “and to section 67 of the 2006 Act”.

4. In regulation 5(5)(c), omit “or replaced by a chair nominated by the Secretary of State pursuant to section 67 of the 2006 Act”.

In regulation 7(1), omit “unless he has been nominated by the Secretary of State pursuant to section 67 of the 2006 Act”.

5. In regulation 8—

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(19) 1997 c. 50; as amended by the Protection of Children Act 1999, the Care Standards Act 2000 and the Education Act 2002. Section 113A was inserted by section 163(2) of the Serious Organised Crime Act 2005 (c. 15) and amended by paragraph 14 of Part 2 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47).

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- (a) in paragraph (1) omit “with the governing body or”;
  - (b) in paragraph (2) for “The governing body shall” substitute “The authority shall”;
  - (c) in paragraph (3) for sub-paragraph (c) substitute—
    - “(c) the teacher in charge of the unit or, as the case may be, of any unit in the group of units.”;
  - (d) in paragraph (5) for “The governing body may” substitute “The authority may”; and
  - (e) omit paragraph (6).
6. In regulation 9 for sub-paragraph (e)(i) substitute—  
“(i) regulations 15 (Notification of appointments) and 18 (Resignation) of, and paragraph 11 of Schedule 2 (Notification of Disqualification to clerk or expected or is any teacher he sure) to the Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007; and”.
7. In regulation 10 for sub-paragraph (1)(b) substitute—  
“(b) the teacher in charge of the unit or, as the case may be, of each unit in the group of units, whether or not he is a member;”.
8. In regulation 11—  
(a) in paragraph (4) for sub-paragraph (b) substitute—  
“(b) the teacher in charge of the unit or, as the case may be, of each unit in the group of units, whether or not he is a member;” and  
(b) in paragraph (5) omit sub-paragraph (c).
9. In regulation 12 omit paragraph (4).
10. In regulation 15—  
(a) in sub-paragraph (1)(b) for “Schedule 6 to the Constitution Regulations” substitute “Schedule 2 to the Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007”;  
(b) in sub-paragraph (1)(c) omit “or with the religious character”; and  
(c) in sub-paragraph (5) for “paragraph 5 of Schedule 6 to the Constitution Regulations” substitute “paragraph 4 of Schedule 2 to the Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007”.
11. In regulation 16(1)—  
(a) omit the words from “regulation 3(2)” to “2003”; and  
(b) for sub-paragraph (c) substitute—  
“(c) the teacher in charge of the unit or, as the case may be, of any of the units in the group of units, whether or not he is a member.”.
12. Omit regulation 17(1), (3) and (4).
13. In regulation 18, for sub-paragraph (1)(b) substitute—  
“(b) the teacher in charge of the unit or, as the case may be, of any of the units in the group of units, whether or not he is a member;”.
14. In regulation 21—  
(a) for paragraph (1) substitute—  
“(1) The authority shall appoint a clerk to each sub-committee, who must not be the teacher in charge of the unit or, as the case may be, of any unit in the group of units.”; and

- (b) in paragraph (3) for “governing body” substitute “authority” and omit “of their”.
15. Omit regulation 22.
16. In regulation 23 for sub-paragraph (1)(b) substitute—
- “(b) the teacher in charge of the unit or, as the case may be, of each unit in the group of units, whether or not he is a member of the sub-committee;”.
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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 13th November 2007, require local education authorities (LEAs) to establish management committees to run pupil referral units (PRUs) in their area, and make provision for the constitution and procedures of such committees.

Part 2 requires LEAs to establish a committee in relation to each PRU in their area, with the proviso that a committee may run more than one PRU. In relation to PRUs opened before 13th November 2007, a committee must be established by 1st February 2008. In relation to PRUs opened on or after 13th November 2007, a committee must be established (or arrangements must be made for an existing committee to take on the management of the PRU) by no later than the first day it is open to pupils (Regulations 3 and 4). The LEA must make an instrument of government in respect of each unit (or group of units) and appoint the first members (other than those who are required to be elected) (Regulation 5).

Part 3 prescribes the categories of members. Part 4 prescribes the composition of committees. Part 5 prescribes the qualifications and tenure of office of members.

Part 6 makes provision for the procedures of committees by applying the School Governance (Procedures) (England) Regulations 2003 to committees, with certain modifications (Regulation 21 and Schedule 3).

Regulations 22 and 23 in Part 7, which come into force on 1st February 2008, require LEAs to delegate certain functions, principally the function of conducting the unit, to the committee and require a written statement of policy in relation to the curriculum for the unit to be made and periodically reviewed.