



AVENUE CENTRE FOR EDUCATION

Management Committee Terms of Reference 2022 - 2023

Overview:

The Management Committee will operate at all times in accordance with the requirements of the Education Act, the Pupil Referral Unit Governance Regulations, the Local Authorities Scheme for Financing Pupil Referral Units and all other relevant legislation, and will review the Terms of Reference at least annually.

The Management Committee has resolved to conduct all its business as a Management Committee, and to work with three Boards; Resources and Finance Board, Headteacher's Appraisal Panel and Pay Board.

Purpose:

The Management Committee will take a strategic role, act as a critical friend to the Headteacher, be accountable for its decisions and act in the best interests of the Pupil Referral Unit. They must act in accordance with the Seven Principles of Public Life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. They must be open about, and be prepared to explain their decisions and actions to interested persons.

Our Management Committee has 4 strategic core functions:

- Ensuring clarity of vision, ethos and strategic direction. The Management Committee will regularly review the vision and values of the Management Committee and the Pupil Referral Unit, and ensure that these are shared with all stakeholders.
- To hold the Headteacher to account for the educational performance of the Pupil Referral Unit, its pupils and staff. This will be achieved by rigorous monitoring of the Pupil Referral Unit Improvement Plan, staff performance management and pupil data.
- Overseeing the financial performance of the organisation and making sure its money is well spent. The Management Committee will monitor financial data at least 6 times a year.
- Ensuring the voices of stakeholders are heard.

Election:

Members are elected by Parents, Staff or the Management Committee. The Headteacher will automatically be a Member by virtue of their office. Nominations and elections will be sought for Parents and Staff Member posts. The Management Committee will nominate and elect Community, Local Authority and Associate Members. When a Member's term of office comes to an end or a vacant post arises, the above processes will be applied.

Membership: 14 Members (1 Parent Member, 2 LA Members, 2 Staff Members, 1 Headteacher and 8 Community Members). The current membership is outlined in the Governance Membership document. A Chair and Vice Chair will be elected annually. The Governance Clerk will attend. It is optional for Associate Members to attend the Management Committee meetings.

Quorum: One half of the membership of the Management Committee. The majority of Members in attendance should be non-employees of the organisation. A minimum of three Members to be in attendance at all Management Committee meetings. Associate Members are not included in the quorum of the Management Committee.

Meetings: The Management Committee will meet at least 4 times a year, spread evenly across the year. Should the Chair be unavailable to attend a Management Committee meeting, the Vice Chair will step up or a temporary Chair will be elected for that meeting.

Agenda, Supportive Documentation and Minutes

An agenda for each meeting will include all the tasks which the Management Committee is required to consider. The agenda and supportive documents shall be circulated at least seven days in advance of the meeting. The minutes of the Management Committee meetings will be shared with all Members and made available to the public.

The Management Committee will not disclose material relating to a named employed or engaged member of staff or proposed to be employed or engaged member of staff at the Pupil Referral Unit, a named pupil at, or candidate for admissions to the Pupil Referral Unit and any matter which by reason of its nature, the Management Committee are satisfied should remain confidential.

Where confidential matters are discussed, the Governance Clerk will ensure Confidential Part 2 Minutes are produced, reviewed and ratified by the Management Committee. Confidential Part 2 Minutes will not be made available to the public.

Voting: Members will make decisions by voting at Management Committee meetings. Only full Members are eligible to vote. Associate Members do not have voting rights. To vote, a voting Member of the Management Committee must be present at the meeting, in-person or remotely using the meeting video-conference connection. If a Member has a direct or indirect interest in a matter to be decided by the Management Committee, and this could affect the way they do their duties they must tell the Management Committee and must not vote on the issue. A motion will be passed at a Management Committee meeting where a majority of voting Members present are in favour of the motion. If there is a tied vote the Chair will have the deciding vote.

Emergency Power (Chair's Action):

The Chair of the Management Committee has the ability to make decisions and act on behalf of the Management Committee's behalf where it is not possible for the Management Committee to meet (either in-person or virtually). Chair's Action will only be used for urgent decisions when the Chair believes that not acting will be seriously detrimental to:

- The Steering Group agenda and meeting notes must be shared with the Management Committee in a timely manner, or
- Any pupil or their parent, or
- A staff member.

Chair's Action can be used for any function of the Management Committee which can be delegated to an individual (as per the regulations for maintained schools).

Chair's Action cannot be used for:

- Discontinue the Pupil Referral Unit
- Approve the budget
- Suspend governors

For more details, refer to Regulation 19 of the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 at <https://www.gov.uk/government/publications/school-governance-regulations-2013>

Prior to making a decision under 'Chair's Action', the Chair of Management Committee will act in consultation with the Headteacher. If the Chair of Management Committee is absent, the Vice Chair will have the power to make decisions under 'Chair's Action'.

The Clerk will notify the Management Committee, as soon as feasibly possible, of any Chair's Action that has taken place. A record of such Chair's Action will be recorded in the minutes of the next Management Committee meeting.

Policies and Compliance: The Management Committee will ensure the Pupil Referral Unit has in place all DFE statutory policies and to keep these under regular review, consulting with representative stakeholders as appropriate. The DFE recommends that all statutory policies are reviewed annually. All in-house and non-statutory policies will be ratified in line with the Pupil Referral Unit Policies Schedule. The Pupil Referral Unit Policies Schedule will be reviewed at every Management Committee meeting and policy reviews will be planned in advance of Management Committee meetings.

Pupil Referral Unit and Governance Improvement:

- To draw up the Instrument of Government and any amendments thereafter.
- To agree constitutional matters, including procedures where the Management Committee has discretion
- To ensure compliance with local and national guidance and regulations.
- To regulate the Management Committee procedures where not set out in law.
- To review the standing order for election of the Chair and Vice Chair including the length of the term of office.
- To approve membership of the Pay Board annually.
- To elect a Chair and Vice Chair of the Pay Board at the first meeting in the Autumn Term.
- To approve membership of the Headteacher's Appraisal Panel annually.
- To elect a Chair and Vice Chair of the Headteacher's Appraisal Panel at the first meeting in the Autumn Term.
- To assign Link Members to monitor the priorities of the Pupil Referral Unit Improvement Plan in line with the Link Governance Guidance at the first meeting of the autumn term.
- To approve role descriptors for the Link Members, Chair and Vice Chair of the Management Committee.
- To encourage Members to visit the Pupil Referral Unit and to review, adopt and monitor a Members' Visit Policy and Feedback Procedure.
- To take an active role in both the Pupil Referral Unit and the Governance Self Evaluation, identifying success and areas requiring improvement.

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- To update and review regularly the Pupil Referral Unit Profile and Pupil Referral Unit Improvement Plan identifying monitoring opportunities for the Management Committee.
- To update and review regularly the Governance Improvement Plan identifying areas of development.
- To work with the families of its pupils to foster positive home, Pupil Referral Unit and community relationships and to review, at least annually, how the Pupil Referral Unit is regarded by pupils, parents and staff.
- To continue its development as an outward facing establishment through continuing to build on its links and partnerships within and beyond the local community.
- To monitor the data provided by the Pupil Referral Unit, LA and DfE and ensure necessary action is taken.
- To review admissions arrangements in conjunction with the Local Authority.
- To monitor overall Governance Membership and consider recruitment action to fill vacancies as appropriate.
- To ensure a suitable induction process and mentoring for newly appointed or elected Members.
- To ensure Members attend relevant training to continue their effectiveness.
- To ensure compliance with local and national guidance and regulations by monitoring information provided by the PRU, Governance Clerk, LA and DfE and ensure necessary action is taken by the Management Committee.

Operational:

- To set a timetable of meetings to ensure at least 6 Management Committee, 1 Pay Board and 1 Headteacher's Appraisal Panel meetings are held each year.
- To elect (or remove) the Chair and Vice Chair to the Management Committee.
- To appoint (or dismiss) the Governance Clerk to the Management Committee.
- To appoint (or remove) LA, Community and any Associate Members.
- To appoint (or remove) the Headteacher, Deputy Headteacher and Assistant Headteacher.
- To suspend a Member.
- To decide which functions of the Management Committee will be delegated and to whom and, to review the delegation arrangements annually.
- To receive reports from any pairs or individual to whom a delegation has been made and to consider whether any further action by the Management Committee is necessary.
- To set up a register of Members' Business/Pecuniary Interests and Gifts and Hospitality.
- To regularly monitor the attendance of Members at Management Committee and Board meetings.
- To ensure the Headteacher provides such reports as requested by the Management Committee to enable it to undertake its role.
- To ensure the Pupil Referral Unit has a Complaints Procedure for Parents and that parents know how to raise concerns and make a complaint.
- To ensure the Pupil Referral Unit has a Complaints Procedure for Staff and that staff know how to raise concerns and make a complaint.
- To ensure that the statutory required information is published on the Pupil Referral Unit's website.
- To ensure that the Management Committee complies with all other legal duties placed upon them.

Leadership and Management:

- To develop and approve strategies for teaching and learning, and the curriculum that drives the development of the 3i document and the Development Plan.
- To review regularly the Pupil Referral Unit's progress against the strategies.
- To set and monitor financial and non-financial key performance indicators and consider how these reflect local and national performance data.
- To ensure the Headteacher provides such reports, in a timely manner, as requested by the Management Committee to enable it to undertake its role.
- To ensure the Senior Leadership Team have put in place remedial actions, where needed.
- To review regularly the Pupil Referral Unit's progress against 3i document and the Development Plan.

Quality of Education:

- To review, adopt and monitor a Curriculum Strategy Statement and ensure that all learners receive a broad and balanced, inclusive education in line with statutory requirements.
- To review, adopt and monitor a Teaching and Learning Strategy Statement and regularly review the quality and standards of teaching across the Pupil Referral Unit
- To review and evaluate the extracurricular provision.
- To promote and support curriculum development within the Pupil Referral Unit.
- To ensure remedial actions have been put in place where needed.
- To consider and promote, with the Pupil Referral Unit Senior Leadership Team, internal strategies for improving pupil achievement.
- To keep under review, a Charging and Remissions Policy.

- To receive reports from Link Members to whom a delegation has been made and to consider whether any further action by the Management Committee is necessary.

Pupil Referral Unit Performance: Pupil Assessment, Monitoring and Target Setting:

- To ensure effective assessment systems are operating within the Pupil Referral Unit.
- To regularly review the assessment practice and ensure that the procedures are operating effectively.
- To provide effective challenge on educational performance and academic progress of pupils to ensure the best possible outcomes for all pupils.
- To receive from the Headteacher, regular assessments from in Pupil Referral Unit monitoring/tracking systems.
- To review annual Teacher Assessments and other pupil results as reported by Government bodies and the LA.
- To monitor standards and progress through regular staff generated core subject reports and/or presentations.
- To request additional targeted reports and/or presentations driven by the review of Pupil Referral Unit's performance data and assessments.
- To monitor and evaluate the effectiveness of interventions to address underachievement.
- To work with and assist the appointed core subject curriculum Link Members and ensure that the Management Committee receives regular updates on these activities.
- To set targets (Key Performance Indicators) for pupil achievement improvement in conjunction with the Senior Leadership Team and the LA.

Safeguarding & SEND:

- To ensure Members confirm they have read, understood and sign the following documents, annually:
 - Safeguarding Children Policy (Including Peer on Peer Abuse)
 - DFE Keeping Children Safe in Education.
 - Member Code of Conduct Policy.
 - Health & Safety Policy
- To ensure all Members attend Safeguarding and Prevent training, every three years.
- To monitor Safeguarding training for staff and ensure the training profile meets statutory requirements.
- To receive a regular report on Safeguarding and ensure Safeguarding is very effective.
- To review the Local Authority Safeguarding Audit Checklist and ensure that any actions are completed.
- To review, approve and monitor the implementation of policies for Safeguarding: Child Protection, Health and Safety, E Safety, Inclusion, Equalities, Anti-Bullying, Pupil Behaviour/Discipline, Safer Recruitment and other policies as appropriate.
- To ensure the Headteacher audits the Single Central Record, at least termly.
- To review a Single Central Record Member Audit, annually.
- To review a Health & Safety Member Audit, annually.
- To review and consider any actions taken following an accident and/or incident that involves the safeguarding of the pupils, staff and visitors at the Pupil Referral Unit or on its premises.
- To receive a SEND Information Report, annually.
- To review the SEND Provision, annually.
- To receive a termly SEND and LAC Report.
- To scrutinise ACE's 3i document and Development Plan as an agenda item for each meeting, to keep the safeguarding elements and progress on actions under review.

Pupil Discipline and Exclusions:

- To establish a Statement of Behavior Principles on which the Pupil Referral Unit can produce a Behavior Policy.
- To monitor pupil behaviour, positive handling and attendance throughout the Pupil Referral Unit.
- To review an Exclusions Policy and ensure that the guidance meets statutory requirements.
- To review the use of exclusion and decide whether or not to confirm all permanent exclusions and fixed term exclusions where a pupil is either excluded for more than 15 days in total in a term. (This may be delegated to the Chair in cases of urgency).
- When required, to approve membership of the Pupil Discipline Board and the Pupil Appeals Board.
- When required, to elect a Chair the Pupil Discipline Board and the Pupil Appeals Board
- To direct the reinstatement of excluded pupils.

Pupil and Staff Wellbeing and Mental Health

- To ensure that all pupils continue to learn and staff work in a happy, safe and caring environment, where relationships are built on mutual respect, and everyone is valued.
- To ensure that effective policies and procedures are in place, and are reviewed in a timely manner.
- To review the priorities for the development of Well-Being and Mental Health
- To monitor the impact of the Well-Being Team.
- To ensure Risk Assessment procedures are in place and followed throughout the Pupil Referral Unit, ensuring the Unit is compliant.
- To complete Member training, and to evaluate this training with the Management Committee.
- To review the British Values Policy, annually.

Finance and Risk Management:

- To review and ratify the annual Pupil Referral Unit's budget and the three-year Financial Plan, duly considering the 3i document and the Development Plan priorities.
- To closely monitor and review, at least six times per year, the Pupil Referral Unit's budget, including considerations of medium to long-term planning and resourcing and make decisions on expenditure above the Headteacher's delegated limits ensuring best value is applied to all spending.
- To review earmarked funding reports for Pupil Premium, PE and Sports Premium, Catch Recovery Premium, Tutor Led Premium and any other earmarked grants the Pupil Referral Unit receives.
- To receive the Year End Accounts and reports annually.
- To receive a regular report on virements between CFR budgets.
- To annually review the Scheme of Delegation and decide the level of delegation to the Headteacher for the day to day financial management of the Pupil Referral Unit.
- To monitor any Member expenses.
- To ensure an annual audit of the Pupil Referral Unit private funds and to review the use of these funds.
- To monitor and respond, as necessary, to any local authority requests for input/consultation on finance related matters.
- To ensure that the Pupil Referral Unit operates within the financial regulations of the appropriate Local Authority Financial Scheme and to annually review the Finance Manual, the Statement of Internal Control and the Schools Financial Value Standard (SFVS).
- To review and take account of any consultations to change the LA Finance Scheme.
- To review contracts, service level agreements and insurance annually.
- To determine whether sufficient funds are available for staff pay increments as recommended by the Headteacher.
- As a result of the Headteacher's Appraisal Panel recommendations, to determine whether sufficient funds are available for increments.
- To maintain pupil recruitment by regularly reviewing pupil numbers and the effectiveness of the marketing plan.
- To ensure risk management systems and a sound system of internal controls exist within the Pupil Referral Unit.

Human Resources:

- To receive and review a HR report from the Headteacher regularly.
- To keep under review, the staffing structure, in conjunction with the Headteacher.
- In the case of Senior Leadership Team appointments, to liaise with the Head/local education authority regarding arrangements to advertise, interview and recruit for these posts. One member of the Management Committee to be part of the interview panel for all leadership posts.
- To receive and review the recommendations of the Headteacher regarding staff appointments as necessary.
- To ensure the Pupil Referral Unit provides excellent teaching and learning opportunities by attracting and retaining well qualified and motivated staff.
- To determine redundancy payments, dismissal payments, settlement payments and early retirement payments.
- To keep under review procedures/policies for all matters relating to staff.
- To monitor support staff training and professional development.
- To monitor teaching staff training and professional development and monitor to ensure that the teaching delivered is of the highest standard.
- To ensure that the Pupil Referral Unit does not discriminate against pupils, job applicants or staff on the basis of race, religion, gender, age disability or sexual orientation.
- To keep under review staff work/life balance, working conditions and wellbeing, including the monitoring of absence.
- To receive an annual report from the Pay Board to review the impact of and implementation of pay awards linking to the Pay Policy, Appraisal Policy for Teaching Staff and Appraisal Policy for Support Staff.
- To receive an annual report from the Headteacher's Appraisal Panel to review the impact of and implementation of any pay award for the Headteacher linking to the Pay Policy and Appraisal Policy for Teaching Staff.
- To establish a Member Panel, when required, to hear staff appeals against dismissal, redundancy or grievances and action, as appropriate, any decisions relating to the outcomes of the Board meeting.
- To receive a report from the Headteacher for the termly monitoring of the Single Central Record. An audit report from the LA may be available if the Management Committee engages such services from the LA.
- To review and agree all recommended HR policies.
- When required, to approve membership of the Staff Discipline Board and the Staff Appeals Board.
- When required, to elect a Chair the Staff Discipline Board and the Staff Appeals Board.
- To respond as necessary to any local authority requests for input/consultation on personnel related matters.

Premises and Health & Safety

- In conjunction with the Local Authority, to provide support and guidance for the Headteacher on all matters relating to the Pupil Referral Unit premises and grounds, security and health and safety.
- In conjunction with the Local Authority, implement and review annually, a Health & Safety Policy.
- To ensure that health and safety regulations are followed, appropriately prioritized and, staff and Link Member receives regular training.
- To develop a Pupil Referral Unit buildings strategy and contribute to Local Authority Asset Management Planning arrangements.
- To review a funded maintenance plan ensuring the Pupil Referral Unit's maintains and develops further, the facilities of the Pupil Referral Unit so that it can deliver education in a safe and secure environment which has regard to sustainability as a guiding principle in resource decisions.
- To ensure the Link Member for Health & Safety inspects the premises including the grounds annually and prepares a report of the conditions and a proposed order of priorities for maintenance and development for the approval of the Management Committee.
- As part of the regular financial reviews, monitor the costs and arrangements for maintenance, repair and redecoration within the allocated budget.
- As part of the regular financial reviews, oversee contracts relating to cleaning, grounds maintenance, fire safety, intruder safety and any other contract relating to premises and health and safety.
- To monitor Pupil Referral Unit policies and action plans relating to premises and health & safety statutory regulations and law, lettings and charges.
- To receive report findings of inspections and audits and ensure the Headteacher takes appropriate remedial action.
- In conjunction with the Local Authority, ensure adequate levels of buildings insurance, contents insurance and personal liability insurance in place.
- To receive a regular premises and Health and Safety report.
- To consider and ratify the Covid-19 Risk Assessment prepared by the Headteacher and approve the mitigation put in place.

Equality, Diversity and Inclusion (EDI):

- To lead the development, review and implementation of the Pupil Referral Unit's approach to EDI and its associated strategy and action plan.
- To ensure the Pupil Referral Unit complies with the Equality Act and promotes the value of different identities to create a culture that is respectful and inclusive.
- To ensure that equal opportunities for all pupils are encompassed within all Pupil Referral Unit policies and procedures.
- To monitor provision and access for pupils with Special Educational Needs and disabilities and work closely with the SEND Link Member.
- To regularly review reports on progress against the EDI objectives and action plan.
- To ensure the Pupil Referral Unit provides tailored EDI training and development opportunities and resources.
- To engage with external stakeholders, community groups, sector groups and EDI experts to ensure the Pupil Referral Unit's remains informed of current EDI issues, shares best practice and builds an effective advisory and support network.

Headteacher's Delegation:

As lead professional, the Headteacher will be responsible for:

- The operational day to day management of the Pupil Referral Unit.
- The appointment of all teaching and support staff below the level of the Senior Leadership Team, within the present staffing structure, whilst reserving the right for a Member to be involved in interviewing panels.
- Leading the Pupil Referral Unit towards the set targets.
- Formulating and implementing the policies.
- Decisions on the remission of charges whilst reserving the right to hear appeals from parents on such decisions.
- Management of the budget and alterations to the budget, including virements, which do not exceed the Headteacher's Scheme of Delegation.
- The power to spend within the Headteacher's Scheme of Delegation on purchases in accordance with existing budget plans which have been discussed at a governance meeting. The Headteacher will report to the next Management Committee meeting on any such expenditure via regular budget monitoring reviews.

- In principle, the authority to make contract renewal, termination and dismissal decisions in accordance with the Luton Borough Council's Personnel Manual although acknowledging that there may be instances where delegation of specific dismissals is not appropriate.
- Discharging many responsibilities on the Management Committee's behalf, as well as for discharging responsibilities imposed directly on them.

The Headteacher will give the Management Committee enough information for the Members to feel confident that those delegated responsibilities and the Headteacher's own responsibilities, have been met.

The Management Committee will ensure it receives enough information and evidence to allow it to monitor the Pupil Referral Unit's achievements and progress. In addition to information supplied by the Headteacher, other sources of information will include/be obtained through:

- Member involvement as Link Members as appropriate.
- Involvement in Pupil Referral Unit events.
- Presentations etc. by members of staff to the Management Committee.
- Involvement in interview panels for senior leadership positions.
- Critical consideration of data.

The Management Committee shall act as "critical friend" to the Headteacher; that is to say, it will support the Headteacher in the performance of their functions and give them constructive criticism.

Link Members Delegation:

Any individual to whom responsibility has been delegated is expected to work within the following Terms of Reference.

To monitor an identified target of the 3i document and Development Plan or a statutory function of the Management Committee and report to the Management Committee through an agreed number of visits as indicated on the Link Member Guidance and Link Member Monitoring Plan. Other forms of communication such as remote meetings, telephone calls, emails etc. may be substituted for a visit, where appropriate. A visit to the Pupil Referral Unit does not necessarily have to take place during the Pupil Referral Unit's operational times, and could be just effective as a meeting between Members and lead professionals at the end of the day, as mutually agreed. Link Member visits may be carried out remotely. All Members should follow the Member Visits Policy.

Link Member roles and/or statutory function will be approved by the Management Committee at the first meeting of the autumn term. Link Members will ensure that the Management Committee receives regular updates on these activities.

Associate Members cannot be a Link Member.

Board Delegation:

The Management Committee has delegated responsibilities to two Boards of the Management Committee; Pay Board and Headteacher's Appraisal Panel. Board Terms of References are reviewed annually by the Management Committee and are accessible through GovernorHub and the Pupil Referral Unit website.

Steering Group Delegation:

- To meet as and when required.
- A meeting may be called by the Management Committee or the Chair acting on behalf of the Management Committee.
- A Chair will be elected at each sitting of the Steering Group from those Members present.
- Quorum and other membership requirements where applicable, are listed in the Steering Group Terms of Reference.
- Steering Group agenda and meeting notes must be shared with the Management Committee in a timely manner.
- To act as a working party for any specific issues, implementation of new initiatives and Government/LA directives.

Approved by the Management Committee:

Date: 22nd September 2022

Next Review Date:

Autumn Term 2023