



The Malden Oaks Pupil Referral Unit Management Committee Terms of Reference

Malden Oaks Pupil Referral Unit, hereinafter referred to as Malden Oaks, complies with the Education (Pupil Referral Units) Regulations 2007 as amended by the Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012; the Pupil Referral Units (Miscellaneous Amendments) (No.2) (England) Regulations 2012; the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013 and the Education (Pupil Referral Units) (Application of Enactments)(England) (Amendment) Regulations 2016.

In the case of providers of alternative provision these regulations mean that the authorities and responsibilities conferred by them are vested in a management committee rather than a governing body. The intention at Malden Oaks is to mirror governance best practice, examples of which can be identified in all areas and sectors of education.

These terms of reference set out the context as well as procedural aspects of the work undertaken by the management committee at Malden Oaks. In a case of potential conflict with statutory requirements or a lack of clarity conveyed by these terms of reference, statutory regulation shall apply.

Roles of the Management Committee and Headteacher

The strategic role of the management committee includes the following three core functions. It is to ensure:

- a) that the vision, ethos and strategic direction of Malden Oaks are clearly defined;
- b) that the headteacher performs his or her responsibilities for the educational performance of Malden Oaks and
- c) the effective and proper use of Malden Oak's financial resources.

In undertaking these functions management committee members will:

- a) act with integrity, objectivity and honesty and in the best interests of Malden Oaks;
- b) be open about decisions made, actions undertaken and
- c) be prepared to explain decisions and actions to interested parties.

The headteacher's responsibilities include:

- a) the internal organisation, management and control of Malden Oaks
and
- b) its educational performance.

The headteacher must comply with any reasonable direction of the management committee.

The Clerk

The management committee must appoint and have regard to advice from the clerk to the management committee. The clerk must not be a member of the management committee or the headteacher. The Management Committee must also designate a clerk for a sub-committee who may not be the headteacher. If the designated clerk fails to attend a meeting a member who is not the headteacher may act as the clerk for that meeting.

The clerk to the management committee must:

- (1) attend meetings of the management committee and ensure minutes of the proceedings are drawn up and signed (subject to the approval of the management committee) by the chair at the next meeting.
- (2) maintain a register of members of the management committee and report any vacancies to the management committee
and
- (3) perform such other tasks as may be determined by the management committee.

The performance of the clerk is regularly monitored and reviewed on an annual basis. In the event of under-performance a decision will be made by the management committee on the retention or dismissal of the clerk.

Constitution and Membership of the Management Committee

The constitution of the management committee, appointing bodies and terms of office for each category of member are set out in the Instrument of Government which was made by the Royal Borough of Kingston upon Thames and came into effect on 1 July 2015. It specifies the following membership structure for Malden Oaks:

- 1 parent member
- 1 local authority member
- 1 headteacher
- 1 staff member
- 8 community members.

All members are asked to complete a skills audit which informs future appointments and helps identify training and development needs. The management committee reviews its skills and representation on an annual basis and agrees a strategy for recruiting to any vacancies.

The regulations allow for the appointment of community members who are defined as “a person who lives or works in the community served by the unit, or who, in the opinion of the management committee, is committed to the good government and success of the unit”. Staff representatives from schools serve as community members.

Resignations

Members may resign at any time by advising the clerk of their decision in writing. Steps to appoint a new member will be taken as soon as possible. Maintaining or enhancing the blend of skills and experience amongst the members of the management committee so as to ensure the committee is well positioned to respond to current and emerging needs of the school will be the key determinant in making appointments.

Decision making

The management committee is the decision making body for Malden Oaks as provided for by the regulations. It may delegate functions to sub-committees or individuals as allowed by the regulations.

A simple majority decides any matter put to the vote of the members in attendance at a meeting; proxy voting is not allowed. In the event of a tie, generally, the chair has a casting or second vote.

Decisions of the management committee are binding upon all members.

Election of Chair/Vice-chair

All members other than those who are under 18, pupils or paid to work at Malden Oaks are eligible to stand as the chair or vice-chair of the management committee.

Prior to the election of the chair and vice-chair, the management committee must determine the date on which their term of office will end. At Malden Oaks the terms of office for the chair and vice-chair are recommended to be for one year. Dependant on the management committee determination of the length of office, appointments are recommended to be made at the first meeting of the management committee in the autumn term.

In order to encourage distributed leadership and succession planning no-one will serve as chair or vice-chair for more than six successive years, other than in exceptional circumstances. Where a vacancy arises before the end of an incumbent's term of office the management committee will elect one of their number to fill that vacancy at their next meeting.

Meetings

The management committee will meet at least four times each academic year. At the meeting prior to the start of an academic year, the management committee will determine the schedule of meetings for the forthcoming year. The schedule will include all meetings of the management committee as well as meetings of its sub-committees.

The following people are entitled to attend a meeting of the management committee:

- a member;
- the headteacher (whether or not a member);
- the clerk to the management committee;
- and
- any other person as the management committee may determine.

Delegation to sub-committees of the Management Committee or Individuals

The management committee may delegate appropriate functions to a sub-committee, an individual member or to the headteacher. The management committee will appoint the chair and allocate at least three members of the management committee to sub-committees. All delegation arrangements will be recorded in the minutes of the management committee as well as being specified in the terms of reference of each sub-committee as appropriate. The management committee must review delegation arrangements annually.

Malden Oaks follows the procedures set out in the relevant policies in instances of staff grievance, conduct and discipline, capability, suspension or dismissal; salary appeals; headteacher appraisal; exclusions; or complaints.

Delegation to Chair or Vice-chair (in case of urgency).

The chair of the management committee may exercise any function where the chair is of the opinion that a delay in exercising a function, which can be properly delegated to an individual, would be likely to be seriously detrimental to the interests of Malden Oaks; any pupil of Malden Oaks, or their parent or any person who works at Malden Oaks. "Delay" means delay until the earliest date on which it would be reasonably practicable for a meeting of the management committee or a sub-committee to which the function in question has been delegated could take place..

If the chair is unable to exercise this function because of vacancy or otherwise then the vice-chair may exercise the function to avoid the identified detriment.

Agreement on urgent matters may only, with the chair's authorisation, be sought from members by email or telephone. This process will be managed by the clerk. Any urgent financial decisions must conform to the financial procedures.

Limits of Delegation

The exercise of any function may not be undertaken by an individual member or sub-committee of members unless authority to do so has been explicitly delegated by the management committee or urgent action is taken by the chair or vice chair as authorised above.

Reporting the use of delegated functions

Where a sub-committee or individual member, including the chair, vice-chair and headteacher, to whom a function has been delegated or has otherwise exercised a function of the management committee must report to the management committee in respect of any action taken or decision made with regard to exercising the function.

Special Partners

A special partner is a person who is appointed by the management committee to a sub-committee because of their skills and experience which they bring to Malden Oaks in order to assist and advise a sub-committee in its work. While special partners are valued associates of Malden Oaks, they are not members of the management committee. Voting rights may be assigned by the management committee to special partners, individually, and are defined and recorded in the terms of reference of the appropriate sub-committee. A member of the management committee may not be appointed to be a special partner.

Sub-committees of the management committee

The management committee of Malden Oaks has five sub-committees.

They are:

- Finance, Personnel and Premises;
- Teaching and Achievement;
- Behaviour, Safety and Welfare;
- Strategy
and
- Headteacher's Performance Management.

Convening meetings

Meetings are convened by the clerk; the clerk must comply with any direction given by the management committee or the chair provided that any such direction by the chair does not conflict with that of the management committee.

Any three or more members of the management committee may requisition a meeting by giving notice in writing to the clerk; the clerk must convene a meeting as soon as is reasonably possible.

Agenda items and papers

A draft agenda will be prepared by the clerk by consultation with the chair and headteacher. Any member may contact the clerk in writing to request that an item (including any associated papers) be placed on the agenda not less than fifteen working days before the meeting. The clerk will include the request in the draft prepared for consultation. The final decision on the construction of agenda is for the chair. The finalised agenda and associated papers will be distributed at least seven clear days before the meeting. If an extraordinary meeting has been called the chair/vice chair may allow shorter notice to be given.

Quorum

For any meeting of the management committee or any of its sub-committees to proceed, there must be a quorum of voting members in attendance. The quorum for a meeting of the management committee is one half of the members of the committee, excluding vacancies, rounded up to the nearest whole number.

The quorum for a meeting of a sub-committee of the management committee is three of those members appointed to the sub-committee. If the headteacher is absent a deputy headteacher will attend in his / her place but will have no vote, unless s/he has been formally designated as acting headteacher.

Management committee meetings or sub-committee meetings which become inquorate will be discontinued and rearranged in order to determine outstanding business within two weeks.

Attendance

Members are expected to attend all meetings of the management committee and those sub-committees to which they may be appointed. Attendance at meetings can, with prior arrangement with the clerk, include participation and voting via digital means, including but not limited to telephone or video conference. Attendance by such arrangement must provide appropriate security to ensure the confidentiality of discussion as well as voting.

In the event that a member is unable to attend a meeting they should inform the clerk before the meeting giving the reason for non-attendance which will be presented to the meeting for its consideration for acceptance.

The deputy headteachers and other senior staff may be asked to attend meetings of the management committee or relevant sub-committees to present reports and give presentations. They may also be invited to attend as observers, as part of their professional development.

The clerk shall keep a record of members' attendance at meetings. Any member who does not attend a meeting for more than six months, without cause being accepted by the management committee, will cease to be a member of the management committee. The calculation of the six month period begins from the date of the meeting from which the member was initially absent.

Conduct and suspension / removal of members

The management committee has adopted a Code of Conduct for members. Significant breaches of the Code could be grounds for suspension or removal if they are inconsistent with the ethos of Malden Oaks or likely to bring Malden Oaks or the management committee or office of member into disrepute. In these circumstances the management committee will follow the procedures for suspension of a member as set out in the appropriate regulations.

Restrictions on persons taking part in proceedings

Where there may be a conflict between the interests of a person and the interests of the management committee or a fair hearing is required and there is reasonable doubt about a person's ability to act impartially or a person has a pecuniary interest in any matter to be considered then that person must disclose the interest, withdraw from the meeting and not vote upon the matter in question.

A pecuniary interest is recognised to include an interest in a contract or proposed contract where a person was nominated or appointed by the person with whom the contract is made, or the person is a business partner of the person with whom the contract is made, or the person is a relative of someone who would have an interest in the contract.

Any member of staff of Malden Oaks is recognised to have a pecuniary interest in any matter which concerns the pay or appraisal of any other member of staff.

A person must withdraw from a meeting if the matter under discussion is the person's own appointment, reappointment, suspension or removal as either a member of, the clerk to, the vice-chair of or the chair of the management committee.

If there is a dispute about whether a person should withdraw, the other management committee members present at the meeting will decide upon the question of withdrawal.

Information and Advice

The headteacher has a statutory duty to keep the management committee properly and fully informed about Malden Oaks. To help discharge this duty a written report will be presented to the management committee at least termly.

At an autumn term meeting of the management committee the members will receive details of public examination results taken in the preceding summer term and compare these with the targets set and the previous year's results.

Where information required by the management committee is not readily available, reasonable time will be given for its production.

Confidentiality of Proceedings

All deliberations including the detail of any discussion, dispute, or disagreement shall be kept as confidential information to those present at the meeting.

Public Statements

Public statements on behalf of the management committee will be made only by those authorised to make them by the management committee.

Members' Allowances

The management committee has agreed to reimburse a member for expenditure necessarily incurred to perform his / her duty, subject to the conditions set out in the Members' Allowances policy. Reimbursement can only be made on provision of a receipt for the relevant amount. Reimbursement of expenses incurred in travelling to and from meetings will be made at an agreed mileage rate. All claims are subject to audit scrutiny.

Safeguarding Pupils and Disqualifications

Any person is disqualified from holding office or continuing to hold office as a member of the management committee or as a special partner when the person refuses a request from the clerk to the management committee to undertake appropriate legal checks. Currently, this includes the requirement to undertake an enhanced Disclosure and Barring Service (DBS) check.

If a person is subject to a bankruptcy restrictions order; a disqualification order made under the Company Directors Disqualification Act; an order of disqualification as a trustee made by the Charity Commissioners; an order made under the Insolvency Act; a criminal conviction which attracted a sentence of not less than three months without an option of a fine within five years of the date of appointment of membership of the committee or during their membership of the committee the member is disqualified from holding office on the management committee and must disclose the matter to the clerk. These considerations apply equally to special partners of Malden Oaks.

Schedule 1
**Standing Orders of the Management Committee
of
the Malden Oaks Pupil Referral Unit**

Procedure for community member appointments:

Candidates will be asked to provide a statement outlining the contribution they can make to the good government and success of Malden Oaks. They will meet with the chair and headteacher informally to clarify and discuss the nature of the role.

- A recommendation will be made by the chair for approval at a meeting of the management committee.
- The agenda for the meeting will include "Appointment of a community member" as a separate item. The names of candidates should appear on the agenda and copies of their statements are to be circulated with meeting papers in advance.

Procedure for appointment of parent members

Parents of pupils registered at Malden Oaks are eligible to stand as parent members. When a vacancy occurs all parents will be made aware of the opportunity and invited to apply. If more than one eligible person applies an election will be held. Once the child of a parent member leaves the school the member's term of office will continue to the scheduled conclusion of their one year term.

Procedure for appointment of staff members

All members of staff, contracted to work at Malden Oaks for at least 500 hours in the academic year in which a position becomes vacant, are eligible to stand for appointment as a staff member. If more than one eligible person applies an election will be held.

Procedure for appointment of local authority members

On notification of a vacancy in this category the chair will liaise with the local authority over the appointment of a local authority member. Candidates will be asked to provide a statement outlining the contribution they can make to the good government and success of Malden Oaks. They will meet with the chair and headteacher informally to clarify and discuss the nature of the role.

- A recommendation will be made by the chair for approval at a meeting of the management committee.
- The agenda for the meeting will include "Appointment of local authority member" as a separate item. The names of candidates should appear on the agenda and copies of their statements are to be circulated with meeting papers in advance.

Appointment / Election procedure for chair and vice-chair of the management committee

The appointment of a chair and vice-chair must be made at meeting of the management committee; for any meeting to proceed a quorum of members of the committee must be present.

The clerk will chair the management committee for this part of its meeting.

Candidates must withdraw during all discussion and voting.

- i) The clerk will invite nominations in advance of an election date
- ii) The agenda for the meeting will include "Appointment of a chair and vice-chair" as the first two items of business; the names of candidates will appear on the agenda.
- iii) Where there are no advance nominations the clerk will invite nominations at the meeting
- iv) Candidates will be invited to make a short statement before withdrawing.
- v) Voting will be by secret ballot.
- vi) In the event of a tie a decision will be made by drawing lots / tossing a coin

Responsibilities of the clerk to the management committee

The clerk is responsible for:

- ensuring the efficient functioning of the management committee;
- convening meetings of the management committee;
- issuing notices of meetings, agendas and associated papers at least seven clear days in advance of meetings to all entitled to attend meetings;
- producing draft minutes for agreement by the chair within 10 days of the meeting;
- ensuring that minutes are agreed and signed by the chair at the next meeting;
- ensuring that that signed minutes are securely stored at Malden Oaks;
- maintaining a register of members and Special Partners;
- reporting vacancies, maintaining a record of governor attendance at meetings and reporting on non-attendance to the management committee;

- providing advice to the management committee on the exercise of its functions;
- providing additional administrative support for governing body functions by agreement.

Meetings Requirements

Presence

The time of arrival and departure of any member, special partner or person in attendance who is not present at the beginning or end of a meeting will be recorded in the minutes. The clerk will keep a record of the attendance of members and special partners.

Absence

Where a member is absent and has sent apologies to the clerk or the chair, these apologies will be presented to the meeting. The minutes will record the consent or otherwise of the management committee or the sub-committee to the absence.

Agenda Items

An item entitled "Any other business" will appear as the final item on the agendas of the management committee and its sub-committees. Any business intended to be included here should be notified to the clerk forty eight hours in advance of the meeting. The meeting will decide whether any such item is to be discussed or dealt with in an alternative way. In general, only "for information" items will be accepted; issues requiring a report or decision will not be dealt with as "Any other business".

In preparation for the next academic year, the agenda of the last meeting of the summer term must include items:

- to elect the chair and vice-chair of the management committee;
- to determine the membership of the sub-committees of the management committee;
- to appoint the chair to each sub-committee for the next academic year;
- to appoint any special partners to sub-committees and determine their voting rights

The date of these appointments is recommended to be 1 September following the last meeting of the management committee in the summer term.

All supporting papers must be with the clerk a clear eight working days before a scheduled meeting date to allow for distribution and members meeting preparations.

Reporting the use of delegated functions

Where an individual or sub-committee has delegated authority to exercise a particular function, the management committee will receive and note a report on the use of a function which it has delegated to a sub-committee or an individual as soon as reasonably possible.

Availability of minutes and papers

Within ten days of the meeting an initial draft of the minutes will be sent by the clerk to the chair for checking. Having agreed the draft of the minutes, the draft will be sent to all members of the management committee within fifteen days of the meeting.

The approval of the minutes of the previous meeting will be an item on the agenda of every meeting. Once agreed the minutes will be signed and dated by the chair.

A copy of the agenda, signed minutes, reports and papers for meetings (excluding confidential items) will be made available for inspection by any interested person.

Copies of the approved, non-confidential minutes will be placed on the school website.

Voting

Where an issue is to be determined by voting only those members of the management committee present at a meeting of the management committee may vote. Where an issue is to be determined at a meeting of a sub-committee only those present who are members of the management committee appointed to the subcommittee as well as those special partners granted the right to vote by the management committee may vote on a matter. Staff who are present and who are not members of the management committee by right of office may not vote on any matter. Invited guests may not vote on any matter.

A simple majority decides any matter put to a vote. In the event of a tie, the chair has a casting or second vote except in the case of a selection panel convened to decide who, if any, candidate to recommend to the management committee for appointment as headteacher or deputy headteacher.

Voting will ordinarily be by show of hands, unless one or more members request a secret ballot

There is no second or casting vote in the election of the chairperson. Subsequent rounds of voting will be undertaken until a chairperson has been determined by the management committee.

Correspondence

All incoming correspondence to the management committee, other than any concerning a complaint, or a named pupil, parent or staff member or any other confidential matter, is for the attention of the whole management committee. It may however be more expediently dealt with by the chair, member of staff or by an appropriate committee with delegated authority.

The clerk will log all correspondence to the management committee and may allocate it to an appropriate individual / committee. It will either be dealt with at the next management committee meeting or the meeting will receive a report from whichever sub-committee or individual received the correspondence from the clerk.

Correspondence which concerns a complaint, or a named pupil, parent or staff member or any other confidential matter will be forwarded to the appropriate member of staff or member of the management committee. The matter will be addressed within the context of the application of the appropriate approved policy and/or procedure of Malden Oaks. All proper considerations of sensitivity and confidentiality are to be observed.

Code of Conduct

The management committee has adopted a Code of Conduct for members. The code will be reviewed each year at the autumn term meeting. Every member and special partner will be asked to sign a copy as part of their Induction programme.

Schedule 2
Terms of Reference for
the Finance, Personnel and Premises Sub-Committee
of the Management Committee of the Malden Oaks Pupil Referral Unit

Purpose:

The purpose of the Finance, Personnel and Premises sub-committee is to make recommendations to the management committee on strategic finance and personnel issues, and all matters relating to the buildings and site of Malden Oaks. It has the responsibility for overseeing the financial procedures of Malden Oaks and ensuring that these are adhered to.

Membership:

- The Finance, Personnel and Premises sub-committee will comprise at least three members of the management committee.
- Either the chair or vice-chair of the management committee will be a member of the sub-committee by reason of their office.
- Any special partners appointed by the management committee to the sub-committee will not be eligible to vote on matters considered by the sub-committee unless the management committee has previously determined and explicitly approved particular voting rights. Such voting rights are granted on an individual basis and recorded in the minutes of the meeting of the management committee where approval was given.

Officers of the sub-committee

- The chair of the sub-committee for the next academic year will be appointed by the management committee at its last meeting of the summer term of the academic year; the appointment beginning on the 1 September.
- If the chairperson is absent, members of the sub-committee will elect an acting chairperson for the particular meeting.
- The chairperson of any meeting of the sub-committee must be a management committee member.
- The clerk to the management committee will act as clerk to the sub-committee. If the clerk to the management committee is unable to act as clerk to the sub-committee then with the approval of the management committee another named individual shall be appointed as clerk to the sub-committee.

Quorum:

In order for any business to proceed, three members of the management committee appointed to the sub-committee shall be present. The calculation of the quorum does not include special partners.

Meetings:

- The sub-committee shall meet as necessary but not less than once per term.
- The chairperson will liaise with headteacher prior to the sub-committee meeting to agree the meeting agenda.
- The agenda and associated papers will be circulated at least seven days before the meeting of the sub-committee by the clerk.
- All meetings of the sub-committee will not be longer than one and one half (1.5) hours duration.
- As minutes record business transacted and all decisions taken by the sub-committee during its meetings, every meeting of the sub-committee will have draft minute notes recorded contemporaneously with draft minutes being subsequently prepared and distributed to all members of the sub-committee in accordance with management committee standing orders relating to the preparation of minutes.
- If the designated clerk to the sub-committee is not present, the sub-committee will appoint one of its members to take notes and prepare minutes of the meeting.
- Any member (voting or non-voting) where they have an interest, pecuniary or otherwise, in a matter under consideration will withdraw from the meeting for the discussion and determination of that matter.

Voting:

All matters are determined by a simple majority of those present who are entitled to vote. If there is an equal number of votes, the chair has a second, casting, vote. For clarity, the sub-committee can only make a determination by voting if the majority of the sub-committee members present are members of the management committee therefore an observer, a local authority officer, a guest or a member of staff attending upon the committee are not, per se, either members of the sub-committee or the management committee and may not vote.

**Terms of Reference for
the Finance, Personnel and Premises Sub-Committee
of the Management Committee of the Malden Oaks Pupil Referral Unit
(Continued)**

The Management Committee approves the delegation of the following functions to the Finance, Personnel and Premises Sub-Committee:

- 1 To annually review and update all statutory finance, personnel and premises-related policies.
- 2 To monitor income and expenditure within the financial year and report to the management committee on, at least, a termly basis.
- 3 To annually receive the audit report relating to the 'school fund' account.
- 4 To annually receive the School Financial Value Statement.
- 5 To prepare the budget for approval by the management committee at the start of the financial year; each annual budget will include 3-yr projections.
- 6 To receive termly finance reports from the headteacher, approve action when expenditure is at a variance with the budget and inform the management committee of all approved actions particularly if there is a possibility of overspending.
- 7 To approve all individual virements above the level stipulated in the financial procedures.
- 8 To approve expenditure within the limits stipulated in the financial procedures.
- 9 To monitor expenditure of the pupil premium allocation.
- 10 To review and approve the Financial Procedures annually.
- 11 To be responsible for the completion of the self assessment form (or alternative) and related documents including the review of the statement of internal control.
- 12 To annually review levels of charging for lettings.
- 13 To assist the headteacher in investigating "value for money" transactions.
- 14 To recommend the level of staffing within the school in consultation with the headteacher, and taking into account advice from the local authority.
- 15 To ensure that the school maintains and operates a Discipline and Grievance Policy and related Appeals Policy.
- 16 To consider all matters relating to the building and site of the school, including health and safety considerations.
- 17 To ensure the production of a Condition Report and prioritise identified items.
- 18 To ensure that Malden Oaks maintains and operates a Pay Policy; this is reviewed annually and updated to reflect any necessary changes.
- 19 To ensure the implementation of the pay policy in a fair and equal manner and apply the criteria it contains in determining the pay of each employee on an annual basis.
- 20 To work with the headteacher in ensuring that the procedures of Malden Oaks complies with the performance management policy.
- 21 To work with the headteacher to ensure that appropriate budgetary amounts for pay are included in the annual budget plan recommended to the management committee.

The management committee may rescind a delegated authority at any time.

Schedule 3
Terms of Reference for
the Teaching and Achievement Sub-Committee
of the Management Committee of the Malden Oaks Pupil Referral Unit

Purpose:

The purpose of the Teaching and Achievement sub-committee is to discuss and review the processes of raising standards through teaching, learning, monitoring, and evaluation, including the monitoring and review and currency of the Malden Oaks 'School Development Plan and Action Plan'.

Membership:

- The Teaching and Achievement sub-committee will comprise at least three members of the management committee.
- Either the chair or vice-chair of the management committee, yet not both, will be a member of the sub-committee by reason of their office.
- Any special partners appointed by the management committee to the sub-committee will not be eligible to vote on matters considered by the sub-committee unless the management committee has previously determined and explicitly approved particular voting rights. Such voting rights are granted on an individual basis and recorded in the minutes of the meeting of the management committee where approval was given.

Officers of the sub-committee

- The chair of the sub-committee for the next academic year will be appointed by the management committee at its last meeting of the summer term of the academic year; the appointment beginning on the 1 September.
- If the chairperson is absent, members of the sub-committee will elect an acting chairperson for the particular meeting.
- The chairperson of any meeting of the sub-committee must be a management committee member.
- The clerk to the management committee will act as clerk to the sub-committee. If the clerk to the management committee is unable to act as clerk to the sub-committee then with the approval of the management committee another named individual shall be appointed as clerk to the sub-committee.

Quorum:

In order for any business to proceed, three members of the management committee appointed to the sub-committee shall be present. The calculation of the quorum does not include special partners.

Meetings:

- The sub-committee shall meet as necessary but not less than once per term.
- The chairperson will liaise with the headteacher prior to the sub-committee meeting to agree the meeting agenda.
- The agenda and associated papers will be circulated at least seven days before the meeting of the sub-committee by the clerk.
- All meetings of the sub-committee will not be longer than 1.5 hours.
- As minutes record business transacted and all decisions taken by the sub-committee during its meetings, every meeting of the sub-committee will have draft minute notes recorded contemporaneously with draft minutes being subsequently prepared and distributed to all members of the sub-committee in accordance with management committee standing orders relating to the preparation of minutes.
- If the designated clerk to the sub-committee is not present, the sub-committee will appoint one of its members to take notes and prepare minutes of the meeting.
- Any member (voting or non-voting) where they have an interest, pecuniary or otherwise, in a matter under consideration will withdraw from the meeting for the discussion and determination of that matter.

Voting:

All matters are determined by a simple majority of those present who are entitled to vote. If there is an equal number of votes, the chair has a second, casting, vote. For clarity, the sub-committee can only make a determination by voting if the majority of the sub-committee members present are members of the management committee therefore an observer, a local authority officer, a guest or a member of staff attending upon the committee are not, per se, either members of the sub-committee or the management committee and may not vote.

**Terms of Reference for
the Teaching and Achievement Sub-Committee
of the Management Committee of the Malden Oaks Pupil Referral Unit
(Continued)**

The Management Committee approves the delegation of the following functions to the Teaching and Achievement Sub-Committee:

- 1 To annually review and update Malden Oak's information materials and website.
- 2 To monitor, evaluate, review and update all statutory Teaching and Learning policies.
- 3 To advise the management committee on matters relating to the preparation for an OFSTED inspection and Action Plan after an OFSTED inspection.
- 4 To monitor and evaluate the key issues of the Malden Oaks 'School Development and Action Plan' relevant to the work of this sub-committee, and report to the management committee on progress, together with any recommendations.
- 5 To advise the management committee on all matters relating to the curriculum offered and initiatives planned.
- 6 To discuss relevant issues, which may become priorities of subsequent development plans.
- 7 To determine the school's targets in relation to the key stages of assessment.
- 8 To review and evaluate progress relating to the above targets using school assessment data and analysis, such as the equivalent to RAISEonline for example.
- 9 To review the effectiveness and reliability of the school's self-assessment in relation to the quality of teaching and learning.
- 10 To ensure that the School Evaluation Framework (SEF) for Malden Oaks, or its alternative, is up-to-date and to develop sections relevant to the area of work delegated to this sub-committee.

The management committee may rescind a delegated authority at any time.

Schedule 4
Terms of Reference for
the Behaviour, Safety and Welfare Sub-Committee
of the Management Committee of the Malden Oaks Pupil Referral Unit

Purpose:

The purpose of the Behaviour, Safety and Welfare sub-committee is to develop the Malden Oak's strategy in relation to the pastoral and pupil support systems, to keep the policies and procedures relating to the standards of behaviour and discipline at Malden Oaks under review and to ensure that appropriate practice is maintained in ensuring the safety and wellbeing of pupils. The sub-committee is required to report regularly to the management committee on these and related matters.

Membership:

- The Behaviour, Safety and Welfare sub-committee will comprise at least three members of the management committee.
- Either the chair or vice-chair of the management committee, yet not both, will be a member of the sub-committee by reason of their office.
- Any special partners appointed by the management committee to the sub-committee will not be eligible to vote on matters considered by the sub-committee unless the management committee has previously determined and explicitly approved particular voting rights. Such voting rights are granted on an individual basis and recorded in the minutes of the meeting of the management committee where approval was given.

Officers of the sub-committee

- The chair of the sub-committee for the next academic year will be appointed by the management committee at its last meeting of the summer term of the academic year; the appointment beginning on the 1 September.
- If the chairperson is absent, members of the sub-committee will elect an acting chairperson for the particular meeting.
- The chairperson of any meeting of the sub-committee must be a management committee member.
- The clerk to the management committee will act as clerk to the sub-committee. If the clerk to the management committee is unable to act as clerk to the sub-committee then with the approval of the management committee another named individual shall be appointed as clerk to the sub-committee.

Quorum:

In order for any business to proceed, three members of the management committee appointed to the sub-committee shall be present. The calculation of the quorum does not include special partners.

Meetings:

- The sub-committee shall meet as necessary but not less than once per term.
- The chairperson will liaise with the headteacher prior to the sub-committee meeting to agree the meeting agenda.
- The agenda and associated papers will be circulated at least seven days before the meeting of the sub-committee by the clerk.
- All meetings of the sub-committee will not be longer than 1.5 hours.
- As minutes record business transacted and all decisions taken by the sub-committee during its meetings, every meeting of the sub-committee will have draft minute notes recorded contemporaneously with draft minutes being subsequently prepared and distributed to all members of the sub-committee in accordance with management committee standing orders relating to the preparation of minutes.
- If the designated clerk to the sub-committee is not present, the sub-committee will appoint one of its members to take notes and prepare minutes of the meeting.
- Any member (voting or non-voting) where they have an interest, pecuniary or otherwise, in a matter under consideration will withdraw from the meeting for the discussion and determination of that matter.

Voting:

All matters are determined by a simple majority of those present who are entitled to vote. If there is an equal number of votes, the chair has a second, casting, vote. For clarity, the sub-committee can only make a determination by voting if the majority of the sub-committee members present are members of the management committee therefore an observer, a local authority officer, a guest or a member of staff attending upon the committee are not, per se, either members of the sub-committee or the management committee and may not vote.

**Terms of Reference for
the Behaviour, Safety and Welfare Sub-Committee
of the Management Committee of the Malden Oaks Pupil Referral Unit
(Continued)**

The Management Committee approves the delegation of the following functions to the Behaviour, Safety and Welfare Sub-Committee:

- 1 To advise the management committee on all matters relating to student behaviour, such as exclusions, lateness, attendance and punctuality.
- 2 To monitor the implementation and consistent application of the Malden Oaks Behaviour Policy.
- 3 To ensure that all student disciplinary matters are dealt with fairly and consistently with the application of appropriate strategies.
- 4 To review and monitor other relevant policies as required by the management committee.
- 5 To review and monitor areas of the Malden Oaks 'School Development Plan and Action Plan' relevant to the work of this sub-committee.
- 6 To ensure that all staff are aware of their responsibilities and properly discharge their duties in regard to the health and safety of students at Malden Oaks.
- 7 To ensure that safeguarding practice is robust and all necessary training and processes are undertaken.
- 8 To monitor not only how the Malden Oaks deals with racism and equality issues but also monitors how Malden Oaks meets its statutory obligations under the Equalities Act 2010, advising the management committee on information to be published each year on progress towards its objectives and how objectives should be recast at the end of each four yearly cycle.
- 9 To ensure that there is a clear understanding of how off site trips are run and managed and how the pupils attending are protected and supported within these environments.
- 10 To monitor and evaluate the careers development process, ensuring that they are both thorough and proactive in providing assistance to the students attending Malden Oaks.

The management committee may rescind a delegated authority at any time.

Schedule 5
Terms of Reference for
the Strategy Sub-Committee
of the Management Committee of the Malden Oaks Pupil Referral Unit

Purpose:

The purpose of the Strategy sub-committee is to advise and make recommendations to the management committee on the planning and overseeing the management committee's annual cycle of work, including the composition and objectives of the sub-committees and the roles of those members who have delegated responsibility in specific areas. The Strategy sub-committee will also make recommendations to the management committee in respect of succession planning, self-evaluation, member training and development and future governance structures. The Strategy sub-committee will provide a forum for consideration of any urgent strategic issues as they may arise.

Membership:

- The chair of the management committee;
- The vice-chair of the management committee;
- The chair of the Finance, Personnel and Premises sub-committee;
- The chair of the Teaching and Achievement sub-committee;
- The chair of the Behaviour, Safety and Welfare sub-committee;
- The chair of the Headteacher's Performance Management sub-committee and
- The headteacher
- Other members of the management committee, depending upon the individual member's skill set.

Officers of the sub-committee

- The chair of the management committee is the chair of the Strategy sub-committee;
- The vice-chair of the management committee will chair the sub-committee in the case of the vacancy of the chair or otherwise;
- The clerk to the management committee will act as clerk to the sub-committee. If the clerk to the management committee is unable to act as clerk to the sub-committee then with the approval of the management committee another named individual shall be appointed as clerk to the sub-committee.

Quorum:

In order for any business to proceed, three members of the sub-committee shall be present.

Meetings:

- The sub-committee shall meet as necessary but not less than once per term.
- The chairperson will liaise with headteacher prior to the sub-committee meeting to agree the meeting agenda.
- The agenda and associated papers will be circulated at least seven days before the meeting of the sub-committee by the clerk.
- All meetings of the sub-committee will not be longer than one and one half (1.5) hours duration.
- As minutes record business transacted and all decisions taken during a meeting, every meeting of the sub-committee will have draft minute notes recorded contemporaneously with draft minutes being subsequently prepared and distributed to all members of the sub-committee in accordance with management committee standing orders relating to the preparation and distribution of minutes.
- If the designated clerk to the sub-committee is not present, the sub-committee will appoint one of its members to take notes and prepare minutes of the meeting.
- Any member (voting or non-voting) where they have an interest, pecuniary or otherwise, in a matter under consideration will withdraw from the meeting for the discussion and determination of that matter.

Voting:

All matters are determined by a simple majority of those present who are entitled to vote. If there is an equal number of votes, the chair has a second, casting, vote. For clarity, the sub-committee can only make a determination by voting if the majority of the sub-committee members present are members of the management committee therefore an observer, a local authority officer, a guest or a member of staff attending upon the committee are not, per se, either members of the sub-committee or the management committee and may not vote.

Schedule 6
Terms of Reference for
the Headteacher's Performance Management Sub-Committee
of the Management Committee of the Malden Oaks Pupil Referral Unit

Purpose:

The purpose of the Headteacher's Performance Management Review sub-committee is to manage the appraisal process of the headteacher on behalf of management committee.

Membership:

- At least three members of the management committee, none of whom shall be school employees or special partners
- An externally appointed adviser

Officers of the sub-committee

- The chair of the management committee serves as the chair of the headteacher's performance management sub-committee.
- The clerk to the management committee will act as clerk to the sub-committee. If the clerk to the management committee is unable to act as clerk to the sub-committee then another named individual shall be appointed as clerk to the sub-committee. The clerk to this sub-committee may not be a member of staff of Malden Oaks.

Quorum:

In order for any business to proceed, three members of the sub-committee shall be present.

Meetings:

- The sub-committee shall meet during the autumn term and as necessary thereafter during the academic year.
- The agenda and associated papers will be circulated at least seven days before the meeting of the sub-committee by the clerk.
- All meetings of the sub-committee will not be longer than one and one half (1.5) hours duration.
- As minutes record business transacted and all decisions taken during a meeting, every meeting of the sub-committee will have notes recorded contemporaneously with draft minutes being subsequently prepared and distributed to all members of the sub-committee as soon as reasonably possible.
- If the designated clerk to the sub-committee is not present, the sub-committee will appoint one of its members to take notes and prepare the draft minutes of the meeting.
- The management committee reminds members of the sub-committee that all objectives and discussions occurring during meetings of the sub-committee remain confidential to the sub-committee.

Voting:

All matters are determined by a simple majority of those present who are entitled to vote. If there are an equal number of votes, the chair has a second, casting, vote. Only the members of the management committee appointed to this sub-committee are eligible to vote.

The Management Committee delegates the following functions to the Headteacher's Performance Management Sub-Committee:

- to discuss and agree with advice from the external adviser the headteacher's annual objectives at the beginning of the academic year;
- to determine if the headteacher's objectives set for the previous academic year have been met;
- to monitor the performance of the headteacher throughout the year against the agreed objectives;
- to determine any pay award to be given to the headteacher for successful achievement of agreed objectives.

Appeal

If the headteacher wishes to appeal against a decision of the sub-committee, written notice must be given to the chair of the sub-committee within ten working days of the decision being made, setting out the grounds for questioning the sub-committee's decision.

A sub-committee will be convened in these circumstances, which shall comprise no fewer than three members of the management committee who are not members of Malden Oaks staff, will meet to determine the outcome of the appeal normally within twenty working days of the date of receipt of the appeal. The determination of the appeal sub-committee is final.

The management committee may rescind a delegated authority at any time.

Statement of Approval

The above terms of reference of the Management Committee of the Malden Oaks Pupil Referral Unit, containing in its schedules the standing orders of the Management Committee and the terms of reference of the Finance, Personnel and Premises sub-committee; the Teaching and Achievement sub-committee; the Behaviour, Safety and Welfare sub-committee; the Strategy sub-committee and the Headteacher's Performance Management sub-committee.