

## Hampton Park Primary School



### SCHOOL BOARD (NON-INCORPORATED) – AS AT FEB 2013

The functions of a non-incorporated Board are to:

- take part in:
  - formulate the Business and Workforce Development Plans as stipulated in the Delivery and Performance Agreement;
  - ensure that the above mentioned planning documents are signed and lodged with DET as agreed in the IPS conditions and agreements;
  - establishing and reviewing from time to time, the school's objectives, priorities and general policy directions as highlighted in the Operational Plan;
  - the planning of financial arrangements necessary to fund those objectives, priorities and directions;
  - evaluating the school's performance in achieving them; and
  - formulating codes of conduct for students at the school.
- determine, in consultation with students, their parents and staff a dress code for students when they are attending or representing the school;
- promote the school in the community;
- approve:
  - charges and contributions for the provision of certain materials, services and facilities;
  - extra cost optional components of educational programs;
  - items to be supplied by a student for personal use in an educational program; and
  - any agreements or arrangements for advertising or sponsorship in relation to the school.
- provide advice to the principal of the school on:
  - a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and
  - the implementation of special religious education.

## OPERATIONAL MATTERS

### MEMBERSHIP

- The Board is to determine its composition having regard to the nature of the student population and the school community, drawing its membership from:
  - parents of students at the school;

- members of the general community;
- staff of the school;
- HPPS Board is to have at 5 members from the parents and general community and 4 members from the staff;
- the principal of the school is automatically a member of the Board;
- staff members at a school cannot be a parent or community member of the Board of that school;
- parents and general community members must form the majority, with at least one parent;
- if a Parents and Citizens' Association exists, a member may be nominated as a parent or community representative;
- a Board may allocate one position to any other association linked to the school eg AASPA Committee;
- each member, other than the principal, is to hold office for a term determined by the Board, up to a maximum of three years, after which members may renominate and be re-elected more than once. A rotational plan has been developed and will be applied;
- ensure that the Board has the correct composition e.g. financial, business and community representation as stipulated, and;
- no membership fees or subscriptions are to be charged.

#### ELECTION AND APPOINTMENT OF MEMBERS

It is important that the whole school parent population is approached when nominations are invited for membership of the school Board. It is also important that elections of the school Board and the Parents and Citizens' Association are operated and held separately. Key elements of the process include:

- the school principal is responsible for the proper conduct of all elections;
- the principal will invite nominations from eligible persons to fill vacancies, conducting elections where the number of nominees is greater than the vacancies available;
- only those people eligible for a position are eligible to vote for representatives for that position;
- parent members are to be elected from and by parents who have students enrolled at the school at the date of notice of the election;
- staff members (full time, part-time and relief) are to be elected from and by the staff in the first week of school who are all eligible to vote;
- a staff member cannot nominate or be elected to a parent position on the school Board of the school at which the member is employed;
- the Board may appoint suitably qualified persons as community representatives from the list of nominees;
- to assist in its functions, the Board may co-opt a member of the local community who has the experience, skills or qualifications that would enable the person to contribute to the Board's functions, to be a member for such time, or in relation to such matters as determined by the Board;

- a co-opted member is not eligible to vote;
- the Chairperson of the Board is to be elected by and from its members annually;
- as from April 2011 the Board only wishes to have a summary of the “One Line Budget” presented at the meeting;
- a replacement member, elected or appointed in the same manner as outlined for the person whose office is vacant, may fill any casual vacancy of the Board. The person is to hold the office for the residual period of the predecessor’s term of office; and
- if a vacancy for a community member occurs, the Board has the authority to appoint a suitably qualified person by resolution at an ordinary meeting.

## CESSATION OR TERMINATION OF MEMBERS

Positions on the school Board will become vacant from time to time because of resignation, ineligibility or removal. A member of a school Board who is elected or appointed to fill a casual vacancy holds office for the residual period of the predecessor’s term.

## MEETINGS

Meetings of the school Board and the Parents and Citizens’ Association are to operate and be held separately. Requirements for school Board meetings include:

- The Board will determine the number of meetings to be held in a year (generally 1 per term held in the HPPS staffroom), however it is required to hold at least one public meeting each calendar year, at which a report is presented on the performance of its functions.
- The meetings of a Board are generally to be open to members of the public, but the Board will exercise its discretion to close a meeting or part of a meeting if it deals with certain prescribed matters such as contracts, information of commercial value, and information about the personal, professional, or financial affairs of a person.
- A decision to close a meeting or part of a meeting to the public and the reason for the decision is to be recorded in the minutes.
- The Chairperson of the Board is to convene Board meetings in accordance with the directions of the Board in relation to the venue and timing and giving notice of the meeting. At least 14 days’ notice is to be given to parents of enrolled students of the annual public meeting. A special meeting of a Board is to be convened upon a written request to the Chairperson, setting out the purposes of the proposed meeting, by:
  - at least 20 families of students at the school;
- The purposes of the proposed special meeting must be relevant to the Board’s functions and if convened, the meeting is to deal only with the purposes set out in the written request to the Chairperson.
- The Board is empowered to appoint Committees, as it considers necessary.
- Decisions do not have effect unless made by an absolute majority, comprising enough of the members for their number to be more than 50% of the offices, whether vacant or not.i

- With the exception of co-opted members, each member including the Chairperson has one equal vote. There is no provision in the Act for proxy voting or for the Chairperson to have a casting vote.
- Subject to the above rules, the Board will determine the procedure and order of business for meetings.

### **LIMITATIONS ON BOARD ACTIVITIES**

A school Board does not take part in the day-to-day management of the school or its staff, and under the legislation cannot:

- intervene in the control or management of a school unless it is performing a function approved for incorporated Boards;
- intervene in the educational instruction of students;
- exercise authority over teaching staff or other persons employed at the school; or
- intervene in the management or operation of a school fund.

### **GUIDELINES**

School Board members are required to exercise judgement and make decisions, and this can at times present ethical dilemmas. While there is no legislative requirement for school Boards to have a code of conduct, some Boards may find it useful to develop a code of conduct to provide them with a framework of values and behaviours to support their role. Where this is the case, the Sample Code of Conduct and Role Statements for Board Members contained in Appendix 7 will be of assistance.

Schools wishing to include information about school Boards in parent newsletters are advised to consider and perhaps use the information contained in Appendix 8, School Boards – General Information.

### **CODE OF CONDUCT AND ROLE STATEMENTS FOR BOARD MEMBERS**

School Board members are required to exercise judgement and make decisions, and this can at times present ethical dilemmas. The code of conduct provides a framework of values and behaviours in support of this role.

1. To perform roles and responsibilities to the best of one's abilities, within the framework of the law, the limits of authority and available resources.
2. To respect the uniqueness and dignity of individuals and act in a fair, courteous and sensitive manner.
3. To accept the responsibilities arising from the trust placed in members of the Board by staff, students and the community.
4. To perform all duties with integrity, honesty and impartiality.
5. To declare conflicts of interest which may result in personal benefit or potential discrimination to others.
6. To maintain appropriate confidentiality of personal and official information.
7. To be accountable for efficient and effective use of resources with which Board members are provided.
8. To undertake not to hinder the implementation of Board decisions.

## ROLES OF OFFICE BEARERS

It is suggested that the Chairperson and a secretary could manage the affairs of a non-incorporated Board. Incorporated Boards will need such office-bearers as are necessary to meet requirements of the *Associations Incorporations Act 1987* regarding financial accountability and the proper maintenance of records.

The role of the Chairperson is to:

- preside at meetings of the Board;
- manage the business of the Board; and
- provide leadership to the Board.

The role of the Secretary is to:

- coordinate the correspondence of the Board;
- keep full and correct minutes of the proceedings of the Board;
- have custody of all books, documents, records and registers of the Board, which are accessible to any person within the school community;
- perform such other duties as are required.

The role of Treasurer (*of an Incorporated Board*) is to:

- be responsible for the receipt of all moneys paid to or received by the Board;
- pay all monies into the Board account(s) as the Board may direct from time to time;
- make payments from the funds of the Board with the authority of a general meeting or of the Board;
- submit to the Board a report, balance sheet or financial statement as requested;
- have custody of all securities, books and documents of a financial nature; and
- comply on behalf of the Board with sections 25 and 26 of the *Associations Incorporation Act 1987* in respect of the accounting records of the Board.

## SAMPLE TERMS OF REFERENCE FOR NON-INCORPORATED SCHOOL BOARDS

1. The name of the Board is the *Hampton Park Primary School Board*.
2. “**Board**” means *Hampton Park Primary School Board*

“**Director-General**” means the chief executive officer of the Education Department defined in section 4 of the School Education Act.

“**Educational Programme**” means an organised set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student’s individual needs as defined in section 4 of the School Education Act.

“**Minister**” means the Minister responsible for administering the School Education Act.

“**Parents**” means parent defined in section 4 of the School Education Act and named in the School register as a Parent of a Student.

“**School**” means *Hampton Park Primary School*.

“**School Education Act**” means the *School Education Act 1999*.

“**School Fund**” means the General Purposes Fund and a fund referred to in section 110 of the School Education Act.

“**Students**” means students enrolled at the School.

### **3. Purpose**

3.1 The Board is formed with the fundamental purpose of enabling Parents and members of the community to engage in activities that are in the best interests of Students and that will enhance the education provided by the School.

3.2 All property acquired or held by the Board for the use of the School is vested in the Minister.

### **4. Powers and Duties of the Board**

4.1 The Board shall have such powers as are necessary to implement the purpose of the Board and in particular the following powers and duties:

4.1.1 to take part in:

- establishing and reviewing from time to time, the School’s objectives, priorities and general policy directions;
- the planning of financial arrangements necessary to fund those objectives, priorities and directions;
- evaluating the School’s performance in achieving them; and
- formulating codes of conduct for Students at the School;

4.1.2 to determine in consultation with Students, their Parents and staff a dress code for Students when they are attending or representing the School;

4.1.3 to promote the School in the community;

4.1.4 to approve:

- charges and contributions for the provision of certain materials, services and facilities under section 99(4) of the School Education Act;
- extra cost optional components of educational programs, under section 100(3) of the School Education Act;
- items to be supplied by a student for use in an Educational Programme, under section 108(2) of the School Education Act; and
- any agreements or arrangements for advertising or sponsorship in relation to the School under section 216(5) of the School Education Act;

4.1.5 to provide advice to the principal of the School on:

- a general policy concerning the use in School activities of prayers, songs and material based on religious, spiritual or moral values being used in a School activity as part of religious education; and
- the implementation of special religious education under section 69(2) of the School Education Act;
- 4.1.6 with the approval of the Director-General (as the Minister's delegate) to:
  - take part in the selection of, but not the appointment of, the School principal or any other member of the teaching staff under section 129(2) of the School Education Act;

4.2 The Board cannot

4.2.1 intervene in the control and management of the School;

4.2.2 intervene in the educational instruction of Students;

4.2.3 exercise authority over teaching staff or other persons employed at the School; or

4.2.4 intervene in the management or operation of the School Fund..

## **5 Membership of the Board**

5.1 The number of members of the Board shall be at least 5 but not more than 15, but shall otherwise be determined by the Board.

5.2 The Board is to determine its composition having regard to:

5.2.1 the nature of the Student population of the School and the social, cultural, lingual, economic or geographic factors that may be relevant to the School,

5.2.2 the functions of the Board and any changes in those functions; and

5.2.3 with a view to including members of the general community, and staff of the School, and allocating a membership position to a member of an association referred to in section 149 of the School Education Act.

5.3 The Chairperson of the Board is to be elected by and from its members.

5.4 Membership of the Board:

5.4.1 the principal of the School;

5.4.2 elected staff of the School, not including the principal;

5.4.3 a member of the Parents & Citizens' Association where such an association exists for the School and the association wishes to exercise this entitlement;

5.4.4 elected Parents except where the majority of Students are more than 18 years of age (does not include a Parent referred to in rule 5.4.3);

5.4.5 elected Students, where the majority of Students are not more than 18 years of age and the School is of a prescribed class referred to in section 127(1)(d) of the School Education Act and regulation 105 of the School Education Regulations;

5.4.6 elected Students where the majority of Students are more than 18 years of age;

5.4.7 members of the general community, appointed by the Board; and

- 5.4.8 subject to the discretion of the Board a representative from any other association that is related to the school and established under Section 149 of the School Education Act.
- 5.5 Members referred to in rule 5.4.4 (or rule 5.4.6 where applicable) and rule 5.4.7 must form the majority of members of the Board, including at least one parent.

## **6.0 Appointment and Election of Members**

- 6.1 The principal of the School will invite nominations from eligible persons to fill vacancies, except those in the category of general community positions, and conduct elections where the number of nominees is greater than the vacancies available.
- 6.2 Only those people eligible for a position, are eligible to vote for representatives for that position.
- 6.3 Eligible to vote in the category of parent membership positions is:
- 6.3.1 each Parent whose name and address has been provided to the School under section 16(1)(b)(ii)(I) of the School Education Act, or if neither Parent's name and address has been so provided, each person who is responsible for the Student; and
- 6.3.2 in the case where the majority of Students at the school are 18 years of age or more, each Student who is enrolled at the school at the date of the notice of the election and who is 15 years of age or more or will reach this age during the calendar year.
- 6.4 Eligible to vote in the category of staff membership positions is each person to whom section 235(1) of the School Education Act applies and whose usual place of work is at the school.
- 6.5 Eligible to vote in the category of Student membership is each Student enrolled at the school at the date of the notice of the election and who is 15 years of age or more or who will reach 15 years of age during the calendar year.
- 6.6 A person may not vote in respect of more than one category referred to in rules 5.8, 5.9 and 5.10.
- 6.7 In the category of general community membership positions, the Board may appoint suitably qualified members of the general community from the list of nominees.
- 6.8 The Director-General may, from time to time, specify standards or requirements in relation to the conduct of elections.
- 6.9 The Director-General may inquire into any matter affecting an election or appointment of a member of the Board and if any irregularity has occurred may declare the results of an election or appointment invalid, or order an election or appointment or a new election or appointment to be conducted.
- 6.10 A member of the Board (other than the principal) shall hold office for a term determined by the Board, up to a maximum of three years and may be reappointed more than once.
- 6.11 The Board may appoint a member of the local community having such experience, skills or qualifications as would enable the person to make a



contribution to the Board's functions to be a co-opted member for such period, or in relation to such matters, as determined by the Board.

## **7.0 Cessation or Termination of Membership**

- 7.1 The office of a member of the Board becomes vacant if the member:
- 7.1.1 becomes ineligible to hold office as a member;
  - 7.1.2 resigns by written notice delivered to the Board; or
  - 7.1.3 is removed from office by the Director-General of Education.
- 7.2 The Executive Director, Schools, as delegate of the Director-General, may remove a person as a member of the Board on the grounds that the continuation of the person as a member would be detrimental to the interests of the Board.
- 7.3 The Board may remove a person as a member of the Board on the grounds that the person:
- 7.3.1 has neglected their duty as a member;
  - 7.3.2 has misbehaved or is incompetent;
  - 7.3.3 is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of their function as a member; or
  - 7.3.4 has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.
- 7.4 The Board must not remove a person as a member unless the person has been given a reasonable opportunity to show that they should not be removed from office.
- 7.5 A decision of the Board to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not.
- 7.6 Any member appointed or elected to a casual vacancy in the Board shall hold office for the balance of the term of the member of the Board whose seat on the Board has become vacant.
- 7.7 The Board may act notwithstanding any original or subsequent vacancies in its numbers.
- 7.8 No fees or subscriptions are to be charged against members.

## **8.0 Meetings and Proceedings of the Board**

- 8.1 The Board will determine the number of meetings for each year.
- 8.2 Meetings of the Board are generally to be open to the public.
- 8.3 The Chairperson of the Board is to convene Board meetings in accordance with the directions of the Board in relation to the venue and time of meeting and giving notice of the meeting.
- 8.4 The Board is to hold each calendar year at least one meeting that is open to the public, 14 days' notice of which has been given to Parents and in which a report is presented on the performance of the Board's functions since the previous annual public meeting or the Board's inaugural meeting, as is relevant to the case.

- 8.5 A simple majority of the members of the Board shall constitute a quorum and no meeting may be held without a quorum.
- 8.6 Each Board member, including the chairperson, is entitled to one vote only.
- 8.7 A decision of the Board does not have effect unless it has been made by an absolute majority.
- 8.8 An absolute majority means a majority comprising enough of the members of the Board for their number to be more than 50% of the number of offices whether vacant or not.
- 8.9 A Board may decide to close to members of the public a meeting or part of the meeting on the grounds set out in rule 6.10 unless the meeting is the annual public meeting or a special meeting called under regulation 118 of the School Education Regulations 2000.
- 8.10 A Board may decide to close to members of the public a meeting or part of the meeting if it deals with any of the following:
  - 8.10.1 a matter affecting a person who is employed at the school;
  - 8.10.2 the personal affairs of any person;
  - 8.10.3 a contract entered into, or which may be entered into, by the Board and which relates to a matter to be discussed at the meeting;
  - 8.10.4 legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting;
  - 8.10.5 a matter that if disclosed, would reveal –
    - (i) information that has a commercial value to a person and that is held by, or is about, a person other than the Board; or
    - (ii) information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Board;
  - 8.10.6 information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.
- 8.11 A decision to close a meeting or part of the meeting and the reason for the decision are to be recorded in the minutes of the meeting.
- 8.12 Special meetings of the Board shall be held when requested by:
  - 8.12.1 any 3 members of the Board;
  - 8.12.2 the Director-General; or
  - 8.12.3 under the conditions specified in rules 6.13 or 6.14.
- 8.13 Subject to rule 6.14 the chairperson is to convene a special meeting of the Board if the meeting is called for in a notice to the chairperson setting out the purposes of the proposed meeting and by at least 20 families of Students at the School; or at least half the number of families of Students at the School, whichever is the lesser number of families.
- 8.14 The chairperson of a Board for a school at which the majority of the Students at the school are 18 years of age or more is to convene a special meeting of the Board if the meeting is called for in a notice to the chairperson setting out the purposes of the proposed meeting, and by at least 20 Students at the school.

- 8.15 The chairperson is not to convene a meeting under rules 6.13 and 6.14 if the purposes of the proposed meeting are not relevant to the Board's functions.
- 8.16 A meeting convened under rules 6.13 or 6.14 is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.
- 8.17 Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by members of the Board present at the meeting.

## **9. Committees of the Board<sup>ii</sup>**

- 9.1 The Board is empowered to appoint such Committees, as it deems necessary.
- 9.2 Membership of Committees is not confined to members of the Board, but at least one Board member is required to serve on each Committee.
- 9.3 The duties of any Committee shall be clearly defined by the Board and where appropriate a specific date shall be set for the completion of the tasks assigned to the Committee.
- 9.4 In all cases a Committee makes its recommendations to the Board.

## **10. Duties to be allocated<sup>iii</sup>**

- 10.1 The Board is to allocate to a member or members the following duties:
- 10.1.1 co-ordinate the correspondence of the Board;
- 10.1.2 ensure that full and correct minutes of the meetings and proceedings of the Board are kept; and
- 10.1.3 have custody of all books, documents, records and registers of the Board, which must be accessible to any person within the School community.

## **11. Failure to act properly**

- 11.1 In the event that the Board breaches the School Education Act, or the conduct of the Board is incompetent, inadequate or improper, the Minister may require that the situation be remedied.
- 11.2 If the Minister is of the opinion that a Board has not complied with such a notice, the Minister may dismiss the Board.

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<sup>i</sup> The legislation is silent on the matter of a quorum required for a meeting. Individual Boards may include reference to a quorum in their terms of reference if they think it necessary.

<sup>ii</sup> These are not a legal requirement, but information is included here for advice.

<sup>iii</sup> These are not a legal requirement, but information is included here for advice