



BICTON PRIMARY SCHOOL BOARD EST 2015

TERMS OF REFERENCE

This document is based on the Department of Education's policy document found at:
http://det.wa.edu.au/policies/detcms/cms-service/download/asset/?asset_id=11427637

1. Name

The name of the Council is the BICTON PRIMARY SCHOOL BOARD

2. Definitions

"Council" means Bicton 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 students 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 Bicton Primary School.

"School Education Act" means the School Education Act 1999 and as amended periodically.

"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 While formally accountable to the Minister for Education, the Council has a fundamental responsibility to the school community.

3.2 The Council 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 will enhance the teaching and learning provided by the School.

4. Powers and Duties of the Board

4.1 The Council shall have such powers as are necessary to implement the purpose of the Council 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 Council 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 Council shall be at least 5 but not more than 15, but shall otherwise be determined by the Council.

5.2 The Council 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 Council 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 Council is to be elected by and from its members and the decision will be made by consensus.

5.4 Membership of the Council is comprised of:

- 5.4.1 the principal of the School;
- 5.4.2 one or more staff of the School, not including the principal;
- 5.4.3 one 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 one or more Parents of children at the School (excluding a Parent who is a member based on rule 5.4.3);
- 5.4.5 members of the general community, appointed by the Council; and

5.4.6 subject to the discretion of the Council a representative from any other association that is related to the school and established under Section 149 of the School Education Act.

5.5 Parents and members of the community must form the majority of members of the Council, with there being at least one parent.

5.6 Students of the School are not eligible to be a member of the Council.

6. 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.

6.1.1 The election process will involve a nomination procedure followed by a secret ballot.

6.1.2 All nominees referred to in 5.4.4. will be required to present a short written personal resume which will be made available to those eligible to vote, prior to any Council election.

6.1.3 The election process is to be completed by the last week in Term 1.

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 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.

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 In the category of general community membership positions, the Council may appoint suitably qualified members of the general community from the list of nominees.

6.6 The Director-General may, from time to time, specify standards or requirements in relation to the conduct of elections.

6.7 The Director-General may inquire into any matter affecting an election or appointment of a member of the Council 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.

6.8 A member of the Council (other than the principal) shall hold office for a term of up to three years, and may be reappointed more than once. The Parents and Citizens' Association Council member shall hold office for a term of one year and may be reappointed more than once.

6.9 The term of appointment for individual members may be varied over one, two or three years, at the Council's discretion. Staggered terms allow for continuity of experience of membership so that at no time would the School Council be composed of all new members.

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

7. Cessation or Termination of Membership

7.1 The office of a member of the Council 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 Council; 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 Council on the grounds that the continuation of the person as a member would be detrimental to the interests of the Council.

7.3 The Council may remove a person as a member of the Council 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 Council 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 Council 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 Council shall hold office for the balance of the term of the member of the Council whose seat on the Council has become vacant.

7.7 The Council may act notwithstanding any original or subsequent vacancies in its numbers.

7.8 No fees or subscriptions are to be charged against members.

8. Meetings and Proceedings of the Board

8.1 The Council will hold a minimum of one meeting per school term. Additional meetings may be held, as decided by the Council.

8.2 Meetings of the Council are generally to be open to the public.

8.3 The Chairperson of the Council is to convene Council meetings in accordance with the directions of the Council in relation to the venue and time of meeting and giving notice of the meeting.

8.4 The Council 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 Council's functions since the previous annual public meeting.

8.5 A simple majority of the members of the Council shall constitute a quorum and no meeting may be held without a quorum. The quorum shall have parent and staff representatives.

8.6 Each Council member, including the chairperson, is entitled to one vote only. Co-opted members have no voting rights.

8.7 Where possible all decisions of the Council will be made by consensus. If this is not possible then a decision of the Council 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 Council for their number to be more than 50% of the number of offices whether vacant or not.

8.9 A Council may decide to close to members of the public a meeting or part of the meeting on the grounds 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 Council 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 Council 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 Council 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 Council; 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 Council;

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 Council shall be held when requested by:

8.12.1 any 3 members of the Council; or

8.12.2 the Director-General.

8.13 The chairperson is to convene a special meeting of the Council if the meeting is called for in a notice to the chairperson setting out the purposes of the proposed meeting 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 is not to convene a meeting under rule 8.13 if the purposes of the proposed meeting are not relevant to the Council's functions.

8.15 A meeting convened under rule 8.13 is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.

8.16 Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by members of the Council present at the meeting.

9. Committees of the Board

9.1 The Council is empowered to appoint such Committees, as it deems necessary.

9.2 Membership of Committees is not confined to members of the Council, but at least one Council member is required to serve on each Committee.

9.3 The duties of any Committee shall be clearly defined by the Council 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 Council.

10. Duties to be allocated

10.1 The Council is to allocate to a member or members the following duties:

10.1.1 co-ordinate the correspondence of the Council;

10.1.2 ensure that full and correct minutes of the meetings and proceedings of the Council are kept; the role of minute keeper will be allocated on a rotational basis decided by the membership; and

10.1.3 have custody of all books, documents, records and registers of the Council, which must be accessible to any person within the School community.

10.1.4 Minutes of all meetings are kept on record. This role is the responsibility of the Chairperson and the minutes of a Council meeting are to be filed and available to any person within the School community.

10.1.5 the principal is responsible for reporting to staff after School Council meetings.

10.1.6 the Parents and Citizens' Association Council member is responsible for reporting back to the Parents and Citizens' Association meetings regarding School Council business.

11. Miscellaneous

11.1 In the event that the Council breaches the School Education Act, or the conduct of the Council 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 Council has not complied with such a notice, the Minister may dismiss the Council.

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

11.4 The Council must comply with written directions that the Director General may give the Council with respect to the performance of its functions.

CODE OF CONDUCT AND ROLE STATEMENTS FOR BOARD MEMBERS

CODE OF CONDUCT FOR BOARD MEMBERS

Bicton Primary School Council members are required to exercise judgement and make decisions based on the highest standard of care towards the School. The code of conduct described below provides a framework of values and behaviours in support of this role. All council members are obligated to conduct themselves in accordance with this Code of Conduct.

- The primary consideration is that the school's values are in the best interests of students.
- A Council abides by all the relevant legislation and industrial agreements.
- A Council is accountable to both its local school community and the Director General or delegate¹.

- A Council encourages members to behave in a civil and respectful manner, avoiding discrimination, harassment and bullying.
- The underlying principles of a Council’s code of conduct include the promotion of:
 - respectful partnerships;
 - clear and honest two-way communication;
 - transparent processes;
 - democratic, informed decision making; and
 - personal and professional integrity.
- Conflict between Council members is dealt with respectfully and fairly and in a manner that reflects the principles of natural justice.
- Council members declare any conflicts of interest when they arise. Council members who have declared a conflict of interest are not entitled to vote on that issue.
- Council members are expected to represent the school community. Members do not represent one viewpoint or the view of an individual. Council members therefore regularly seek the views and opinions of the whole school community, especially when policies are being developed.
- Council members respect the need for confidentiality and privacy with regard to sensitive matters that might arise at council meetings, especially where there are matters of a personal nature relating to staff, students or parents.
- The Council is not an appropriate forum for the discussion of individual school staff, students, parents or other members of the school community.
- A Council member who is approached by a parent with a concern relating to an individual is in a privileged position and is expected to treat such discussion with discretion, protecting the confidentiality and privacy of the people involved. If the issue relates to an operational matter of the school, the parent should be encouraged to speak with the principal or classroom teacher. If the issue relates to a school policy or procedure, it is put on the agenda and approached in a generic sense to protect the privacy of individuals involved.
- The Council “speaks as one voice” in the public arena once a decision has been made.
- Council members actively participate in sub-committees and meetings as the need arises.
- If members are unable to attend a meeting, they are requested to submit an apology before the meeting.

ROLES OF OFFICE BEARERS

It is suggested that the Chairperson and a secretary could manage the affairs of a non-incorporated Council.

The chairperson leads the Council.

The role of the chairperson is to:

- chair and convene Council meetings;
- provide leadership to the Council;
- manage the business of the Council;
- declare the result of decisions and motions;
- uphold Council decisions;
- work in partnership with the Principal;
- ensure the Council stays focused on supporting the school to achieve the best outcomes for students;
- prepare and present an annual report to members and the school community at annual public meetings;
- comply with any directions of the Council in relation to the venue and time of meeting and giving notice of the meeting;
- resolve disputes as required;
- facilitate mediation meetings as required; and
- represent the school in the community and formal functions.

The Council chairperson may also participate as an ex officio member of all sub-committees established by the Council.

Chairing meetings

The Council chairperson effectively leads meetings. This entails:

- preparing the agenda and relevant papers with the principal;
- ensuring meetings are run efficiently and achieve their purpose;
- ensuring all members have the opportunity to be heard;
- ensuring the meeting focuses on whole of school outcomes rather than personal affairs;
- ensuring the minutes from the previous meeting are confirmed as accurate and signing and dating those minutes;
- starting and finishing meetings on time;
- notifying the Council of any apologies received;
- tabling all correspondence, in and out; and
- facilitating the resolution of any conflict.

Who can be a chairperson?

The chairperson is elected by, and from, the Council’s membership.

ROLES OF PRINCIPAL

The principal is automatically a member of the Council. The principal’s role as school leader is to manage the administration of the school, the staff of the school and the educational instruction of students.

The role of the principal on the Council is to:

- provide advice and guidance to the Council in relation to legislative requirements and school policy;
- submit the school’s annual budget to the Council for endorsement;
- invite nominations to fill vacancies in the Council membership;
- conduct elections;
- assist in identifying appropriate general community representatives to be placed on the list of nominees;
- provide the Council with support services; and
- represent the Department of Education.

ROLES OF SECRETARY

Where there is such a position, the secretary manages the administration affairs of the Council.

The role of the secretary is to:

- co-ordinate the correspondence of the Council;
- ensure that full and correct minutes of the meetings and proceedings of the Council are kept in a minute book and are signed by the chairperson after every meeting;
- serve formal notice to Council members and the community, at the direction of the chairperson, in advance of:
 - ordinary, special and annual public meetings; and
 - motions;
- keep and maintain in an up to date condition a register of the members of the Council and their postal and residential addresses;
- keep a list of nominees of members of the general community that may be appointed to the Council in the category of general community membership;
- keep and maintain the terms of reference (if applicable), and have copies of the terms of reference available to all members;
- ensure every member has access to inspect the records and documents of the Council;
- have custody of all books, documents, records and registers of the Council.