

Ardross Primary School

SCHOOL BOARD TERMS OF REFERENCE

2022

Dated: 15/02/22

RULES AND PROCEDURES OF THE ARDROSS PRIMARY SCHOOL BOARD

OVERVIEW

Ardross Primary School was granted Independent Public School status to commence in 2012. The Terms of Reference were updated in 2021. They should be read in conjunction with the Code of Conduct document for Board members which is signed annually by members. The Terms of Reference will be regularly reviewed to ensure they reflect the direction of the School Board and Ardross Primary School. Reference should also be made to the Statement of Expectation with the Department of Education.

1 DEFINITIONS

In this document the following terms have the following meanings:

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

“**Annual public meeting**” is the annual meeting in which the Board presents to the school community an annual report based on the Board’s functions (SER r.117).

“**Board**” means “**Council**” as defined in the Act;

“**Director General**” means the Chief Executive Officer of the Department of Education as defined in section 229 of the Act;

“**educational program**” 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 Act;

“**Minister**” means the Minister responsible for administering the Act;

“**Parent**” in relation to a child, means a person who at law has responsibility –

- For the long term care, welfare and development of the child; or
- For the day to day care, welfare and development of the child (SEA s.4).

“**P&C**” means Parents and Citizen’ Association

“**Principal**” means the principal for the time being of the school;

“**Regulations**” or “**SER**” mean the School Education Regulations 2000 (WA);

“**Rules**” means the rules and procedures of the Board as set out in this document;

“**school**” means Ardross Primary School;

“**school fund**” means the General Purposes Fund and a fund referred to in section 110 of the Act, as defined in section 4 of the Act;

“**SEA**” means the School Education Act 1999;

“**SER**” Means the School Education Regulations 2000; and

“**Student**” means student enrolled at the school.

2 NAME

The name of the board of Ardross Primary School established pursuant to section 125 of the Act is “Ardross Primary School Board”.

3 PURPOSE

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 will enhance the education provided by the school.

4 FUNCTIONS OF THE BOARD

4.1 The functions of the Board are:

- a) To take part in:
 - i) Establishing, and reviewing from time to time, the school's objectives, priorities general policy directions, and the School Business Plan.
 - ii) the planning of financial arrangements necessary to fund those objectives, priorities, business plan and directions;
 - iii) evaluating the school's performance in achieving them; and
 - iv) formulating codes of conduct for students at the school.
- b) To promote the school in the community.
- c) To determine, in consultation with students, their parents and staff of the school, a dress code for students when they are attending or representing the school.
- d) To provide advice to the Principal of the school on:
 - i) a general policy concerning the use in school activities of prayers, songs and materials based on religious, spiritual or moral values being used in a school activity as part of religious education (SEA s.70); and
 - ii) allowing time for the special religious education of students in the school, but the total number of hours so allowed in a school year is not to exceed 40 (SEA s69(2) and 70(b)).
- e) To approve:
 - i) any charge or contribution determined by the Principal no later than 2 months before the beginning of the school year (SEA s99(3), (4) and (5));
 - ii) the costs to be paid for participation in an extra cost optional component of the school's educational programme (SEA s100(1) and (3));
 - iii) the items that are to be supplied to a student for the student's personal use in the school's educational program (SEA s108(1) and (2)); and
 - iv) any agreement or arrangement for advertising or sponsorship entered into by the principal (SEA s 216(5)).

4.2 With the approval of the Director General, to take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff (SEA s.129(2))

4.3 The Board cannot:

- a) intervene in the control or management of the school;
- b) intervene in the educational instruction of students;

- c) exercise authority over teaching staff or other persons employed at the school (SEA s132(c))
- d) performance manage the Principal or any other Department of Education employee (SEA 132(c));
- e) intervene in the management or operation of a school fund (SEA 132); or
- f) purchase property (SEA 131).

5 MEMBERSHIP OF THE BOARD

- 5.1 The Board will comprise of up to ten (10) voting members of who:
- a) five (5) are to be parents of students at the school;
 - b) one (1) parent member representative of the P&C, if the P&C has taken up the option to nominate a parent member and that parent member is elected in any election or appointed under clause 6;
 - c) the Principal (SEA s.127(3));
 - d) three (3) additional members of the staff of the school..
- 5.2 The Board may co-opt a member of the general community to be an additional member of the Board for such period, or in relation to such matters, as determined by the Board where that person's experience, skills or qualifications would enable them to make a contribution to the Board's functions. The P&C may nominate one of its members to be a nominee from the general community to be considered by the Board: SER 107(3). A person co-opted as a member of the Board will not have a right to vote.
- 5.3 The Chairperson of the Board is to be elected by and from its members at the first meeting held by the Board in each calendar year.
- 5.4 The Chairperson will hold that position until the conclusion of the first meeting held in the year following the year in which he or she was elected or at the expiration of his or her term of office, whichever is the earlier.
- 5.5 The Secretary of the Board is to be elected by and from its members at the first meeting held by the Board in each calendar year and will hold that position until the conclusion of the first meeting held in the year following the year in which he or she was elected or at the expiration of his or her term of office, whichever is the earlier.
- 5.6 Staff who are also parents or community members will only serve on the Board in their capacity as a Department of Education employee. Such a person will only be on the Board in the category of staff membership (SEA s.127(3)).

6 APPOINTMENT AND ELECTION OF MEMBERS

- 6.1 The Principal will invite nominations from suitably qualified persons to fill vacancies occurring in the categories referred to in Rule 5.1 (a), (b) and (d).
- 6.2 Invitations for nominations for parent members must be sought from all parents of children attending the school.
- 6.3 Invitations for nomination for staff members must be sought in such manner as the Principal considers appropriate, provided that the same method is used for all members of the staff.

- 6.4 Invitations for nominations for parent members must be sought in November of each year.
- 6.5 People wishing to nominate must do so within fourteen (14) days of nominations being sought.
- 6.6 Where the number of nominees is greater than the vacancies available for a category of member the Principal must conduct elections to fill the vacancies for that category of member.
- 6.7 Where a vote is to be conducted, each nominee may put forward written submissions in favour of his or her nomination, which the Principal must make available to those entitled to vote for the category for which he or she has nominated, provided that those submissions do not exceed 500 words, together with notice of the election.
- 6.8 Those 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)(l) of the Act or, if neither parent's name and address has been so provided, each person who is responsible for the student.
- 6.9 Those eligible to vote in the category of staff membership positions is each person employed at the school under SEA s235(1) and whose usual place of work is at the school.
- 6.10 Voting must be conducted within fourteen (14) days of the closing of nominations.
- 6.11 A person may not vote in respect of more than one category referred to in Rules 5.1(a) and (b).
- 6.12 Voting may be conducted in such manner as the Principal considers appropriate.
- 6.13 The Board may fill a casual vacancy by a majority vote.

7 TERM OF OFFICE

- 7.1 Subject to Rule 7.3 and Rule 7.5, a parent member of the Board shall hold office for two years following the year in which he or she was nominated or was elected.
- 7.2 Subject to Rule 7.3 a staff member of the Board (other than the Principal) shall hold office for a term of one year following the year in which he or she was nominated or was elected.
- 7.3 A member of the Board who is elected or appointed to fill a casual vacancy holds office for the residual period of his or her predecessor's term of office.
- 7.4 A member of the Board who is elected or appointed to fill a role as P&C representative shall hold office for a period of one year, unless they are also appointed as a parent representative.
- 7.5 An elected parent member with the lowest total votes, or if there is no election the parent member last to nominate, shall hold office for a term of one year where necessary to ensure the election of 3 parents to the Board in each annual election.

8 CESSATION OR TERMINATION OF MEMBERSHIP

- 8.1 The office of a member of the Board becomes a casual vacancy if the member:
 - i) becomes ineligible to hold office as a member;
 - ii) resigns by written notice delivered to the Board; or
 - iii) is removed from office by the Director General or delegate.

- 8.2 The Director General, or Executive Directors as delegates 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.
- 8.3 The Board may remove a person as a member of the Board on the grounds that the person:
- i) has neglected his or her duty as a member;
 - ii) has misbehaved or is incompetent;
 - iii) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
 - iv) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.
- 8.4 The Board must not remove a person as a member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.
- 8.5 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.

9 MEETINGS

- 9.1 The Chairperson will determine the frequency of meetings, with a minimum requirement of one meeting per term.
- 9.2 The Chairperson of the Board is to convene Board meetings by giving at least seven (7) days' written notice of the meeting.
- 9.3 The Chairperson may cancel a meeting at any time.
- 9.4 The Chairperson will convene a special meeting of the Board where:
- a) It is called for by families of students at the school for a particular purpose (SER r.118) by:
 - i. at least 20 families of students at the school (SER r.118(1)(b)(i)); or
 - ii. at least half the number of families of students at the school, whichever is the lesser number of families, (SER r.118(1)(b)(ii)); and
 - iii. with a formal notice to the Chairperson, which will state the purpose for which the special meeting concerned is required; and be signed by the families who called for the special meeting; or
 - b) It is determined of the Board (SER r.115(1)).
- 9.5 The Chairperson is not to convene a special meeting if the purposes of the proposed meeting are not relevant to the Board's functions (SER r.118(3)).
- 9.6 A special meeting is to deal only with matters relevant to the purposes set out in the notice received by the Chairperson (SER r.118(4)).
- 9.7 The Chairperson will give to all members and the school community not less than 14 days formal notice of a special meeting.

- 9.8 The Chairperson will convene the special meeting within 30 days of receiving the request in writing.
- 9.9 The Chairperson may, with the consent of a meeting at which a quorum is present, and must, if so directed by such a meeting, adjourn that meeting from time to time and from place to place.
- 9.10 No business will be transacted at an adjourned meeting other than business left unfinished or on the agenda at the time when the meeting was adjourned.
- 9.11 When a meeting is adjourned for a period of 30 days or more, the Chairperson will give formal notice of the adjourned meeting as if that meeting were a fresh meeting.
- 9.12 The Board will agree on the manner that the secretary will communicate notice of ordinary, special and annual public meetings to members and the school community.
- 9.13 An annual public meeting is to be held during the school year (SER r117) and must:
- (a) be open to the public; and
 - (b) be held with 14 days' notice given to parents of students enrolled at the school at the time the meeting is called; and
 - (c) receive a report on the performance of the Board's functions since the previous annual public meeting.
- 9.14 The Chairperson is not to convene any meeting if the purposes of the proposed meeting are not relevant to the Board's functions.
- 9.15 The 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:
- a) a matter affecting a person who is employed at the school.
 - b) the personal affairs of any person.
 - c) a contract entered into, or which may be entered into, by the school and which relates to a matter to be discussed at the meeting.
 - d) legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting.
 - e) 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.
 - f) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

- 9.16 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.

10 PROCEEDINGS OF THE BOARD

- 10.1 Meetings of the Board are to be presided over by the Chairperson or, in his or her absence, by a member of the Board elected by the members of the Board present at that meeting.
- 10.2 Each Board member, including the Chairperson, is entitled to one vote only.
- 10.3 The minutes for each meeting will be taken and managed by the Secretary.
- 10.4 A quorum shall consist of six (6) members.
- 10.5 A decision of the Board does not have effect unless it has been made by an absolute majority.
- 10.6 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, pursuant to SER119.
- 10.7 At each meeting the Principal or their delegate shall provide an overview and update on the implementation by the school of the priorities that have been set by the school for that year.
- 10.8 At each meeting the Principal or Registrar shall provide an overview and update on the school's current finances.
- 10.9 At each meeting the P&C representative shall provide an update in person or in writing 3 days prior to the meeting if they are to be absent.
- 10.10 Board members must comply with the Code of Conduct for the School Board.
- 10.11 The Chairperson may determine that any meeting will be held by electronic means, telephone or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- 10.12 Participation in a meeting through electronic means will constitute the presence of the Board member at the meeting.
- 10.13 A matter deemed urgent by both the Principal and the Chairperson can be dealt with between meetings by the Board and decided by the Board entirely by electronic means, telephone or other communication facility, provided that the decision is subsequently minuted at the next Board meeting. A decision made under this provision will be a valid decision as if made by the Board at a meeting.

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 give written notice to the Board requiring 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.

12 COMMITTEES OF THE BOARD

- a) The Board is empowered to appoint such committees as it deems necessary to deliver its functions.
- b) Membership of committees is not confined to members of the Board but at least one Board member is required to serve on each Committee.
- c) Any committee will have written terms of reference, and will provide the Board with relevant updates, reports and any recommendations for each meeting.

13 CHAIRPERSON ROLE

The role of the Chairperson is to:

- a) chair and convene Board meetings (SER r.115(2));
- b) manage the business of the Board;
- c) declare the result of decisions and motions;
- d) uphold Board decisions;
- e) ensure the Board stays focused on supporting the school to achieve the best outcomes for students;
- f) prepare and present an annual report to members and the school community at annual public meetings (SER r.117(c));
- g) comply with any directions of the Board in relation to the venue and time of meeting and giving notice of the meeting (SER r.115(2));
- h) resolve disputes as required;
- i) induct new members;
- j) facilitate mediation meetings as required; and
- k) represent the school in the community and formal functions.

14 SECRETARIAL ROLE

The Board is to appoint a Secretary to undertake the following duties:

- a) coordinate the correspondence of the Board;
- b) ensure that full and correct minutes of the meetings and proceedings of the Board are recorded and are signed off by the Chairperson after every meeting;
- c) arrange custody of all books, documents, records and registers of the Board;
- d) serve formal notice to Board members and the community at the direction of the Chairperson, for ordinary, special and annual public meetings; and
- e) keep and maintain in an up to date condition a register of the members of the Board and their postal and residential addresses.

15 RIGHT OF INSPECTION

A member may at any reasonable time inspect the books, documents, and records of the Board. Members may make a copy of or take an extract, but have no right to remove the books, documents, records or registers of the Board.

16 DISPUTES AND MEDIATION

- 16.1 The grievance procedure set out in this rule applies to disputes under these rules between:
- a) a Board member and another member;
 - b) a Board member and the principal of the school;
 - c) a Board member and the Chairperson; or
 - d) a Board member and co-opted members.
- 16.2 The parties to the dispute should meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all parties.
- 16.3 If the parties are unable to resolve the dispute at the meeting, a meeting may be held in the presence of a mediator.
- 16.4 The mediator will be
- a) a person chosen by agreement between the parties; or
 - b) in the absence of agreement
 - i. in the case of a dispute between a member and another member, a person appointed by the Chairperson of the Board; or
 - ii. in the case of a dispute between a member or relevant nonmember and the Board, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 16.5 A member of the Board can be a mediator.
- 16.6 The mediator cannot be a member who is a party to the dispute.
- 16.7 The mediator, in conducting the mediation, will
- a) give the parties to the mediation process every opportunity to be heard;
 - b) allow due consideration by all parties of any written statement submitted by any party; and
 - c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 16.8 The mediator will not determine the dispute.
- 16.9 The mediation will be confidential and without prejudice.
- 16.10 If the mediation process does not result in the dispute being resolved, the parties may seek advice from the Regional Executive Director.