GOVERNMENT OF WESTERN AUSTRALIA

Department of **Education**

Councils and Boards in Public Schools policy

Councils and Boards in Public Schools procedures

Effective: 17 November 2026

Version: 4.0

The PDF contains the following documents

Document 1

Councils and Boards in Public Schools policy version 4.0
Effective 17 November 2026

Document 2

Councils and Boards in Public Schools procedures version 4.0
Effective 17 November 2026



Department of
Education

Councils and Boards in Public Schools policy

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1. Policy statement

The Department of Education is committed to school councils and boards in all public schools being meaningfully engaged in contributing to good school governance, so that school resources are used efficiently, and community expectations and the school's priorities reflect the needs of students.

2. Policy rules

Principals must, in accordance with the Councils and Boards in Public Schools procedures:

- support the council or board to attract members that represent the community and enhance the effectiveness of the council or board
- provide members of the council or board with information to enable them to understand their role and responsibilities and to undertake the functions of the school council or board
- confirm that a council or board, which is not incorporated, has a Terms of Reference that is consistent with the provisions of the *School Education Act 1999 (WA)*
- arrange noting of the Statement of Expectation for councils and boards
- obtain approval from the Deputy Director General, Schools when a:
    - council or board seeks to become incorporated
    - council or board seeks to operate jointly for two or more schools*
    - council or board seeks to revoke a joint arrangement*
    - school seeks exemption from having a council*
- confirm that the council or board has governance processes in place that prevent borrowing funds or obtaining credit
- arrange noting of the school's Funding Agreement for Schools for councils
- confirm that a council or board, which is incorporated, has a constitution that is consistent with the provisions of the School Education Act *and the Associations Incorporation Act 2015.*

*The Minister for Education is required to publish decisions in the WA Government Gazette

Guidance

Principals can enhance the effectiveness of the school council or board by actively managing the membership composition (within the constraints of the School Education Act) to achieve a balance of governance skills, knowledge, experience and affiliations with the local community. Principals in remote community schools and other schools, may adapt the way their school council or board operates to include and respect local cultural knowledge and practices, embedding cultural awareness (within the framework of the School Education Act). Advice may be sought from the Policy Manager to ensure ongoing compliance with School Education Act and the School Education Regulations 2000.

Under the School Education Act, the membership of a council or board includes the principal and elected staff representatives however, elected parents and other community members must form the majority.

Persons nominated for membership/current members of councils/boards are required to have a National Police History Check processed through the Department's Screening Unit as is applicable to their membership category and the requirements for phasing in the requirement for criminal screening. Department advice and assistance is available for prospective members who do not have access to identification and other documents that may be required as part of the screening process. This is available through the Policy Manager or the Department's Screening Unit.

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees. CC BY

For more information on legislative requirements and supporting an effective council or board, see the School Councils and Boards website.

See Related Policies for a list of Department of Education policies that include requirements affecting Councils or Boards.

3. Responsibility for implementation and compliance

Principals are responsible for implementation of this policy in individual schools.

Monitoring compliance with this policy is the responsibility of the line manager.

4. Scope

This policy applies to principals in public schools.

5. Supporting procedures

Council and Boards in Public Schools procedures

6. Definitions

Council or Board
These terms are used interchangeably but have no difference under the School Education Act.

Incorporated council or board
A legal entity in its own right, separate from the individual members, with powers additional to those of unincorporated councils or boards, and bound by additional legislation (Associations Incorporation Act).

7. Related documents

Relevant legislation or authority

Associations Incorporation Act 2015 (WA)

School Education Act 1999 (WA)

School Education Regulations 2000 (WA)

Related Department policies

Gifts, Benefits and Hospitality policy
Community Use of Public School Facilities policy
Configuration of the School Day in Public Schools policy
Criminal History Screening for Department of Education Sites policy
Dress Codes for Students in Public Schools policy
Incoming Sponsorship to Public Schools policy
School Improvement and Accountability in Public Schools policy Student Behaviour in Public Schools policy
Working with Children Checks in Department of Education Sites policy

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees. (cc) BY

Other documents
Contributions Charges and Fees Manual (staff only)
Financial Management in Schools: Finance and Accounting Manual (staff only)
Model Terms of Reference for Unincorporated School Councils and Boards
Public School Council and Boards Information Package

8. Contact information

Policy manager
Director, Leadership Institute

Policy contact officer
Principal Policy Officer
Leadership Institute
Telephone: 1300 610 801

9. Review date

17 November 2030

10. History of changes

Effective date	Last update date	Policy version no	Ref no	Notes
8 March 2013		2.0		Major review undertaken of v1.0. Procedures and processes clarified. Original policy split into policy and procedures documents. D13/0104727
8 March 2013	29 November 2013	2.0	D13/0637330	Updated contact information. D13/0573788.
8 March 2013	24 March 2015	2.1	D15/0104767	Contact information updated to reflect change in position from Director, Office of the Director General to Executive Director, Organisational Governance. D15/0085666
8 March 2013	25 June 2015	2.2	D15/0248581	Updated contact details D15/0198137

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees. (cc) BY

Effective date	Last update date	Policy version no	Ref no	Notes
8 March 2013	17 March 2016	2.3	D16/0199686	Updated contact information. D16/0197926
5 June 2018		3.0	D18/0088100	Policy has undergone a major review. The Director General endorsed the policy on 2 May 2018 at Corporate Executive and D18/0208336.
5 June 2018	7 July 2020	3.1	D20/0336386	Minor changes to contact information. D20/0344153
17 November 2026		4.0	D26/0780723	Major review approved by the Director General on 31 July 2026 (D25/0378644).

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Department of
Education

Councils and Boards in Public Schools procedures

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CONTENTS

1 Policy supported 3
2 Scope 3
3 Procedures 3
3.1 Information for councils and boards 3
3.2 Council and board procedures 3
3.2.1 Membership 3
3.2.2 Unincorporated councils and boards 4
3.2.3 Incorporated councils and boards 4
3.3 Council or board circumstances requiring approval 5
3.3.1 Exemption 5
3.3.2 Joint councils and boards 5
3.3.3 Incorporation 5
4 Definitions 6
5 Related documents 6
6 Contact information 6
7 Review date 7
8 History of changes 7
APPENDIX A Managing council and board membership vacancies 10
APPENDIX B Nomination form 12
APPENDIX C Application for exemption to form a council or board 16
APPENDIX D Application to form a joint council or board 17
APPENDIX D(2) Application to dissolve a joint school council 18
APPENDIX E Application for approval to seek incorporation 19
APPENDIX F Information regarding incorporation 20

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1 Policy supported

Councils and Boards in Public Schools policy

2 Scope

These procedures apply to principals in public schools.

3 Procedures

3.1 Information for councils and boards

The principal will provide members of the school council or board with information to enable them to undertake their functions including:

- the details of and limits to the council or board's functions
- relevant Department policies and procedures that include functions for, or requirements of, the council or board and its members
- information to enable council or board members to meaningfully contribute to strong, effective and efficient administrative processes; and the planning and evaluation of the school's performance.

Guidance

The functions of the school council or board are stipulated in the *School Education Act 1999 (WA)*. The Statement of Expectation outlines the expectations for each school in relation to its strategic planning and self-assessment, to form part of the school's Public School Review and the Principal's Professional Performance Review. The Funding Agreement for Schools (Funding Agreement) outlines the accountability expectations of the principal in relation to the management of funding to the school. Noting of and return of both of these documents should be clearly recorded in council or board meeting minutes and signed copies are to be retained by the school. Producing the signed copy may be required as part of the Department's audit of schools, and where council or board or community members request it.

A school's Parents and Citizens' Association is a valuable but separate entity to the council and board. Members of the council or board and the Parents and Citizens' Association often work together on different projects.

Information for appointed members may take the form of an induction process, in-person or online training programs, written documents and/or online information. Principals should support ongoing capacity building activities that will enhance the effectiveness of the school council or board. For information on supporting an effective school council or board, see the School Councils and Boards website. See Related Policies for a list of Department of Education policies that include requirements affecting councils or boards.

3.2 Council and board procedures

3.2.1 Membership

The principal will:

- adhere to the process outlined in Appendix A – Managing council and board membership vacancies
- use the nomination form at Appendix B for all categories of membership

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- provide a copy of the council or board terms of reference or constitution, as relevant, to all new members on their appointment.

Guidance

Requirements for membership and making appointments to a school council or board are stipulated in the School Education Act and School Education Regulations 2000 and the Department of Education's Criminal History Screening policy and procedures.

Information on the legisative requirements, conduct of elections and other advice can be found on the School Councils and Boards website.

Members of councils and boards:

- are required to have a National Police History Check processed through the Department's Screening Unit as is applicable to their membership category;
- are on the council or board to represent the school community; and do not represent one viewpoint or the view of an individual or any particular political, religious or other affiliation; and
- promote the agreed positions of the council or board.

Information is provided to prospective nominees before they nominate for membership so they understand the legislated functions of councils or boards and responsibilities of members.

Prior to the appointment of all new members, they must be advised that personal information provided by them will be available to authorised school and department users for the purpose of their appointment to and administration of the school council or board. If a school is part of a joint school council or board arrangement, the information provided will be visible to authorised users of each school and the department. See Attachment to Appendix B – Nomination Form.

3.2.2 Unincorporated councils and boards

The principal will confirm that a council or board, which is not incorporated, has terms of reference that are consistent with the School Education Act and includes the following criteria:

- the council's functions, and the limits to the functions as stipulated in the School Education Act and the School Education Regulations
- meeting and communication procedures
- a code of conduct for council or board members
- a statement that the council or board will not borrow money or obtain credit
- procedures for resolving disputes.

3.2.3 Incorporated councils and boards

The principal will confirm that an incorporated council or board has a constitution that meets the criteria in procedures 3.2.2, and in addition, is also consistent with the provisions of the *Associations Incorporation Act 2015*.

Guidance

The great majority of school communities have their needs met through an unincorporated school council or board. Schools are strongly encouraged to use the Model Terms of Reference for Unincorporated Councils and Boards which is available for download from the School Councils and Boards website, or the Model Constitution for Incorporated Councils and Boards which is available from the Leadership Institute. These model documents include all necessary legislative and policy requirements while at the same time enable councils and boards to determine their own meeting and communication procedures.

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3.3 Council or board circumstances requiring approval

3.3.1 Exemption

The principal must obtain approval for an exemption by adhering to the process outlined in Appendix C – Application for exemption to form a council.

Guidance
An exemption from having a council or board is available to schools that due to extenutaing circumstances do not require a council or board. However the school must show that the functions of a council or board will be provided by some other means (e.g. a finance committee). Approval is received from the Deputy Director General, Schools by completing Appendix D – Application for approval to seek incorporation.

In the event that an exemption no longer meets the needs of the schools, approval will need to be sought to dissolve the exemption and form a council or board for the school. This arrangement will need to be forwarded to the Minister for approval and once approved, published by a notice in the Government Gazette.

3.3.2 Joint councils and boards

The principal must obtain approval for a school council or board seeking to operate jointly for two or more schools through the process outlined in Appendix D – Application to form a joint council or board.

Guidance
In the event that a joint council or board arrangement no longer meets the needs of the schools, approval will need to be sought to establish one council or board for each school. This arrangement will need to be forwarded to the Minister for approval and once approved, published by a notice in the Government Gazette.

Approval to dissolve a joint arrangement by the Minister is obtained by completing Appendix D(2) – Application to Dissolve a Joint Council.

3.3.3 Incorporation

Prior to seeking approval for incorporation, the principal must:

- provide information to council or board members regarding alternative strategies for delivering the additional functions that require incorporation
- confirm that all members have been provided with information regarding the additional administrative burden and legal responsibilities resulting from incorporation
- confirm that the decision to seek incorporation was determined by an absolute majority of the council or board at a quorate meeting.

The principal must obtain approval for a school council or board seeking to become incorporated by completing Appendix E – Application for approval to seek incorporation.

Guidance
See Appendix F – Information regarding incorporation. This is a brief overview for use by principals to commence discussions with members regarding incorporation.

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The majority of school communities have their needs met through an unincorporated school council or board in conjunction with an active Parents and Citizens' Association. In consideration of the additional administrative burden and legal responsibilities of incorporated councils or boards, an application may not be supported if there are alternative strategies that could deliver the additional function.

Where approval has been received from the Deputy Director General, Schools by completing Appendix E – Application for approval to seek incorporation, the council may then make an application to register as an incorporated association to the Department of Mines, Industry Regulation and Safety.

4 Definitions

Incorporated council or board

A legal entity in its own right, separate from the individual members, with powers additional to those of unincorporated councils or boards, and bound by additional legislation (Associations Incorporation Act).

Joint council or board

One council or board that operates for two or more schools.

5 Related documents

Relevant legislation or authority

Associations Incorporation Act 2015 (WA)

School Education Act 1999 (WA)

School Education Regulations 2000 (WA)

Related Department policies

Community Use of School Facilities policy
Configuration of the School Day in Public Schools policy
Criminal History Screening for Department of Education Sites policy
Working with Children Checks in Department of Education Sites policy
Dress Codes for Students in Public Schools policy
Incoming Sponsorship to Public Schools policy
School Improvement and Accountability Framework
Student Behaviour in Public Schools policy

Other documents

Contributions Charges and Fees Manual (staff only)
Financial Management in Schools: Finance and Accounting Manual (staff only)
Model Terms of Reference for Unincorporated School Councils and Boards

6 Contact information

Policy manager:

Director, Leadership Institute

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Policy contact officer:

Principal Policy Officer, Leadership Institute
Telephone: 1300 610 801

Review date

7 Review date

17 November 2030

8 History of changes

Effective date	Last update date	Policy version no	Ref no	Notes
8 March 2013		2.0		Major review undertaken of v1.0. Procedures and processes clarified. Original policy split into policy and procedures documents. D13/0104727
8 March 2013	29 November 2013	2.0	D13/0637335	Updated contact information. D13/0573788.
8 March 2013	5 August 2014	2.1	D14/0387166	Amended Appendices A, B, C and D to include process of having application checked by Policy and Governance for compliance. D14/0371139.
8 March 2013	24 March 2015	2.2	D15/0104768	Contact information updated to reflect change in position from Director, Office of the Director General to Executive Director, Organisational Governance. D15/0085666

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Effective date	Last update date	Policy version no	Ref no	Notes
8 March 2013	25 June 2015	2.3	D15/0248583	Updated contact details D15/0198137
8 March 2013	17 March 2016	2.4	D16/0199708	Updated contact information. D16/0197926
8 March 2013	15 April 2016	2.5	D16/0244121	Minor change to Guidance under s3.1. D16/0243953
5 June 2018		3.0	D18/0088101	Corporate Executive approved and the Director General endorsed the changes for publication on 2 May 2018
5 June 2018	8 June 2018	3.1	D18/0253616	Minor Change to Appendix A and B. Approved D18/0253618 & D18/0257462
5 June 2018	26 November 2019	3.2	D19/0542790	Minor change to Appendix B D19/0543238
5 June 2018	6 July 2020	3.3	D20/0336387	Minor changes to contact information. D20/0344153
5 June 2018	13 January 2021	3.4	D21/0012739	Minor changes to replace the Regional Executive Director position title with Director of Education. D20/0647278
5 June 2018	11 June 2021	3.5	D21/0338499	Minor changes to references of the DPA, REDs. Clarification of appointment of principals as per Corporate Executive Minutes 25 August 2020. Clarification of council and board minute noting as per D20/0477069.

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				Addition of privacy provisions at advice from Legal Services. D21/0338508
5 June 2018	18 November 2021	3.6	D21/0669591	Minor update. Addition of Appendix D(2) - Approval form for dissolving joint board.
17 November 2026		4.0	D26/0780727	Major review approved by the Director General on 31 July 2026 (D25/0378644).

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees. (cc) BY

APPENDIX A Managing council and board membership vacancies

In determining the composition (or the balance between membership categories), regard should be given to 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.

Process for when a vacancy arises

1. The principal of the school invites nominations from persons in the membership category to fill the vacancy and makes information about the council or board available to prospective nominees. For example:
   - if there is a vacancy for a parent member, all parents are to be given the opportunity to nominate for election and the Parents and Citizens' Association should be provided with sufficient time to consider making a nomination for election
   - information about the council or board could be made available through the principal/chair, school website, factsheet.
2. The principal provides nominees for all categories of membership the prescribed nomination form (see Appendix B).
3. The principal conducts an election if the number of nominations exceeds the number of vacant positions, only in the following membership categories:
   - parents/adult students
   - staff of the school
   - students 15 years and over.
4. Where an election is required, all people who are eligible to nominate for a category are to be given the opportunity to vote for that category. For example, if there is an election for a parent member, all parents are to be given the opportunity to vote.
5. Prior to an appointment to the council or board, nominees (with the only exceptions being students under 18 years of age and existing Department of Education employees) undergo a National Police History Check. That is, before the announcement of the election result (where there has been an election) and before any confirmation of appointment is made.
6. The Screening Unit issues a Screening Clearance Number, or advises the nominee they have been refused clearance.+
7. The principal announces appointments as soon as practicable after a nominee is issued with a Screening Clearance Number.
8. The principal and Chair make arrangements for an induction.
9. The principal makes arrangements for the member to complete the mandatory training Accountable and Ethical Decision Making and Aboriginal and Torres Strait Islander Cultural Awareness during the lifetime of their tenure. Completion is recorded on the member's detail page in the CAB Register.

\+ Where a nominee has been refused clearance they inform the principal that they are unable to be on the council or board. They do not have to state the reason for being refused a clearance. The principal will refer to step 4 onwards.

Where a nominee refuses to undergo clearance or to complete the mandatory training, the principal is able to inform the member that they ineligible to be on the council or board. The principal will refer to step 1 onwards.

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Casual vacancies
The same process is to be undertaken for a casual vacancy as for any other vacancy however the person appointed will only hold office for the remainder of the term of office which applied to the original office holder.

Information regarding the requirement for a National Police History Check is available at Screening.

CC BY

APPENDIX B Nomination form

All nominees wishing to become a member of a public school council or board complete this form.

[Name of school]

Nomination for membership

on the school council or board

I wish to nominate myself as a candidate to the school council or board in the following category:

- Students 15 years and over or who will reach 15 years during the calendar year *^
- Parents/adult students*
- Staff of the school*+
- General community#

* Membership category requiring an election if the number of nominations exceeds the number of vacant positions.

^ No student under 18 years of age can be a member of an incorporated council or board.

+ Staff who are also parents will only serve on their child's school council or board in their capacity as a Department of Education employee. Such a person will only be on the council or board in the category of staff membership.

There will not be an election to appoint community members. The council or board may appoint suitably qualified persons from the list of nominees by vote in a meeting.

Print full name:	

Candidate profile

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Declaration of candidate

I nominate myself for membership of the council or board and if appointed will accept the responsibility of being a council or board member.

I:

- confirm I have been provided with information on, and understand, the responsibilities of school council or board membership (see Attachment to Nomination Form)
- understand appointment to a council or board is conditional on having a National Police History Check processed through the Department of Education's Screening Unit (as is applicable to my membership category) and that this is to be submitted within 10 working days following a request to do so by the principal
- understand I will not be appointed to a council or board if either I do not consent to a National Police History Check, or the Screening Unit advises I have been refused clearance
- understand I will need to resign my position on the council or board where I, or the council or board, identifies that I have become ineligible to hold office
- understand personal information provided by me will be available to authorised school and department users for the purpose of my appointment to and administration of the school council or board. If a school is part of a Joint School council or board, the information provided will be visible to authorised users of each school and the department.
- Understand that I will need to complete the mandatory training Accountable and Ethical Decision Making and Aboriginal and Torres Strait Islander Cultural Awareness during the lifetime of my tenure as a member of the school council or board

Signature of candidate:	Date: / /

Information regarding the requirement for a National Police History Check is available from the Screening Unit.

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Attachment to Nomination Form

Responsibilities of council and boards members and school council or boards

Responsibilities of council or board members
Council and board members provide their perspective as a member of the school community. Members do not represent one viewpoint or the view of an individual, or for example, political or religious affiliations. Members comply with the *School Education Act 1999 (WA)* and School Education Regulations 2000; and the council and board's terms of reference and code of conduct.

Functions of councils or boards

The functions of councils or boards are prescribed by the School Education Act and the School Education Regulations as follows:

Take part in:
- establishing and reviewing from time to time, the school's objectives, priorities and general policy directions
- planning financial arrangements necessary to fund those objectives, priorities and directions
- evaluating the school's performance in achieving those objectives, priorities and directions as outlined in the school's business plan
- formulating codes of conduct for students at the school
- the selection of, but not the appointment of, recommended applicants for the school principal position should it become vacant, or selection to fill a vacancy for any other member of the teaching staff, if prior approval is given by the Director of Education.

Approve:
- a charge or contribution determined by the principal for the provision of materials, services and facilities
- the costs determined by the principal to be paid for participation in an extra cost optional component of the school's educational program
- the items determined by the principal to be supplied by a student for the student's personal use in the school's educational program
- an agreement or arrangement for advertising or sponsorship in relation to a government school.

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.

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
- on allowing time for the special religious education of students in the school, up to a total of 40 hours in a year.

Promote:
- the school in the community.

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Incorporated councils or boards

Incorporated councils or boards may also undertake additional functions with the approval of the Deputy Director General, Schools:

- obtain funds for the benefit of the school
- employ persons other than a person referred to in section 235(1) of the School Education Act
- manage or operate facilities at the school, such as:
  - a canteen
  - a swimming pool
  - residential accommodation for students
  - a school farm or horticultural centre.

Incorporated councils or boards may:

- obtain funds (for example, through fundraising) for the benefit of the school
- purchase property for the use of the school.

Incorporated councils or boards may not borrow money.

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APPENDIX C Application for exemption to form a council or board

For schools that enrol students and wish to seek an exemption, please attach a letter which explains:

- **why you are seeking exemption, the extenuating circumstances and whether any consultation has occurred**
- **either the way in which functions to be performed by a council or board can be provided by some other means; or how the school's size or nature mean it is not necessary for the school to have a council or board.**

SCHOOL:_____

Parent or community representative:_____Date:_____

Principal:_____ Date:_____

REGIONAL OFFICE_____

Application supported: YES ☐ NO ☐ (Please attach statement if appropriate.)

Director of Education:_____ Date:_____

LEADERSHIP INSTITUTE

This request is consistent with the requirements of the *School Education Act 1999 (WA)* and the School Education Regulations 2000: YES ☐ NO ☐

Gazettal notice attached: YES ☐ NO ☐

Director, Leadership:_____ Date:_____

DEPUTY DIRECTOR GENERAL, SCHOOLS

Application supported: YES ☐ NO ☐

Signature:_____ Date:_____

OFFICE OF THE MINISTER FOR EDUCATION

MINISTER FOR EDUCATION Application approved: YES ☐ NO ☐

Signature:_____ Date: _____

LEADERSHIP INSTITUTE

School Notified YES ☐ NO ☐

Manager System Performance notified YES ☐ NO ☐

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees. (cc) BY

APPENDIX D Application to form a joint council or board

Please attach:

- **the draft Terms of Reference for the new joint council or board**
- **a letter that explains the benefits of a joint council or board for the schools and the consultation that has occurred between the school communities.**

SCHOOL:_____

Parent/community representative:_____ Date:_____

Principal:_____ Date:_____

SCHOOL:_____

Parent/community representative:_____ Date:_____

Principal:_____ Date:_____

Nominated principal: Regulation 108(5) provides that one of the principals is to be nominated to take responsibility for filling council or board vacancies and conducting elections. The principal of

_____ School is the nominated as per reg. 108 (5).

REGIONAL OFFICE :_____

Application supported: YES ☐ NO ☐ (Please attach statement if appropriate.)

Regional Executive Director:_____Date:_____

LEADERSHIP INSTITUTE

The council's or board's constitution is compliant with the *School Education Act 1999 (WA)* and the School Education Regulations 2000: YES ☐ NO ☐

Gazettal notice attached: YES ☐ NO ☐

Director, Leadership Institute:_____Date:_____

DEPUTY DIRECTOR GENERAL, SCHOOLS

I nominate the principal of _____ School for the purposes of regulation 108(5).

Signature:_____

Date: _____

OFFICE OF THE MINISTER FOR EDUCATION

MINISTER FOR EDUCATION Application approved: YES ☐ NO ☐

Signature:_____

Date: _____

LEADERSHIP INSTITUTE

School Notified YES ☐ NO ☐

Manager System Performance notified YES ☐ NO ☐

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees. (cc) BY

APPENDIX D(2) Application to dissolve a joint school council

In the event that a joint council or board arrangement no longer meets the needs of the schools, approval will need to be sought to establish one council for each school. This arrangement will need to be forwarded to the Minister for approval, and once approved, published by a notice in the Government Gazette.

For schools that have an existing joint arrangement that they wish to dissolve, please attach a letter which explains:

- **why you are seeking to dissolve the joint arrangement and whether any consultation has occurred**
- **that all parties of the existing joint arrangement are in agreement.**

Parent/community representative:_____Date:_____

Principal:_____Date:_____

Principal:_____Date:_____

REGIONAL OFFICE_____

Application supported: YES ☐ NO ☐ (Please attach statement if appropriate.)

Director of Education._____ Date:_____

LEADERSHIP SERVICES

This request is consistent with the requirements of the *School Education Act 1999 (WA)* and the School Education Regulations 2000: YES ☐ NO ☐

Gazettal notice attached: YES ☐ NO ☐

Director, Leadership :_____ Date:_____

DEPUTY DIRECTOR GENERAL, SCHOOLS

Application supported: YES ☐ NO ☐

Signature:_____ Date:_____

OFFICE OF THE MINISTER FOR EDUCATION

MINISTER FOR EDUCATION Application approved: YES ☐ NO ☐

Signature:_____ Date: _____

LEADERSHIP INSTITUTE

School Notified YES ☐ NO ☐
Manager System Performance notified YES ☐ NO ☐

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APPENDIX E Application for approval to seek incorporation

SCHOOL:_____

Attached are the following:

1. **a copy of the school council and board's proposed constitution;**
2. **a copy of the minutes of the meeting referred to in s3.3.3 of the *Councils and Boards in Public Schools Procedures***
3. **a letter that:**

i) explains the additional function(s) for which approval is being sought and how the performance of the function(s) by the council or board will:
- **a) improve an educational program or the management of the school's facilities**
- **b) be in the best interests of the students**

ii) outlines the alternative strategies for delivering the additional function/s considered by the council and board.

Council or board chairperson: _____Date: _____

Principal: _____Date: _____

REGIONAL OFFICE :_____

Application supported: YES ☐ NO ☐

Comments:

Director Education:_____
Date: _____

LEADERSHIP INSTITUTE

The council or board's constitution is compliant with the *School Education Act 1999 (WA)* and the School Education Regulations 2000: YES ☐ NO ☐

Director, Leadership Institute:_____ Date: _____

DEPUTY DIRECTOR GENERAL, SCHOOLS

Application approved: YES ☐ NO ☐

Deputy Director General, Schools: _____Date: _____

LEADERSHIP INSTITUTE

School Notified YES ☐ NO ☐

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APPENDIX F Information regarding incorporation

The *School Education Act 1999 (WA)* provides that an incorporated council (or board) may apply to undertake the additional functions to:

- obtain funds for the benefit of the school;
- employ persons other than public service officers (e.g. a canteen manager)
- manage or operate facilities at the school (such as a canteen, swimming pool, residential accommodation for students, school farm or horticultural centre).

Where a school has an active Parents and Citizens' Association (P&C) it should not be necessary for a council to undertake these functions. Where a school does not have an active P&C, alternative strategies to undertake these functions (e.g. outsourcing) should be investigated before considering incorporation of the council. Councils should be fully aware that incorporation places additional administrative burden, cost and legal responsibility on members.

Before considering seeking approval for incorporation a principal should:

1. seek advice from the Leadership Institute on the range of options available to a school for undertaking additional functions
2. obtain professional advice (e.g. legal and financial) and familiarise themselves with the *Associations Incorporation Act 2015* .

The following is a brief overview of the issues.

Incorporated councils:

- are a separate legal entity that can sue and be sued
- do not have protection against liability provided by section 137 of the School Education Act
- are not covered for personal liability under the Department of Education's General Liability and Professional Liability insurance coverage with RiskCover.

Additional responsibilities to meet the obligations of the Associations Incorporation Act include (but are not limited to):

- Holding an Annual General Meeting (AGM) once every calendar year within 6 months after the end of the financial year (Associations Incorporation Act s 50).
- Maintaining true and correct records of all financial transactions (Associations Incorporation Act s 66).
- Presenting financial accounts to members at each AGM in accordance with the requirements of the association's financial reporting tier (Associations Incorporation Act ss 68, 71, 74).
- Maintaining a register of members, record of office holders and copy of the rules and making these records available to members to inspect upon request (AIA ss 53, 58 & 35).
- Disclosing and managing the material personal interests of members when considering matters before the council (Associations Incorporation Act ss 42 and 43).
- Members and officers must discharge their duties under the Associations Incorporation Act including the duty of care and diligence, duty to act in good faith and for proper purpose, duty not to misuse their position or information obtained and the duty not to allow the association to trade when insolvent.
- Submitting an annual information statement to the Department of Mines, Industry Regulation and Safety (Consumer Protection) within six months after the end of the association's financial year (Associations Incorporation Act s156).

In practice, an incorporated council that has been approved to undertake an additional function such as operating a school canteen:

- has an agreement with the school for the use arrangements of the canteen;
- issues employment contracts to employees and processes pay including superannuation from its own bank accounts;

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- makes arrangements for employees to comply with Department of Education requirements for a National Police History Check and a Working With Children Check.
- has appropriate accountability and financial reporting processes in place
- engages its own volunteers (separately from the school's process)
- has appropriate insurance which should extend to cover employees and employer's liability (workers' compensation cover), volunteer, personal accident, and general liability (including personal injury liability and professional negligence)
- seeks its own financial and legal advice.

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