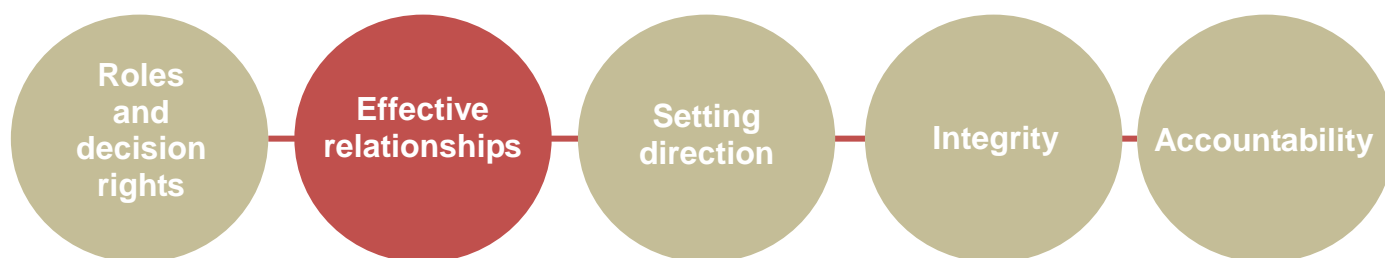


## Module 2: Foundations of an effective council/board



In this module, you will learn how:

- the council/board is formed
- the council/board works with other school groups
- a council transitions to become a board when the school becomes an Independent Public School
- to induct new members.

### Forming a school board

When a school is selected to become an Independent Public School, the council transitions to become a board.

The principal, in consultation with the existing council, determines the transition. As a group, council members can decide to:

- dissolve the council and hold new elections for all positions or
- maintain their positions on the new board until their tenure is reached.

### Unincorporated councils/boards

An unincorporated body is the desired model for all school council/boards. By default all councils/boards are unincorporated. This means that the council/board is not a standalone legal entity; instead it exists as a committee-like structure associated with the school.

While being unincorporated means that the council/board's powers are limited (for example, it cannot hire staff in its own right), being unincorporated also limits the council/board's liability. For example, unincorporated councils/boards cannot be sued.

### Incorporated councils/boards

The *School Education Act 1999* and *School Education Regulations 2000*, provides for councils/boards to take on additional functions where they are incorporated.

An incorporated council/board may:

- obtain funds for the benefit of the school
- employ people
- manage school facilities such as a canteen, pool, residential accommodation and farm/horticultural centre.

Careful consideration is required when looking at taking this step and it brings new risks and responsibilities. Councils/boards considering incorporation should seek advice from the Department of Education and Department of Mines, Industry and Regulation before going forward with an application

for incorporation.

In addition to the provisions of the *School Education Act 1999* and *School Education Regulations 2000*, incorporated councils/boards must comply with the *Associations Incorporation Act 2015* and *Associations Incorporation Regulations 2016* which are managed by the Department of Mines, Industry and Regulation.

#### **For advice on incorporation contact:**

*Strategic Initiatives  
Department of Education  
Phone: 9264 5077*

*Associations Branch  
Department of Mines, Industry and Regulation  
Website: <https://www.commerce.wa.gov.au/consumer-protection/charities-and-associations>  
Phone: 1300 304 074 or 6552 9300*

#### **Difference between a Parents and Citizens' Association and council/board**

Most schools will have both a council/board and Parents and Citizens' Association (P&C), exercising different functions but operating in complementary ways.

The objectives of the P&C are provided for in the Act and include: promoting the interests of the school through cooperation, assisting in the provision of resources, facilities and amenities and fostering community interest. Members of the P&C and council/board can choose to work together or as part of larger school groups or working parties. For example, members of the council/board and P&C may work on an organising committee for a school working bee.

#### **Are P&C members also members of the council/board?**

The Act provides for specific membership categories for a council/board, for example parents, students, community and staff. While there isn't a specific membership category for the P&C, the P&C can nominate one of its members to be a member of the council/board in either the parent or community membership category (as relevant to the nominee).

When the P&C nominates a person for the parent category, this nomination is treated as any other parent nomination. If there are more nominations than places in the parent category, an election takes place. If, on the other hand, the P&C nominates a community person for the community category, this nomination is included on a list of community nominees and is put forward to the council/board for consideration. The council/board appoints by vote community members from the list of nominations. No election is required for community members.

A member of the council/board who is also a P&C member is representative of their membership category (parents or the community) and is not representative of the P&C.

## Terms of reference

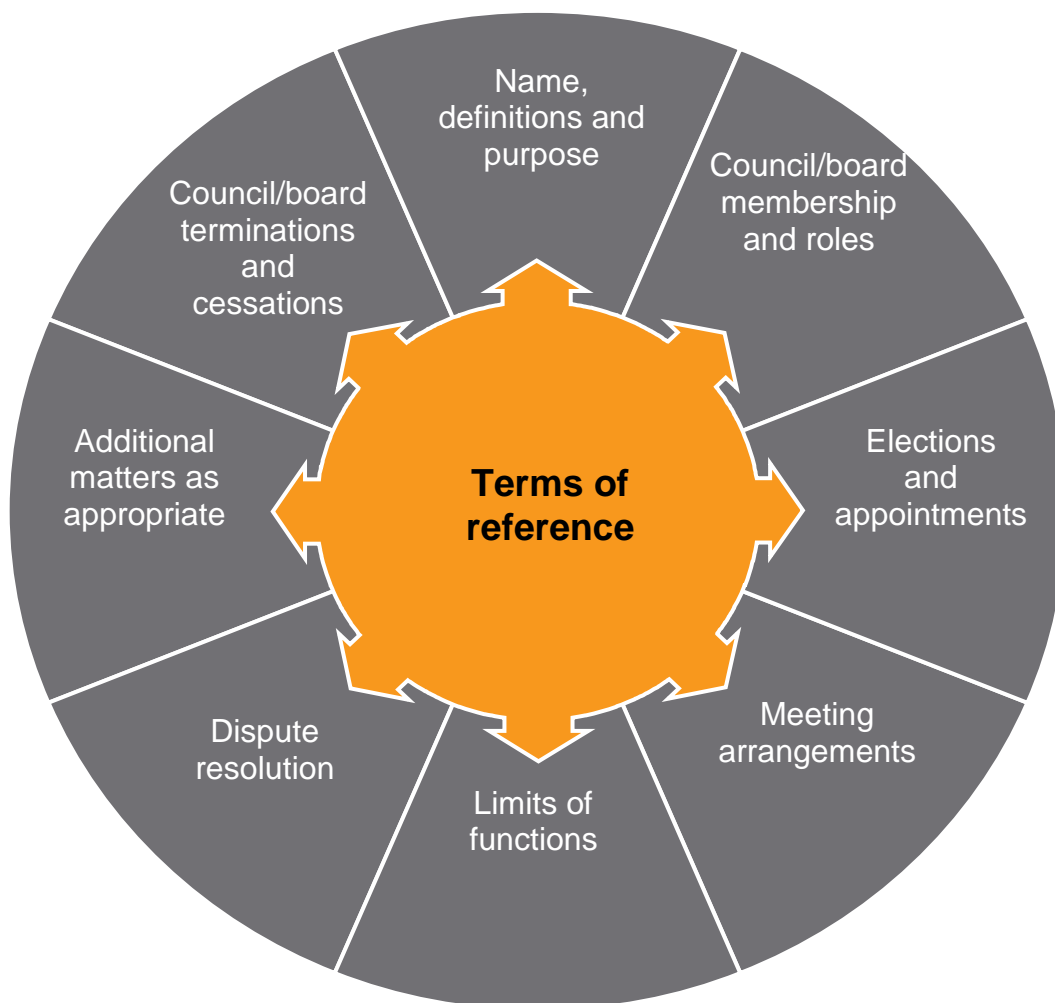
It is useful for the council/board to adopt a terms of reference so all parties understand the council/board's role and processes.

A [terms of reference template](#) is available from the Department of Education. While some customisation of the standard terms of reference is allowed, nothing should conflict with the Act, Regulations and Department of Education policies.

The terms of reference describe:

- the purpose, functions and authority limits of the council/board
- council/board membership and roles (office bearers)
- the process for council/board elections and appointments
- meeting arrangements including protocols for setting agendas and publishing minutes
- mechanisms to manage disputes including mediation avenues
- the basis for ceasing or terminating membership
- any additional matters as appropriate
- the length of the term of office for each council/board member.

### *Key components of the terms of reference*



## Code of conduct

Public school council/board members have a duty to:

- act honestly and exercise powers for their proper purposes
- manage conflicts of interest
- act in good faith
- exercise diligence, care and skill.

A code of conduct articulates the expected behaviour of council/board members including ways of working together, how disputes will be resolved and how to deal with confidential matters. A code of conduct also helps to manage integrity matters so that ethical and accountable decision making occurs.

Members hold a position of trust and need to have a clear understanding of expectations of their behaviour. The code of conduct should be signed by all council/board members when they join and be reviewed regularly by the council/board.

Referencing the acceptance of the code of conduct is a useful inclusion in the council/board's Terms of Reference.

A sample Code of Conduct can be found in the School Councils/Boards [Information Package](#) on the Department of Education website.

A code of conduct should include the following:

- The council/board acts in the best interests of students.
- The council/board abides by all industrial agreements (incorporated councils/boards) and relevant legislation.
- The council/board is accountable to both its local school community and the Director General (or delegate) of the Department of Education.
- The council/board encourages members to behave in a civil and respectful manner, avoiding discrimination, harassment and bullying.
- Council/board members should behave in ways that promote:
  - respectful partnerships
  - clear and honest two-way communication
  - transparent processes
  - democratic, informed decision making
  - personal and professional integrity.
- Conflict between council/board members is dealt with respectfully and fairly, and in a manner that reflects the principles of natural justice.
- Council/board members declare conflicts of interest when they arise. A council/board member who has declared a conflict of interest may not be entitled to vote on that issue.
- Council/board members are expected to represent the school community. Council/board members do not represent one viewpoint, nor the view of an individual.
- When providing advice on matters of policy, members should consider ways to consult with the school community.
- Council/board members respect the need for confidentiality and privacy with regard to sensitive matters that might arise at meetings.
- The council/board is not an appropriate forum for the discussion of individual staff, students, parents or other members of the school community.
- A board/council member who is approached by a parent with a concern relating to an individual is in a privileged position and expected to treat such matters 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, within the remit of the council/board it may be raised with the chair for inclusion on a council/board meeting agenda and approached in a generic sense to protect the privacy of individuals.

- The council/board 'speaks as one voice' in the public arena once a decision has been made.
- Council/board members may participate in sub-committees and meetings as the need arises.
- Council/board members submit an apology before the meeting if they are unable to attend.
- The principal is responsible for managing complaints that are brought to the attention of the council/board. The council/board is not responsible for managing complaints.

## **Council/board composition**

### *Council/board membership*

The Regulations provide for council/board size, membership, meetings and elections.

#### *What is the size and composition of a council/board?*

A council/board should reflect:

- the nature of the student population including cultural, linguistic, economic and geographic factors relevant to the school
- the roles and responsibilities of the council/board
- the general community.

A council/board should have a minimum of 5 members and be large enough to reflect the community but not so large that it is unwieldy. The council/board may determine how many members it will have, within the limits specified in the Regulations (between five and 15 members for unincorporated councils/boards). Each council/board's own terms of reference should state the number of council/board members and the length of the term of office for the membership category.

#### *Who can be on the council/board?*

- principal of the school - is automatically a member.
- staff (if a staff member is also a parent or community member then they can only nominate as a staff member)
- students (must be 15 years or older or turn 15 years in the calendar year of their membership)
- parents
- community members
- an association of the school, for example alumni association.<sup>1</sup>

Parents and members of the community must make up the majority of a council/board's membership in schools where the majority of students at the school are under the age of 18.

Students and members of the community must make up the majority of a council/board's membership where the majority of students at the school are over the age of 18.

Staff are those holding contracts of employment with the school.

From time to time a council/board may co-opt (that is, appoint without election but selected by a vote of the council/board) a community member to provide particular expertise. Co-opted members do not have voting rights.

While the composition of the council/board should reflect the nature of the school, council/board members should not see themselves as representing any school or community interest groups. Even council/board members nominated by the P&C (nominated in the parent or community category) and who may be appointed to the council/board are not there to represent the P&C. Rather, they are there to represent the membership category to which they have been appointed.

All council/board members work equally for the good of the entire school without showing favouritism to any person or group within the school community.

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<sup>1</sup> Note this category of membership does not refer to a Parents and Citizens' Association. See above for information about how a P&C can nominate one of its members to the council/board.

Under the Act and Regulations, an incorporated council/board has slightly different membership requirements compared with an unincorporated council/board. Student members of an incorporated council/board must be at least 18 years old and incorporated councils/boards must have between 10 and 15 members.

### **Council/board membership**

#### *How long is a council/board term?*

Council/board terms are governed by the Regulations. A council/board member can be elected for a maximum of 3 years. A council/board's terms of reference must specify the term for each council/board member – for example, a maximum of three years, or two years or other as decided by the council/board. A council/board member can renominate after their initial term expires. It is recommended that a record is kept of the dates each council/board member is appointed. This would usually be carried out by the executive officer.

#### *How are council/board vacancies filled?*

The principal calls for nominations for each membership category. The call for nominations should be communicated in the normal manner of communication for the school – for example through emails, newsletters and/or notes home. Elections for parents, students and staff members are required if there are more nominations than positions.

- Parents elect parent members.
- Staff elect staff members.
- Students elect student members (only students above the age of 15 can be on the council/board).
- The council/board appoints and/or co-opts community members.

The Department of Education's requirement for criminal screening (as is applicable to the membership category) must be met before the principal makes an announcement of a new appointment to the council/board. The Department of Education's [Screening Unit](#) issues the Screening Clearance Numbers.

#### *How is the chair appointed?*

The chair is elected by and from the council/board membership. Typically, the chair is a parent or community member. The chair needs to have a constructive working relationship with the principal and other council/board members.

It is recommended that the principal does not undertake the role of chair. It is good practice for the position of the chair to be reviewed annually.

#### *Parents and Citizens' Associations*

A school's Parents and Citizens' Association (P&C) is a valuable but separate entity to the council/board. Members of the council/board and the P&C often work together on different projects. The P&C can nominate one of their members for either a parent or community member position. If the P&C nominates a parent member, that nomination is treated the same as any other parent nomination and is required to face an election (with all parents voting and all parent candidates considered, not just P&C members) if there are more nominations than positions.

### **Getting the right mix**

All council/board members should have a strong commitment to work together productively. Where possible, the council/board should be assembled with members who have the relevant skills to address both the opportunities and challenges the school is facing. The skills and knowledge members need to have to help the council/board to perform its roles are outlined in the table below.

Role of council/board	Example skills / knowledge that may be required
Take part in the development, of the school plan and planning financial arrangements related to the plan	<ul style="list-style-type: none"> <li>• Strategic planning</li> <li>• History and context of the school</li> <li>• Education and pedagogy</li> <li>• Community engagement</li> </ul>
Participate in processes to review school performance	<ul style="list-style-type: none"> <li>• Critical thinking</li> <li>• Understanding data and reports</li> <li>• Education and pedagogy</li> <li>• Giving feedback</li> <li>• Decision making</li> </ul>
Participate in the development of the school annual report	<ul style="list-style-type: none"> <li>• Community engagement</li> <li>• Communications</li> </ul>
Promote the school in the community	<ul style="list-style-type: none"> <li>• Community engagement</li> <li>• Communications</li> <li>• Ethical and responsible behaviour</li> </ul>
Take part in the review of school policies	<ul style="list-style-type: none"> <li>• History and context of the school</li> <li>• Education and pedagogy</li> <li>• Community engagement</li> </ul>

Boards/councils should think creatively and flexibly about who has these skills in their communities. Many community members, such as people doing work at home, have these skills even though they have not used them in a professional context. For example, - a parent may have strong communication or marketing skills despite not having recently used these skills in a paid position.

While past private or public sector experience can be helpful, it should not be the primary indicator of best fit for a school council/board.

### School values

The council/board can play a role in developing or refreshing school values to ensure they match the expectations and aspirations of the community.

The council/board's own values underpin the way the council/board acts and behaves. They describe what is important to the council/board and guide members' thinking and interactions with the school community.

School values should describe what is important to the school and its unique character. Aligning the values of the school to those of the school community (including parents, staff and students) helps people feel more connected to the school.

School values should be:

- simple
- memorable
- unambiguous
- able to guide actions
- aligned to the school strategy
- timeless (that is, not linked to short or mid-term activities).

School values should be published widely in such documents as the school plan, on the website and in other communications. The importance of values and a positive school culture is covered in more detail in the face to face Module 7: Culture and stakeholder relationships.

## Induction

Induction ensures new council/board members are suitably prepared to fulfil the role. The principal and council/board chair usually work together to provide a thorough induction for new members.

A typical induction covers the following:

### *Information about the school*

- glossary of common terms and acronyms
- the school plan and the Department of Education's Strategic Plan
- organisational structure
- the role of key stakeholders
- relevant school policies
- reporting requirements
- compliance obligations
- Delivery and Performance Agreement (for Independent Public Schools)
- school plan
- school review.

### *Information about the council/board*

- role of the council/board (including the terms of reference, code of conduct and meeting protocols)
- legal obligations of a council/board member
- role of the principal
- council/board structure (including any sub-committees)
- council/board procedures
- minutes from recent council/board meetings
- procedures for managing conflicts of interests
- code of conduct
- council/board annual calendar of activities
- register of members (contact information for other council/board members).

It may be beneficial to:

- provide information in a written pack or through a secure on-line facility
- invite experienced council/board members, including those from neighbouring schools to act as mentors
- conduct briefing sessions with individual council/board members
- provide access to the on-line information produced by the Department of Education
- arrange formal meetings with staff and other council/board members.