



Department of  
**Education**

# **Councils and Boards in Public Schools Procedures**

Effective date: 5 June 2018

Version: 3.5

Accurate at the time of printing 29/07/2021.

These procedures must be read in conjunction with the Councils and Boards in Public Schools Policy.

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**These procedures must be read in conjunction with the Councils and Boards in Public Schools Policy.**

## 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/board's functions;
- relevant Department policies and procedures that include functions for, or requirements of, the council or board and its members; and
- 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 (Act). 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/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/board or community members request it.

A school's Parents and Citizens' Association is a valuable but separate entity to the council/board. Members of the council/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/board membership vacancies;
- use the nomination form at Appendix B for all categories of membership; and
- 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 1999 and School Education Regulations 2000 and the Department of Education's Criminal History Screening policy and procedures.

Information on the legislative 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/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/board.

Prior to the appointment of all new members, they must be advised that personal information provided by them will be available to authorised school 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. 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 1999 and includes the following criteria:

- the council's functions, and the limits to the functions as stipulated in the School Education Act 1999 and the School Education Regulations 2000;
- 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; and
- 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.

## 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 is available to schools that due to their size or nature do not require a council. However the school must show that the functions of a council will be provided by some other means (e.g. a finance committee). Independent Public Schools are required to have a functioning board.

### 3.3.2 Joint councils/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.

### 3.3.3 Incorporation

Prior to seeking approval for incorporation, the principal must:

- provide information to council/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; and
- 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.

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/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, Public 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

### **Board**

The council of an Independent Public School.

### **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 2015).

### **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 Public School Facilities](#)

[Configuration of the School Day in Public Schools](#)

[Criminal History Screening for Department of Education Sites](#)

[Dress Codes for Students in Public Schools](#)

[Incoming Sponsorship to Public Schools](#)

[School Improvement and Accountability in Public Schools](#)

[Student Behaviour in Public Schools](#)

### 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

### Policy contact officer:

Principal Policy Officer

Leadership Institute

T: 1300 610 801

## 7. History of changes

<b>Effective date</b>	8 March 2013
<b>Last update date</b> <b>Policy version no.</b> <b>Notes</b>	Major review undertaken of v1.0. Procedures and processes clarified. Original policy split into policy and procedures documents. D13/0104727
<b>Effective date</b>	8 March 2013
<b>Last update date</b>	29 November 2013
<b>Policy version no.</b> <b>Notes</b>	Updated contact information. D13/0573788.
<b>Effective date</b>	8 March 2013
<b>Last update date</b>	5 August 2014
<b>Policy version no.</b> <b>Notes</b>	Amended Appendices A, B, C and D to include process of having application checked by Policy and Governance for compliance. D14/0371139.

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<b>Effective date</b>	8 March 2013
<b>Last update date</b>	24 March 2015
<b>Policy version no. Notes</b>	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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<b>Effective date</b>	8 March 2013
<b>Last update date</b>	25 June 2015
<b>Policy version no. Notes</b>	Updated contact details D15/0198137

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<b>Effective date</b>	8 March 2013
<b>Last update date</b>	17 March 2016
<b>Policy version no. Notes</b>	Updated contact information. D16/0197926

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<b>Effective date</b>	8 March 2013
<b>Last update date</b>	15 April 2016
<b>Policy version no. Notes</b>	Minor change to Guidance under s3.1. D16/0243953

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<b>Effective date</b>	5 June 2018
<b>Last update date Policy version no. Notes</b>	Corporate Executive approved and the Director General endorsed the changes for publication on 2 May 2018

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<b>Effective date</b>	5 June 2018
<b>Last update date</b>	8 June 2018
<b>Policy version no. Notes</b>	Minor Change to Appendix A and B. Approved D18/0253618 & D18/0257462

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<b>Effective date</b>	5 June 2018
<b>Last update date</b>	26 November 2019
<b>Policy version no. Notes</b>	Minor change to Appendix B D19/0543238

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<b>Effective date</b>	5 June 2018
<b>Last update date</b>	6 July 2020
<b>Policy version no. Notes</b>	Minor changes to contact information. D20/0344153

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<b>Effective date</b>	5 June 2018
<b>Last update date</b>	13 January 2021
<b>Policy version no. Notes</b>	Minor changes to replace the Regional Executive Director position title with Director of Education D20/0647278.

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<b>Effective date</b>	5 June 2018
<b>Last update date</b>	21 June 2021
<b>Policy version no. Notes</b>	Minor changes to references of the DPA, REDs. Clarification of appointment of principals as per Corporate Executive Minutes 25 August 2020. Clarification of council/board minute noting as per D20/0477069. Addition of privacy provisions at advice from Legal Services. D21/0338508

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## 8. Appendices

Appendix A: [Managing council board membership vacancies](#) (PDF file - 45.5kB)

Appendix B: [Nomination form](#) (PDF file - 55.5kB)

Appendix C: [Application for exemption to form a Council](#) (DOCX file - 19.1kB)

Appendix D: [Application for form a joint council or board](#) (DOCX file - 18.9kB)

Appendix E: [Application for approval to seek incorporation](#) (DOCX file - 20.2kB)

Appendix F: [Information regarding incorporation](#) (PDF file - 71.6kB)

## 9. More information

### Supporting content

#### Policy

[Councils and Boards in Public Schools Policy](#)

#### Procedure review date

5 June 2021

#### Procedure last updated

21 June 2021