



Department of
Education

Councils and Boards in Public Schools procedures

Effective date: 5 June 2018

Version: 3.6

Last update date: 18 November 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
- 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
- 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
- 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
- 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). Approval is received from the Deputy Director General, Public Schools by completing Appendix D – Application for approval to seek incorporation,

Independent Public Schools are required to have a functioning board.

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 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/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/board arrangement no longer meets the needs of the schools, approval will need to be sought to establish one council/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/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.

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 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

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

Telephone: 1300 610 801

7. History of changes

Effective date	8 March 2013
Last update date Procedure version no.	2.0
Notes	Major review undertaken of v1.0. Procedures and processes clarified. Original policy split into policy and procedures documents. D13/0104727
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Effective date	8 March 2013
Last update date	29 November 2013
Procedure version no.	2.0
Notes	Updated contact information. D13/0573788.
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Effective date	8 March 2013
Last update date	5 August 2014
Procedure version no.	2.1

Notes	Amended Appendices A, B, C and D to include process of having application checked by Policy and Governance for compliance. D14/0371139.
Effective date	8 March 2013
Last update date	24 March 2015
Procedure version no.	2.2
Notes	Contact information updated to reflect change in position from Director, Office of the Director General to Executive Director, Organisational Governance. D15/0085666
Effective date	8 March 2013
Last update date	25 June 2015
Procedure version no.	2.3
Notes	Updated contact details D15/0198137
Effective date	8 March 2013
Last update date	17 March 2016
Procedure version no.	2.4
Notes	Updated contact information. D16/0197926
Effective date	8 March 2013
Last update date	15 April 2016
Procedure version no.	2.5
Notes	Minor change to Guidance under s3.1. D16/0243953
Effective date	5 June 2018
Last update date Procedure version no.	3.0

Notes	Corporate Executive approved and the Director General endorsed the changes for publication on 2 May 2018
Effective date	5 June 2018
Last update date	8 June 2018
Procedure version no.	3.1
Notes	Minor Change to Appendix A and B. Approved D18/0253618 & D18/0257462
Effective date	5 June 2018
Last update date	26 November 2019
Procedure version no.	3.2
Notes	Minor change to Appendix B D19/0543238
Effective date	5 June 2018
Last update date	6 July 2020
Procedure version no.	3.3
Notes	Minor changes to contact information. D20/0344153
Effective date	5 June 2018
Last update date	13 January 2021
Procedure version no.	3.4
Notes	Minor changes to replace the Regional Executive Director position title with Director of Education D20/0647278.
Effective date	5 June 2018
Last update date	21 June 2021
Procedure version no.	3.5

Notes	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
Effective date	5 June 2018
Last update date	18 November 2021
Procedure version no.	3.6
Notes	Addition of Appendix D(2) approval form for dissolving joint board.

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: [D- Application to form a joint council or board and D\(2\)- Application to dissolve a joint school council](#) (DOCX file - 40.2kB)

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

18 November 2021
