
School Board Terms of Reference

The Tuart Rise Primary School Board, hereinafter called “The School Board”, has evolved from the previous School Decision Making Group in accordance with the School Education Act 1999 and the School Education Regulatory Framework 2004. The School Board is an important part of the education process for our children and has specific functions to be achieved.

The Tuart Rise Primary School Board is designated as Non Incorporated Board and as such is not required to have a constitution. This document is intended as a summary of operation directly sourced from both the Education Act and Regulatory Framework. The Code of Conduct as detailed is open for discussion and review.

INTERPRETATION

Staff: means teaching / non-teaching staff at the school.

Minister: means the Department of Education Western Australia

Department: means the Department of Education – Western Australia

Administration: means the Principal or nominated representative.

Parents: means parents or guardians of Students attending the school.

Member: means a member of the Tuart Rise Primary School Board.

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.

Functions of the Board

The Board has the following functions:

To take part in:

- Establishing and reviewing from time to time, the school’s objectives, priorities and general policy directions;
- The planning of financial arrangements necessary to fund those objectives, priorities and directions;
- Evaluating the school’s performance in achieving them; and
- Formulating codes of conduct for students at the school.

To determine, in consultation with students, their parents and staff a dress code for students when they are attending or representing the school.

To promote the school in the community.

To approve:

- Charges and contributions for the provision of certain materials, services and facilities;
- Extra cost optional components of educational programs;
- Items to be supplied by a student for personal use in an educational program; and
- Any agreements or arrangements for advertising or sponsorship in relation to the school.

To 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; and
- The implementation of special religious education.

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

The Board cannot:

- Intervene in the control or management of the school;
- Intervene in the educational instruction of students;
- Exercise authority over teaching staff or other persons employed at the school; or
- Intervene in the management or operation of the school fund.

The Board is not permitted to borrow money, or obtain funds for the school.

The Director General may give directions in writing to the Board with respect to the performance of its functions, either generally or in relation to a particular matter, and the Board is to give effect to any such direction

Membership of the Board

The Board will contain a minimum of 7 members and a maximum of 11 members, and will be comprised of the following:

- a) Four parents of students at the school
- b) Co-opted members of the general community
- c) Principal is automatically a member of the Board.
- d) Staff (not including the Principal) – the maximum number of members is 2.

Parent and community members will form the majority of the members of the Board.

The Board may co-opt a member of the local community to be a 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 him or her to make a contribution to the Board's functions.

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.

Term of Office

Staff and parent representatives will serve a 2 year term, however, members may relinquish their position at any time during their term. Staff and parent representatives may renominate at the end of their term.

Any member appointed or elected to a casual vacancy on the Board will hold office for the residual period of the predecessor's term of office.

Nominations

The Principal will invite staff nominations on the first day of the school year, where positions become vacant.

The Principal will invite parent nominations in the October newsletter, where positions become vacant. Nominations slips are to be signed and handed to the Principal.

Elections

Should an election be necessary, due to more candidates nominating than positions available:

- All parents will be informed by newsletter of the candidates.
- The School Board Election will occur as soon as possible and the ballot will be open for one week.
- The election will be conducted by the Principal.
- Only those people eligible for a position are eligible to vote for representatives for that position. Parent members are to be elected from and by parents. Parents eligible to vote are:
 - a. each parent whose name and address has been provided to the school; or
 - b. if neither parent's name and address has been so provided in relation to a particular student, each person who is responsible for the student.
- Staff members are to be elected from and by the staff of the school. Staff members who are eligible to vote are each person who is employed at the school and whose usual place of work is at the school.
- There will not be an election to appoint community members. The Board may appoint suitably qualified persons from the list of nominees by vote in a meeting.

Cessation or Termination of Members

The Board may remove a person as a member of the Board on the grounds that the person:

- a) Has neglected his or her duty as a member;
- b) Has misbehaved or is incompetent;
- c) Is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member, or
- d) Has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.

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.

A decision of the Board to remove a person from office is to be made by resolution of a 2/3 majority of Board members.

Proxy Members

Where a Board member will be unable to attend meetings for a considerable length of time (eg Long Service Leave, illness etc) the School Board will determine a process to replace the member.

Code of Conduct

School Board members are required to exercise judgements and make decisions, and these can at times present ethical dilemmas. The code of conduct provides a framework of values and behaviour in support of this role:

- To perform roles and responsibilities to the best of one's abilities, within the framework of the law, the limits of authority and available resources.
- To respect the uniqueness and dignity of individuals and act in a fair, courteous and sensitive manner.
- To accept the responsibilities arising from the trust placed in members of the Board by staff, students and the community.
- To perform all duties with integrity, honesty and impartiality.
- To declare conflicts of interest that may result in personal benefit or potential discrimination to others.
- To maintain appropriate confidentiality of personal and official information.
- To be accountable for efficient and effective use of resources with which Board members are provided.
- To undertake not to hinder the implementation of Board decisions.

Procedure for Breaches

In the event that a member breaches the Code of Conduct the following procedure is guideline for the School Board to deal with the issue.

- Discussion within the Board regarding the issue.
- Informal discussion between the Principal, Chairperson and Board member.
- Principal raises the issue formally with the Board
- Formal letter to the member from the Board

Roles of Office Bearers

The Chairperson and Secretary in consultation with the Principal, manage the affairs of the non-incorporated Board, at Tuart Rise Primary School.

The role of the Chairperson is to:

- a) Preside at meetings of the Board;
- b) Manage the business of the Board; and
- c) Provide leadership to the Board.

The role of the Secretary is to:

- a) Coordinate the correspondence of the Board;
- b) Keep full and correct minutes of the proceedings of the Board;

- c) Have custody of all books, documents, records and registers of the Board, which are accessible to any person within the school community; and
- d) Perform such other duties as are required.

Meetings

Meetings are to be held at least once per term.

Meeting dates and commencement times will be set by the School Board at each proceeding meeting.

Each member must receive a copy of the Agenda one (1) week before the meeting.

Copies of the minutes shall be available at the school office, to members of the school community and school staff.

A permanent record will be kept of the minutes of meetings at the school.

The successful candidates will join the Board for the last meeting in term 4, at which time the Board's function and Code of Conduct will be explained and signed. The Chairperson will be elected each year at this first meeting by and from the Board members.

The School Board shall hold one public meeting each year at which a report on its performance of its functions is presented and during which charges & contributions and book lists will be discussed. Fourteen days notice must be given to parents of enrolled students. This should be the September/October meeting.

Each Board member, including the chairperson, is entitled to one vote only.

A co-opted Board member is not entitled to a vote.

Voting at meetings will be by a show of hands unless a member requests a secret ballot

A decision of the Board does not have effect unless it has been made by an absolute majority.

The quorum will consist of 5 members. If within 30 minutes after the time specified for the holding of a meeting of which formal notice has been given:

- a) a quorum is not present, the meeting lapses and will be rescheduled; or
- b) otherwise than as a result of a request, notice or action, the meeting stands adjourned until such time as the Board agrees to reconvene the meeting.

If within 30 minutes of the time for the resumption of adjourned meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of the meeting as if a quorum were present.

If a member misses three (3) meetings without good cause, the member may be asked to resign. This is at the discretion of the School Board.

A motion may be moved by a member with full voting rights, and voted on by a member with full voting rights, at an ordinary meeting, special meeting, or annual public meeting.

The chairperson will be given 7 days' notice of a motion to be proposed at a meeting.

The chairperson will give 5 days' formal notice to members that a motion will be proposed at a meeting.

Meetings of the Board are generally to be open to the public.

The Board will not close to members of the public an annual public meeting or special meeting.

The Board may decide to close an ordinary meeting or part of an ordinary 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 Board 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; and
- f) information which is the subject of a direction given.

A decision to close an ordinary meeting or part of an ordinary meeting and the reason for the decision are to be recorded in the minutes of the meeting.

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.

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.

If the parties are unable to resolve the dispute at the meeting, a meeting may be held in the presence of a mediator.

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;
 - ii. in the case of a dispute between a member or relevant non-member and the Board, a person who is a mediator appointed to, or employed with, a not for profit organisation.

A member of the Board can be a mediator.

The mediator cannot be a member who is a party to the dispute.

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.

The mediator will not determine the dispute.

The mediation will be confidential and without prejudice.

If the mediation process does not result in the dispute being resolved, the parties may seek advice from the Regional Executive Director.