

## TERMS OF REFERENCE FOR

# AVELEY PRIMARY SCHOOL BOARD (NON-INCORPORATED)

Effective 01/01/2021

## 1 Name of Board

The name of the Board is

**AVELEY PRIMARY SCHOOL BOARD**

## 2 Definitions

In these rules, unless the contrary intention appears-

- “Annual public meeting” is the annual meeting in which the Board presents to the school community an annual report based on the Board’s functions.
- “Board” means the council of an Independent Public School. "Council" means the Council referred to in rule 1, established in.
- “Director General” means the chief executive officer of the Department of Education as defined in.
- “Ordinary meeting" means a meeting held by determination of the Board.
- “Parent” in relation to a child, means a person who at law has responsibility –
  - For the long term care, welfare and development of the child; or
  - For the day to day care, welfare and development of the child.
- “PCA” means **Parliamentary Commissioner Act 1971**.
- “Minister” means a body corporate with the name “Minister for Education”.
- “SEA” means **School Education Act 1999**.
- “SER” means **School Education Regulations 2000**.
- “Special meeting” means a meeting of the Board called for by written notice to the chairperson by parents of students at the school for a specific purpose.
- “Student” means a person who is enrolled at the school.
- “Terms of Reference” means these rules that will apply to the Board and members.

## 3 Purpose of Board

### 3.1

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.

## 4 Functions of the Board

### 4.1

The Board has the following functions:

To take part in:

- a) establishing and reviewing from time to time, the school’s objectives, priorities and general policy directions;
- b) the planning of financial arrangements necessary to fund those objectives, priorities and directions;
- c) evaluating the school’s performance in achieving them; and
- d) formulating codes of conduct for students at the school.

### 4.2

With the approval of the Director General to:

- a) take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff.

#### 4.3

To approve:

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

#### 4.4

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

#### 4.5

To provide advice to the principal of the school on:

- a) 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
- b) allowing time for the special religious education of students in the school, but the total number of hours so allowed in a school year is not to exceed 40.

#### 4.6

To promote the school in the community.

#### 4.7

To note the school's Funding Agreement (with Schedules).

### **5 Limits of Functions**

#### 5.1

The Board cannot:

- a) intervene in the control or management of a school;
- b) intervene in the educational instruction of students;
- c) exercise authority over teaching staff or other persons employed at the school; or
- d) performance manage the principal or any other Department of Education employee;
- e) intervene in the management or operation of a school funds; and
- f) purchase property;

#### 5.2

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

#### 5.3

The Director General may give directions in writing to a 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.

### **6 Qualifications for membership of The Board**

#### 6.1

Membership of the Board will be drawn from the following categories:

- a) parents of students at the school;
- b) members of the general community;
- c) staff of the school; and
- d) the principal is automatically a member of The Board.

#### 6.2

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.

#### 6.3

The number of members of The Board will be nine.

**Guideline**

*The number of members is determined by The Board however it must be at least 5 and not more than 15.)*

6.4

The Board will determine its composition:

- a) having regard 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;
- b) having regard to the functions of the Council and any changes in those functions; and

6.5

The composition of The Board will be:

- i. 0 members of the general community;
- ii. 2 staff of the school in addition to the principal; and
- iii. 6 parents.

**Guideline**

*An example of another association referred to (see iv above) is an alumni association, but not a Parents and Citizens' Association. A Parents and Citizens' Association may nominate in the membership category of parents or general community members as is relevant to the nominee. See 8.3.*

*The number of members from each membership category is to be specified. For example, 5 parents, 2 staff and 2 members of the general community. Use of terms such as 'up to' or 'a maximum of' are not to be used.*

6.6

Parents and members of the general community will form the majority of the members of The Board; and at least one of this majority will be a parent member.

6.7

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.

6.8

Students at the school who are not members may attend Board meetings and take part in discussions, but without having a right to vote or being counted in determining a quorum.

**7 Roles of Office Bearers**

7.1

**Chairperson**

The role of the chairperson is to:

- a) work in partnership with the Principal;
- b) ensure a wide variety of people are considered for membership and that members are representative of the school community, for example gender, social, cultural, lingual, economic or geographic factors relevant to the school;
- c) chair and convene Board meetings;
- d) ensure minutes of meetings are taken and reviewed;
- e) provide leadership to The Board;
- f) manage the business of The Board;
- g) declare the result of decisions and motions;
- h) uphold Board decisions;
- i) works with the Principal to induct members;
- j) ensure The Board stays focused on supporting the school to achieve the best outcomes for students;
- k) prepare and present an annual report to members and the school community at annual public meetings;
- l) comply with any directions of The Board in relation to the venue and time of meeting and giving notice of the meeting;
- m) resolve disputes as required;
- n) represent the school in the community and at formal functions; and
- o) facilitate mediation meetings as required.

## 7.2

### *Secretary*

Where there is such a position, the role of the secretary is to:

- a) co-ordinate the correspondence of The Board;
- b) ensure that full and correct minutes of the meetings and proceedings of The Board are minuted and are signed off by the chairperson after every meeting;
- c) serve formal notice to Board members and the community at the direction of the chairperson, for:
  - i. ordinary, special and annual public meetings; and
  - ii. motions;
- d) keep and maintain in an up to date condition a register of the members of The Board and their postal and residential addresses;
- e) keep a list of nominees of members of the general community that may be appointed to The Board in the category of general community membership;
- f) keep and maintain this Terms of Reference and have copies of this Terms of Reference available to all members;
- g) ensure every member has access to inspect the records and documents of The Board;
- h) have custody of all books, documents, records and registers of The Board; and
- i) have custody of all other records held by The Board.

#### **Guideline**

*In regards to the secretary's record keeping role (h) (secretary) it may be useful to have two custodians of the records and documents of The Board, in the event that the first custodian is unavailable.*

#### **Guideline**

*It may be useful to add to the register of members' phone numbers and email addresses. It may be useful to regularly update the register with current information.*

*NB Please note that it is advisable to obtain consent first, as Boards may be in breach of the Privacy Act 1988 (Commonwealth) by keeping phone numbers on the register without consent.*

## 7.3

A member may at any reasonable time inspect the books, documents, records and securities of The Board. Members may make a copy of or take an extract, but have no right to remove the books, documents, records or registers of The Board.

## 8 Elections and appointment of members

### 8.1

Members of The Board are appointed for a term not exceeding three years.

#### **Guideline**

*People who are eligible to nominate for a category are also eligible to vote for that category. That is, only parents vote for the parent members, only students vote for the student members and only staff vote for the staff members. Each parent whose name and address has been provided to the school at the time of the application for enrolment is eligible to nominate and is to be provided with the opportunity to vote where an election is to be held. For example, where a parent position becomes vacant on a Board of a secondary school in Term 4, all parents are to be provided with the opportunity to nominate (and vote if an election is to be held). This would include the parents of Year 6 students whose enrolment has been accepted for the following year.*

### 8.2

Members may be reappointed for a further term once or more than once.

### 8.3

The Parents and Citizens' Association may nominate one of its members to be considered for membership of The Board in the membership category of parents or general community members as is relevant to the nominee.

**Guideline**

*A Parents and Citizens' Association can nominate one of their members for either a) a parent or b) a community member position depending on the individual circumstances of the nominee. If the Parents and Citizens' Association 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 Parents and Citizens' Association members) if there are more nominations than positions.<sup>1</sup> If the Parents and Citizens' Association nominates a community member, that nomination is treated the same as any other community nomination and is considered by The Board with the other community member nominees. Community members are appointed, not elected.*

8.4 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.

8.5 The chairperson is elected by and from its membership.

**Guideline**

*It is good practice for The Board to review on an annual basis, for example at the first meeting of the year, who will undertake the role of Chair.*

8.6 The principal of the school will invite nominations from all persons in each category to fill vacancies in The Board membership.

8.7 If there are more nominees than places available on The Board:

- a) the principal will conduct an election to appoint parents, staff and students; and
- b) in the category 'community members' the choice of nominee will be decided by The Board rather than by election.

8.8 Only those people eligible for a position are eligible to vote for representatives for that position.

8.9 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.

8.10 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 under, and whose usual place of work is at the school.

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

8.12 There will not be an election to appoint co-opted members. The Board will appoint a person of the local community having such skills, experience, or qualifications as would enable the person to make a contribution to The Board's functions for a specified time period.

8.13 A person will not vote in respect of more than one category of membership of The Board.

8.14 Voting in Board elections will be conducted in written form (as opposed to a show of hands).

8.15 The school principal is responsible for the proper conduct of all elections.

8.16 A person who wishes to nominate to serve on The Board will notify the school principal in writing using the prescribed nomination form by the due date in order to be considered. The principal will keep a record of nominations received.

8.17

Appointments to The Board will not be made until after a Screening Clearance Number has been issued by the Department of Education's Screening Unit (as is applicable to the membership category).

## 9 Board meetings and proceedings

9.1

The Board must meet together to undertake Board functions for not less than eight ordinary meetings in the year, two meetings being held in weeks three and seven of each school term.

9.2

Ordinary Meetings

- a) "ordinary meeting" means a meeting held by determination of The Board; and
- b) A Board must hold at least two (2) ordinary meetings per year.

9.3

The chairperson will give to the school community not less than fourteen days' formal notice of an ordinary meeting.

9.4

The Board will determine that medium for formal notice as writing via email.

**Guideline**

*The Board defines formal notice. It may be useful to define formal notice as in writing via mail, fax or email. It may be useful to set out in the formal notice when and where the meeting is to be held, and the agenda. NB: In some situations such as remote schools, verbal notification may be considered appropriate.*

**Guideline**

*It may be useful to give 14 days' formal notice of an ordinary meeting and to specify in the formal notice -*  
a) *when and where the ordinary meeting concerned is to be held; and*  
b) *the agenda.*

9.5

Annual public meeting

- a) "Annual public meeting" is the meeting held once in every calendar year that is open to the public.
- b) An annual report will be presented at the meeting to advise the school community of the performance of the Council in relation to its functions since the previous annual public meeting.

9.6

The chairperson will give to all members and parents not less than 14 days' formal notice of an annual public meeting.

**Guideline**

*It would be useful to specify in the formal notice –*  
a) *When and where the annual public meeting is to be held;*  
b) *The agenda, for example -*  
*i. first, the consideration of the annual report of The School Board;*  
*ii. second, any other business requiring consideration by The School Board at the annual public meeting.*

9.7

A special meeting:

- a) Is a meeting called for by families of students at the school for a particular purpose.
- b) will be held by determination of The Board; or
- c) will be called for by:
  - i. at least 20 families of students at the school; or

- ii. at least half the number of families of students at the school, whichever is the lesser number of families; and
- iii. a formal notice to the chairperson, which will state the purpose for which the special meeting concerned is required; and be signed by the families who called for the special meeting.

9.8

The chairperson is not to convene a special meeting if the purposes of the proposed meeting are not relevant to The Board's functions.

9.9

A special meeting is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.

9.10

The chairperson will give to all members and the school community not less than 14 days' formal notice of a special meeting.

**Guideline**

*It may be useful to give to all members and the school community 14 days' formal notice of a special meeting. It may be useful if the notice specifies -*

- a) *when and where the ordinary meeting concerned is to be held; and*
- b) *the agenda.*

9.11

The chairperson will convene the special meeting within 30 days of receiving the request in writing.

9.12

The chairperson may, with the consent of a meeting at which a quorum is present, and must, if so directed by such a meeting, adjourn that meeting from time to time and from place to place.

9.13

No business will be transacted at an adjourned meeting other than business left unfinished or on the agenda at the time when the meeting was adjourned.

9.14

When a meeting is adjourned for a period of 30 days or more, the chairperson will give formal notice of the adjourned meeting as if that meeting was a fresh meeting.

9.15

The Board will agree on the manner that the secretary will communicate notice of ordinary, special and annual public meetings to members and the school community.

9.16

Meetings for The Board and the Parents and Citizens' Association are to be held separately.

9.17

Subject to this Terms of Reference, The Board will determine its own procedures.

**10 Quorum at Board meetings**

10.1

At a meeting sixty per cent of members present in person at a Board meeting constitute a quorum.

**Guideline**

*At a meeting 60 per cent of members present in person could constitute a quorum. The number should be determined taking into consideration the requirement for an absolute majority of all members for a motion to be passed. See 12.7*

10.2

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.

10.3

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.

## 11 Motions at Board meetings

11.1

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.

11.2

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

### **Guideline**

*It would be reasonable for the chairperson to be given seven days' formal notice of a motion to be proposed at a meeting.*

11.3

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

### **Guideline**

*It would be reasonable for the chairperson to give five days' formal notice to members that a motion will be proposed at a meeting.*

11.4

The Board will agree on the manner that the secretary will communicate notice of motions to members and the school community.

## 12 Resolutions at Board meetings

12.1

Each Board member is entitled to one vote only.

12.2

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

12.3

Students attending Board meetings that are not members do not have a right to vote or be counted in determining a quorum.

12.4

Procedures for counting of votes will be showing of hands, unless considered a sensitive issue, as deemed by The Board.

12.5

Voting on issues will be recorded in the minutes and the minutes to be signed by The Chair and Principal.

12.6

A decision of The Board will not take effect unless it has been made by an absolute majority.

12.7

An absolute majority, in relation to a Board for a school, means a majority comprising enough of the current members of The Board for their number to be more than 50 per cent of the number of officers (whether vacant or not) of members of The Board.

### **Guideline**

*If a Board has 15 positions, then an absolute majority is eight votes. If only eight members attend a meeting, eight votes are required to form an absolute majority.*

12.8

A motion put to the vote:

- a) may be moved and voted on at an ordinary, special or annual public meeting; and
- b) will be decided by an absolute majority of votes.

12.9

A motion which is passed will be declared by the Chairperson as a resolution.  
A declaration by the Chairperson is evidence of the fact.

### **13 Closing an ordinary Board meeting to the public**

13.1

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

#### **Guideline**

*Where members of the public attend an ordinary board meeting they do so as observers.*

13.2

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

13.3

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.

13.4

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.

### **14 Disputes and Mediation**

14.1

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.

14.2

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.

14.3

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

14.4

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.

14.5

A member of The Board can be a mediator.

14.6

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

14.7

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.

14.8

The mediator will not determine the dispute.

14.9

The mediation will be confidential and without prejudice.

14.10

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

**Guideline**

*Boards are encouraged to adopt a Code of Conduct, review the code regularly and include the code as part of the induction for new members.*

## **15 Cessation or termination of membership of The Board**

15.1

The office of a member of The Board becomes a casual vacancy if the member:

- a) becomes ineligible to hold office as a member;
- b) resigns by written notice delivered to The Board; or
- c) is removed from office by the Director General.

15.2

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.

15.3

The Board will 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.

15.4

A decision of The Board to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not, of members of The Board.

## AVELELY PRIMARY SCHOOL BOARD

### CODE OF CONDUCT

*All forms of communication (including verbal, written and social media) in reference to Aveley Primary School, will reflect the Board's Code of Conduct, as outlined below.*

The underlying principles of a Board's Code of Conduct include the promotion of:

- respectful partnerships;
- clear and honest two-way communication;
- transparent processes;
- democratic, informed decision making; and
- personal and professional integrity.

APS Board Members:

- Ensure that the decisions made by The Board are made in the best interests of students at all times.
- Abide by all the relevant legislation and industrial agreements.
- Understand that The Board is accountable to both our local school community and the Director General.
- Encourage members to behave in a civil and respectful manner, avoiding discrimination, harassment and bullying.
- Ensure conflict between Board members is dealt with respectfully and fairly and in a manner that reflects the principles of natural justice.
- will declare any conflicts of interest when they arise. Board members who have declared a conflict of interest are not entitled to vote on that issue.
- Represent the school community. Members do not represent one viewpoint or the view of an individual. Board members therefore regularly seek the views and opinions of the whole school community, especially when policies are being developed.
- Respect the need for confidentiality and privacy with regard to sensitive matters that might arise at Board meetings, especially where there are matters of a personal nature relating to staff, students or parents.
- Understand that The Board is not an appropriate forum for the discussion of individual school staff, students, parents or other members of the school community.
- Who are approached by a parent with a concern relating to an individual, appreciate that they are in a privileged position and are expected to treat such discussion 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, it is put on the agenda and approached in a generic sense to protect the privacy of the individuals involved.
- "Speaks as one voice" in the public arena once a decision has been made.
- Actively participate in sub-committees and meetings as the need arises.
- who are unable to attend a meeting, will submit an apology before the meeting. The apology should be forwarded to the Board Chair via the Aveley Board email, [aveleypsboard@gmail.com](mailto:aveleypsboard@gmail.com) .

## **UNINCORPORATED COUNCILS INFORMATION PACKAGE**

### **NOMINATIONS AND ELECTIONS**

#### **PROCESS**

The following process is a guideline only for a formal nomination and election process that would minimise the potential for disputes.

#### **Commencement Date and Close Date of Ballot**

The principal determines the date of commencement of issuing ballot papers and the time and the close of the ballot with regard to:

- Time required to circulate to the school community and return ballot papers
- Time required to finalise the election.

#### **Election Package**

The Election Package distributed to eligible voters contains:

- A ballot paper
- An envelope marked 'Ballot Paper'
- Any voting instructions
- Candidate profiles if available

#### **The Ballot Paper**

The order of names of nominees for election that appear on the ballot paper is drawn by lot by the principal as soon as practicable following the close of nominations.

When the First Past the Post counting method is used, ballot papers are marked as follows:

- If only one office is to be filled at the election, an elector is to mark the ballot paper by placing a cross or tick in the box opposite the name of the nominee whom the elector wishes to elect.
- If two or more offices are to be filled at the election, an elector is to mark the ballot paper by placing a cross or tick in the box opposite the name of each candidate whom the elector wishes to elect, but is not to place ticks in more boxes than the number of offices to be filled.

#### **Ballot Boxes**

The principal provides such ballot boxes as are necessary for the election at convenient places for use by voters (staff, students and/or parents as is relevant). Before a ballot box is used the principal ensures that it is empty and secure in such a way as to prevent anything being removed from the box.

#### **The Count**

Votes are to be counted by the First Past the Post method as soon as practicable after the time of the close of the ballot and in the presence of at least one scrutineer. The scrutineer is appointed by the principal. If the principal is aware that the vote may be contentious, nominees may be permitted to also appoint scrutineers.

#### **Declaration of the Result**

The result should be declared by the principal to the whole school population as soon as practicable after the votes have been counted.