



Baynton West
PRIMARY SCHOOL

**School Board
Terms of Reference
October 2014**

Terms of Reference

1. General

1.1 Name, Purpose and Term

The name of this group shall be the *Baynton West Primary School Board* or referred to as the **Board**.

The purpose of this document is to set out the role, responsibility and membership of the Board.

The term of this document shall be for the life, for the provision of a School Board and amended from time to time by the Board in line with the requirements of the School Education Act for Independent Public Schools.

1.2 Reference

This Terms of Reference document shall be read in conjunction with the provisions of the *School Education Act 1999* and the *School Education Regulations 2000* as amended from time to time, to the extent of any inconsistency the relevant legislation shall prevail.

1.3 Definitions

Annual School Report means the annual report developed by Independent Public Schools (by the end of Term 1 of the following year) outlining what the school undertaken and how the School has performed for that period.

Baynton West Primary School (BWPS) means the Western Australian Public School situated at Marniyarra Loop Baynton West, WA 6714.

Board means "Council" as defined in the School Education Act 1999.

Business Plan means a three (3) year strategic plan developed to define the schools vision, objectives and key focus areas. The Business plan is developed in-line with the Delivery and Performance Agreement defining student improvement targets, how these will be measured and by when. The Business Plan forms the basis of the Principals professional review.

Delivery and Performance Agreement (DPA) means a three (3) year agreement co-signed by the Principal, Chair of the School Board and the Director General. The agreement sets out the performance and accountability expectations of the school and the resources and support supplied by the Department of Education. The DPA also forms the basis of the Principals professional review.

Director General means the Chief Executive Officer of the Department of Education as defined in section 229 of the *School Education Act*.

Independent Public School (IPS) means the WA State Governments initiative providing individual schools greater flexibility to set own strategic direction and authority for day to day decisions. Independent Public Schools remain part of the WA Public School system and are expected to operate and meet the obligations required of all public schools.

Educational program means an organised set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student's individual needs as defined in section 4 of the *School Education Act*.

Minister means the Minister responsible for administering the *School Education Act*.

Parent as defined in section 4 of the *School Education Act 1999* is the person who is named in the school register as a parent of a student.

Parents and Citizens Association means the independent Association incorporated under the Associations Incorporations Act (1997) comprised of parents of students attending the school and other interested community members, to support their school by means of raising funds for resources, infrastructure and other expenses, managing a canteen, uniform shop and generally assisting the school where practically possible.

School means Baynton West Primary School.

School Education Act means the *School Education Act 1999*.

School fund means the General Purposes Fund and a fund referred to in section 110 of the *School Education Act*, as defined in section 4 of the *School Education Act*;

School Self Assessment means the quality self assessment process to monitor the schools performance, students achievement improvement targets and milestones outlined in the Business Plan.

Student means a student enrolled at the school.

2. Background and Context

2.1 Baynton West Primary School (BWPS)

BWPS officially opened as a new school in January 2013, commencing as the first school in Western Australia to open as an Independent Public School. BWPS is located in the suburb of Baynton West in the City of Karratha, Western Australia and situated within the Pilbara Education District. The local intake area includes the suburbs of Baynton, Baynton West and Madigan estate.

2.2 Independent Public Schools (IPS)

The IPS initiative is a WA State Government commitment to empower school communities by giving greater capacity to shape the ethos, priorities and directions of schools. Independent Public Schools assume greater responsibility for their own affairs and have greater flexibility to respond to their communities. They create more diversity in the public school system and help build strong communities that are more able to respond to the needs of students.

Independent Public Schools are provided with the following flexibilities:

- select their own staff (teachers and support staff);
- manage their own budgets;
- select school development day dates;
- approve leave applications;
- determine the curriculum that best supports students' needs;
- manage school utilities (electricity, water, gas and waste management) and faults (breakdowns and repairs); and
- operate with School Boards providing advice and support;

IPS remain part of the West Australian public school system and are bound by a framework of legislation, industrial agreements and policies including but not limited to:

- School Education Act 1999;
- School Education Regulations 2000;
- School Curriculum and Authority Act 1997;
- Government policies;
- mandated Departmental policies; and
- the Boards' Terms of Reference;

2.3 Delivery and Performance Agreement

Under the operational requirements of an Independent Public School, all schools must prepare and implement a *Delivery and Performance Agreement* (DPA) which provides the framework to assess the schools performance and accountability for the life of the agreement.

The DPA is signed by the Principal, Chair of the School Board and Director General. The DPA is developed as a three (3) year, ongoing agreement. This agreement identifies:

- the resources the school will receive;
- support that will be provided;
- programs it will be contracted to deliver;
- student achievement and how it will be monitored;
- the performance and accountability of the school over the life of the agreement.

The school is independently reviewed in the final year of the DPA with the report made public.

2.4 Business Plan

Independent Public Schools are required to develop a three (3) year Business Plan that aligns with and has the same time span as the Delivery and Performance Agreement. The Business plan sets out the schools vision, objectives, key focus areas, how these will be measured and by when.

3. The Board

3.1 Board Purpose

The purpose of the Board is to enable parents and members of the wider community to engage in activities that are in the best interests of students to support and enhance the education provided by the school.

The educational leadership, day-to-day operation and management of the school remains the responsibility of the Principal. 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;
- performance management and
- intervene in the management or operation of a school fund.

3.2 Role and Responsibility of the Board

The Board is responsible for all business required of it by the Department of Education or the Principal of the school, including but not limited to the following:

The Board is responsible for **endorsing** the following:

- the Delivery and Performance Agreement;
- the Schools Business Plan;
- the annual school report;
- and regularly reviews the one-line school budget;
- charges and contributions as determined by the Principal for the provision of certain materials, services and facilities, extra cost optional components of educational programs and items to be supplied by a student for use in an educational program;
- any agreements or arrangements for advertising or sponsorship in relation to the school;

The Board **contributes towards and provides recommendations** to the Principal of the School on:

- the planning of financial arrangements necessary to fund those objectives, priorities and directions as set out in the DPA and the schools business plan;
- 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;
- development and review of codes of conduct for students at the school;
- establishing and reviewing, the school's objectives, priorities and general policy directions;
- appropriate dress code for students when they are attending or representing the school;
- the development and review of the school business plan and the DPA;
- and the annual evaluation of the schools performance;
- establishing and reviewing the schools objectives, priorities, and general policy directions;
- determining satisfaction levels of parents, staff and students, with results reported in the annual school report;

General responsibilities:

- promoting the school in the wider community;

Selection of School Principal:

- With the approval of the Minister or Director General (as the Minister's delegate) the Board participates in the selection of but not the appointment of the school principal.
- The Board may also participate in the selection of other teaching staff as required.

4. Eligibility and Appointment of Board Members

4.1 Board membership

An IPS must have an effective School Board that includes parent, teacher and community representation.

Individuals nominating their interest to the membership of the Board must be in agreement with the purpose of the Board and who has satisfied the procedure and eligibility for membership.

Membership of the BWPS Board shall be comprised of 10 persons including the Principal, who together represent the following:

- Parents x 6 representatives
- Community x 2 representatives
- School Staff x 2 representatives (including the Principal)

Members (other than the Principal) are appointed to the Board for a term of three (3) years and maybe reappointed for consecutive terms.

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

4.2 Eligibility & Election of Board Members

The Principal will invite nominations from eligible persons to fill vacancies on the Board for the categories of Parent and Staff membership during Term 1, on an annual basis.

Where the number of nominees received is greater than the vacancies available the Principal shall then conduct an election, specific to the category of membership. The Principal can appoint a Returning Officer to assist with the conduction of all relevant elections.

- Staff members are elected from and by the staff of the school;
- Parent members are elected from and by the parents of the school;
- The Principal is automatically included on the Board and is included in the Staff member category;
- Community members are appointed by the Board;

Where there are no vacancies on the Board then an election will not be required for that year.

Parent Eligibility A person can nominate as a parent (or caregiver) member if they are registered on the school enrolment list as having a child/children attending the school.

Staff Eligibility A person whose usual place of work is at the school can nominate as a Staff member. Staff who are also parents or community members may only serve on the Board in their capacity as a Staff member.

Community Eligibility The Board approves the appointment of community members from a list of nominations suggested by Board members, by a vote in a Board meeting.

The Director General may, from time to time, may specify standards or requirements in relation to the conduct of elections.

The Director General may inquire into any matter affecting an election or appointment of a member of the Board and, if any irregularity has occurred, may declare the results of an election or appointment invalid or order an election or appointment or a new election or appointment to be conducted.

4.3 Resignation or termination of membership

The office of a member of the Board becomes vacant if the member:

- resigns in writing and delivered to the Principal or Chairperson of the Board;
- who no longer meets the eligibility of a Board Member for the position they are elected;
- attends less than 50% of scheduled Board meetings in a school year without providing an apology;
- is committed of an indictable offence;
- is removed from office by the Director General or their delegate; Or
- fails to comply with any provisions of the rules set out in this document;

4.4 Casual vacancies of the Board

In consultation with the Board, The Principal can call for extraordinary nominations for specific categories of membership whereby vacancies on the Board are considered detrimental to the operations of the Board. I.e. a quorum cannot be achieved.

Extra ordinary appointments to the Board will follow the same procedure and eligibility as per an annual appointment.

Any member appointed or elected to a casual vacancy in the Board shall hold office for the balance of the term of the member of the Board whose seat on the Board has become vacant.

4.5 Duties of the Board

The Board is to allocate to a member or members the following duties:

- coordinate the correspondence of the Board;
- ensure that full and correct minutes of the meetings and proceedings of the Board are kept;
- have custody of all books, documents, records and registers of the Board.

4.6 Role and Expectations of Board Members

- to act honestly, fairly, loyally, in good faith, and with integrity in the best interests of the school;
- to have a clear understanding of their role and responsibility as a Board Member;
- be committed to and actively involved in pursuing the Schools vision and objectives;
- actively participate in all meetings, discussions and other working groups as appropriate and respect the views and opinions as expressed by others;
- work effectively and constructively with all other Board Members, relevant parties and external stakeholders;
- support the school in times of crises;
- declare any conflict, or potential conflict, of interest between their business or professional or personal interests and their role as a member of the Board;
- uphold and adhere to the policies, procedures and working documents of the School and the School board; and
- maintain confidentiality in respect of all Board matters and discussions unless otherwise agreed by the Board.

4.7 Co-opted Members

The Board can appoint co-opted members from time to time from local businesses, industry or community representatives. Co-opted members are in addition to the usual composition of the Board Membership and

can also sit on sub-committees of the Board providing professional advice and expertise. Co-opted members do not have any voting rights.

5. Election and Responsibility of the Chairperson

5.1 Election of the Chair

The chair is elected by, and from the Board's membership at the first meeting of the Board following the annual election.

5.2 Role and Responsibility of the Chairperson

The Chairperson will hold the position of meeting Chair and shall convene all Board meetings. If the Chairperson is not available then a Chair can be nominated prior to the start of the Board meeting (referred to as the Acting Chair) and will be responsible for convening and conducting that meeting.

The Chairperson shall be responsible for but not limited to the following:

- chair Board meetings ensuring meetings are run efficiently, on time and achieve their purpose;
- in collaboration with the Principal, prepare the agenda and relevant papers;
- ensure that meeting processes comply with the Board's Terms of Reference;
- be a signatory to the Delivery and Performance Agreement;
- monitor the progress of the Business Plan;
- ensure that the Board focuses on improving students' learning outcomes;
- participate on the selection panel for the principal if a vacancy arises;
- support the school in times of crises;
- act with the principal as the Board's spokesperson and official representative on public occasions;
- participate in the external review of the school in the final year of the Delivery and Performance Agreement implementation.

6. Meeting Schedule and Procedure

6.1 Meeting

Meetings of the Board will be held no less than four (4) times per school year.

6.2 Meeting procedures

The Chairperson is to convene Board meetings in accordance with the directions of the Board in relation to the venue and time of the meeting and giving notice of the meeting.

Meetings of the Board are generally open to the public. However the Board may decide to close to members of the public a meeting or part of a meeting if the meeting deals with

- the personal affairs of any person or a matter affecting a person who is employed at the school;
- a contract entered into or which maybe entered into, or legal advice obtained which relates to a matter to be discussed at the meeting;

The decision to close a meeting or part of a meeting and the reason for the decision is to be recorded in the minutes of the meeting.

6.3 Proxies to Meetings

A proxy vote is not a lawful vote under the *School Education Act 1999* or the *School Education Regulations 2000*. Accordingly, members cannot assign a Proxy to represent them if they cannot attend a meeting in person or for voting purposes.

6.4 Quorum

A quorum will be no less than 6 people including the Principal and with Parent representation being not less than 50% of the members in attendance.

If within 30 minutes after the time specified for the holding of a meeting, and where formal notice has been given a quorum is not present, then the meeting shall be rescheduled.

6.5 Voting

The Board will attempt to reach decisions by consensus. In the case that a resolution cannot be agreed, the Board may refer to a vote. Each Board member including the Chairperson is entitled to one (1) vote only.

6.6 Agenda, Minutes and Meeting Papers

Preparation of meeting agendas, meeting papers and minutes is the responsibility of the Board. The Board may co-opt a person to undertake the preparation and distribution of these documents.

Board members are required to submit any agenda items and supporting documentation to for collation at least 5 working days prior to the next scheduled meeting. Final agendas will be distributed no later than 2 working days prior to the next scheduled meeting.

Copies of the minutes, including relevant attachments and reports, shall be provided to all Board members no later than 5 working days following each meeting for ratification at the subsequent meeting of the Board. When confirmed, the minutes shall be signed by the Chairperson and the Principal.

The minutes of each Board meeting will be maintained by the School as a complete record as required under provisions of the Archives Act 1983.

6.7 Out of Session Decisions

Out-of-session decisions will be deemed acceptable. Where agreed, all out-of-session decisions shall be recorded in the minutes of the next scheduled Board meeting.

Emails sent to the Group for the purpose of decision making out of session will take the following format;

DECISION REQUIRED (Email subject Line)

Email content will describe the decision required and will contain any relevant background information. It will include a timeframe for responses (usually 2 days). If clarification is required, it is the responsibility of each member to contact the Chairperson to discuss.

If a decision is required urgently it will be stated in the body of the email and will include a timeframe for response.

All emails regarding the request for '**decision required**' will be initiated by the Chairperson and or the Principal,

All email responses to DECISION REQUIRED emails are to be returned as REPLY ALL.

A resolution approved by a majority of the Board is valid and binding and has the same effect as if the resolution had been duly passed at a Board meeting and the approved resolution will form part of the minutes of the next Board meeting.

6.8 Declaration of a Conflict of Interest

A Board member must declare as soon as practicable any interest that may impinge upon a Board decision that may arise from but not limited to:

- other board membership or employment;

- professional or business interests and associations;
- investment or financial interests;
- family relationships;

When the issue arises the Member must declare details of the interest or issue to the Board so that the Chairperson in consultation with the Board shall decide how that conflict of interest may be managed, including:

- the member not taking any part in the discussion of the Board relating to the interest or issue;
- the member not voting on the matter;
- requiring the member to be absent from the meeting when the discussion or vote is taking place;
- the member not receiving any relevant school board papers in relation to the issue;

6.9 Special Board Meeting

The Chairperson can convene a special meeting of the Board if the meeting is called for in a notice to the Chairperson setting out the purposes of the proposed meeting that is provided by at least twenty (20) families of students at the school.

The Chairperson is not to convene a meeting if the purposes of the proposed meeting are not relevant to the Boards functions.

7. Committees of the Board

The Board can appoint committees as it deems necessary to assist the Board.

The membership of Committees is not confined to members of the Board, but at least one (1) Board member is required to serve on each committee and provide and update reports to Board meetings as to the progress of the Committee.

The duties of any Committee shall be clearly defined by the Board and communicated accordingly with the Committee.

Committees do not have any decision making powers, rather Committees provide recommendations to the Board for acceptance and or endorsement.

8. Failure to Act Properly

In the event that the Board breaches the *School Education Act*, or the conduct of the Board is incompetent, inadequate or improper, the Minister may give written notice to the Board requiring that the situation be remedied.

If the Minister is of the opinion that a Board has not complied with such a notice, the Minister may dismiss the Board.

9. Dispute Resolution

In the event of a dispute the Board will meet and discuss the dispute and attempt to resolve the dispute on a basis consistent with a desire to retain a good working relationship, without prejudice and in a confidential manner. The Board must:

- work to resolving the dispute within fourteen (14) days that the dispute was raised;
- appoint a mediator agreed to by the parties to the dispute;
- ensure that natural justice is accorded to the parties to the dispute throughout the mediation process;

In the event that a dispute cannot be resolved, then the Parties must refer to the Director General for guidance.

10. Review

These terms of reference shall be subject to review on an annual basis to ensure their effectiveness and relevance.

11. Endorsement of Terms of Reference

Board Members must have individually read, understood and accepted all the terms and information as contained herein upon election to the Board, and agree to uphold and carryout the objects and activities of the Board.

Name of Board Member: _____

Position: _____

Signature: _____

Date: _____

End.