



Baynton West
PRIMARY SCHOOL

School Board
TERMS OF REFERENCE
Revised May 2021

BAYNTON WEST PRIMARY SCHOOL TERMS OF REFERENCE

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1 Name of Board

The name of the Board is the **Baynton West Primary School Board** or referred to as the **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 Boards functions (**SER r.117**).
- “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.
- “Board” means the council of an Independent Public School. "Council" means the Council referred to in rule 1, established in **SEA s.125**.
- “Committee”
- “Delivery and Performance Agreement” (DPA) means a three (3) year agreement co-signed by the Principal, Chairperson 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”¹ means the Chief Executive Officer of the Department of Education as defined in **SEA s.229**.
- “Independent Public School” (IPS) is a public school where the Principal has been given increased flexibility and responsibility to make local decisions across a range of school operations to enhance education outcomes for students².
- “Ordinary meeting” means a meeting held by determination of the Board (**SER r.115(1)**).
- “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 (**SEA s.4**).
- “PCA” means **Parliamentary Commissioner Act 1971**.
- “Minister” means a body corporate with the name “Minister for Education” (**SEA s.214(1)**).
- 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.
- “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 (**SER r.118**).
- “Student” means a person who is enrolled at the school (**SEA s.4**).

¹ All but one of the functions of the Director General mentioned henceforth have been delegated from the Director General to the Deputy Director General, Schools, under the current delegation instruments.

² <https://www.education.wa.edu.au/independent-public-schools>

- “Terms of Reference” means these rules that will apply to the Board and members.

3 Background and Context

3.1 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.

3.2 Independent Public Schools (IPS)³

An Independent Public School is a public school where the principal has been given increased flexibility and responsibility to make local decisions across a range of school operations to enhance education outcomes for students. Independent research commissioned in 2015, *School Autonomy: Building the Conditions for Student Success* identifies the kind of leadership that links greater school autonomy with improvements in teaching and, ultimately, benefits for students.

Principals of Independent Public Schools have more freedom to make decisions about important matters that impact students’ education such as student support, staff recruitment, financial management, governance and accountability.

An Independent Public School caters to the specific needs of its students by determining the curriculum and specialist teachers required that best support them. Independent Public Schools may work in clusters, which enables them to effectively combine ideas and resources to create even greater flexibility and opportunities for each school.

Each Independent Public School has a school board. The board establishes a vision for the school that reflects the aspirations and needs of the community. The board can have an important influence on the direction of the school, with members bringing ideas and lending their expertise to strategic planning and community partnerships.

Like all public schools, principals of Independent Public Schools must comply with relevant legislation, industrial agreements and whole of government policies and initiatives including, but not limited to:

- School Education Act 1999
- School Education Regulations 2000
- School Curriculum and Standards Authority Act 1997
- Public Sector Management Act 1994
- Financial Management Act 2006.

3.3 Delivery and Performance Agreement⁴

Each school enters into a three-year **Delivery and Performance Agreement** with the Director General of the Department of Education. One requirement of this agreement is the school's participation in a school review.

³ <https://www.education.wa.edu.au/independent-public-schools>

⁴ <https://www.education.wa.edu.au/independent-public-schools>

A school review is conducted of each Independent Public School in the final year of its Delivery and Performance Agreement.

Independent Public Schools demonstrate accountability for the quality of the learning environment and the standards of student learning against their:

- Delivery and Performance Agreement
- Business Plan
- School self-assessment
- Principal's reports to the School Board
- Annual Report
- Principal's professional review
- School review.

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

4 Purpose of the Board

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.

5 Functions of the Board

5.1

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 (**SEA s.128(a)(i)**);
- b) the planning of financial arrangements necessary to fund those objectives, priorities and directions (**SEA s.128(a)(ii)**);⁵
- c) evaluating the school's performance in achieving them (**SEA s.128(a)(iii)**); and
- d) formulating codes of conduct for students at the school (**SEA s.128(c)**).

5.2

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 (**SEA s.129(2)**)⁶.

5.3

To approve:

- a) of a charge or contribution determined by the Principal for the provision of certain materials, services and facilities (**SEA s.99(4)**);

⁵ The Principal submits the school's budget to the Board for consideration, endorsement and inclusion in the school development plan. Endorsement from the school Board must be obtained for any major revision to the budget, which has an impact on the original programs and priorities (Section 5.1.4 Department of Education's *Financial Management in Schools Finance and Accounting* policy).

⁶ An Independent Public School Board takes part in the selection of, but not the appointment of, the school Principal. An Independent Public School board may apply to the Director General or delegate to take part in the selection of, but not the appointment, of any other member of the teaching staff. Where the school is an Independent Public School, the Director General's delegate is the school Principal.

- 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 (**SEA s.100(3)**);
- 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 (**SEA s.108(2)**); and
- d) of an agreement or arrangement for advertising or sponsorship in relation to a government school (**SEA s.216(5)**).

5.4

To determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school (**SEA s.128(d)**).

5.5

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 (**SEA s.70**); 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 (**SEA s.69(2)**).

5.6

To promote the school in the community (**SEA s.128(b)**).

5.7

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

6 Limits of Functions

6.1

The Board cannot:

- a) intervene in the control or management of a school (**SEA s.132(a)**);
- b) intervene in the educational instruction of students (**SEA s.132(b)**);
- c) exercise authority over teaching staff or other persons employed at the school (**SEA s.132(c)**); or
- d) performance manage the Principal or any other Department of Education employee (**SEA 132(c)**);
- e) intervene in the management or operation of a school fund (**SEA s.132(d)**); and
- f) purchase property (**SEA 131**).

6.2

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

6.3

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 (**SEA s.135(1)(2)**).

7 Qualifications for membership of the Board

7.1

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

- a) parents of students at the school (**SEA s.127(1)(a)**);
- b) members of the general community (**SEA s.127(1)(b)**);

- c) staff of the school (**SEA s.127(1)(c)**);
- d) the Principal is automatically a member of the Board (**SEA s.127(2)**).

7.2

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 (**SEA s.127(3)**).

7.3

The number of members of the Board will be **13**.

7.4

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 (**SER r.107(1)(a)(i)**);
- b) having regard to the functions of the Board and any changes in those functions (**SER r.107(1)(a)(ii)**); and

7.5

The composition of the Board will be:

- i. **2** members of the general community;
- ii. **1** staff member in addition to the Principal;
- iii. **9** parents;

7.6

Parents and members of the general community will form the majority of the members of the Board (**SEA s.127(4)**); and at least one of this majority will be a parent member (**SER r.107(2)**).

7.7

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 (**SER r.112**).

8 Roles of Office Bearers

8.1

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 (**SER r.115(2)**);
- 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 **(SER r.117(c))**;
- l) comply with any directions of the Board in relation to the venue and time of meeting and giving notice of the meeting **(SER r.115(2))**;
- m) resolve disputes as required;
- n) represent the school in the community and at formal functions; and
- o) facilitate mediation meetings as required.

8.2

Secretary⁷

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

- a) co-ordinate the correspondence of the Board;
- b) preparation of meeting agendas, meeting papers and minutes
- c) final agendas will be distributed no later than 2 working days prior to the next scheduled meeting;
- d) 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;
- e) ensure that full and correct minutes of the meetings and proceedings of the Board are kept in a minute book and are signed off by the Chairperson after every meeting;
- f) 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;
- g) keep and maintain in an up to date condition a register of the members of the Board and their postal and residential addresses;
- h) 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 **(SER r.108(2)(b))**;
- i) keep and maintain this Terms of Reference and have copies of this Terms of Reference available to all members;
- j) ensure every member has access to inspect the records and documents of the Board;
- k) have custody of all books, documents, records and registers of the Board; and
- l) have custody of all other records held by the Board.

8.3

Board Members

All members of the Board are expected to:

- a) to act honestly, fairly, loyally, in good faith, and with integrity in the best interests of the school;
- b) to have a clear understanding of their role and responsibility as a member of the Board;
- c) be committed to and actively involved in pursuing the Schools vision and objectives;
- d) actively participate in all meetings, discussions and other working groups as appropriate and respect the views and opinions as expressed by others;

⁷ Schools may provide support to the Board through the school support staff who may undertake the role of the secretary.

- e) submit any agenda items and supporting documentation to for collation at least 5 working days prior to the next scheduled meeting;
- f) work effectively and constructively with all other member of the Board, relevant parties and external stakeholders;
- g) support the school in times of crises;
- h) 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;
- i) uphold and adhere to the policies, procedures and working documents of the School and the Board; and
- j) maintain confidentiality in respect of all Board matters and discussions unless otherwise agreed by the Board.
- k) adopt a Code of Conduct, review the code regularly and include the code as part of the induction for new members.

8.3

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.

9 Elections and appointment of Board members

9.1

Members of the Board are appointed for a term not exceeding three years (**SER r.110(1)(a)**).

9.2

Members may be reappointed for a further term once or more than once (**SER r.110(1)(b)**).

9.3

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 (**SER r.107(3)**).

9.4

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 (**SER r.110(2)**).

9.5

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

9.6

The Chairperson and Deputy Chairperson is elected by and from its membership (**SEA s.127(6)**) at the first meeting of the Board following the annual election; or if no election is held, at the first Board meeting of the school calendar term.

9.7

The Principal of the school will invite nominations from all persons in each category to fill vacancies in the Board membership (**SER r.108(1)**).

9.8

If there are more nominees than places available on the Board:

- a) the Principal will conduct an election to appoint parents, staff and students **(SER r.108(2)(a)(c)(d))**; and
- b) in the category 'community members' the choice of nominee will be decided by the Board rather than by election **(SER r.108(2)(b))**.

9.9

Only those people eligible for a position are eligible to vote for representatives for that position **(SER r.109(1)(2)(3)(4)(5))**.

9.10

Parent members are to be elected from and by parents **(SER r.108(2)(a))**.

Parents eligible to vote are:

- a) each parent whose name and address has been provided to the school **SEA s.16(1)(b)(ii)(I) (SER r.109(1)(a))**; 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 **(SER r.109(1)(b))**.

9.11

Staff members are to be elected from and by the staff of the school **(SER r.108(2)(c))**. Staff members who are eligible to vote are each person who is employed at the school under **SEA s.235(1)**, and whose usual place of work is at the school **(SER r.109(3))**.

9.12

There will not be an election to appoint community members. The Board may appoint suitably qualified persons from the list of nominees by a vote in a meeting **(SER r.108(2)(b))**.

9.13

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 **(SER r.112)**.

9.14

A person will not vote in respect of more than one category of membership of the Board **(SER r.109(5))**.

9.15

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

9.16

The Principal is responsible for the proper conduct of all elections **(SER r.108(2))**.

9.17

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.

9.18

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).⁸

9.19

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

10 Board meetings and proceedings

10.1

The Board must meet together to undertake Board functions for not less than (four) **4** ordinary meetings in each school calendar year.

10.2

Ordinary Meetings

- a) "ordinary meeting" means a meeting held by determination of the Board (**SER r.115(1)**); and
- b) A Board must hold at least two (2) ordinary meetings per year.

10.3

The Chairperson will give to the members of the Board not less than **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) agenda.

10.4

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

10.5

Annual public meeting

- a) "Annual public meeting" is the meeting held once in every calendar year that is open to the public (**SER r.117(a)**);
- b) An annual report will be presented at the meeting to advise the school community of the performance of the Board in relation to its functions since the previous annual public meeting (**SER r.117(c)**).

10.6

The Chairperson will give to all members and parents not less than 14 days formal notice of an annual public meeting (**SER r.117(b)**), which will include at a minimum:

- a) when and where the annual public meeting is to be held; and
- b) agenda

10.7

Special Board meeting

- a) Is a meeting called for by families of students at the school for a particular purpose (**SER r.118**);
- b) will be held by determination of the Board (**SER r.115(1)**); or
- c) will be called for by:
 - i. at least 20 families of students at the school (**SER r.118(1(b)(i))**); or

⁸ *Criminal History Screening policy and procedures and School Councils and Boards policy and procedures*

- ii. at least half the number of families of students at the school, whichever is the lesser number of families, **(SER r.118(1)(b)(ii))**;
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.

10.8

The Chairperson is not to convene a special meeting if the purposes of the proposed meeting are not relevant to the Board's functions **(SER r.118(3))**.

10.9

A special meeting is to deal only with matters relevant to the purposes set out in the notice received by the Chairperson **(SER r.118(4))**.

10.10

The Chairperson will give to all members and the school community not less than **14** days formal notice of a special meeting which will include:

- a) when and where the annual public meeting is to be held; and
- b) agenda.

10.11

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

10.12

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.

10.13

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.

10.14

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 were a fresh meeting.

10.15

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.

10.16

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

10.17

Out of Session Decisions

- a) 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.

- b) Emails sent to the Group for the purpose of decision making out of session will take the following format:
- i. DECISION REQUIRED (Email subject Line);
 - ii. 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;
 - iii. If a decision is required urgently it will be stated in the body of the email and will include a timeframe for response;
 - iv. All emails regarding the request for 'decision required' will be initiated by the Chairperson and/or the Principal;
 - v. All email responses to DECISION REQUIRED emails are to be returned as REPLY ALL;
 - vi. 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.

10.18

Declaration of a Conflict of Interest

- a) 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.
- b) 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.

10.19

Code of Conduct

The Board is to adopt a Code of Conduct, review the code regularly and include the code as part of the induction for new members.

11 Quorum at Board meetings

11.1

At a meeting **50 per cent** of members present in person at a Board meeting constitute a quorum.

11.2

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.

11.3

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.

12 Motions at Board meetings

12.1

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.

12.2

The Chairperson will be given **7** days notice of a motion to be proposed at a meeting.

12.3

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

12.4

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

13 Resolutions at Board meetings

13.1

Each Board member is entitled to one vote only **(SER r.119(3))**.

13.2

A co-opted Board member is not entitled to a vote **(SEA s.140(a))**.

13.3

Procedures for counting of votes will be **by ballot or a show of hands**.

13.4

Voting on issues will be recorded in the minute book.

13.5

A decision of the Board will not take effect unless it has been made by an absolute majority **(SER r.119(2))**.

13.6

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 offices (whether vacant or not) of members of the Board **(SER r.119(1))**.

13.7

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.

13.8

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

13.9

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.

14 Closing an ordinary Board meeting to the public

14.1

Meetings of the Board are generally to be open to the public **(SER r.115(3))**.

14.2

The Board will not close to members of the public an annual public meeting or special meeting **(SER r.115(3))**.

14.3

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 **(SER r.116(a))**;
- b) the personal affairs of any person **(SER r.116(b))**;
- 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 **(SER r.116(c))**;
- d) legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting **(SER r.116(d))**;
- 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 **(SER r.116(e)(i))**; 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 **(SER r.116(e)(ii))**; and
- f) information which is the subject of a direction given **PCA s.23(1)(a) (SER r.116(f))**.

14.4

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 **(SER r.116(2))**.

15 Disputes and Mediation

15.1

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.

15.2

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.

15.3

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

15.4

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.

15.5

A member of the Board can be a mediator.

15.6

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

15.7

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.

15.8

The mediator will not determine the dispute.

15.9

The mediation will be confidential and without prejudice.

15.10

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

16 Cessation or termination of membership of the Board

16.1

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

- a) becomes ineligible to hold office as a member (**SER r.111(1)(a)**);
- b) resigns by written notice delivered to the Board (**SER r.111(1)(b)**); or
- c) is removed from office by the Director General (**SER r.111(1)(c)**).

16.2

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 (**SER r.111(3)(a)**);
- b) has misbehaved or is incompetent (**SER r.111(3)(b)**);

- c) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member (**SER r.111(3)(c)**); or
- d) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice (**SER r.111(3)(d)**).

16.3

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 (**SER r.111(4)(a)**).

16.4

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 (**SER r.111(4)(b)**).

17 Committees of the Board

17.1

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

17.2

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.

17.3

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

17.4

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

18 Failure to Act Properly

18.1

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.

18.2

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

19 Review

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

20 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: _____