

**TERMS OF REFERENCE FOR
AVELEY PRIMARY SCHOOL BOARD (NON-INCORPORATED)**

Effective 22/10/2018

NAME

The name of the Board is the AVELEY Primary School Board.

DEFINITIONS

In these terms of reference:

“Board” means AVELEY Primary School Board.

“Director General” means the chief executive officer of the Department of Education and Training as defined in section 229 of the School Education Act.

“educational programme” means an organized 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” means parent as defined in section 4 of the School Education Act who is named in the school register as a parent of a student.

“school” means AVELEY 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.

“student” means student enrolled at the school.

1. PURPOSE

- 1.1 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.

2. FUNCTIONS OF THE BOARD

- 2.1 The Board has the following powers and duties:

2.1.1 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;

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

2.1.3 to promote the school in the community;

2.1.4 to approve:

- charges and contributions for the provision of certain materials, services and facilities under section 99(4) of the School Education Act;
- extra cost optional components of educational programmes, under section 100(3) of the School Education Act;
- items to be supplied by a student for use in an educational programme, under section 108(2) of the School Education Act; and
- any agreements or arrangements for advertising or sponsorship in relation to the school under section 216(5) of the School Education Act;

2.1.5 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 under section 69(2) of the School Education Act;

2.1.6 with the approval of the Minister or the Director General, as the Minister's delegate, to:

- take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff under section 129(2) of the School Education Act;

2.2 The Board cannot:

2.2.1 intervene in the control or management of the school;

2.2.2 intervene in the educational instruction of students;

2.2.3 exercise authority over teaching staff or other persons employed at the school; or

2.2.4 intervene in the management or operation of a school fund.

3 MEMBERSHIP OF THE BOARD

3.1 The School Education Act provides for the following categories of membership:

- parents;
- members of the general community;
- staff of the school

3.2 The Board is to determine its composition:

- 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;
- having regard to the functions of the Council and any changes in those functions; and
- with a view to including members of the general community and staff of the school.

3.3 The number of members of the Board shall be at least 5 but not more than 15, but shall otherwise be determined by the Board. Only one representative from a family is permissible. This will comprise of community members, school staff members and the Principal of Aveley Primary School, with the community representatives being the majority.

3.4 Chair of the Board is to be elected by and from its members.

3.5 The Principal is automatically a member of the Board.

3.6 Parents and members of the general community must form the majority of the members of the Board.

3.7 There must be at least one parent member of the Board.

- 3.8 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.
- 3.9 Terms to be for 3 years for elected members with further opportunity to be re-elected for a further 3 years. The Board Chair will also commit to a handover period of 3 months. Co-opted members will serve a term of 1 year or the duration in which their expertise is required on the Board.
- 3.10 Members may stand for re-election. Please refer to TOR 6.10 Voting and Election Processes.
- 3.11 Members must commit to attendance at all Board meetings. Apologies are to be forwarded to the Board Chair via the Aveley Board email, aveleypsboard@gmail.com.
- 3.12 Code of Conduct for Board Members: *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 primary consideration is that the school's values are in the best interests of students.
 - A Board abides by all the relevant legislation and industrial agreements.
 - A Board is accountable to both its local school community and the Director General.
 - A Board encourages members to behave in a civil and respectful manner, avoiding discrimination, harassment and bullying.
 - 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.
 - Conflict between Board members is dealt with respectfully and fairly and in a manner that reflects the principles of natural justice.
 - Board members 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.
 - Board members are expected to 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.
 - Board members 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.
 - The Board is not an appropriate forum for the discussion of individual school staff, students, parents or other members of the school community.
 - A Board member who is approached by a parent with a concern relating to an individual is in a privileged position and is 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.
 - The Board "speaks as one voice" in the public arena once a decision has been made.
 - Board members actively participate in sub-committees and meetings as the need arises.
 - If members are unable to attend a meeting, they are requested to submit an apology before the meeting.

4 APPOINTMENT AND ELECTION OF MEMBERS

- 4.1 The principal of the school will invite nominations from suitably qualified persons to fill vacancies occurring in the categories referred to in rule 5.1 above and, except in the case of the general community membership category, will conduct elections where the number of nominees is greater than the vacancies available.
- 4.2 Eligible to vote in the category of parent membership positions is each parent whose name and address has been provided to the school under section 16(1)(b)(ii)(I) of the School Education Act, or if neither parent's name and address has been so provided, each person who is responsible for the student.
- 4.3 Eligible to vote in the category of staff membership positions is each person to whom section 235(1) of the School Education Act applies and whose usual place of work is at the school.
- 4.4 A person may not vote in respect of more than one category referred to in rules 6.2, 6.3 and 6.4.
- 4.5 In the category of general community membership positions, the Council may appoint suitably qualified members of the general community from the list of nominees.
- 4.6 The Director General may, from time to time, specify standards or requirements in relation to the conduct of elections.
- 4.7 The Director General may inquire into any matter affecting an election or appointment of a member of the Council 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.
- 4.8 A member of the Board (other than the principal) shall hold office for a term not exceeding three years as determined by the Board and may be reappointed more than once.
- 4.9 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.
- 4.10 Voting and Election Processes: Please see Department of Education Unincorporated Councils Information Package, Section 12 : Nominations and Elections.
See APPENDIX A

5 CESSATION OR TERMINATION OF MEMBERSHIP

- 5.1 The office of a member of the Board becomes vacant if the member:
 - 5.1.1 becomes ineligible to hold office as a member;
 - 5.1.2 resigns by written notice delivered to the Board; or
 - 5.1.3 is removed from office by the Director General or his delegate.
- 5.2 The Director General or Executive Directors as delegates of the Director General, may remove a person as a member of the Board on the grounds that the continuation of the person as a member would be detrimental to the interests of the Board.
- 5.3 The Board may remove a person as a member of the Board on the grounds that the person:
 - 5.3.1 has neglected his or her duty as a member;
 - 5.3.2 has misbehaved or is incompetent;

- 5.3.3 is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
- 5.3.4 has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.
- 5.4 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.
- 5.5 Where a Board Member has allegedly committed a breach of Confidentiality and/ or Code of Conduct. Initially the Principal will investigate. Once proven by Principal and presented to Chair and Board, instant dismissal from the Board will occur.

6 MEETINGS AND PROCEEDINGS OF THE BOARD

- 6.1 The Aveley PS Board has determined that the number of meetings for each year will be eight, two being held in weeks 3 and 7 of each school term.
- 6.2 The Chair of the Board is to convene Board meetings in accordance with the directions of the Board in relation to the venue and time of meeting and giving notice of the meeting.
- 6.3 Meetings of the Board are generally to be open to the public.
- 6.4 The Board is to hold, each calendar year, at least one meeting that is open to the public, 14 days' notice of which has been given to parents and in which a report is presented on the performance of the Board's functions.
- 6.5 The Board may decide to close to members of the public a meeting or part of the meeting on the grounds set out in rule 8.6 unless the meeting is the annual public meeting or a special meeting called under regulation 118 of the *School Education Regulations 2000*.
- 6.6 The Board may decide to close to members of the public a meeting or part of the meeting if it deals with any of the following:
 - 6.6.1 a matter affecting a person who is employed at the school;
 - 6.6.2 the personal affairs of any person;
 - 6.6.3 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;
 - 6.6.4 legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting;
 - 6.6.5 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;
 - 6.6.6 information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.
- 6.7 A decision to close a meeting or part of the meeting and the reason for the decision are to be recorded in the minutes of the meeting.
- 6.8 The Chair is to convene a special meeting of the Board if the meeting is called for in a notice to the Chair setting out the purposes of the proposed meeting, that is provided by at least 20 families of students at the school or at least half the number of families of students at the school, whichever is the lesser number of families.
- 6.9 The Chair is not to convene a meeting under rule 8.8 if the purposes of the proposed meeting are not relevant to the Board's functions.

- 6.10 A meeting convened under rule 8.8 is to deal only with matters relevant to the purposes set out in the notice received by the Chair.
- 6.11 Each Board member, including the Chair, is entitled to one vote only.
- 6.12 A decision of the Board does not have effect unless it has been made by an absolute majority.
- 6.13 An absolute majority means a majority comprising enough of the members of the Board for their number to be more than 50% of the number of offices whether vacant or not.
- 6.14 Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by the Board.
- 6.15 Board Standards of Debate:
1. When debating within the Board, members should be objective, information should be debated as opposed to personal opinions or prejudices.
 2. When debating Board members should always conduct themselves with dignity and be courteous towards others.
 3. Board members may not make personal comment about other members, use obscenity, blasphemy or defamation.

7 FAILURE TO ACT PROPERLY

- 7.1 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.
- 7.2 If the Minister is of the opinion that a Board has not complied with such a notice, the Minister may dismiss the Board.

8 COMMITTEES OF THE BOARD

- 8.1 The Board is empowered to appoint such Committees, as it deems necessary.
- 8.2 Membership of Committees is not confined to members of the Board, but at least one Board member is required to serve on each Committee.
- 8.3 The duties of any Committee shall be clearly defined by the Board and where appropriate a specific date shall be set for the completion of the tasks assigned to the Committee.
- 8.4 In all cases a Committee makes its recommendations to the Board.

9 DUTIES TO BE ALLOCATED

- 9.1 The Board is to allocate to a member or members the following duties:
- 9.1.1 co-ordinate the correspondence of the Board;
 - 9.1.2 ensure that full and correct minutes of the meetings and proceedings of the Board are kept; and
 - 9.1.3 have custody of all books, documents, records and registers of the Board that will be filed and placed in a secure site that is accessible to the Principal and the Secretary.

UNINCORPORATED COUNCILS INFORMATION PACKAGE

12. 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.