



Department of
Education

SCHOOL COUNCILS POLICY

SCHOOL COUNCILS PROCEDURES

This PDF contains the following documents:

Document 1:

School Councils Policy v2.3

Effective: 8 March 2013

Last updated: 17 March 2016

Document 2:

School Councils Procedures v2.5

Effective: 8 March 2013

Last updated: 15 April 2016



**Department of
Education**

SCHOOL COUNCILS POLICY

EFFECTIVE: 8 MARCH 2013

VERSION: 2.3 FINAL

Last update date: 17 March 2016

1 POLICY STATEMENT

All public schools will have a council or board unless exempted by the Minister.

2 POLICY RULES

- The principal must be a member of the school council or board.
- Members of the school council or board must be provided with information to enable them to undertake the functions of the school council.
- An unincorporated council or board must have a terms of reference;
- A school council or board applying to become incorporated must have a constitution containing provisions approved by the Deputy Director General, Schools.
- A school council or board cannot borrow funds.
- The formation of a joint school council or board must be approved by the Minister for Education.
- An exemption to form a school council must be approved by the Minister for Education.

3 RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

Implementation of this policy in individual schools is the responsibility of the principal.

Monitoring compliance with this policy in the regions is the responsibility of the line manager.

4 SCOPE

This policy applies to principals and school councils and boards.

5 SUPPORTING PROCEDURES

School Councils Procedures

6 DEFINITIONS

BOARD

The council of an Independent Public School.

INCORPORATED COUNCIL OR BOARD

A legal entity in its own right, separate from the individual members, with powers additional to those of unincorporated councils or boards, and bound by additional legislation (*Associations Incorporation Act 1987*).

JOINT COUNCIL OR BOARD

One council or board that operates for two or more schools.

7 RELATED DOCUMENTS

RELEVANT LEGISLATION OR AUTHORITY

Associations Incorporation Act 1987 (WA)

School Education Act 1999 (WA)

School Education Regulations 2000 (WA)

OTHER DOCUMENTS

Information Package for Incorporated Councils

Information Package for Unincorporated Councils

Model Constitution for Incorporated School Councils

Model Terms of Reference for Unincorporated School Councils

8 CONTACT INFORMATION

Policy manager: Manager, Policy & Governance

Policy contact officer: Senior Policy Analyst
Policy and Governance
T: (08) 9264 4680

9 REVIEW DATE

8 March 2016

10 HISTORY OF CHANGES

Effective date	Last update date	Policy version no	Ref no	Notes
8 March 2013		2.0		Major review undertaken of v1.0. Procedures and processes clarified. Original policy split into policy and procedures documents. D13/0104727
8 March 2013	29 November 2013	2.0	D13/0637330	Updated contact information. D13/0573788.

8 March 2013	24 March 2015	2.1	D15/0104767	Contact information updated to reflect change in position from Director, Office of the Director General to Executive Director, Organisational Governance. D15/0085666
8 March 2013	25 June 2015	2.2	D15/0248581	Updated contact details D15/0198137
8 March 2013	17 March 2016	2.3	D16/0199686	Updated contact information. D16/0197926



Department of
Education

SCHOOL COUNCILS PROCEDURES

EFFECTIVE: 8 MARCH 2013

VERSION: 2.5 FINAL

Last update date: 15 April 2016

1 POLICY SUPPORTED

School Councils Policy

2 SCOPE

These procedures apply to principals and school councils and boards.

3 PROCEDURES

The principal is automatically a member of the council or board and is required under the provisions of the *School Education Act 1999* and *the School Education Regulations 2000* to:

- provide the council or board with any support services it may reasonably require;
- provide advice and direction to the council or board; and
- establish the council or board and its operations, including:
 - adopting a constitution (if incorporated);
 - the appointment and election of members; and
 - the conduct of meetings.

3.1 ALL COUNCILS AND BOARDS - FUNCTIONS

The principal will provide members of the school council or board with the following information to enable them to undertake the functions of the school council or board:

The council or board has the following functions, as stipulated in the *School Education Act 1999*, *School Education Regulations 2000*, associated delegations and, if incorporated, the *Associations Incorporation Act 1987*:

- 1 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;
- 2 to determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school;
- 3 to promote the school in the community;
- 4 to approve:
 - a) charges and contributions for the provision of certain materials, services and facilities;
 - b) extra cost optional components of educational programmes;
 - c) items to be supplied by a student for use in an educational programme; and

- d) any agreements or arrangements for advertising or sponsorship in relation to the school;
- 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) the implementation of special religious education;
- 6 with the approval of the Minister, or the Minister's delegate the Director General, or sub-delegates the Deputy Director General, Schools or Regional Executive Directors for government schools in their regions to:
 - a) take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff.

The council or board cannot:

- 1 intervene in the educational instruction of students;
- 2 exercise authority over teaching staff or other persons employed at the school;
- 3 control or manage the school unless the intervention is by way of performing a function prescribed for incorporated councils or boards (see section 3.3- Incorporated councils or boards); or
- 4 intervene in the management or operation of a school fund.

The council or board must comply with any conditions imposed on it by the Minister pursuant to section 130(3)(c) of the *School Education Act 1999*, and any directions issued by the Minister pursuant to section 135(1) of the *School Education Act*.

Guidance

The council or board of each public school works in a consultative and decision-making capacity with the school to achieve the best outcomes for students.

School councils or boards:

- *are created and operate according to the requirements legislated in the School Education Act 1999, the School Education Regulations 2000, and, if incorporated, in the Associations Incorporations Act 1987;*
- *operate for the benefit of the school community;*
- *take part in school governance; and*
- *are separate from school management and from the Parents and Citizens' Association.*

A council or board will only be concerned in school management if the intervention is by way of performing a function prescribed for incorporated councils or boards (see section 3.3 – Incorporated councils or boards).

Participation in the selection of the principal or any other member of the teaching staff is the only additional function allowed to both unincorporated and incorporated councils or boards under the School Education Act 1999 (s 129). Approval, if granted, is for the council or board to undertake this additional function on an ongoing basis and is not related to any specific person or selection process.

Each Independent Public School's Delivery and Performance Agreement requires that the Board Chair or representative is invited to participate in the selection of the Principal.

The Model Constitution for Incorporated School Councils and Model Terms of Reference for Unincorporated School Councils are the model documents that have been approved by the Deputy Director General, Schools.

3.2 UNINCORPORATED COUNCILS OR BOARDS

The principal will confirm that the council or board has a terms of reference.

Guidance

An information package for unincorporated councils or boards, that advises on roles of office bearers, meetings and proceedings, management of finances, and disputes and mediation, is available from the School Councils policy webpage <http://www.det.wa.edu.au/policies>.

Further information is also available in the Model Terms of Reference for Unincorporated Councils.

3.3 INCORPORATED COUNCILS OR BOARDS

The principal will:

- pursue incorporation on behalf of the council or board if the council or board wishes to undertake any of the additional functions permissible under section 130(1) of the *School Education Act 1999* and specified in regulation 113 of the *School Education Regulations 2000*;
- confirm that the council or board seeking to become incorporated has a constitution containing provisions approved by the Deputy Director General, Schools; and
- provide members of the school council or board with the following information to enable them to undertake the functions of the school council or board:

The functions of an incorporated council or board, with the approval of the Minister, or the Minister's delegate the Director General, or sub-delegate, the Deputy Director General, Schools may be to:

- 1 obtain funds for the benefit of the school, except by borrowing funds;
- 2 employ persons other than persons referred to in section 235(1) of the *School Education Act 1999*; and
- 3 manage or operate facilities at the school.

Guidance

Although the great majority of school communities have their needs met through an unincorporated council or board, the council or board would need to become incorporated if the following additional functions were required:

- *obtaining funds for the benefit of the school;*
- *employment of certain persons; and/or*
- *management or operation of certain facilities at the school.*

An incorporated council or board has more legal responsibilities than an unincorporated council or board. An incorporated council or board and its members do not have the protection from liability or access to Department of Education insurance and legal advice afforded to unincorporated councils or boards.

See Appendix A – Process for seeking incorporation and Appendix B – Application for the approval to seek incorporation.

An information package for incorporated councils or boards, that advises on roles of office bearers, meetings and proceedings, management of finances, and disputes and mediation, is available from the School Councils policy webpage <http://www.det.wa.edu.au/policies>.

Further information is also available in the Model Constitution for Incorporated Councils.

3.4 JOINT COUNCILS OR BOARDS

The principals of schools seeking to form a joint council or board will apply to the Minister for Education for approval.

Guidance

See Appendix C – Application to form a joint council or board.

3.5 EXEMPTION FROM THE REQUIREMENT TO HAVE A COUNCIL

The principals of schools seeking an exemption to form a council will apply to the Minister for Education for approval.

Guidance

An exemption is not applicable for Independent Public Schools.

A school may be exempt on the basis that it is not necessary to have a council:

- because of its size or nature; or*
- because the functions to be performed by a council can be provided by some other means.*

Where the Minister for Education makes an exemption, the order is to be published in the Government Gazette.

See Appendix D – Application for exemption to form a council.

4 DEFINITIONS

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Policy contact officer: Senior Policy Analyst
Policy and Governance
T: (08) 9264 4680**7 REVIEW DATE**

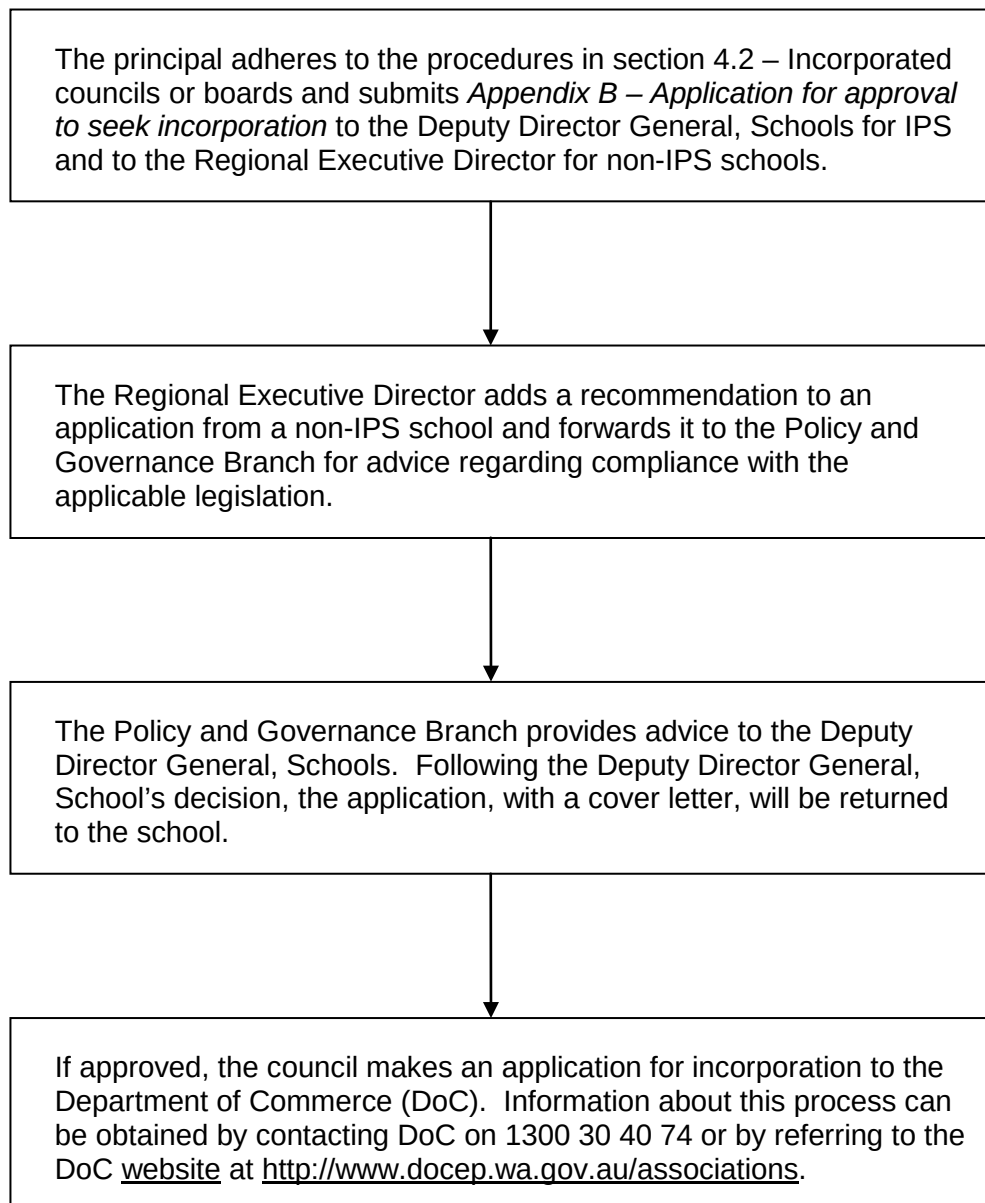
8 March 2016

8 HISTORY OF CHANGES

Effective date	Last update date	Policy version no	Ref no	Notes
8 March 2013		2.0		Major review undertaken of v1.0. Procedures and processes clarified. Original policy split into policy and procedures documents. D13/0104727
8 March 2013	29 November 2013	2.0	D13/0637335	Updated contact information. D13/0573788.
8 March 2013	5 August 2014	2.1	D14/0387166	Amended Appendices A, B, C and D to include process of having application checked by Policy and Governance for compliance. D14/0371139.

8 March 2013	24 March 2015	2.2	D15/0104768	Contact information updated to reflect change in position from Director, Office of the Director General to Executive Director, Organisational Governance. D15/0085666
8 March 2013	25 June 2015	2.3	D15/0248583	Updated contact details D15/0198137
8 March 2013	17 March 2016	2.4	D16/0199708	Updated contact information. D16/0197926
8 March 2013	15 April 2016	2.5	D16/0244121	Minor change to Guidance under s3.1. D16/0243953

APPENDIX A PROCESS FOR SEEKING INCORPORATION



APPENDIX B APPLICATION TO SEEK INCORPORATION (SECTION 130)

SCHOOL: _____

Attached are the following:

- 1) a copy of the school council's or board's constitution; and
- 2) a statement that:
 - a) provides evidence that the council's or board's membership and procedures comply with section 127 of the *School Education Act 1999* and regulations 104-112 and 115-119 inclusive; and
 - b) explains the additional function(s) for which approval is being sought and how the performance of the function(s) by the council or board will:
 - i) improve an educational program of the school or the management of the school's facilities; and
 - ii) be in the best interests of the students.

Council or board chairperson: _____ Date: _____

Principal: _____ Date: _____

REGIONAL OFFICE (Not applicable to IPS): _____

Application supported: YES ☐ NO ☐

Comments:

Regional Executive Director: _____

Date: _____

POLICY AND GOVERNANCEThe council's or board's constitution is compliant with the *School Education Act 1999* and the *School Education Regulations 2000*: YES ☐ NO ☐

Manager Policy and Governance: _____ Date: _____

DEPUTY DIRECTOR GENERALApplication approved: YES ☐ NO ☐

Deputy Director General: _____ Date: _____

APPENDIX C APPLICATION TO FORM A JOINT COUNCIL OR BOARD (SECTION 125(2))

Please attach a statement that explains:

- how a joint council or board will benefit the students and the schools concerned;
- the consultation that has occurred between the school communities; and
- the composition, number of members and their terms of office (attach the constitution if available).

SCHOOL: _____

Parent/community representative: _____ Date: _____

Principal: _____ Date: _____

SCHOOL: _____

Parent/community representative: _____ Date: _____

Principal: _____ Date: _____

Nominated principal: Regulation 108(5) provides that where a council operates for two or more schools jointly, one of the principals is to be nominated by the Deputy Director General, Schools for purposes relating to the filling of council vacancies and the conduct of elections. For consideration of the Deputy Director General, Schools the principal of _____ School is the nominated principal for these purposes.

REGIONAL OFFICE (Not applicable to IPS): _____

Application supported: YES ☐ NO ☐ (Please attach statement if appropriate.)

Regional Executive Director: _____ Date: _____

POLICY AND GOVERNANCE

The council's or board's constitution is compliant with the *School Education Act 1999* and the *School Education Regulations 2000*: YES ☐ NO ☐

Gazettal notice attached: YES ☐ NO ☐

Manager Policy and Governance: _____ Date: _____

DEPUTY DIRECTOR GENERAL, SCHOOLS

I nominate the principal of _____ School for the purposes of regulation 108(5).

Signature: _____

Date: _____

OFFICE OF THE MINISTER FOR EDUCATION

MINISTER FOR EDUCATION Application approved: YES ☐ NO ☐

Signature: _____

Date: _____

APPENDIX D APPLICATION FOR EXEMPTION TO FORM A COUNCIL (SECTION 126(1))

Please attach a statement that explains:

- the consultation that has occurred; and
- either the way in which functions to be performed by a council can be provided by some other means; or how the school's size or nature mean it is not necessary for the school to have a council.

SCHOOL: _____

Parent/community
representative: _____ Date: _____

Principal: _____ Date: _____

REGIONAL OFFICE _____

Application supported: YES ☐ NO ☐ (Please attach statement if appropriate.)

Regional Executive Director: _____ Date: _____

POLICY AND GOVERNANCE

This request is consistent with the requirements of the *School Education Act 1999* and the *School Education Regulations 2000*: YES ☐ NO ☐

Gazettal notice attached: YES ☐ NO ☐

Manager Policy and Governance: _____ Date: _____

DEPUTY DIRECTOR GENERAL, SCHOOLS

Application supported: YES ☐ NO ☐

Signature: _____ Date: _____

OFFICE OF THE MINISTER FOR EDUCATION

MINISTER FOR EDUCATION Application approved: YES ☐ NO ☐

Signature: _____ Date: _____