

Making the Partnership Work



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Contents

Introduction	1
1. Legal framework	2
Objectives, functions and powers of school councils	
Planning, reporting and accountability	
2. Governance	6
Characteristics of an effective school council	
Partnerships	
School council code of conduct	
3. Operations	9
School council membership	
School council meetings	
Role of principal and school council president	
School council sub-committees	
4. Support	14
Professional development	
Resources and advice	

Introduction

School councils play a key role in Victorian government schools. A school council develops a vision for the school in collaboration with all members of the school community and is actively involved in the development of and endorses the school's strategic plan.

This new edition of *Making the Partnership Work* has been prepared by the Department of Education and Early Childhood Development ('the Department') for new school councillors. It outlines the legal framework, governance and operations of school councils.

The Department's school council website provides more detailed information about school councils, including information on roles and responsibilities, operations, elections, and strategic planning and policy.

Visit <http://www.education.vic.gov.au/management/governance/schoolcouncils>

1. Legal framework

All government schools in Victoria – apart from the Distance Education Centre Victoria – are governed by a school council. Each school council is a legal entity in its own right, a body corporate, constituted by an order made under section 2.3.2 of the *Education and Training Reform Act 2006* or the former *Education Act 1958*

A school council generally has between six and fifteen members and, in the majority of cases, comprises three possible categories of membership:

- a mandated elected parent category
- a mandated elected Department employee category (the principal is automatically one of these members)
- an optional community member category. Members of this category are appointed by a decision of school council because of their capacity to assist the work of the council. They may have special skills, interests or experiences or they may provide the perspective of the parent club and/or the student body. Department employees are not eligible for membership of this category.

A school council operates within the legal framework of the *Education and Training Reform Act 2006*, the Education and Training Reform Regulations 2007 and the individual school council's constituting order. The constituting order is an order of the Minister for Education, which specifies the membership size and configuration of the particular school council, its objectives, powers, functions and accountabilities, and the role of the executive officer.

Objectives, functions and powers of school councils

The *Education and Training Reform Act 2006* defines the objectives, functions and powers of school councils.

Objectives

A school council's objectives are to:

- assist in the efficient governance of the school
- ensure that its decisions affecting students of the school are made having regard, as a primary consideration, to the best interests of the students
- enhance the educational opportunities of the students of the school
- ensure the school and the council comply with any requirements of this Act, the regulations, a Ministerial Order or a direction, guideline or policy issued under this Act.

Functions

A school council's functions include:

- establishing the broad direction and vision of the school
- developing, reviewing and updating the policies of the school
- arranging for the supply of goods, services, facilities, materials and equipment that are required for the conduct of the school, including the provision of preschool programs
- raising funds for school related purposes
- regulating and facilitating the after-hours use of school premises and grounds
- exercising a general oversight of the buildings and grounds and ensuring that they are kept in good order and condition
- providing for cleaning and sanitary services necessary for the school

1. Legal framework (cont)

- providing meals and refreshments for staff and students and charging for this
- ensuring all money coming into the hands of the council is properly expended for purposes related to the school
- informing itself of, and taking into account, any views of the school community for the purpose of making decisions in regard to the school and its students
- ensuring that an annual report relating to financial activities and the school's strategic plan is published and made available to the school community
- stimulating interest in the school in the wider community.

Powers

A school council has the power to:

- enter into contracts, agreements or arrangements
- establish trusts and act as a trustee of them
- employ teachers (for a fixed period not exceeding one year or on a casual basis), teacher aides or any other staff for the purpose of performing the council's functions and duties
- charge fees to parents for goods, services or other things provided by the school
- conduct programs in or use or allow third parties to conduct programs in or use school buildings or grounds for students, young people and the local community for educational, recreational, sporting or cultural activities
- carry out construction and improvements to school buildings
- form sub-committees to assist the council
- delegate powers, duties or functions, except the power of delegation, to another person or body
- form committees to manage joint facilities
- sell equipment, goods or other similar personal property acquired for use in the school
- provide preschool programs and make charges for the program.

Limitations

A school council does not have the power to:

- employ a teacher with no fixed date for the termination of that employment
- purchase or acquire for consideration any land or building.

Unless authorised a school council has no power to:

- licence or grant any interest in land
- enter into hire purchase agreements
- obtain loan or credit facilities
- form or become a member of a corporation
- provide education services outside Victoria
- purchase a motor vehicle, boat or a plane.

Planning, reporting and accountability

A school council is accountable to the Minister in respect of the performance by the council of its functions. As the governing body, a school council plays an important role in accountability and improvement processes. This role involves active participation in planning, review and monitoring of school performance. An effective school has a council that engages in analysis, discussion and debate about performance as a normal part of its business. A school council endorses the key school planning, evaluation and reporting documents.

School strategic plan

The school strategic plan reflects the community's expectations and the Government's priorities for education and early childhood development. It is a formal understanding between the school council, the school community and the Department.

The school strategic plan sets out the:

- school's goals and targets for the next four years
- strategies for achieving those goals and targets
- timelines for the implementation of the strategies; and expected changes in practices and behaviors over the period of the plan.

A school council is actively involved in the development of the school strategic plan. The completed plan is tabled at a meeting of the school council for endorsement, and is signed by both the president of the council and the principal before submission to the Regional Network Leader.

School budget/finance

A school council must ensure that:

- an annual budget is prepared and subsequently that a statement of receipts and expenditure is prepared
- proper accounts and records of financial operations and the financial position and operation of the council are kept
- an internal control system is maintained and monitored to ensure operational efficiency and adherence to Department requirements.

The school council at each regular meeting should be provided with a report that summarises and seeks endorsement for receipts, payments and financial commitments made in relation to the school budget and drawn on school accounts. A report should also be provided on progress against the school's budget plan.

1. Legal framework (cont)

All cheques and negotiable instruments (whether electronic or otherwise) drawn on any account kept under the control of a school council must be authorised by both the principal and the president or a nominated signatory who is a member of school council nominated by council for this purpose.

All withdrawals or transfers out of any account kept under the control of the council that are made by means other than cheque or negotiable instrument (whether electronic or otherwise) must be authorised in writing by both the principal and the president or a nominated signatory who is a member of school council nominated for the purpose. The school business manager cannot be nominated, even if he or she is a member of school council.

Annual reporting to the school community

The school annual report provides an opportunity for the school council, leadership team, staff and students to reflect on the success or otherwise of their improvement strategies and the allocation of resources, and informs planning for improvement the following year.

The annual report must be officially endorsed at a meeting of school council before it is submitted to the appropriate Department regional office by 31 March each year and made available to parents and the wider school community. The completion of the annual report is required under the *Education and Training Reform Act 2006* and to meet Commonwealth requirements.

The report is a public document and must reflect the school's financial activities and the school strategic plan. Its publication provides an opportunity to communicate and publicise the achievements and longer-term directions of the school.

Legal liability

A school council member (or former member) is indemnified by the Crown against any liability in respect of any loss or damage suffered by the council or any other person in respect of anything necessarily or reasonably done, or omitted to be done by the member or former member in good faith in:

- a. the exercise of a power or the performance of a function of a member, or
- b. the reasonable belief that the act or omission was in the exercise of a power or the performance of a function of a member.

Provided a school council member acts in accordance with the above paragraph and has not engaged in behaviour that would implicate the member in a criminal offence:

- the member will not be liable for the debts and liabilities of the school council
- the Department will assume responsibility, on the member's behalf, for the payment of all costs, including damages arising from any legal proceedings.

On the other hand, a school council is a corporate body, legally distinct from its members. It is liable for its debts, actions and decisions unless the Minister for Education or Secretary of the Department has agreed to accept liability on its behalf.

2. Governance

Good governance is a foundation for high performance and improved learning outcomes for all students.

Good governance strengthens community confidence in the council and helps to ensure the council's reputation is maintained and enhanced. Good governance enables the council to perform efficiently and effectively and to respond strategically to changing demands and educational challenges.

Good governance relies on the professional leadership of the principal, president and the school council and the establishment of procedures, which achieve a balance between formal meeting procedures and a friendly atmosphere of cooperation. A council can make a key investment in the quality of its own performance by developing the skills, knowledge and contributions of members through their professional development.

A school council works within the context of the effective schools model.



In an effective school, school council processes are characterised by a mutual sharing of information, knowledge and ideas. There is a focus on dialogue in which all school community members are able to exchange information, share experiences, honestly express perspectives, pose questions, clarify viewpoints, explore relevant research and develop a shared vision and way forward.

2. Governance (cont)

Characteristics of an effective school council

An effective school council is one that:

- focuses on improving student learning outcomes
- leads school community conversations about key issues and challenges in education
- is actively involved in the development of the school strategic plan
- promotes meaningful parent and community participation and actively seeks the views of its school community
- has a clear understanding of its role and responsibilities
- includes members who represent the diverse views of the school community
- has clear and consistent processes for decision-making
- maintains high ethical standards
- has members who have developed mutual trust and respect for one another
- evaluates and communicates with the school community about its activities.

School council members can support the development of strategic partnerships to help the school achieve the goals set out in the strategic plan; for example, by discussing opportunities to work with organisations outside of the school.

Partnerships

For any school council to operate effectively and efficiently, there must be a good working relationship between the principal, the school council president and all members of the school council. This relationship is based on mutual respect and trust and a shared vision and strategic plan for their school. As well, there are important partnerships between the school council and the wider school community, and between the school council and the Department.

As reflected in the *Blueprint for Education and Early Childhood Development (2008)*, building partnerships between schools, parents and the wider community can help to improve learning opportunities for children and young people. Partnerships can exist between schools and other schools, community support organisations, as well as local employers and businesses.

Partnership between members of school council

School councillors are part of a team. Their roles and responsibilities relate to the good of the whole school, not just one section of it. The school council by law is a unit, a body corporate; therefore, decisions made by the council must be those of the group rather than of an individual.

Representing each section of the school community – parents, teachers, support staff and students – school council members contribute their individual perspectives to discussions and thereby assist the council to come to an informed decision. When voting on a matter, however, members' responsibility is in the best interests of the school as a whole. Their overriding commitment must be to a shared vision and plan reflecting the broad values of the school community.

Consultation with the wider school community

School council should consult with the school community and occasionally beyond the school community, with the local community. This, of course, does not mean that council goes to the community about every decision, but that it needs to be aware of the school community's views. The school council should discuss and document the process for consultation.

School council meeting agendas and reports may be included in the school newsletter and website and meeting dates published. Some schools also ensure that school community members are invited to attend meetings and that school council members are able to be contacted.

The public spokespersons for the council are normally the council president and the school principal.

Relationship between school council and the Department

All Victorian government school councils are bound by legislation, Department policy, directions and guidelines. While the directions given to school councils are kept to a minimum, with the preference being to issue guidelines enabling them to make informed decisions, there are some directions with which school councils and schools must comply.

School council code of conduct

School councils in Victoria are public entities as defined by the *Public Administration Act 2004*. School councillors must abide by the Directors' Code of Conduct issued by the Public Sector Standards Commissioner.

A school council member must:

- act with honesty and integrity
- act in good faith in the best interests of the school
- act fairly and impartially
- use information appropriately
- use their position appropriately
- act in a financially responsible manner
- exercise due care, diligence and skill
- comply with the appropriate legislation
- demonstrate leadership and stewardship.

3. Operations

School council membership

Office bearers

The principal is a member of council and the executive officer. The only other mandated office bearer for a school council is the president. The president is a non-Department employee and is the chairperson of school council meetings.

While there is no legal requirement to elect a vice-president, it is normal practice to do so. The vice-president would then act as chair of council meetings in the absence of the president. A vice-president is also a non-Department employee.

Similarly, it is good practice rather than a legal requirement for a school council to have a treasurer. It is recommended that the position of council treasurer be held by a non-Department parent or community member.

Terms of office

School councillors are elected for two-year terms. The term of office and rights and responsibilities of community (that is, appointed) members are the same as those of elected councillors. Half the council members retire each year but they can stand for re-election.

Community membership

If a school council has positions for community members, these positions should be considered at the first meeting of the newly elected school council, and may be filled then or at any subsequent meeting.

At this meeting, elected school council members should assess the skill mix required for the council to function effectively and consider what skill or other gaps may be filled through appointing community members (for example, a person with accounting or financial planning skills who could become the council's treasurer).

Community members can also be valuable in developing key strategic partnerships that will benefit the school and students, such as a community support organisation, a key local employer or training organisation as well as local business owners.

Following identification of appropriate candidates, the school council decides which people will be appointed or approached as community members.

Casual vacancies

Casual vacancies are created when a council member resigns or ceases to be eligible. Reasons for ineligibility include when a member:

- dies
- is or becomes bankrupt
- is or becomes of unsound mind
- resigns by delivering a letter of resignation to the school office or to the president of the school council
- is or becomes convicted of an indictable offence
- ceases to be eligible for the particular membership category under which he/she was elected or co-opted

- is absent from three consecutive council meetings without special leave previously granted by council and subject to a decision of council
- in the Department employee member category goes on any form of leave (including a secondment), whether with or without pay, from employment with the Department for a period of more than six months
- in the parent member category becomes a Department employee during their term of office in circumstances where this causes the school council to be in breach of the requirement that the majority of a school council's total membership must be persons who are not Department employees.

Filling casual vacancies

Casual vacancies are filled by co-opting people to the relevant membership category. People are eligible for co-option to the elected member categories provided they are eligible to be elected to the relevant membership category. Any person who fills a vacant position created by a casual vacancy only serves the unexpired portion of the vacating member's term of office.

Changing the size or configuration

A school council can change both the size and the configuration of its membership, providing the changes are within the Department's guidelines. A change in size and configuration requires a Ministerial Order. Council has the opportunity to do this once a year.

School council meetings

Frequency

School council must meet at least eight times per year and at least once per school term. All members are expected to attend meetings. If a member is unable to attend a meeting, an apology should be submitted to the executive officer (the principal) and it should be recorded in the minutes of the meeting.

Length

School council meetings should require no longer than 2.5 hours, regardless of whether they are in a primary, secondary, specialist or P-12 setting. If business has not been concluded by the scheduled closing time for the meeting, the chair should ask councillors whether they wish to defer the rest of the business until the next meeting or to extend the meeting by a specified period of time (for example, 15 minutes). A motion is necessary if council wants to extend the meeting.

Forming a quorum

A school council meeting must operate with a quorum. A quorum requires not less than one half of school council members currently holding office to be present at the meeting with a majority of members present who are not Department employees. Any parent members on school council who also work for the Department are counted as Department employees for the purpose of a quorum. A member of the school council may be present in person or by videoconferencing or teleconferencing.

3. Operations (cont)

Effective decision-making

For effective decision-making at council meetings, there needs to be:

- a carefully prepared agenda and papers that are sent at least five working days before the meeting
- frank and open discussion
- accurate, timely records of decisions, discussion and dissent
- access to independent and external professional advice.

Open and closed meetings

School council meetings would normally be open to the school community and conducted according to standard meeting requirements. Visitors or observers can be present with the agreement of the principal and a decision of council. Visitors have a right to speak but must do so through the presiding member. They have no voting rights. There are, of course, times when the council meeting, or part of the meeting, needs to be closed, such as for the selection and appointment of a new school principal.

Making decisions

Decisions are always decisions of the whole council. Decisions are made either by consensus or by voting.

Tied votes

When a vote is tied (that is, when an even number of people are for and against the decision), the president has a casting or deciding vote.

Standing orders

Standing orders, designed to help school councils run their meetings in a productive and efficient manner, should be developed and implemented by council. They would include, for example, whether decisions are taken by consensus or voting. A sample set of standing orders is shown at:

www.eduweb.vic.gov.au/edulibrary/public/schacc/SCstandingorders.pdf

A council should develop its standing orders according to the values of its school.

If the president is absent

In the absence of the president, the vice-president must chair the school council meeting. If neither the president nor the vice-president is present, councillors may elect a member to chair the meeting. A Department employee cannot chair a meeting regardless of their membership category (staff or parent).

Conflict of interest

If a school council member or a member of his or her immediate family has any direct conflict of interest (including a pecuniary interest) in a subject or matter under discussion at a school council meeting, the member must declare the conflict of interest. Furthermore, this member must not be present during the relevant discussion unless invited to do so by the person presiding at the meeting and must not be present when a vote is taken on the matter.

Role of principal and school council president

Role of the principal

The principal has the overall responsibility for the education provided to the students and for the management of the school within Department guidelines and government policies. The principal leads the development of the broad direction, vision and strategic plan of the school. The school council is actively involved in this process. The principal has a leadership role and a clear set of accountabilities in relation to the operation of the school.

As executive officer of school council, the principal is responsible for:

- providing the school council with timely advice about educational and other matters
- reporting annually to the school council on the school's performance against its strategic plan
- making sure that whatever council decides is acted upon
- providing adequate support and resources for the conduct of council meetings
- communicating with the school council president about council business
- being an ex-officio member of all school council committees. This means that because of his/her official position, the principal may be a member of all committees.

Role of school council president

The role of the school council president is to:

- chair school council meetings
- ensure that at meetings everyone has a say and decisions are properly understood and well recorded
- be a signatory to accounts, contracts and the school strategic plan
- ensure council stays focused on improving student learning outcomes
- encourage participation in the work of the council and its sub-committees
- ensure that new council members receive appropriate induction
- act with the principal as the council's spokesperson and official representative on public occasions.

The school council president may also participate as an ex-officio member of all sub-committees established by school council. This means that because of his/her official position, the school council president is a member of all committees.

A Department employee may not be a school council president. This includes staff members of the school and any parent representatives who work for the Department.

3. Operations (cont)

School council sub-committees

Sub-committees assist council in the work that needs to be done and report regularly at school council meetings. They provide advice and make recommendations to school council, which has the final responsibility for decisions. The decision-making responsibilities of the council should not be compromised by the work of any sub-committee.

Council cannot delegate its decision-making powers to sub-committees; for example, approval of the school's budget is the responsibility of school council. Membership of sub-committees is determined by the council and is open to school council and non-school council members. At least one member of the council must be a member of each sub-committee.

Sub-committees should have clear terms of reference and procedures for agendas, minutes and reporting to the council.

All school councils are encouraged to have a finance sub-committee. A convener of the finance committee, as elected from council members, is preferably a non-Department parent member or a community member. The business manager/bursar should not hold this position. The convener may be appointed by council as its treasurer.

Some examples of other sub-committees are buildings and grounds, education and policy, curriculum, student leadership, information technology, community building or community relations, and outside-school-hours care, if the school provides such a service.

Role of school council in the principal selection process

For the majority of schools the school council is responsible for recommending to the Secretary a person to fill a vacant principal position.

4. Support

The president and the executive officer are responsible for ensuring that new council members receive appropriate induction. All members should be provided with access to ongoing training and development. To this end, an annual funding allocation should be made within the council's budget.

Professional development

Professional development programs for school councils are available through regional offices of the Department. The Department has provided training modules and materials that can be used by school councils for ongoing training.

Visit: www.education.vic.gov.au/management/governance/schoolcouncils

Resources and advice

The Department's school council website provides a range of information on school councils, including roles and responsibilities, elections, operations and strategic planning and policy.

Visit: www.education.vic.gov.au/management/governance/schoolcouncils

Schools can also access a range of services and advice through these school council organisations:

Association of School Councils in Victoria (ASCIV)

www.asciv.org.au and (03) 9808-2499

Victorian Council of School Organisations (VICCSO)

www.viccsso.org.au and www.edu.org.au and (03) 9429-5900.

The **State Services Authority (SSA)** provides information on governance for public sector organisations. Visit: www.ssa.vic.gov.au

