Delegation of school council powers

## The Education and Training Reform Act 2006 and Education and Training Reform Regulations 2017 allow school councils to delegate their powers, duties or functions. Delegating a power, duty or function means that the school council decides to permit another person to perform the “delegated” power, duty or function themselves, without needing to seek approval from the school council to do so.

## A school council must generally obtain approval from the Minister for Education to delegate a power, duty or function to a person or body other than the principal. Please contact the School Operations and Governance Unit at school.council@edumail.vic.gov.au if you wish to delegate to anyone other than the principal.

## A school council does not need to obtain approval from the Minister for Education to delegate a power, function or duty to a person or body if it is related to:

## the use of school grounds or buildings by a voluntary organisation, government department, municipal council, person or body, if those grounds are not required by the school council, or

## a school forest plantation under the sole management, control, care or development of the school council.

**Why delegate?**

Delegating powers, duties or functions allows a school council to effectively perform their governing role. It reduces workload and administrative burden while still enabling council to have oversight to carry out their business in an efficient way.

A school council may decide to delegate their powers, duties or functions to decentralise decision making where there are routine and high-volume decisions or where decisions are operational and related to the delegate’s expertise, or to ensure decisions are made quickly and with less formality.

**Delegation requirements**

Any delegation of a power or duty must be recorded in the minutes of a school council meeting and a register of delegations must be kept and monitored by the school council. The document setting out a delegation, and the terms and conditions, must be signed by the President of the school council and delivered to the delegate. As school councils are ultimately accountable for the decision’s delegates make, it is recommended that school councils establish processes to regularly monitor their delegations, for example by requiring the delegate to report to school council any decision they have made as the school council delegate. It is recommended that any delegation be periodically reviewed, at a minimum every 12 months from the date of commencement, to ensure the delegation is still appropriate. A delegation template is provided at [School Council - Powers and Functions](https://www2.education.vic.gov.au/pal/school-council-powers-and-functions/policy).

A delegate must provide a written report about any activities performed in their capacity as a delegate at each ordinary meeting of the school council.

**What can be delegated?**

School councils can delegate any or all of their powers, duties and functions, except for any powers, duties or functions in relation to the approval of the school budget or annual report.

Some of the powers, duties and functions that a council may wish to delegate include:

## entering into contracts, agreements and arrangements for certain services – for example, canteen provision, school uniform supply arrangements, excursions involving third parties, car lease arrangements, the hire of school facilities

## employing Casual Relief Teachers or other staff

## approving school policies (that ordinarily requires school council approval)

## approving fundraising activities

## approving the use of school buildings and grounds for the purposes of educational, recreation, sporting or cultural activities for students, the local community or young persons

## approving works and improvements to buildings or grounds

## approving the sale of equipment, goods or other similar property acquired for use in the school.

A council may choose not to delegate high risk and/or high value decisions. For example, entering into certain contracts, approval of the school’s parent payment policy, the school council’s responsibilities relating to the Child Safe Standards, and monitoring of the school’s budget.

When a person exercises power that is delegated to them by the school council, they are making their own decision and they do not need to follow directions from the school council. A school council may, at any time before a decision is made, revoke or amend a delegation to stop a delegate from exercising their power. The school council may do this by giving the delegate written notice to this effect.

If authorised to do so under a delegation, a delegate may receive money and issue receipts on behalf of the school council while exercising the delegation. A delegate must remit the money to the school council as soon as practicable after receiving it.

If a sub-committee acts beyond its delegated power, the school council may ratify that decision if it relates to a matter that could have been delegated to the sub-committee.

**Template**

A template instrument of delegation for school councils to use when delegating functions and powers to the principal (or other delegates) is provided at [School Council - Powers and Functions](https://www2.education.vic.gov.au/pal/school-council-powers-and-functions/policy). Councils can adopt and modify the template when required, ensuring that each instrument of delegation **uses a unique identifying number**. It is recommended that school councils initially consider delegations at the first meeting of the new school council each year.

For questions, please contact School Operations and Governance Unit at: school.council@education.vic.gov.au