Module 1: Roles, responsibilities and making decisions

Roles and decision rights — Effective relationships — Setting direction — Integrity — Accountability
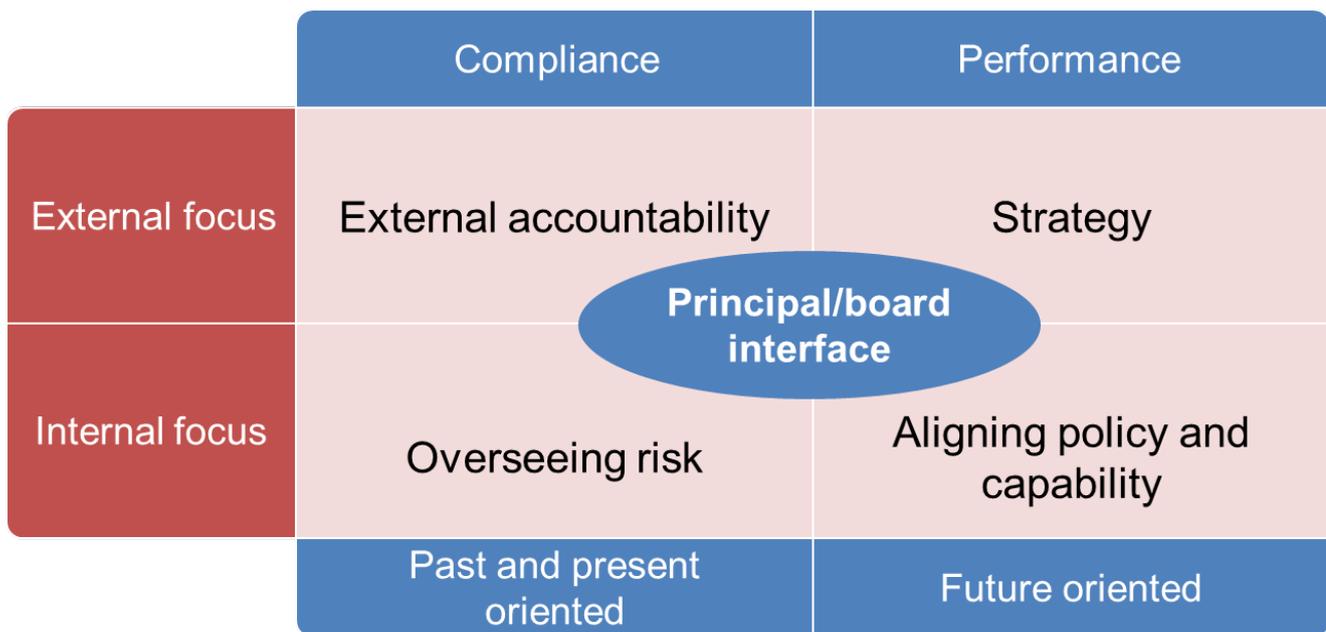
In this module, you will learn about:
- introduction to governance
- legislation and regulations that apply to the school board
- board roles and responsibilities
- how the board operates including meeting protocols and administrative arrangements.

Introduction to governance

Governance in the context of school boards refers to the processes to make decisions. It includes:
- who makes what decisions
- how decisions are made
- who is accountable for the outcomes of decisions
- how the outcomes from decisions are reviewed.

Governance includes both compliance and performance activities. Compliance activities are things the board must do for regulatory or other reasons; and performance activities refer to board activities that aim to drive school performance.

	Compliance	Performance
External focus	External accountability	Strategy
Internal focus	Overseeing risk	Aligning policy and capability
	Past and present oriented	Future oriented

Principal/board interface

Note that governance is distinct from management. Board governance involves reviewing processes and making decisions, but implementation and oversight of those decisions is the role of to school leaders (management).

Why is good governance important?
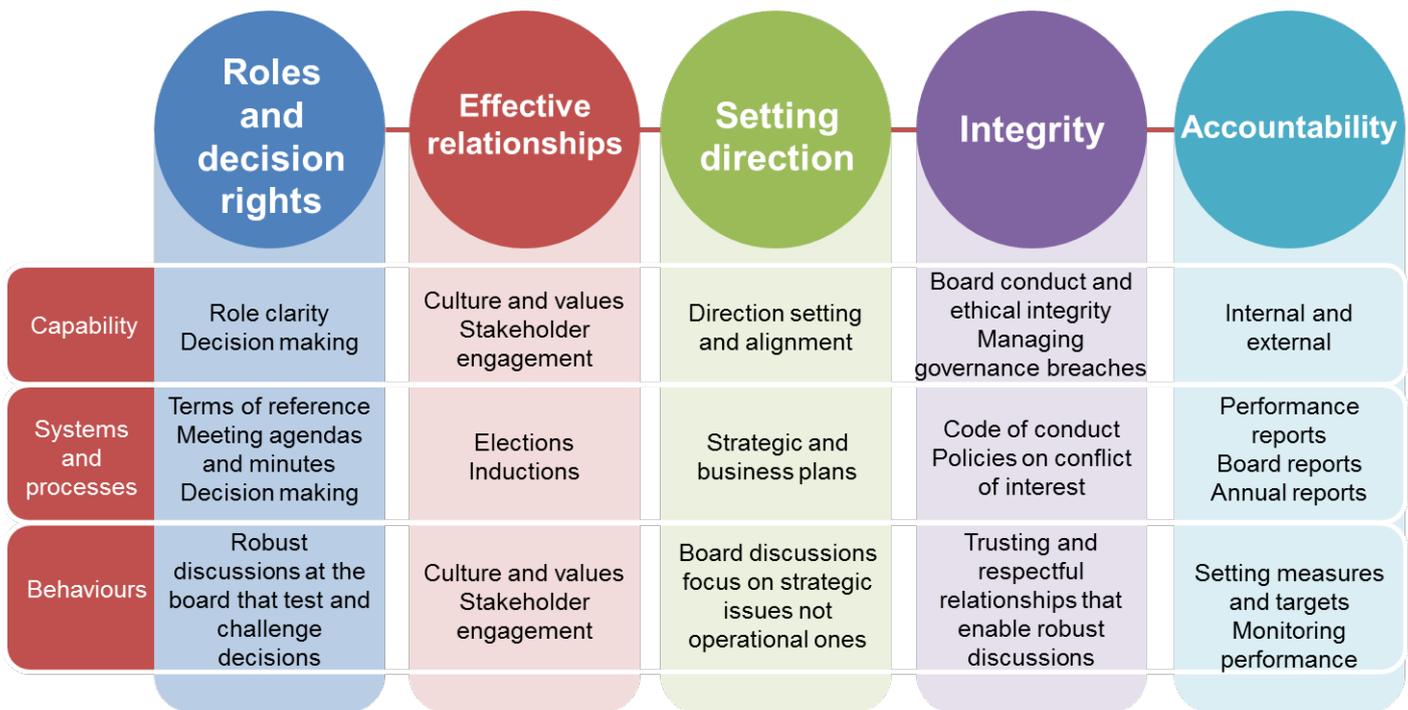
Good governance helps to ensure that:
- school resources, including money and time, are used efficiently
- rules and policies that are relevant to the context and situation of the school are created and enforced
- the school has mutually agreed priorities that are about achieving great outcomes for students, and steps are taken to bring these about
- relationships with external parties, such as local businesses and organisations, are shaped to best effect.

Ultimately, good school governance makes sure the school is delivering positive outcomes for students.

What does good governance look like?

A useful way of achieving good governance is to apply what is described as the five pillars framework (diagram below). Each of these pillars is important in effective governance and one should not be emphasised over the others. Relative emphasis on any one pillar, at a point in time, depends on the school context.

This model forms the foundation for the learning outcomes in these training modules. More information on the pillars of good governance is provided throughout the modules.

	Roles and decision rights	Effective relationships	Setting direction	Integrity	Accountability
Capability	Role clarity Decision making	Culture and values Stakeholder engagement	Direction setting and alignment	Board conduct and ethical integrity Managing governance breaches	Internal and external
Systems and processes	Terms of reference Meeting agendas and minutes Decision making	Elections Inductions	Strategic and business plans	Code of conduct Policies on conflict of interest	Performance reports Board reports Annual reports
Behaviours	Robust discussions at the board that test and challenge decisions	Culture and values Stakeholder engagement	Board discussions focus on strategic issues not operational ones	Trusting and respectful relationships that enable robust discussions	Setting measures and targets Monitoring performance

The five pillars of good school governance.

Legal environment

Every Independent Public School must have a board or a valid exemption. The role and functions of the board are determined by the:
- *School Education Act 1999*
- *School Education Regulations 2000*
- Delivery and Performance Agreement.

It is a good idea for all board members to read and understand the parts of the Act, Regulations and Delivery and Performance Agreement that are relevant to schools boards (referred to as councils in the Act and Regulations). The Department also provides information about unincorporated and incorporated school boards.

What is the _School Education Act 1999_?

The objectives of the Act include:
- recognising the right of every child to receive a school education
- allowing that education to be given in a public school, private school or at home
- providing for public schools to meet the educational needs of all children
- providing for education, training and employment alternatives at the senior secondary level
- acknowledging the importance of the involvement and participation of parents.

Key features of the _School Education Act 1999_

The Act covers the:
- establishment and operation of public (government) schools including parent and community involvement in school affairs
- registration and funding of private (non-government) schools
- registration of community kindergartens
- administrative responsibilities for school education and the use of property that is vested in the Minister for Education.

The Act specifically provides for parent and community involvement in schools through a dedicated school decision making group, and sets out the functions and operational arrangements considered appropriate. This decision making group is referred to in the Act as a school council – Part 3, Division 8, Subdivision 1 – School Councils. Each school must have a council unless exempted by the Minister for Education.

Key features of the Act relating to councils/boards

In relation to boards, the Act covers:
- membership
- functions of councils
- property acquired by incorporated councils
- matters that councils cannot intervene in
- powers
- support by principals
- Minister's directions
- procedures
- protection from personal liability
- dismissal of unincorporated councils
- winding up incorporated councils
- regulations.

What are the *School Education Regulations 2000*?

The Regulations dictate how the provisions of the Act will be applied.

Key features of the *School Education Regulations 2000*
The Regulations cover: ◦ enrolment and attendance ◦ management of public schools ◦ financial provisions for public schools ◦ management and control of public school premises ◦ public school councils ◦ parents and citizens' associations of public schools ◦ staff employed in the Department of Education ◦ private schools ◦ community kindergartens ◦ scholarships ◦ visas ◦ matters to be taken into account in the registration of private schools.

Various operational details about school councils are provided in the Regulations under Part 6 – Government School Councils.

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| **Key features of the Regulations relating to councils/boards** |
| In relation to boards, the Regulations cover:
◦ establishment
◦ membership
◦ composition
◦ appointment and election of members
◦ eligibility to vote
◦ term of office
◦ cessation or termination of membership
◦ co-opting members
◦ functions that the Minister may approve for incorporated boards
◦ councils operating for two or more schools
◦ meetings
◦ grounds for closing meetings
◦ annual public meetings
◦ special meetings
◦ voting. |

What is the <u>Delivery and Performance Agreement</u>?

The Delivery and Performance Agreement is a contract between the Department of Education and each Independent Public School that details Department, school and board responsibilities as well as reporting and other requirements.
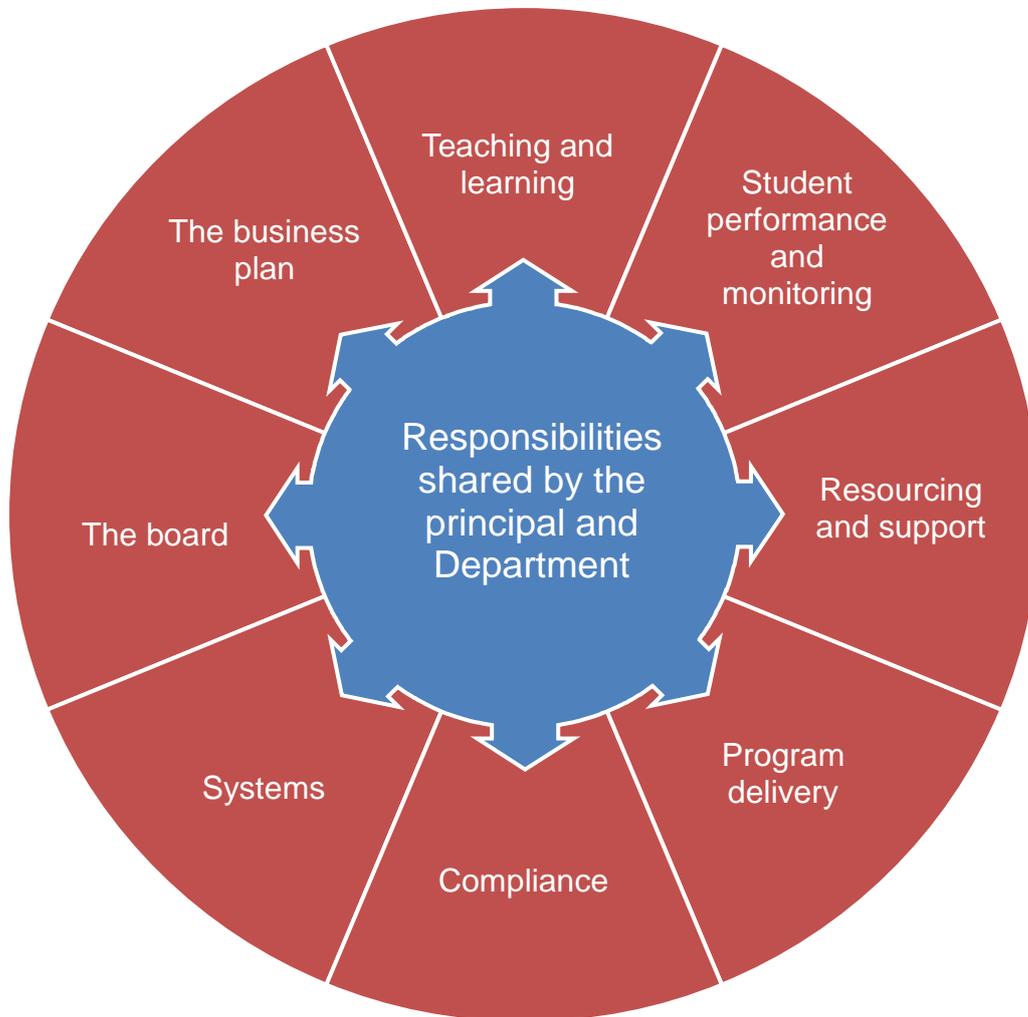
Components of the Delivery and Performance Agreement

Role of the board

The board has a distinct role as provided under the legislation as the way for parents and the community to be involved in school decision making. In general, the Act prohibits the board from participating in the day-to-day running of the school.

The table below explains different types of board roles and gives practical examples of board involvement.

Role	Approval role	Advisory role	Do not participate
What does it mean?	- Board is decision maker. - Board is directly and deeply involved. - Decisions are documented in board meeting minutes.	- Board is consulted and helps to brainstorm and resolve issues. - Discussions are documented in the board meeting minutes.	Under the Act, board is restricted from participating in most operational activities.
Examples of board involvement	Board approves: - voluntary school contributions (charges) payable by parents/ guardians for materials, services and facilities - fees for optional programs such as excursions and incursions - book list (or equivalent) items that schools request students to have for personal use - sponsorship and advertising agreements - school dress code (developed in consultation with students, staff, parents/guardians).	Board: - advises principal about the local community context - reviews allocation of resources to meet business plan targets - reviews and monitors school objectives, priorities and policy directions - develops school code of conduct for students - advises principal about religious practices in school (for example, use of prayers) - advises on selection but not appointment of principal and other staff.	Board does not: - manage day-to-day running of school, for example staff performance and student assessment - discuss individual cases relating to teachers, staff and parents/guardians - represent special interest groups or allow special interests to dominate board discussions - intervene in education instruction - borrow money or obtain funds on behalf of school - purchase property on behalf of school.

All board members are obliged to act in the best interests of the school and its students. Board members are not on the board to represent the interests of any subgroups of the school community. Board members wishing to raise issues that are not related to board business should do this through normal school channels.

Role of the chair

The chair of the board is often called the 'first among equals'. The chair facilitates board meetings and uses their influence so the board operates effectively. With the support of the principal and other school staff, the chair has some specific responsibilities as detailed below.

Before board meetings
- Schedule (or call) board meetings
- Agree the agenda and relevant papers with the principal

During board meetings
- Start and finish meetings on time
- Notify the members of any apologies received
- Confirm minutes from the previous meeting as accurate by signing and dating those minutes
- Table incoming and outgoing correspondence
- Oversee the business of the board and facilitate constructive discussions
- Declare the results of decisions and motions

Between board meetings
- Uphold board decisions
- Prepare and present an annual report to members of the school community
- Participate as a member of sub-committees established by the board (optional)

Special skills required by the chair
The chair requires strong team building, negotiation and facilitation skills to:
- lead the board
- focus the board on assisting the school to achieve the best outcomes for students
- make sure meetings focus on achieving good outcomes for the school
- establish efficient and productive meetings
- ensure all members have the opportunity to be heard
- assist to resolve any conflicts
- facilitate mediation meetings as required
- represent the school in the community and at formal functions as delegated by the board.

Role of the principal

The principal, in collaboration with other staff, supports the board through a range of administrative, reporting and other functions and services. The extent of this support is a matter for discretion in terms of the resource allocation for the school generally.

The principal:
- advises and guides the board in relation to legislative requirements and school policy
- calls for nominations to fill vacancies in board membership
- conducts board elections
- in conjunction with the board, assists in identifying appropriate people to be nominated for election to the board
- represents the Department of Education at the board.

The principal provides the board with the following for review and, as appropriate, endorsement:
∘ annual school budget
∘ monthly financial reports
∘ results of school audits and reviews
∘ advice on school performance and student improvement targets as per the business plan
∘ Department of Education Services independent review report.

Board meetings

Board meetings are a key part of board life. During meetings, the board receives updates on school progress and performance, and makes important decisions that have an impact on the lives of students, staff and members of the community.

The board must adhere to ethical and transparent processes around holding and documenting meetings. Guidance on expected behaviours is included in the board's code of conduct and grievance handling arrangements.

How often should boards meet?

The meeting schedule depends on the board's responsibilities and the school context. The board should meet at least four times a year, which may be once each term.

The board must hold at least one open (public) meeting each year at which a report is presented on the performance of the board's function since the previous annual public meeting or the board's inaugural meeting (as relevant).

How are meetings scheduled?

The board should publish a calendar of meetings and activities for each term or year (or both). A calendar helps ensure the board is aware of, and meets, all its obligations. A calendar also helps the principal to prepare for board meetings by preparing reports and presentations. The calendar should be available to the board and the school community (for example, on the school website).

It is helpful for board meetings to follow a pattern throughout the school year, for example, meetings take place on the first Tuesday night of every even-numbered month (February, April, etc) during the school term. This type of routine means that school community members can plan for their engagement with the board.

Some board meetings may relate to school deadlines, such as the need to approve the school contribution fee before it is communicated at the start of the school year. These non-routine meetings should be included in the board calendar.

Example schedule of meetings

Examples of agenda items the board could discuss at different times of the year.

Agenda items	Term 1 board activity
Setting the scene	Annual goals/focus areas for the board for the coming year (policies to review, strategic focus for the year)
Subcommittees	Set goals for subcommittees for the year
Review of board structure	Board membership, induction, succession planning/community membership, terms of reference
Business plan	Review/endorse strategic direction
Financial report	Review budget, endorse and sign
Annual report	Final input/review/endorse
Workforce planning	Workforce plan updates
Board self reflection	Summary of previous year's activity, successes and reflection

Agenda items	Term 2 board activity
Financial report	Updates on budget and strategic expenditure
Surveying the community	Analysis of surveys – staff, student, parent satisfaction
Branding/ partnerships/ communications	Discuss develop opportunities for board activity in promoting the school
Curriculum focus	Input/educative sessions for the board on curriculum delivery and access
Notice of annual public meeting	Provide community with at least 14 days notice

Agenda items	Term 3 board activity
Student performance data	Overview and analysis of relevant student performance data
Data analysis	Triangulating data against targets/milestones of the business plan
Financial report	Updates on budget and strategic expenditure
Preliminary budget	Projected school numbers, implications for planning, workforce

Agenda items	Term 4 board activity
Board self review	Survey of board effectiveness
School self assessment schedule	Updates on school self assessment processes, data analysis
Review of business plan	Review of year and recommendations for following year
Annual report	Draft report for consideration and input
Financial approvals	Approving and endorsing fees, charges and voluntary contributions; items of personal use (book lists) and approving extra cost optional components of programs
Financial report	Financial reports, updates on financial position against strategic direction
Sub-committee input	Input from sub-committees on areas of activity
Delivery and Performance Agreement	Review the agreement
Budget planning	Updates on projected student numbers and implications for planning and workforce
Board chair report	Summary of the board's achievements and decisions made throughout the year

Who can attend board meetings?

Meetings are generally open to the public unless the board decides to close a meeting. Meetings can be closed for a number of reasons such as if part of the meeting deals with a matter affecting a person who is employed at the school. A full list of acceptable reasons for holding a closed meeting is in the Regulation 116. If a meeting is closed, the reasons for this must be included in the meeting minutes.

The board must hold at least one open (public) meeting each year at which a report is presented on the performance of the board's function since the previous annual public meeting or the board's inaugural meeting (as relevant).

Special meetings

From time to time, the school community may wish to call a special board meeting. This may be due to community members' concerns about board performance or because of a significant event in the community that requires board attention.

To call a special meeting, at least 20 families of students must call for the special meeting. This may be through a petition or an equivalent document such as an open letter. In small schools, a special meeting may be called when at least half of all school families desire the meeting to be held. The same documentary evidence (petition or similar) must be provided.

All board meetings – including special meetings – must be relevant to the role of the board as outlined in the Act and Delivery and Performance Agreement.

Setting a clear meeting agenda

An agenda is a powerful tool to foster productive conversations. A clear agenda, published in advance, allows board members to prepare for meetings. It also allows school community members to consider what is being discussed and to make a decision as to whether they would like to attend. Matters requiring discussion (but not decision) and matters requiring decision need to be itemised to allow sufficient time for consideration.

What should be on the agenda?

Throughout the year, the board consider different matters and these are reflected in the agenda. The board should focus on high level strategic matters rather than day-to-day operational matters. The content of the business plan (see Module 3: Business planning) is a good guide for what should be discussed in board meetings.

Boards should avoid catch-all agenda items such as 'general business'. Items to be discussed by the board should be included on the agenda before the meeting. Issues that arise during the meeting can be added to the agenda for the next meeting.

Who prepares the agenda?

The chair usually works with the principal to draft the agenda, consider the time for each item, help prepare papers, and identify whether items are for decision or for information.

The chair also manages the meetings to ensure the board stays on topic and time is spent on agenda items that contribute to school success.

Example agenda

Subject:	**School Board Meeting**
Time:	2.00pm – 4.00pm
Date:	10 October 2017
Location:	Primary school staffroom
Chair:	Monica Ah Kit
Apologies:	Jason Maher, Vinay Gunasekera

Time	Item	Purpose	Led by
2.00pm	Welcome *Includes introductions, apologies and noting of minutes of last meeting*	For approval (minutes)	Chair
2.10pm	Presentation of 2017 NAPLAN results	For noting	Principal
2.40pm	Update on independent review process	For noting	Principal
2.50pm	Changes in the school environment *Discussion of changing enrolment patterns based on changing demographics. Review of business plan to ensure it continues to meet the needs of current and future students.*	For discussion	Chair
3.05pm	Fees and charges *Presentation of proposed fees and charges for 2018 for approval by the board.*	For decision	Principal
3.20pm	Mini-workshop on annual report *Principal to facilitate a short workshop to help determine the structure and contents of the annual report.*	For discussion	Principal
3.55pm	Summary of meeting and board reflection	For discussion	Chair
4.00pm	Close		

Records of board meetings

Two critical aspects of governance are transparency and accountability. One way that boards can be accountable and transparent is to publish meeting minutes. Minutes record items discussed at board meetings including key decisions made. The minutes should document general themes and decisions of the meeting rather than be a verbatim transcript.

Board minutes must be retained for audit purposes and as a true record of the activities of the board.

Documents should be released if requested unless there is an expectation of confidentiality. Some items may be redacted if appropriate for confidentiality purposes. Minutes, for example, can be published on the school website or in the school newsletter.

Example minutes

Subject:	School Board Meeting
Time:	2.00pm – 4.00pm
Date:	10 October 2017
Location:	Primary school staff room
chair:	Monica Ah Kit
Apologies:	Jason Maher, Vinay Gunasekera
Attendees:	Susan Lee, Trevor Naylor, Shakaya Egan, Casey Wilson, Mei Ling, Ed Al Khoury, Sienna White, Chris Toome, Mary Cheng, Sean McAfferty

Time	Item and summary of discussion	Actions
2.00pm	**Welcome** Meeting was opened at 2.00pm. See list of attendees and apologies above.	N/A
2.10pm	**Presentation of 2016 NAPLAN results** Susan Lee, Principal, presented a summary of the school's 2017 NAPLAN results. Presentation slides are attached to these minutes. In Year 9, performance was close to the State average across all test areas. In Year 7, maths performance was 15% poorer than in 2015 and 20% lower than the State average.	Susan Lee to present strategies adopted to address the shortfall in performance at the next meeting.
3.00pm	**Update on independent review process** Susan Lee, Principal, provided an update on the independent review process. The Department of Education Services will be conducting its independent review on 2–3 November. All materials are in order for this review.	Susan Lee to schedule Department of Education Services review team meeting interview with Monica Ah Kit, Chair, for 2 November.
3.10pm	**Changes in the school environment** Monica Ah Kit, Chair, gave an overview of changing demographics in the school local intake area and the impact on enrolments. Susan Lee, Principal, discussed the potential impact of these changes on the business plan and steps being taken to address these issues.	No action required at this stage; however the board will continue to monitor the issue should changes in the business plan be required.
3.25pm	**Contributions, fees and charges** Susan Lee, Principal, presented the proposed contributions, fees and charges for 2018. These were discussed by the board and approved by an absolute majority of board members.	Susan Lee to send letter to parents indicating fees and charges for 2018.
3.35pm	**Mini-workshop on annual report** Susan Lee, Principal, facilitated a short workshop on the annual report. The board developed a proposed structure for the report (attached to these minutes). The board decided to release the report in the first school week of 2018.	Susan Lee to draft annual report and circulate first draft by 30 November.

Time	Item and summary of discussion	Actions
3.55pm	**Summary of meeting and board reflection** The board noted the additional time spent on the NAPLAN results and therefore that less time was able to be spent on the annual report. The board considered including time in the next meeting to discuss the annual report further.	Monica Ah Kit to include time in the next meeting to discuss the annual report. Monica Ah Kit and Susan Lee to ensure sufficient time is allowed in future board meetings for thorough discussion of school performance results.
4.00pm	**Next meeting** The next meeting of the board will be on 9 November 2017.	

Making decisions

All board decisions must be agreed to by an absolute majority of board members – that is, more than half of all members must vote in favour of the decision which includes members who are not present at the meeting and vacant positions.

For example, if there are 12 or 13 members on the board, seven members must vote 'yes' for a motion to be passed. If only seven members are at the meeting, then everyone must vote 'yes' for the motion to be passed. If it is difficult for a board to achieve the required absolute majority for many different decisions, then the board is experiencing a serious governance issue. It is important for the chair to spend time with individual board members to seek to understand their views.
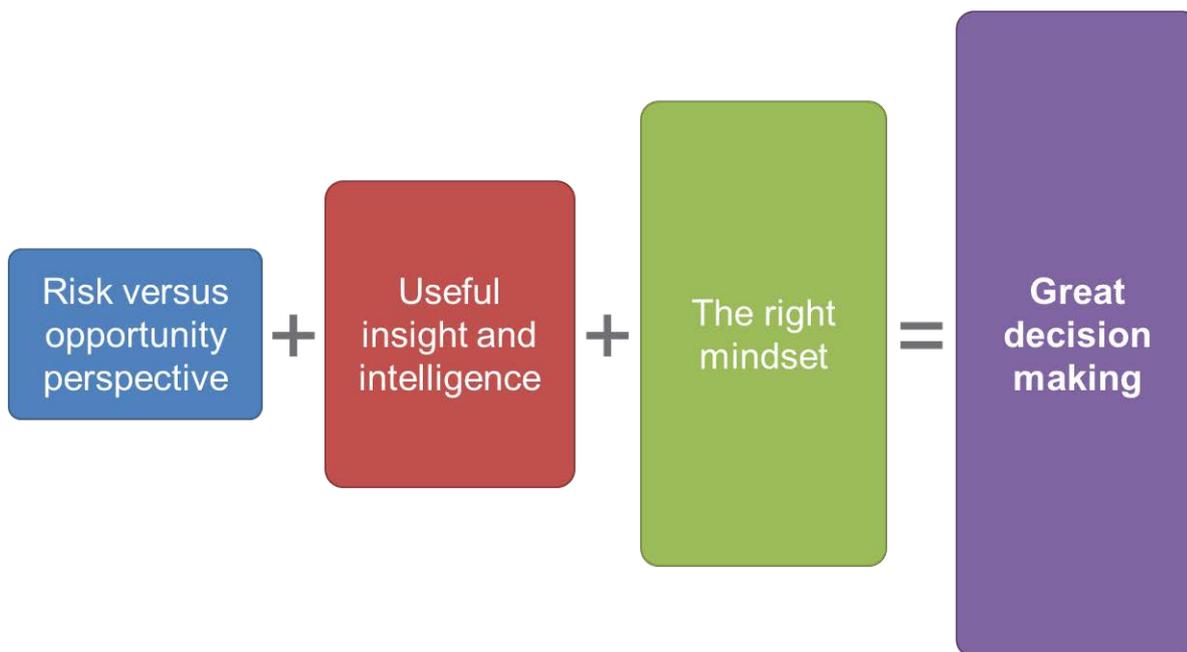
All board members (including the principal and chair) are entitled to one vote.

It is important that board members make themselves available for meetings where important matters are being discussed and decided. A proxy vote is not lawful under either the Act or Regulations. Board members may, however, use out of session processes (for example, an email to the chair) to have their votes recorded.

Making good decisions

Informed, fair, sound and consistent decision making are important to the operation of the board. Skills in this area can be improved by taking account of:
- opportunities to be gained or lost as a result of the decision
- reliable and relevant information
- a mindset that balances the above.

Risk versus opportunity perspective	+	Useful insight and intelligence	+	The right mindset	=	Great decision making

Good decision making combines a range of factors

Decision making checklist

Questions to ask yourself to assess your board's decision making capability:
- ☑ Is the decision likely to achieve the desired outcome?
- ☑ Is the decision timely?
- ☑ Is the decision making process transparent?
- ☑ Have decision makers acted responsibly?
- ☑ Is the decision likely to be acceptable to key stakeholders?
- ☑ Has authority been used appropriately?
- ☑ Is it a good decision when long-term and short-term outcomes are considered simultaneously?
- ☑ Has the process been sufficiently rigorous?
- ☑ Does the decision take into account what we have learned from making similar decisions in the past?
- ☑ Does the decision suit the context we are in?

More information about making good decisions is part of the face to face Module 6: Adding value to the governance conversation.