



TERMS OF REFERENCE

BANKSIA PARK PRIMARY SCHOOL BOARD

(AN UNINCORPORATED SCHOOL BOARD)

1 Name of Board

The name of the Board is the BANKSIA PARK PRIMARY SCHOOL BOARD.

2 Purpose of Board

The Board is formed with the fundamental purpose of enabling parents, staff 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.

3 Functions of the Board

- 3.1 The Board has the following functions. 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.
- 3.2 With the approval of the Director General to take part in the selection of, but not the appointment of, the school principal.
- 3.3 To approve:
- a) of a charge or contribution determined by the principal for the provision of certain materials, services and facilities;
 - b) of the costs determined by the principal to be paid for participation in an extra cost optional component of the school's educational program;
 - c) of the items determined by the principal to be supplied by a student for the student's personal use in the school's educational program; and
 - d) of an agreement or arrangement for advertising or sponsorship in relation to a government school.
- 3.4 To determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school.
- 3.5 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) allowing time for the special religious education of students in the school, but the total number of hours so allowed in a school year is not to exceed 40.
- 3.6 To promote the school in the community.

4 Limits of Functions

- 4.1 The Board cannot:
- a) intervene in the control or management of a school;
 - b) intervene in the educational instruction of students ;
 - c) exercise authority over teaching staff or other persons employed at the school;
 - d) intervene in the management or operation of a school fund.
- 4.2 The Board is not permitted to borrow money, or obtain funds for the school.
- 4.3 The Director General may give directions in writing to a Board with respect to the performance of its functions, either generally or in relation to a particular matter, and the Board is to give effect to any such direction.

5 Qualifications for Membership of Board

- 5.1 Membership of the Board will be drawn from the following categories:
- a) parents of students at the school;
 - b) staff of the school;
 - c) the principal is automatically a member of the Board.
- 5.2 Parents will form the majority of the members of the Board.
- 5.3 Staff who are also parents or community members will only serve on the Board in their capacity as a Department of Education employee. Such a person will only be on the Board in the category of staff membership.
- 5.4 The number of members of the Board will be eleven.
- 5.5 The composition of the Board will be:
- six parents; and
 - five staff of the school (including the principal).
- 5.6 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.

6 Roles of Office Bearers

6.1 Chairperson.

The role of the chairperson is to:

- a) chair and convene Board meetings;
- b) provide leadership to the Board;
- c) manage the business of the Board;
- d) declare the result of decisions and motions;
- e) uphold Board decisions;
- f) work in partnership with the Principal;
- g) ensure the Board stays focused on supporting the school to achieve the best outcomes for students;
- h) resolve disputes as required;
- i) facilitate mediation meetings as required and
- j) represent the school in the community and formal functions.

6.2 Secretary

The role of the secretary is to:

- a) ensure that full and correct minutes of the meetings and proceedings of the Board are kept and are signed off by the chairperson after every meeting;
- b) keep a list of nominees of members of the community that may be co-opted to the Board; and
- c) keep and maintain this Terms of Reference and have copies of this Terms of Reference available to all members.

7 Elections and appointment of members

- 7.1 Members of the Board are appointed for a term not exceeding three years.
- 7.2 Members may be reappointed for a further term once or more than once.
- 7.3 The Parents and Citizens' Association may nominate one of its members to be considered for membership of the Board in the membership category of parents.
- 7.4 Any member appointed or elected to a casual vacancy on the Board will hold office for the residual period of the predecessor's term of office.

- 7.5 The principal of the school will invite nominations from all persons in each category to fill vacancies in the Board membership.
- 7.6 If there are more nominees than places available on the Board the principal will conduct an election to appoint parents and staff.
- 7.7 Parent members are to be elected from and by parents of Banksia Park PS.
- 7.8 Staff members are to be elected from and by the staff of Banksia Park PS.
- 7.9 There will not be an election to appoint co-opted members. The Board will appoint a person having such skills, experience, or qualifications as would enable the person to make a contribution to the Board's functions for a specified time period.
- 7.10 A person will not vote in respect of more than one category of membership.
- 7.11 Voting in Board elections will be conducted in written form.
- 7.12 The school principal is responsible for the proper conduct of all elections.
- 7.13 A person who wishes to nominate to serve on the Board will notify the school principal in writing by the due date in order to be considered. The principal will keep a record of nominations received.
- 7.14 Any person who nominates to serve on the Board agrees to abide by the Code of Conduct.
- 7.15 The chairperson and secretary are elected by and from the Board's membership on an annual basis. There will also be an election of deputy chairperson and deputy secretary to fill the role should there be an absence from a meeting.

8 Board meetings and proceedings

- 8.1 The Board must meet together to undertake Board functions for not less than four meetings in each year. This would typically be at least one meeting per term.
- 8.2 An ordinary meeting means a meeting held by determination of the Board
- 8.3 Ordinary Board meetings will be held at 3:30pm on a Wednesday afternoon at Banksia Park Primary School for a maximum of one and a half hours duration.
- 8.4 An annual public meeting will be:
 - a) held once in every calendar year that is open to the public.; and
 - b) an annual report will be presented at the meeting to advise the school community of the performance of the Board in relation to its functions.
- 8.5 A special meeting:
 - a) is a meeting called for by families of students at the school for a particular purpose;
 - b) will be held by determination of the Board;
 - c) will be called for by:
 - i. at least 30 families of students at the school; and
 - ii. a formal notice to the chairperson, which will state the purpose for which the special meeting concerned is required; and be signed by the families who called for the special meeting.
- 8.6 The chairperson is not to convene a special meeting if the purposes of the proposed meeting are not relevant to the Board's functions.
- 8.7 A special meeting is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.
- 8.8 Subject to this Terms of Reference, the Board will determine its own procedures

9 Quorum at Board meetings

- 9.1 At a meeting 50 per cent of members present in person at a Board meeting constitute a quorum.
- 9.2 If within 30 minutes after the time specified for the holding of a meeting of which formal notice has been given:
 - a) a quorum is not present, the meeting lapses and will be rescheduled; or
 - b) otherwise than as a result of a request, notice or action, the meeting stands adjourned until such time as the Board agrees to reconvene the meeting.
- 9.3 If within 30 minutes of the time for the resumption of adjourned meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of the meeting as if a quorum were present.

10 Motions at Board meetings

- 10.1 A motion may be moved by a member with full voting rights, and voted on by a member with full voting rights, at an ordinary meeting, special meeting, or annual public meeting.

11 Resolutions at Board meetings

- 11.1 Each Board member is entitled to one vote only.
- 11.2 A co-opted Board member is not entitled to a vote.
- 11.3 Procedures for counting of votes will be by show of hands.
- 11.4 Voting on issues will be recorded in the minutes.
- 11.5 A decision of the Board will not take effect unless it has been made by an absolute majority.
- 11.6 An absolute majority, in relation to a Board for a school, means a majority comprising enough of the current members of the Board for their number to be more than 50 per cent of the number (whether vacant or not) of members of the Board
- 11.7 A motion which is passed will be declared by the Chairperson as a resolution.

12 Closing an ordinary Board meeting to the public

- 12.1 Meetings of the Board are generally to be open to the public.
- 12.2 The Board will not close to members of the public an annual public meeting or special meeting.
- 12.3 The Board may decide to close an ordinary meeting or part of an ordinary meeting if it deals with any of the following:
 - a) a matter affecting a person who is employed at the school;
 - b) the personal affairs of any person;
 - c) 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;
 - d) legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting;
 - e) 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; and

- f) information which is the subject of a direction given.
- 12.4 A decision to close an ordinary meeting or part of an ordinary meeting and the reason for the decision are to be recorded in the minutes of the meeting.

13 Disputes and Mediation

- 13.1 The grievance procedure set out in this rule applies to disputes under these rules between:
- a) a Board member and another member;
 - b) a Board member and the principal of the school;
 - c) a Board member and the chairperson; or
 - d) a Board member and co-opted members.
- 13.2 The parties to the dispute should meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all parties.
- 13.3 If the parties are unable to resolve the dispute at the meeting, a meeting may be held in the presence of a mediator.
- 13.4 The mediator will be-
- a) a person chosen by agreement between the parties; or
 - b) in the absence of agreement-
 - i. in the case of a dispute between a member and another member, a person appointed by the chairperson of the Board;
 - ii. in the case of a dispute between a member or relevant non-member and the Board, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 13.5 A member of the Board can be a mediator.
- 13.6 The mediator cannot be a member who is a party to the dispute.
- 13.7 The mediator, in conducting the mediation, will-
- a) give the parties to the mediation process every opportunity to be heard;
 - b) allow due consideration by all parties of any written statement submitted by any party; and
 - c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 13.8 The mediator will not determine the dispute.
- 13.9 The mediation will be confidential and without prejudice.
- 13.10 If the mediation process does not result in the dispute being resolved, the parties may seek advice from the Regional Executive Director.

14 Cessation or termination of membership of the Board

- 14.1 The office of a member of the Board may become a casual vacancy if the member:
- a) becomes ineligible to hold office as a member;
 - b) resigns by written notice delivered to the Board; or
 - c) is removed from office by the Director General.
- 14.2 The Board may remove a person as a member of the Board on the grounds that the person:
- a) has neglected his or her duty as a member;
 - b) has misbehaved or is incompetent;
 - c) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or

- d) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.
- 14.3 The Board will 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.
- 14.4 A decision of the Board to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not, of members of the Board.

These Terms of Reference for the Banksia Park School Board are derived from
School Education Act (WA) 1999
School Education Regulations (WA) 2000

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