1. **ROLES AND RESPONSIBILITIES OF COUNCILS**

The functions of Councils are prescribed by the *School Education Act 1999* and the *School Education Regulations 2000* as follows:

**Take part in:**
- establishing and reviewing from time to time, the school’s objectives, priorities and general policy directions;¹
- planning financial arrangements necessary to fund those objectives, priorities and directions;²
- evaluating the school’s performance in achieving those objectives, priorities and directions;³
- and
- formulating codes of conduct for students at the school.⁴
- take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff if prior approval is given by the Regional Executive Director.⁵

**Approve of:**
- a charge or contribution determined by the principal for the provision of materials, services and facilities;⁶
- the costs determined by the principal to be paid for participation in an extra cost optional component of the school’s educational program;⁷
- the items determined by the principal to be supplied by a student for the student’s personal use in the school’s educational program;⁸ and
- an agreement or arrangement for advertising or sponsorship in relation to a government school.⁹

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¹ Section 128(a)(i) of the *School Education Act 1999*
² Including endorsing and reviewing the school’s annual budget (the budget summarises the income received annually from the Department of Education and other sources; it also lists planned expenditure, including salaries). Budget is under section 5.1.4 of the Department of Education’s *Financial Management in Schools Finance and Accounting* policy. Planning financial arrangements is section 128(a)(ii) of the *School Education Act 1999*
³ Section 128(a)(iii) of the *School Education Act 1999*
⁴ Section 128(c) of the *School Education Act 1999*
⁵ Participation in selection processes by a representative of the Council is restricted to positions determined through local selection and will not include vacancies filled through the central transfer or placement process or the redeployment process regulated by the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*. Section 129(2) of the *School Education Act 1999*
⁶ Section 99(4) of the *School Education Act 1999*
⁷ Section 100(3) of the *School Education Act 1999*
⁸ Section 108(2) of the *School Education Act 1999*
⁹ Section 216(5) of the *School Education Act 1999*
Determine:
- in consultation with students, their parents and staff of the school, a dress code for students when they are attending or representing the school.\(^\text{10}\)

Provide advice to the principal of the school:
- on 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;\(^\text{11}\) and
- on allowing time for the special religious education of students in the school, up to a total of 40 hours in a year.\(^\text{12}\)

Promote:
- the school in the community.\(^\text{13}\)

The responsibilities of a Council are to:
- comply with the Council’s terms of reference, the Department of Education’s School Councils policy, the School Education Act 1999 and the School Education Regulations 2000;
- liaise with other committees within the school e.g. the Parents and Citizens’ Association;
- hold an annual public meeting once in every calendar year that is open to the public. An annual report will be presented at the meeting to advise the school community of the performance of the Council in the last year; and
- hold meetings that are generally open to the public.

A Council does not:
- manage the day to day running of the school (for example, staff management, and student assignment to classes);
- discuss individual issues relating to teachers, staff or parents;
- represent specific interest groups, or permit special interests to dominate the agenda of the Council;
- intervene in the educational instruction of students;
- borrow money or obtain funds;
- purchase property; or
- performance manage the principal or any other Department of Education employee.

Role of Council members
- Parent members of Councils bring their experience as parents at the school, and the views and context of the wider school community.
- Community members may bring expertise such as business, or accounting skills that the Council is looking for at that time.
- Department of Education employees bring their educational expertise.

References
School Education Act (1999)
School Education Regulations (2000)
Department of Education (2004) School Councils policy

\(^{10}\) Section 128(d) of the School Education Act 1999
\(^{11}\) Section 70 of the School Education Act 1999
\(^{12}\) Section 69(2) of the School Education Act 1999
\(^{13}\) Section 128(b) of the School Education Act 1999
2. LEGAL FRAMEWORK OF COUNCILS

All public school Councils in Western Australia are regulated by the School Education Act 1999, School Education Regulations 2000 and the individual Council’s terms of reference.

The Act provides for membership:
- mandated parent representation (except where the majority of students are 18 years of age or over);
- mandated staff representation (the principal is automatically included);
- mandated general community representation;
- optional co-opted community and industry representation;
- student representation (15+ years for an unincorporated Council);
- where the school has a Parents and Citizens’ Association (P&C), the association may nominate a representative to be considered for the parent or general community category of membership; and
- allocation of a member of another association in relation to the school or group of schools to which the school belongs.

The Act provides the means by which a Council is established and operates, including how members are elected or appointed and outlines the structure of a Council.

NOTE:
- Parents and members of the community must make up the majority of a Council’s membership in schools where the majority of students at the school are under the age of 18.
- Students and members of the community must make up the majority of a Council’s membership where the majority of students at the school are over the age of 18.
- A person who is a staff member of the school, and a parent or community member, may only be a member of the Council in his or her capacity as a staff member.

An unincorporated Council may find it useful to develop a terms of reference that describes the purpose, the functions and limits to functions, the membership, the roles of office bearers, the elections, the meetings and proceedings, management of finances and contracts, disputes and mediation, cessation and termination of membership, and alteration of the terms of reference.

A standard terms of reference that may simplify the process for unincorporated Councils is attached to the Department of Education’s School Councils policy on the Policies website.
Legal liability

Section 137 of the School Education Act 1999 provides protection against liability for members of unincorporated Councils where they have acted in good faith.

Unincorporated Councils:

- are covered for personal liability under the Department of Education’s General Liability and Professional Liability insurance coverage with RiskCover, the Department’s “insurer”\(^{14}\); and
- may be provided with legal advice by the Department of Education or the State Solicitors’ Office.

Further information

School Policy branch is available to provide policy advice on Councils, phone 9264 4680.

Department of Education – School Councils policy

School Education Act 1999

School Education Regulations 2000

\(^{14}\) A Council member of an unincorporated Council would be covered, for example, for an injury that occurred while attending a Council meeting.
4. **MEMBERSHIP OF COUNCILS**

Section 127 of the *School Education Act 1999* specifies the membership categories as:

- parents / adult students;
- members of the general community;
- staff of the school (in addition to the principal who is automatically a member); and
- students 15 years and over.

A Council seeks to be representative of the school community. In determining the composition (or the balance between categories), regard should be given to the nature of the student population of the school and the social, cultural, lingual, economic or geographic factors that may be relevant to the school.

Parents (or where relevant students) and community members must form the majority of the Council.

The number of members of the Council must be at least 5 and not more than 15.

The principal of the school will invite nominations from all persons in each membership category to fill vacancies in the Council membership. (See the Nominations and Elections information sheet.)

**Parent / Student Category of Membership**

- Primary school Councils have parent members to represent the students and families enrolled at the school.
- Secondary school Councils may have both parents and students aged 15 years and over, or who will reach 15 years during the calendar year.
- Where the school has a majority of students who are adults (such as senior colleges) membership is drawn from students at the school, but no student under 18 years of age can be a member of an incorporated Council.
- There must always be at least one parent / student member.

People who are eligible to nominate for a category are also eligible to vote for that category. That is, only parents vote for the parent members, only students vote for the student members.

**Community Category of Membership**

Any member of the community considered to have suitable qualifications or experience is eligible to be placed on the list of nominees for the community category of membership.

There will not be an election to appoint community members. The Council may appoint suitably qualified persons from the list of nominees by vote in a meeting.

**Staff Category of Membership**

The principal is automatically a member of the Council.
Staff* employed at the school are eligible to be staff members on the Council.

All staff employed at the school are eligible to vote for staff members.

Staff who are also parents or community members may only serve on the Council in their capacity as Department of Education employees.

*a person listed on the school’s staffing list. NB: A relief teacher who occasionally works at the school on a casual basis (paid hourly) will not appear on the school’s staffing list.

If a person who has a child enrolled at the school, who is also a relief teacher for the school, wishes to nominate for a parent position on the council they should discuss their individual situation with the Principal prior to nominating. Some issues that could be considered include whether the person works regularly at the school/is likely to act in a position, any potential for conflict of interest and the effect on the current composition of the council, given that parents and community members must form a majority of members.

Both the parent/teacher and the Principal should be satisfied that there are no issues that are likely to impact on the person’s ability to represent the parent perspective before proceeding with a nomination.

Co-opted Members
The Council may co-opt a member of the local community to be a member of the Council for a specified time period, or in relation to such matters, as determined by the Council where that person’s experience, skills or qualifications would enable him or her to make a contribution to the Council’s functions.

There will not be an election to appoint co-opted members. The Council may appoint suitably qualified persons from the list of nominees by vote in a meeting.

A co-opted member is not entitled to a vote, and is not a full member of the Council.

A co-opted member is appointed to the Council for a specific purpose or project. The term of the co-opted member is determined by the length of the project.
6. ROLE OF THE CHAIRPERSON OF AN UNINCORPORATED COUNCIL

The chairperson leads the Council.

The role of the chairperson is to:

- chair and convene Council meetings;\(^{15}\)
- provide leadership to the Council;
- manage the business of the Council;
- declare the result of decisions and motions;
- uphold Council decisions;
- work in partnership with the Principal;
- ensure the Council stays focused on supporting the school to achieve the best outcomes for students;
- prepare and present an annual report to members and the school community at annual public meetings;\(^{16}\)
- comply with any directions of the Council in relation to the venue and time of meeting and giving notice of the meeting;\(^{17}\)
- resolve disputes as required;
- facilitate mediation meetings as required; and
- represent the school in the community and formal functions.

The Council chairperson may also participate as an ex officio member of all sub-committees established by the Council.

\(^{15}\) Regulation 115(2) of the School Education Regulations 2000
\(^{16}\) Regulation 117(c) of the School Education Regulations 2000
\(^{17}\) Regulation 115(2) of the School Education Regulations 2000
Chairing meetings

The Council chairperson effectively leads meetings. This entails:

- preparing the agenda and relevant papers with the principal;
- ensuring meetings are run efficiently and achieve their purpose;
- ensuring all members have the opportunity to be heard;
- ensuring the meeting focuses on whole of school outcomes rather than personal affairs;
- ensuring the minutes from the previous meeting are confirmed as accurate and signing and dating those minutes;
- starting and finishing meetings on time;
- notifying the Council of any apologies received;
- tabling all correspondence, in and out; and
- facilitating the resolution of any conflict.

Who can be a chairperson?

The chairperson is elected by, and from, the Council’s membership.18

Reference


18 Section 127(6) of the School Education Act 1999
7. ROLE OF THE PRINCIPAL OF AN UNINCORPORATED COUNCIL

The principal is automatically a member of the Council. The principal’s role as school leader is to manage the administration of the school, the staff of the school and the educational instruction of students.

The role of the principal on the Council is to:

- provide advice and guidance to the Council in relation to legislative requirements and school policy;
- submit the school’s annual budget to the Council for endorsement;\(^{19}\)
- invite nominations to fill vacancies in the Council membership;\(^{20}\)
- conduct elections;\(^{21}\)
- assist in identifying appropriate general community representatives to be placed on the list of nominees;
- provide the Council with support services;\(^{22}\) and
- represent the Department of Education.

\(^{19}\) Section 5.1.4 of the Department’s *Financial Management in Schools Finance and Accounting policy*

\(^{20}\) Regulation 108(1) of the *School Education Regulations 2000*

\(^{21}\) Regulation 108(2)(a)(c)(d) of the *School Education Regulations 2000*

\(^{22}\) Section 134 of the *School Education Act 1999*
8. ROLE OF THE SECRETARY OF AN UNINCORPORATED COUNCIL

Where there is such a position, the secretary manages the administration affairs of the Council.

The role of the secretary is to:

- co-ordinate the correspondence of the Council;
- ensure that full and correct minutes of the meetings and proceedings of the Council are kept in a minute book and are signed by the chairperson after every meeting;
- serve formal notice to Council members and the community, at the direction of the chairperson, in advance of:
  - ordinary, special and annual public meetings; and
  - motions;
- keep and maintain in an up to date condition a register of the members of the Council and their postal and residential addresses;*
- keep a list of nominees of members of the general community that may be appointed to the Council in the category of general community membership;**
- keep and maintain the terms of reference (if applicable), and have copies of the terms of reference available to all members;
- ensure every member has access to inspect the records and documents of the Council;
- have custody of all books, documents, records and registers of the Council;** and
- have custody of all other records held by the Council.

Note:
*Secretaries may also wish to keep a register of members of the Council with up to date names, residential addresses, phone numbers and email addresses. Please note that it is advisable to obtain consent first, as Councils may be in breach of the (Commonwealth) Privacy Act 1988 by keeping phone numbers on the register.

**It may be useful to have two custodians of the records and documents of the Council, in the event that the first custodian is unavailable.

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23 Regulation 108(2)(b) of the School Education Regulations 2000
10. NEW MEMBER INDUCTION

Induction ensures new Council members are suitably prepared to fulfil the role by providing information, familiarisation and socialisation.

A typical induction covers the following:

**Information about the school**
- glossary of common terms and acronyms;
- the school plan;
- organisational structure;
- the role of key stakeholders;
- relevant school policies;
- reporting requirements; and
- compliance obligations.

**Information about the Department of Education**
- recent trends and issues; and

**Information about the Council**
- role of the Council (including the terms of reference, code of conduct and meeting protocols);
- legal obligations of a Council member;
- role of the principal;
- Council structure (including committees);
- Council procedures;
- minutes from recent Council meetings;
- procedures for managing conflicts of interests;
- Council annual calendar of activities; and
- register of members (contact information for other Council members).
It may be beneficial to:

- provide information in a written pack; or through a secure on-line facility;
- invite experienced Council members, including those from neighbouring schools to act as mentors;
- meet with the chairperson;
- conduct briefing sessions with individual Council members;
- provide access to the on-line information sheets produced by the Department of Education; and
- arrange formal meetings with staff and other Council members.
11. Code of Conduct for Council Members

The following suggestions are a guide only for schools developing a Council Code of Conduct or Council Protocols.

- The primary consideration is that the school’s values are in the best interests of students.
- A Council abides by all the relevant legislation and industrial agreements.
- A Council is accountable to both its local school community and the Director General or delegate.\(^{24}\)
- A Council encourages members to behave in a civil and respectful manner, avoiding discrimination, harassment and bullying.
- The underlying principles of a Council’s code of conduct include the promotion of:
  - respectful partnerships;
  - clear and honest two-way communication;
  - transparent processes;
  - democratic, informed decision making; and
  - personal and professional integrity.
- Conflict between Council members is dealt with respectfully and fairly and in a manner that reflects the principles of natural justice.
- Council members declare any conflicts of interest when they arise. Council members who have declared a conflict of interest are not entitled to vote on that issue.
- Council members are expected to represent the school community. Members do not represent one viewpoint or the view of an individual. Council members therefore regularly seek the views and opinions of the whole school community, especially when policies are being developed.
- Council members respect the need for confidentiality and privacy with regard to sensitive matters that might arise at council meetings, especially where there are matters of a personal nature relating to staff, students or parents.
- The Council is not an appropriate forum for the discussion of individual school staff, students, parents or other members of the school community.
- A Council member who is approached by a parent with a concern relating to an individual is in a privileged position and is expected to treat such discussion with discretion, protecting the confidentiality and privacy of the people involved. If the issue relates to an operational matter of the school, the parent should be encouraged to speak with the principal or classroom teacher. If the issue

\(^{24}\) Where the school is not an independent public school, the Director General’s delegate is the Regional Executive Director
relates to a school policy or procedure, it is put on the agenda and approached in a generic sense to protect the privacy of individuals involved.

- The Council “speaks as one voice” in the public arena once a decision has been made.

- Council members actively participate in sub-committees and meetings as the need arises.

- If members are unable to attend a meeting, they are requested to submit an apology before the meeting.

Reference