



SCHOOL COUNCILS AND BOARDS

D18/0113822

Unincorporated School Councils and Boards: Frequently asked questions.

1. Who sits on an unincorporated school council/board?

- An unincorporated school council/board can have **five to 15 members** (10 to 15 if incorporated).
- Members are elected for a maximum of **three** years.
- Parents, staff and students (if applicable – see Q. 4 and Q. 9) are **elected**.
- Business, industry and community members are **appointed**.
- Other persons with particular expertise can be **co-opted** for a pre-determined purpose and period of time. Co-opted members do not have voting rights.

2. What is the relationship between the P&C and the school council/board?

The P&C is a valuable but separate entity to the council/board, and should continue to function that way. Members of the school council/board and the P&C, however, are able to work together on different projects. The P&C may be an incorporated body through WACSSO, and if so, their school can apply for grants or funding through the P&C.

3. Can a P&C member be an ex officio member of a school council/board?

No. The P&C is entitled to nominate a member as either a parent or community representative for the school council/board. There is not an entitlement to be appointed to the council/board. Nomination and election processes are outlined in the *School Education Act, 1999* and the *School Education Regulations 2000*.

4. Can students be on a school council/board?

Yes, if they are over 15 years of age or will reach that age during that year.

5. How long can a member remain on the school council/board?

The maximum length of a council/board term is three years, but a person can nominate for a further three-year period, or for as many three-year periods, as he/she wishes to be involved.

6. How often should the school council/board meet?

The school council/board should meet at least once a term, although it may be beneficial to meet more frequently when getting established. Once the council/board is running smoothly, meetings can be scheduled as required. The council/board's Terms of Reference (which specifies the size of membership, objectives and functions of the council/board, accountability requirements, role of the chair, and rules of operation) should reflect this intention.

7. What is the process for running an annual open public meeting?

During the year, the school website, newsletter and meetings can be used to ensure that parents and school community members are kept informed about the operations of the council/board.

The council/board is required to hold at least one formal open public meeting each year. Fourteen days' notice must be given before the open public meeting, which can be combined with another event (e.g. the end of year parent evening). An annual report on the performance of the council/board's functions since the previous annual public meeting or inaugural meeting (as relevant), is submitted at this meeting.

8. What is the process for electing a person onto the school council/board?

Elections are operated in the same way as any public election:

- a transparent process is required;
- there is a call for nominations;
- time is allowed for candidates' statements to be circulated;
- the election is run by the principal who may appoint a Returning Officer;
- ballot papers must be available for all persons eligible to vote;
- the person with the majority of votes wins, but it is possible to have a preferential system, if this is written into the Terms of Reference; and
- results are publicly announced.

9. Who is eligible to vote for a person to be a member of a school council/board?

- All staff on the payroll of the school can vote for staff representatives.
- Parents/guardians/carers, whose name and addresses are registered at the school as being responsible for particular students, can vote for parent representatives.
- Students enrolled at the school, who are 15 years or older or who turn 15 in that year, can vote for student representatives.
- Council/board members appoint community representatives.
- Before any appointment is made to a council/board, the nominee undergoes criminal screening (as is applicable to the nominee's membership category).

10. Does the chair of the council/board vote during meetings?

Yes. All members of the school council/board, other than co-opted members, have voting rights, including the principal and the chair.

11. What is a quorum for an unincorporated school council/board?

A quorum is decided by the council/board and written into the Terms of Reference. A council/board meeting can be held if there are not enough people to make up a quorum, but decisions cannot be made at that meeting.

Decisions are only valid if carried by an absolute majority which is calculated on the number of positions that are available, whether vacant or not. For example, if there are 13 positions on the council/board, seven members must vote yes to carry the motion, whether positions are vacant or not. A proxy vote is not a lawful vote.

12. Can other people attend council/board meetings?

Meetings are generally open to the public. Persons other than council/board members do not have speaking or voting rights. The chair can ask for their input if appropriate.

13. What input does the council/board have with regard to the selection of a new principal?

The chair or an appropriate member of the council/board may participate in the selection of the school principal.

14. Can schools use funds to purchase food and alcohol for council/board members?

When incurring expenditure on food, alcohol and entertainment, consideration must be given to: whether it is appropriate to the occasion; whether the amount is excessive; and/or whether such expenditure can withstand public scrutiny. Requirements are in the Department's Alcohol on School Premises and Expenditure on Hospitality policies.

15. Who has the final say on the school dress code?

The school council/board and the principal work in collaboration to develop and regularly review, in consultation with the school community, the dress code. The principal ensures the dress code adheres to the Department's Dress Codes for Students in Public Schools policy.

16. What legislation are school councils/boards required to work within?

School council/board decision making takes place within a framework of legislation, industrial agreements and policies including, but not limited to:

- the *School Education Act 1999*;
- the *School Education Regulations 2000*;

- the council/board's *Terms of Reference*;
- whole of government policies; and
- mandated Department policies.

17. Are council/board members protected from liability?

While any member of the public can be sued, school council/board members have protection against liability while acting in good faith.

While it cannot be guaranteed that a council/board member will not be sued, where members are performing council/board functions in good faith, they are assured that their risk of personal liability is minimal. See also Q18.

18. What insurance cover do council/board members have?

Members of unincorporated school councils/boards have personal liability cover under the Department's General Liability and Professional Liability insurance coverage with *Riskcover*, the Departments "insurer."

Personal accident cover is also provided for members engaged on official school council/board business or activity, and for loss or damage to members' personal property (excluding money and jewellery) used in connection with council/board business (that is not otherwise insured).

As with all insurances, certain exclusions apply to the Department's insurance coverage.

Council/board members are not covered, for instance, if:

- they act with wilful recklessness;
- intentionally engage in misconduct or criminal proceedings;
- are prosecuted by the State, or are disciplined by a statutory registration authority.

19. Is it mandatory for school council/board members to undergo criminal screening?

Yes, as is applicable to their membership category. Further information can be viewed at:

<http://www.det.wa.edu.au/screening/detcms/workforce/screening/criminal-history-check/school-boards-and-councils---questions-and-answers.en>

20. What is the difference between an incorporated and unincorporated council/board?

There are two types of school councils/boards: incorporated and unincorporated.

The majority are unincorporated. Incorporated councils/boards have higher levels of obligations and additional functions. Further information about incorporated boards can be viewed at: <https://www.education.wa.edu.au/web/our-schools/independent-public-schools/boards-of-independent-public-schools>

Incorporated councils/boards must seek their own insurance coverage as they are not covered by the Department's insurer.