

# UNLOCK YOUR SCHOOL'S FUTURE

## Becoming an Independent Public School (IPS)

### Unincorporated School Boards: Frequently asked questions.

#### 1. Who sits on an unincorporated school board?

- An unincorporated school board can have **5 to 15 members** (10 to 15 if incorporated).
- Board members are elected for a maximum of **three** years.
- Parents, staff and students (if applicable) are **elected**.
- Business, industry and community members are **appointed**.
- Other persons with particular expertise can be **co-opted** to the board for a pre-determined period of time. Co-opted members do not have voting rights.

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

The P&C is a valuable but separate entity to the board, and should continue to function that way. Members of the school 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 a member of the school board?

The P&C is entitled to nominate a parent or community representative for the school board. This is not an entitlement to be appointed to the 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 board?

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

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

The maximum length of a board term is three years, but a person can be nominated 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 board meet?

The school board should meet at least once a term, although it may be beneficial to meet more frequently when getting established. Once the board is running smoothly, meetings can be scheduled as required. The board's Terms of Reference (which specifies the size of membership, objectives and functions of the 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 board.

The board should 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 board's functions since the previous annual public meeting or inaugural meeting (as relevant), is submitted at this meeting.

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## 8. What is the process for electing a person onto the school 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, a Returning Officer can be appointed;
- 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 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.
- Board members appoint community representatives.

## 10. Does the chair of the board vote during meetings?

Yes. All members of the school board, have voting rights, including the principal and the chair. Co-opted members do not have voting rights.

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

A quorum is decided by the board and written into the Terms of Reference. A 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 board, seven members must vote *yes* to carry the motion, whether positions are vacant or not. A proxy vote is not a lawful vote under the School Education Act or Regulations for a non-incorporated School Council or IPS School Board.

## 12. Can other people attend board meetings?

Anyone can attend a board meeting, as all meetings are open. Persons other than board members do not have speaking or voting rights. The chair can ask for their input if appropriate.

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

The chair or an appropriate member of the IPS school board participates in the selection of the school principal. This formal process is informed by the *Public Sector Standards in Human Resource Management, the Equal Opportunity Act 1984*, and the Department's *Local Recruitment, Selection and Appointment* policy.

## 14. Can schools use funds to purchase food and alcohol for 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. Further guidelines are provided in the Department's *Hospitality and Working Meals* policy. The State Supply Commission Policy must also be observed when organising an official function.

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## 15. Who has the final say on the school uniform policy?

The school board.

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

School 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 board's *Terms of Reference*;
- other relevant legislation;
- government policies; and
- mandated Department policies.

## 17. What is the difference between an incorporated and unincorporated board?

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

The majority of Independent Public Schools are unincorporated boards.

Incorporated boards have higher levels of obligations. Further information about incorporated boards can be viewed at:

[http://www.commerce.wa.gov.au/associationsguide/Content/02\\_Incorporated\\_Associations/2.3\\_Not-for-profit.htm](http://www.commerce.wa.gov.au/associationsguide/Content/02_Incorporated_Associations/2.3_Not-for-profit.htm)

## 18. Can school board members be sued?

Any member of the public can be sued. School board members, however, have protection against liability while acting in good faith.

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

## 19. What insurance cover do board members have?

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

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

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

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.

Incorporated boards seek their own insurance coverage.