



Ellenbrook
Secondary College

BOARD CONSTITUTION

FEBRUARY 2017

CONTENTS PAGE

1. NAME
2. DEFINITIONS OF THIS CONSTITUTION
3. DEFINITIONS OF DUTIES/ROLES OF THIS CONSTITUTION
4. PURPOSE
5. POWERS AND DUTIES OF THE BOARD
6. MEMBERSHIP OF THE BOARD
7. ELECTION OF MEMBERS
8. CESSATION OR TERMINATION OF MEMBERSHIP
9. MEETINGS AND PROCEEDINGS OF THE BOARD
10. ALTERATIONS OF THE RULES OF THE BOARD
11. CONFIDENTIALITY
12. CODE OF CONDUCT

1. **NAME**

The name of the Board is the Ellenbrook Secondary College Board. Here after called "The Board".

2. **DEFINITIONS IN THIS CONSTITUTION**

"Act" means the Associations Incorporation Act 1987.

"Board" means Ellenbrook Secondary College Board - an Association under the Act.

"Director General" means the chief executive officer of the Department of Education as defined in section 229 of the School Education Act.

"Educational programme" means an organised set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student's individual needs as defined in section 4 of the School Education Act.

"Minister" means the Minister responsible for administering the School Education Act.

"Parent" means parent as defined in section 4 of the School Education Act who is named in the College register as a parent of a student.

"School" means Ellenbrook Secondary College (ESC).

"School Education Act" means the School Education Act 1999.

"College fund" means the General Purposes Fund and a fund referred to in section 110 of the School Education Act as defined in section 4 of the School Education Act.

"Student" means student enrolled at the College.

"Principal" means principal of Ellenbrook Secondary College.

"Chairperson" is the person appointed under Regulation 24 of the Education Regulations.

"Treasurer" means any person appointed to perform the duties of a Treasurer of Ellenbrook Secondary College Board.

"Secretary" is the person appointed to perform the duties of a Secretary of Ellenbrook Secondary College Board.

3. **DEFINITIONS OF DUTIES/ROLES IN THIS CONSTITUTION**

3.1 The principal reserves the power to:

- 3.1.1 Manage the day to day operations of the school including the implementation of its curriculum;

3.1.2 Make operational decisions about the use of teaching or learning resources in the school;

3.1.3 Allocate duties to all members of staff;

3.1.4 Act separately from the Board on those rare occasions where circumstances and serious responsibility for the leadership of the school demand such action.

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.

3.2 The Chairperson:

3.2.1 is elected each year by the members of the Board from the membership of the Board.

3.2.2 must be a member of the community.

3.2.3 The Chairperson presides at all regular and special meetings of the Board.

3.2.4 A retiring Chairperson may offer for re-appointment through election.

3.2.5 The Chairperson will prepare the Agenda for the Board meeting in consultation with the Principal.

3.3 A Treasurer may:

3.3.1 be appointed annually by the Board. Where a suitably qualified person is not a member of the Board, the Treasurer will be co-opted as a member of the Board.

3.3.2 maintain an ongoing appreciation of the performance of the school/college budget in accordance with its stated intentions and will present financial reports to the Board at least quarterly.

3.4 The Secretary once appointed, will:

3.4.1 record accurate Minutes of proceedings of all meetings of the Board.

3.4.2 distribute the Minutes as required by this Constitution.

3.4.3 forward the Minutes of the previous meeting and the Agenda for the next meeting to members one week prior to the forthcoming meeting.

4. PURPOSE

4.1 The Board is formed with the fundamental purpose of enabling parents 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. This includes activities that will improve an educational programme of the College or the management of the college's facilities.

5. POWERS AND DUTIES OF THE BOAARD

5.1 The Board has the following powers and duties:

5.1.1 to take part in:

- establishing and reviewing from time to time, the college's objectives, priorities and general policy directions as described in the School Plan;
- the planning of financial arrangements necessary to fund those objectives, priorities and directions;
- evaluating the college's performance in achieving them and namely endorsing the Annual School Report; and
- formulating codes of conduct for students at the college.

- 5.1.2 to determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the college.
- 5.1.3 to promote the college in the community.
- 5.1.4 to approve:
- charges and contributions for the provision of certain materials, services and facilities under section 99(4) of the School Education Act;
 - extra cost optional components of educational programmes, under section 100(3) of the School Education Act; and
 - items to be supplied by a student for use in an educational programme, under section 108(2) of the School Education Act; and any agreements or arrangements for advertising or sponsorship in relation to the College under section 216(5) of the School Education Act.
- 5.1.5 to provide advice to the Principal of the College on:
- a general policy concerning the use in College activities of prayers, songs and material based on religious, spiritual or moral values being used in a College activity as part of religious education.
- 5.1.6 with the approval of the Minister or the Director General, as the Minister's delegate, to:
- take part in the selection of, but not the appointment of, the College Principal or any other member of the teaching staff under section 129(2) of the School Education Act;
 - employ persons other than persons referred to in section 235(1) of the School Education Act 1999;
 - manage or operate facilities at the college.
- 5.1.7 to do all things necessary or convenient to be done for or in connection with the carrying out of its functions.
- 5.1.8 Provide input to the Principal in respect to Ellenbrook Secondary College budget allocations and approve the annual budget.

5.2 The Board cannot

- 5.2.1 intervene in the educational instruction of students;
- 5.2.2 exercise authority over teaching staff or other persons employed at the college;

5.2.3 intervene in the management or operation of an Ellenbrook Secondary College fund; or

5.2.4 borrow funds or obtain funds for the college.

5.3 The Board must comply

5.3.1 with any conditions imposed on it by the Minister pursuant to section 130(3)(c) the School Education Act; and

5.3.2 any directions issued by the Minister pursuant to section 135 (1) of the School Education Act.

6. MEMBERSHIP OF THE BOARD

6.1 The number of members of the Board shall be 15, comprising the following membership:

- 5 staff members;
- 6 parents;
- 4 community members.

6.2 The Board is to determine its composition:

6.2.1 having regard to the nature of the student population of the College and the social, cultural, lingual, economic or geographic factors that may be relevant to the College;

6.2.2 having regard to the functions of the Board and any changes in those functions; and

6.2.3 with a view to including members of the general community, staff of the college, and having regard to the allocation of membership positions to members of an association referred to in section 149 of the School Education Act.

6.2.4 The Chairperson of the Board is to be elected by and from its members and shall exclude members of the staff of the college.

6.2.5 The Principal shall be a member of the Board.

6.2.6 Membership of the Board is to be drawn from the following categories:

(a) Voting:

- Parents (6 members);
- General community (4 members);
- Staff of the school (Principal, Business Manager and 3 others).

(b) Non-voting:

- Co-opted members;
 - Students (2: Head Boy and Head Girl). Or an appropriate member of the Student Council.
- 6.2.7 The Board may allocate a membership position to a member of an association referred to in section 149 of the School Education Act in the membership category relevant to the nominee.
- 6.2.8 Parents, business community and members of the general community must form the majority of the members of the Board; and
- 6.2.9 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.

7. ELECTION OF MEMBERS

- 7.1 The Principal of the College will invite nominations from suitably qualified persons, who will gain a National Criminal History Screening as advised by the Department of Education WA, to fill vacancies occurring in the categories referred to in rule 6.2.6 above and, except in the case of the general community membership category, will conduct elections.
- 7.2 Eligible to vote in the category of parent membership positions is each parent whose name and address has been provided to the College under section 16(1)(b)(ii)(l) of the School Education Act, or if neither parent's name and address has been so provided, each person who is responsible for the student.
- 7.3 Eligible to vote in the category of staff membership positions is each person to whom section 235(1) of the School Education Act applies and whose usual place of work is at the School.
- 7.4 A person may not vote in respect of more than one category referred to in rules 6.2 and 6.3.
- 7.5 In the category of general community and business community membership positions, the Board may appoint suitably qualified members of the general community from the list of nominees.
- 7.6 The Director General may, from time to time, specify standards or requirements in relation to the conduct of elections.
- 7.7 The Director General may enquire into any matter affecting an election or appointment of a member of the Board and if any irregularity has occurred may declare the results of an election or appointment invalid, or order an election or appointment or a new election or appointment to be conducted.

- 7.8 A member of the Board (other than the Principal) shall hold office for a term not exceeding three years. The Board member may be reappointed more than once as determined by the Board.
- 7.9 Any member appointed or elected to a casual vacancy in the Board shall hold office for the balance of the term of the member of the Board whose seat on the Board has become vacant.

8. CESSATION OR TERMINATION OF MEMBERSHIP

- 8.1 The office of a member of the Board becomes vacant if the member:
 - 8.1.1 becomes ineligible to hold office as a member;
 - 8.1.2 resigns by written notice delivered to the Board; or
 - 8.1.3 is removed from office by the Director General of Education or his delegate.
- 8.2 The Director General, or the Deputy Director General or Executive Directors, as delegates of the Director General, may remove a person as a member of the Board on the grounds that the continuation of the person as a member would be detrimental to the interests of the Board.
- 8.3 The Board may remove a person as a member of the Board on the grounds that the person:
 - 7.3.1 has neglected his or her duty as a member;
 - 7.3.2 has been absent, without leave granted from three consecutive meetings of which the member has had notice.
- 8.4 The Board must 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.
- 8.5 A decision of the Board to remove a person from office is to be made by absolute 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.

9. MEETINGS AND PROCEEDINGS OF THE BOARD

- 9.1 The Board will determine the number of meetings for each year.
- 9.2 The Chairperson of the Board is to convene Board meetings in accordance with the directions of the Board in relation to the venue and time of meeting and giving notice of the meeting.
- 9.3 The Board can invite parents and community members to attend a Board Meeting.

- 9.5 The Board may decide to conduct confidential meetings and close to members of the public a meeting or part of the meeting if it deals with any of the following:
- 9.5.1 a matter affecting a person who is employed at the school;
 - 9.5.2 the personal affairs of any person;
 - 9.5.3 legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting;
 - 9.5.4 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;
 - 9.5.5 information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971.
- 9.6 A decision to close a meeting or part of the meeting and the reason for the decision are to be recorded in the minutes of the meeting.
- 9.7 The chairperson is to convene a special meeting of the Board if the meeting is called for in a notice to the chairperson setting out the purposes of the proposed meeting that is provided by at least 20 families of students at the College or at least half the number of parents of students at the school, whichever is the lesser number of families.
- 9.8 The chairperson is not to convene a meeting under rule 8.7 if the purposes of the proposed meeting are not relevant to the Board's functions.
- 9.9 A meeting convened under rule 8.7 is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.
- 9.10 Each Board member, including the chairperson, is entitled to one vote only. Ex officio and co-opted members are excluded from voting
- 9.11 A decision of the Board does not have effect unless it has been made by an absolute majority.
- 9.12 An absolute majority means a majority comprising enough of the members of the Board for their number to be more than 50% of the number of offices whether vacant or not.
- 9.13 Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by members of the Board present at the meeting.

- 9.14 Quorum
The quorum shall be 8.

10. DISPUTE RESOLUTION

This is invariably necessary because there will be times when members will have differences of opinion, feel overwhelmed or stressed and not be able to resolve their issues without a mechanism or support for resolving problems. □

The following mechanism is to be followed if there is a dispute resolution:

10.1 The Board must endeavour to work together, with their community and with their school, in an open and collaborative manner.

10.2 If a dispute arises, the Chairperson should lead a process acting as a facilitator to resolve the dispute through mediation.

10.3 If the Chairperson is involved in the dispute, the principal should lead dispute resolution process.

10.4 If both the principal and the Chairperson are involved in the dispute, a written request for mediation should be submitted to the Principal's Regional Executive Director.

Board members should be mindful that their purpose is to work co-operatively to influence the strategic direction of the school to improve student outcomes.

11. ALTERATION OF THE RULES OF THE BOARD

- 11.1 The Board may only alter, rescind or add to these rules if there is a special resolution passed by 80% of the members of the Board.
- 11.2 The Board must comply with the requirements of sections 17, 18 and 19 of the Act.
- 11.3 Any alteration, rescission or addition is of no effect until it has been approved by the Minister or the Director General as delegate of the Minister.
- 11.4 These rules bind every member of the Board to the same extent as if every member of the Board had signed and sealed these rules and agreed to be bound by all their provisions.

12. CONFIDENTIALITY

The Board abide by the code of conduct relating to all electronic, physical or any other information belonging to Ellenbrook Secondary College.

13. CODE OF CONDUCT

1.0 PURPOSE

This document details the expected behaviour ("code of conduct") of all members of the Ellenbrook Secondary College College Board ("The Board").

Board members are required to respect and uphold the following Core Values of the College;

- Pride in one's self and the College community
- Respect for one's self and cultural diversity
- The promotion of creativity and innovation
- The pursuit of knowledge and a commitment to excellence
- Social, civil and environmental responsibility

The overriding principle for all Board members is:

“To act with integrity, where all decisions and actions are in the best interest of the College and students.”

Board members are required to sign this document signifying agreement to uphold the core values and principles of the code, both, in letter and spirit.

2.0 BOARD DECISIONS

1. Board members will take into account the following primary considerations in making Board Decisions;
 - a) The vision, ethos and values of the College,
 - b) What is in the best interests of students,
 - c) What will enhance the education provided by the College both current and future.
2. Board members will represent all sectors of the College community and not only one viewpoint or the view of an individual. Board members will regularly seek the views and opinions of the whole College community, especially when new policies are being developed. Any issues arising from these discussions will be added to the agenda for discussion at the next board meeting. Where appropriate individual confidentiality must be maintained.
2. Board members will “speak as one voice” in the public arena once a decision has been made. Board members are not to engage in any direct correspondence with the media and will direct all communications to the College Principal or Board Chairperson.
4. The College Board is accountable to, and must report to, the College community and the Department of Education.

3.0 CONDUCT

3.1 Principles

In fulfilling their duties, Board members will adhere to the following principles;

- a) Behave in an ethical and professional manner with integrity at all times,
- b) Engage in clear and honest two-way communications and transparent processes,

- c) Conduct themselves in a civil and respectful manner at Board meetings and in the course of Board business,
- d) Act for the benefit of the College and not for personal, professional or third party gain or financial enrichment,
- e) Abide by all relevant legislation and industrial agreements,
- f) Harassment, bullying or discrimination against colleagues or members of the public will not be tolerated.

3.2 Confidentiality

1. Board members will maintain confidentiality and privacy with regard to sensitive matters, especially matters of a personal nature relating to staff, students or parents.
2. Appropriate levels of confidentiality are to be maintained, including;
 - a) Ensuring all Board documents are kept secure,
 - b) Access to email and other forms of electronic information are restricted to Board members only,
 - c) Taking care when discussing Board matters outside of Board meetings.
3. A Board Member who is approached by a parent with a concern relating to an individual is in a privileged position and must treat such discussion with discretion, protecting the confidentiality and privacy of the people involved. If the issue relates to an operational matter of the College, the parent should be encouraged to speak with the Principal or classroom teacher. However, if the issue relates to a College policy or procedure, it should be put on the agenda for discussion at the next College Board meeting where it will be dealt with in a generic sense to protect the privacy of individuals involved.

3.3 Conflicts of Interest

Board members must declare any conflicts of interest as and when they arise, and therefore;

1. Board members will not allow their personal or professional interests to conflict with that of the College,
2. Board members will declare any conflicts of interest either at the start of the Board meeting concerned or when a relevant issue arises,
3. Examples of conflicts of interest could be (but are not limited to);
 - a) When a Board member or his/her immediate family or business interests stands to gain financially from any business dealings, programs or services with the College,
 - b) When a Board member him or herself offers a professional service to the College,
 - c) Where a Board member stands to gain personally or professionally from any insider knowledge if that knowledge is used to personal or professional advantage,
 - d) Where a Board member or the ex/officio member of the Board has a role on the governing body of another organisation, where the

activities of that other body may be in direct conflict or competition with the activities of the College.

4. A Board member who believes another Board member has an undeclared conflict of interest will specify in writing the basis of this potential conflict,
5. All conflicts of interest will be documented in the Board's Conflicts of Interest Register,
6. Where a conflict of interest or potential conflict of interest is identified and/or registered, the Board member concerned will leave the room as soon as that item comes up for discussion. The concerned Board member will not vote on that issue, nor initiate or take part in any Board discussion on that topic (either in the meeting or with other Board members before or after the Board meetings), unless expressly invited to do so by unanimous agreement by all other members present.

4.0 MEETINGS

In fulfilling their duties, Board members will;

1. Review, **in advance**, all materials relating to items to be discussed at the next board meeting. This will allow for efficient and productive meetings,
2. Board members unable to attend a meeting will submit an apology prior to the meeting,
3. Board members will actively participate in meetings.