



Governance

Improving School Governance

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1.0

Introduction

Goal

This module will help school councillors understand their roles and responsibilities and develop the skills and knowledge to perform their governance tasks successfully.

The module includes knowledge of:

- the legislative framework for school councils
- what school councils do
- school council operations
- understanding how a school operates
- support for school councillors.

Overview

School councils play a key role in Victorian Government schools and being a member of the school council is a rewarding and challenging experience. Acting as a collaborative team, the council supports the principal to enhance the educational opportunities for students.

Good governance strengthens community confidence in the school and enables the council to perform efficiently and effectively and to respond strategically to changing demands and educational challenges.

Good governance relies on the professional leadership of the principal (who is a school council member and the school council's executive officer), the school council president and the school council members.

Although each councillor brings their own valuable life experience and knowledge to the role, councillors may need to develop skills and acquire knowledge in areas that may be unfamiliar to them. These might include developing an understanding of strategic planning, interpreting data or financial statements, working effectively as a council or understanding legislative and policy requirements.

In addition to this governance module, there are other modules to support councillors in the areas of strategic planning and annual reporting, finance, policy development and the role of the school council president.

1.1

Legislative framework

Why is this topic important?

School councils operate within the Victorian Government school system under a legislative framework.

On completing this module, school councillors should:

- know the powers, functions and legal requirements which apply to school councils
- understand the framework under which they operate.

Legislation

The Minister has overall responsibility, with the Secretary, the department, and school councils separately accountable to the Minister for the performance of their functions.

All school councils in Victoria are established under the *Education and Training Reform Act 2006* (the Act) and operate under the Act and Education and Training Reform Regulations 2017 (the Regulations).

Each school council is established by Ministerial Order (Constitution of Government School Councils) 2020 (Ministerial Order 1280), which, together with the Act and the Regulations, specifies the council's membership, size and composition; its objectives, powers, functions and accountabilities; and the role of its executive officer, who is the principal.

Ministerial Order 1389 sets employment conditions, salaries, allowances, selection and conduct requirements for people employed by a school council.

Constitution of Government School Councils

Ministerial Order (Constitution of Government School Councils) 2020 (Ministerial Order 1280) became operational on 1 January 2021. Ministerial Order 1280 consolidates existing school council constituting Orders with global Ministerial Orders such as Ministerial Order 52, the school council composition and elections Order, into a single Order. The objectives, functions and powers of school council remain set out in the Act.

School councillors are also subject to the Code of Conduct for Directors of Victorian Public Entities made under the *Public Administration Act 2004*.

As a corporate body, school councils may exercise and discharge the powers, duties and functions given to them by or under the Act. As such, school councils are separate legal entities from the department.

The Secretary, Department of Education, is required to ensure there is an effective quality assurance regime over the financial and operational activities of school councils. The Secretary is also required to advise the Minister on matters relating to school councils and work with, and provide guidance to councils, to assist them in their operation. The Secretary, however, cannot direct or control a school council in the performance of its functions.

It is important that school councillors understand the key features of the relevant legislation because it affects all aspects of their work: including how they interact with the community, develop and consider options, make decisions and generally conduct themselves both during and outside of council meetings.

A well-informed and effective school council strengthens community confidence in the school and helps to protect and build the school's reputation.



School council membership

Ministerial Order 1280 makes provision for each school council's structure and membership:

- **Parent members**

Parents of students at the school always comprise more than one third of the school council's total membership, according to Ministerial Order 1280. 'Parent' includes a guardian or person responsible for the maintenance or with custody of a student at the school. Department employees, except for the principal, (who is a member of the school employee member category), are eligible for membership in this category as long as they have children attending the school and the department employees do not work at the school of that school council.

- **School employee members**

To be eligible for election to this category, a person must be a member of the school employee electorate of the school. The principal is automatically included in this membership category and has full voting rights. Other school staff (teaching and non-teaching) are elected to this category. The number of school employee members must not be more than one third of the school council's total membership, according to Ministerial Order 1280.

- **Community members**

If a school council decides to include community members, the council decides who to approach and co-opt into this position. Community members are co-opted to bring additional skills and perspectives to council decision making. Community members hold the same rights, responsibilities and terms of office as elected members. Parents are eligible to be co-opted to a community member position (i.e. member of the parent club), but department employees are not. Students may also be co-opted to a community member position. Ministerial Order 1280 Schedule 1 stipulates the maximum number of Community members that an individual school can appoint.

- **Student members**

Schools that provide secondary level education must have two student members on council unless an exemption has been granted. To be eligible for election, a student member must be a student who is enrolled at the school and is in year 7 or above.

- **Nominee members**

A very small number of school councils have a nominee member category. Nominee members are appointed by organisations authorised by the Minister for Education. Nominee members generally have the same rights, responsibilities and terms of office as elected members unless otherwise provided in Ministerial Order 1280. Principals to ensure that appointment of the nominee members are completed based on Ministerial Order 1280 Schedule 4 requirements.

Code of Conduct for school councillors

School councils in Victoria are public entities as defined by the *Public Administration Act 2004*. School councillors are directors of public entities and must abide by the Code of Conduct for Directors of Victorian Public Entities (Code of Conduct) issued by the Victorian Public Sector Commission.

The Code of Conduct sets the standard of behaviour and requires councillors to:

- **act with honesty and integrity** – be truthful, open and clear about their motives and declare any real, potential or perceived conflict of interest and duty
- **act in good faith in the best interests of the school** – work cooperatively with other councillors and the school community, be reasonable, and make all decisions with the best interests of students in mind
- **act fairly and impartially** – consider all relevant facts of an issue before making a decision, seek to have a balanced view, never give special treatment to a person or group and do not act from self-interest
- **use information appropriately** – respect confidentiality and use information for the purpose for which it was gathered
- **use their position appropriately** – not use their position as a councillor to gain an advantage
- **act in a financially responsible manner** – observe all the above principles when making financial decisions
- **exercise due care, diligence and skill** – accept responsibility for decisions and do what is best for the school
- **act consistently with legislative and policy requirements when making decisions**
- **notify the school council if they become a candidate for an election** in any state, local or federal election and not use the council's resources in connection with their candidature
- **demonstrate leadership and stewardship** – set a good example, encourage a culture of accountability and child safety, and manage risks to keep the school strong and sustainable.

School councillors are encouraged to refresh their understanding of the Code of Conduct and public sector values each year.

Raising concerns about a school councillor's compliance with the Code of Conduct

Breaches or the failure by a school councillor to comply with the obligations within the Director's Code of Conduct can amount to misconduct and are taken very seriously. Examples of conduct that can be reported include a school councillor who:

- improperly uses their position and information to gain advantage for themselves or someone else
- causes detriment to a public entity, or
- fails to declare a conflict of interest.

To raise concerns regarding a breach of the Code of Conduct, school councillors should first make a report to the principal, as the executive officer of the council.

If a school councillor does not feel comfortable raising their concerns with the principal, a report can be made to the department's:

- **Fraud and Corruption Control Unit** by email: fraud.control@education.vic.gov.au or Phone: **(03) 7022 0121**, or
- **Speak Up service** – a 24-hour, independently-managed service available to take reports about possible fraud, corruption or serious misconduct. **Speak Up** can be contacted on **1800 633 462** or at pkftalkintegrity.com/?det.

Reports can also be made directly to **IBAC** at ibac.vic.gov.au/report.

Public Sector Values

School councillors must also abide by and demonstrate the Victorian Public Sector Values set out in the Code of Conduct. These values are responsiveness, integrity, impartiality, accountability, respect, leadership and human rights.

The values underpin the behaviours that the government and community expect of all directors of public entities, including school council members.

Failure to uphold the values can result in reputational damage for the school council, school and government, and can undermine confidence in the community and in democratic practices.



RESPONSIVENESS

We respond in a timely way with our best work



INTEGRITY

We are honest, ethical and transparent



IMPARTIALITY

We behave in the best interests of the public by making fair and objective decisions



ACCOUNTABILITY

We hold ourselves and others to account for the work that we do



RESPECT

We value others and accept their differences



LEADERSHIP

We are genuine, supportive and do the right thing



HUMAN RIGHTS

We uphold and respect the rights of others

Why do we need values?

Values describe a commonly understood set of expected behaviours.

The values set out the way that school councillors, as directors of public entities, should behave and act. These behaviours increase trust and confidence in the institution. The community expect employees and school council members to act in accordance with the values. Doing so is central to building and maintaining trust.

When school council members adopt the Code of Conduct and the Public Sector Values, it strengthens the school's capacity to operate effectively and achieve its objectives.

The values have been adopted by the department and complement each school's values and teachers' professional standards, such as the Codes of Conduct and Ethics issued by the Victorian Institute of Teaching.

For all school staff and council members, behaving with integrity and respect in everyday decisions and actions goes to the heart of the community's trust in the school and the public education system.

Working together

School councillors must abide by the Code of Conduct and Public Sector Values and work together in the best interests of the school, including:

- assisting in the efficient governance of the school
- ensuring that the council's decisions affecting students are made having regard to the best interests of the students
- enhancing the educational opportunities of students
- ensuring the school council adheres to all legal and department requirements.

Conflict may occur when school councillors do not understand the difference between the role of the principal as educational leader of the school as well as executive officer of council, and the governance role of school council members. See '[Distinctions in roles and responsibilities](#)' in this module for examples of school activities that school councils may be involved in.

The department's Policy and Advisory Library (PAL) provides information and advice on the Code of Conduct and managing conflict on council should it arise. In an environment where mutual trust and respect prevail, conflict can be a positive force. It can encourage people to find creative solutions, clarify an issue, increase the involvement of members, encourage growth, and strengthen relationships. However, conflict can divert energy from the group, compromise morale and create disharmony.

Confidentiality

School councillors bring diverse views to the council and work together to develop a shared vision for the improvement of student outcomes.

Confidentiality and the correct use of information is an important component of the Code of Conduct for councillors.

School councillors are expected to use the information they gain in the course of their council responsibilities for its intended purpose only. Members use the information at council meetings to guide their discussions and decision-making. Councillors cannot use the information, including privileged information or sensitive information, to obtain an advantage for themselves or another person or to cause concern or loss of the community's trust.

Council members must feel assured their discussions and views are treated confidentially by other members.

All councillors must respect privacy and use their discretion and good judgement when dealing with school council information. For example: council members should not discuss who said what or the different views of councillors, outside of the council meeting. Private information from council meetings that could identify a staff member, student or their family **must not be discussed**, including information that could identify a person (for example: applicants in a principal selection process). The school council president and principal can provide guidance on any matter and the need for confidentiality, if required.

Resource links

Further information, related policies and advice can be located on the department's website, Policy and Advisory Library (PAL) page at www2.education.vic.gov.au/pal including:

Child Safe Standards page on the department's website

www2.education.vic.gov.au/pal/child-safe-standards/policy

PROTECT Child safe standards – training material page on the Victorian Government's website

www.vic.gov.au/child-safe-standards-training-material

Victorian Protective Data Security Standards page on the department's website

www2.education.vic.gov.au/pal

Online learning for schools – Protecting Children – Reporting and Other Legal Obligations page on the department's website
education.vic.gov.au/school/teachers/health/childprotection/Pages/online-learning-for-schools.aspx

Gifts, Benefits and Hospitality page on the Victorian Government's website

www2.education.vic.gov.au/pal/gifts-benefits-and-hospitality/policy

Outside School Hours Care — Decision Making Regarding the Provision of OSHC page on the Victorian Government's website

www2.education.vic.gov.au/pal/outside-school-hours-care-decision-making-regarding-provision-oshc/policy

Procurement – Schools page on the Victorian Government's website

www2.education.vic.gov.au/pal/procurement-in-schools/policy

Reportable Conduct page on the department's website

www2.education.vic.gov.au/pal/reportable-conduct-scheme/policy

Fraud and Corruption Control page on the department's website

www2.education.vic.gov.au/pal/fraud-and-corruption-control/policy

School Council – Composition and Office Bearers page on the department's website

www2.education.vic.gov.au/pal/school-council-composition-and-office-bearers/policy

School Council – Conduct and Conflict of Interest page on the department's website

www2.education.vic.gov.au/pal/school-council-conduct/policy

School Council – Powers and Functions page on the department's website

www2.education.vic.gov.au/pal/school-council-powers-and-functions/policy

Department and VPS Values for School Employees page on the department's website

www2.education.vic.gov.au/pal/values-department-vps-school-employees/overview

Other relevant resources

Australian Children's Education and Care Quality Authority – National Quality Framework website

acecqa.gov.au

***Education and Training Reform Act 2006* page on the Victorian Legislation website**

legislation.vic.gov.au/in-force/acts/education-and-training-reform-act-2006

Early childhood regulation and quality assessment page on the department's website

www.education.vic.gov.au/childhood/providers/regulation/Pages/nqf.aspx

PROTECT – Child Safe Standards page on the Victorian Government website

www.vic.gov.au/PROTECT

Code of Conduct for Directors of Victorian Public Entities page on the Victorian Government website

vpvc.vic.gov.au/html-resources/code-of-conduct-for-directors-of-public-entities

Speak Up service on the department's contracted service provider's website

pkftalkintegrity.com/?det

1.2

What school councils do

Why is this topic important?

Councillors need to understand what their role is, the powers, functions and objectives of the school council, and how they are required to work with the principal and the school community.

On completing this unit, councillors should understand:

- how the legislative functions of school councils translate into governance roles and responsibilities including those that require decisions of council
- the distinctions in roles and responsibilities of school council and those of the school principal
- how partnerships can assist the school council in performing its functions, powers and roles.

Objectives of a school council

The objectives of a school council are specified in the Act and include:

- assisting in the efficient governance of the school
- ensuring that decisions affecting students of the school are made having regard, as a primary consideration, to the best interest of the students
- enhancing the educational opportunities of students at the school
- ensuring the school and the council complies with any requirements of the Act, the Regulations, a Ministerial Order or a direction, guideline or policy issued under the Act.

Accountability of a school council

- A school council is accountable to the Minister for Education in respect of the performance of its functions and powers and must comply with any Ministerial Order made by the Minister
- The principal of a school is the executive officer of the school council and must ensure that:
 - adequate and appropriate advice provided to the school council on education and other matters
 - the decisions of the school council are implemented
 - adequate support and resources are provided for the conduct of the school council meetings.
- The Secretary of the department must ensure that an effective quality assurance regime is in place over the financial and operational activities of school council.

Functions, Powers, Reporting and Accountability requirements of a school council

The functions of a school council specified in the Act with regard to any school in relation to which it is constituted are:

- to establish the broad direction and vision of the school within the school's community
- to arrange for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the school including the provision of kindergarten programs
- to raise funds for school related purposes
- to regulate and facilitate the afterhours use of the school premises and grounds
- to exercise a general oversight of the school buildings and grounds and ensure that they are kept in good order and condition
- to provide for the cleaning and sanitary services that are necessary for the school
- to ensure that all money coming into the hands of the council is expended for proper purposes relating to the school
- to provide meals and refreshments for the staff and students of the school and make charges for those meals or refreshments
- inform itself and take into account any views of the school community for the purpose of making decisions in regard to the school and the students at the school
- generally, stimulate interest in the school in the wider community
- perform any other function or duty or to exercise any power conferred or imposed on the council
 - i. by or under this Act or the regulations; or
 - ii. by a Ministerial Order or direction issued by the Minister under this Act.

Powers of the school council specified in the Act with regard to any school in relation to which it is constituted are to:

For meeting its objectives or performing its functions or duties a school council may:

- enter into contracts, agreements or arrangements (for example: entering into community joint use agreements (CJUAs), which are suitable for constructing jointly-used community facilities such as stadiums, sporting grounds and theatres regulating and facilitating the after-hours use of the school premises and grounds, for example: managing the hire, licence and shared use of school facilities)
- establish trusts and act as trustee of them
- subject to section 2.2.4 of the Act charge fees to parents for goods, services or other things provided by the school to a child of the parent in accordance with the Act or any Ministerial Order
- grant a licence in relation to school lands or buildings in accordance with the Act and any Ministerial Order and any guidelines issued by the Minister.

Reporting and Accountability Requirements of the school council specified in the Act

School plan

- A school council must, in accordance with any Ministerial Order, prepare a school plan that sets out the school's goals and targets for the next 4 years and the strategies for achieving those goals and targets.
- A school plan must be signed by both the president of the school council and the principal and must be submitted to the Secretary for approval within the period specified in a Ministerial Order.

Annual report

- School council must prepare an annual report relating to a school's financial activities including any matters required by a Ministerial Order as at a date fixed by Ministerial Order.

A school council should exercise its powers or perform its functions for the purpose of meeting its objectives for the school and the council. However, a school council's responsibilities do not extend to the school's compliance with obligations that fall outside those of the school council's functions and powers.

School council is generally also involved in the school principal selection process. When principal selection occurs, a panel is formed to review applications, interview shortlisted applicants and recommend one or more applicants to the Secretary of the department to employ. The selection panel includes councillors and department staff. Principal selection panel members are provided with principal selection panel training.

The school council president, on request from the Regional Director, provides input to principal contract renewal discussions. The president advises the school council of that input at the next school council meeting.



What the Act expressly prohibits a school council doing

A school council is not authorised to:

- purchase or acquire land or buildings
- employ teachers for longer than 12 months or with no fixed date for the termination of that employment.

And, unless authorised by or under the Act, Regulations or a Ministerial Order, a school council is not able to:

- licence or grant any interest in land, including school lands or buildings
- purchase a motor vehicle, boat or plane
- enter into hire purchase agreements
- obtain loan or credit facilities
- form or become a member of a corporation
- provide for any matter or thing outside of Victoria unless it is related to an excursion by school students or the professional development of school staff.

Indemnity for school council members

School councillors are indemnified against any liability in respect of any loss or damage suffered by the council or any other person in respect of anything necessarily or reasonably done, or omitted to be done, by the member acting in good faith in the:

- exercise of a power or the performance of a member's function, or
- reasonable belief that the member's liability, act or omission was in the exercise of the member's function or power.

In other words, school councillors are not personally liable for any loss or damage suffered by council or others as a result of reasonable actions taken in good faith.

Distinctions in roles and responsibilities

Understanding the functional split between school councils and the principal of the school is critical for the effective functioning of the council.

The school council has a limited governance and oversight role, whereas the principal manages the day-to-day activities of the school and is responsible for ensuring the delivery of a comprehensive education to every student. The principal also holds a duty of care for, and is responsible for the care, safety, and welfare of the students at the school.

The following table shows a range of school activities that school councils may be involved in:

Area of activity	The principal ...	The school council ...
Governance	<ul style="list-style-type: none"> • leads the organisation, management and administration of the school • allocates teaching or other duties to teaching staff • is responsible for the general care, safety, and welfare of students • determines the overarching education decisions for students, such as curriculum and staffing arrangements 	<ul style="list-style-type: none"> • assists in the efficient governance of the school • ensures all money is expended for proper purposes relating to the school • informs itself of the views of the school community
Student dress code policy	<ul style="list-style-type: none"> • implements the student dress code developed by school council in consultation with the wider community • considers and, where appropriate, grants exemptions to dress code guidelines for individual students • enforces the student dress code 	<ul style="list-style-type: none"> • develops student dress code policy in close consultation with the wider school community • consults with the school community before adopting changes to this policy
Camps and excursions	<ul style="list-style-type: none"> • is responsible for approving all excursions, including camps, local, interstate and overseas • Where a camp or excursion involves more than one school, all relevant principals are responsible for approving all excursions involving another school 	<ul style="list-style-type: none"> • is responsible for approving excursions in relation to the school's budget and the parent payments policy or contracts engaging third party providers

Area of activity	The principal ...	The school council ...
Buildings and grounds	<ul style="list-style-type: none"> • is responsible for maintenance of school buildings and grounds • monitors implementation of contracts • is responsible for maintaining records of school council approved quotes on the Asset Information Management System (AIMS) • is responsible for maintaining records on AIMS of contracts that school councils enter or endorse 	<ul style="list-style-type: none"> • exercises a general oversight of school buildings and grounds to ensure they are kept in good condition and order • oversees school cleaning, and in regional schools only, enters into contracts for school cleaning • enters into contracts for building and grounds improvements • makes decisions about the hiring and shared use of school facilities in accordance with the Community Use of Schools – Hiring and Licensing page on the department’s website at www2.education.vic.gov.au/pal/community-use-schools-hiring-licensing-and-community-joint-use-agreements/guidance-0, to be recorded in AIMS by principal • is responsible for approving quotes for construction works and services under \$100,000 in line with the Procuring Low-value Construction Works or Services policy, to be recorded in AIMS by principal

Area of activity	The principal ...	The school council ...
Outside school hours care or kindergarten service	<ul style="list-style-type: none"> engages the school community in the decision-making process to establish or change operating models or service provider informs the school community and school council about the service on a regular basis may be nominated by school council as the person with management or control for a school council managed operating model has knowledge of the National Law and National Regulations and the Child Safe Standards as they apply to education and care services if an officeholder within council such as President or Treasurer, is a person with management or control (PMC) under Family Assistance Law where a service administers Child Care Subsidy (CCS) ensures that procurement policies for facilities and services from third parties ensure the safety of children and students 	<ul style="list-style-type: none"> decides whether to establish a service or change operating models or service provider for a school council managed operating model: <ul style="list-style-type: none"> makes applications to the department's Quality Assessment and Regulation Division to become an approved provider and to obtain service approval(s) under the National Quality Framework (NQF) nominates a person with management or control under the National Quality Framework for the purpose of operation of the service, noting this does not take away from the council's legal responsibilities under the NQF is the legal entity under Family Assistance Law where a service administers the Child Care Subsidy (CCS). School council members holding a specific position such as President or Treasurer will be considered persons with management and control under this Law in a third-party-provider operating model: <ul style="list-style-type: none"> selects, engages and contract-manages the preferred provider, and endorses the licence agreement negotiated with a third party receives regular program reports from the OSHC or kindergarten provider regularly monitors the provider's compliance with the conditions on the Licence Agreement between the school and provider may submit complaints to the provider, or to the Regulatory Authority, if regulatory requirements or policies and procedures are not being followed should be consulted on the development of the service's Quality Improvement Plan and be provided with a copy of the service's Assessment and Rating report works with the principal to ensure that the child safety requirements in the department's Procurement – Schools policy are followed, including ensuring that contracts with third-party suppliers include requirements for the safety of children and students

Area of activity	The principal ...	The school council ...
Minimum Standards and Requirements for School Registration	<ul style="list-style-type: none"> • is responsible for operational school policies, procedures and practices required for compliance with the minimum standards for school registration • consults with the school council and school community on new or updated local policies where appropriate or required, which must include the: <ul style="list-style-type: none"> - Statement of values and school philosophy (which requires consultation with school council only) - Student Wellbeing and Engagement policy - Bullying Prevention policies - Child Safety and Wellbeing policy - Child Safety Code of Conduct - Child Safety Responding and Reporting policy and procedures - Complaints policy - Digital Learning policy - Visitors policy - Volunteers policy 	<ul style="list-style-type: none"> • fulfil other duties outlined in this table many of which contribute to compliance with the minimum standards • consider and approve policies that are within the scope of the powers and functions of school council and that are required under the minimum standards for school registration. These policies include the Statement of Values and School Philosophy and the Child Safety Code of Conduct (to the extent it applies to school council employees and members, unless delegated to the principal) and any other policy required under the minimum standards that the principal elects to seek school council approval for
Framework for Improving Student Outcomes (FISO 2.0) Planning, School Review and Annual Reporting	<ul style="list-style-type: none"> • leads the school review, including keeping the school community and council informed about the school review, leading the pre-review self-evaluation and presenting the findings of the review report to school staff and school council • engages the staff and school community in development of the School Strategic Plan following the school review • engages the staff and school community in the development of the Annual Implementation Plan • responsible for the development of the Annual Report to the School Community 	<ul style="list-style-type: none"> • participates in the school review as defined in the terms of reference (e.g. pre-review self-evaluation, participation in focus groups etc), and the president is a member of the school review panel • endorses the School Strategic Plan • endorses the Annual Implementation Plan • following endorsement by council the president endorses the School Strategic Plan and Annual Implementation Plan in the Strategic Planning Online Tool (SPOT) • endorses the Annual Report to the school community, which is attested by the president in the Strategic Planning Online Tool (SPOT) • ensures the Annual Report is made available to the school community via a school council public reporting meeting and how to access once published on school website

Area of activity	The principal ...	The school council ...
Child Safe Standards	<ul style="list-style-type: none"> • has responsibility for ensuring that the school complies with all the requirements of Ministerial Order 1359 – Implementing the Child Safe Standards – managing the risk of child abuse in schools and school boarding premises. See the Child Safe Standards page on the department’s website at www2.education.vic.gov.au/pal/child-safe-standards/policy • will implement the 11 Child Safe Standards. They can use the Child Safe Standards Action List – for government schools to identify what they need to do to address Ministerial Order 1359. See the Schools and school boarding premises page on the Victorian Government’s website at www.vic.gov.au/child-safe-standards-schools-and-school-boarding-premises • will ensure the school has a Child Safety Code of Conduct which provides adults with a clear guide on the behaviour that is expected of them in school environments. See the Child safety code of conduct page on the Victorian Government’s website at www.vic.gov.au/child-safety-code-conduct 	<ul style="list-style-type: none"> • approves and complies with the Child Safety Code of Conduct to the extent that it applies to school council members and employees, unless delegated to the principal • in respect of school council employees, ensures that department recruitment policies and practices are followed and appropriate records kept. See Records Management – Employee Information: Overview at education.vic.gov.au • ensures, at least annually, the council receives appropriate guidance and training about: <ul style="list-style-type: none"> - their obligations and responsibilities for the Child Safe Standards - child safety and wellbeing risks in the school environment - the child safety policies, procedures and practices of the school • where applicable to their powers and functions, works with the principal to ensure that the child safety requirements in the department’s Procurement – Schools policy are followed, including ensuring that contracts with third-party suppliers include requirements for the safety of children and students • can locate further information about the Child Safe Standards and school council roles and responsibilities on the PROTECT – Child Safe Standards page on the Victorian Government website at www.vic.gov.au/PROTECT. See also the Child Safe Standards page on the department’s website at www2.education.vic.gov.au/pal/child-safe-standards/policy • will be aware of the school’s information sharing and record-keeping policies and procedures as. See Privacy and Information Sharing page on the Department’s website at www2.education.vic.gov.au/pal/privacy-information-sharing/policy and the Records Management – School Records page on the department’s website at www2.education.vic.gov.au/pal/records-management/policy • will follow the school’s Child Safety Code of Conduct and Child Safety and Wellbeing policy



Delegations

The Education and Training Reform Regulations 2017 allows school councils to delegate their powers and duties.

However, the school council cannot delegate any of its functions or powers in relation to the approval of the school budget or Annual Report.

A school council must generally obtain approval from the Minister for Education to delegate a power or duty to a person or body other than the principal.

All delegations must be recorded in the minutes of the council meeting and a register of delegations must be kept by the council. The instrument (template) setting out the delegations, and the terms and conditions of the delegations, must be completed and signed by the president, or a council member appointed for this purpose, and delivered to the delegate (usually the principal). Further information on delegating, and a delegations fact sheet and template instrument of delegation, is available on the **School Council – Powers and Functions** page on the department's website www2.education.vic.gov.au/pal/school-council-powers-and-functions/policy.

A person or body to whom a delegation has been made (usually the principal) must provide a written report about any activities performed at each ordinary meeting of the school council.

Broad direction and vision of the school

One of the key functions of school councils is to establish the broad direction and vision for the school.

Under the Minimum Standards for school registration, all Victorian Government schools must have a policy statement outlining the school's Values and Philosophy, which includes the school's vision, mission, values and objectives. See the school's **Values and Philosophy – Login Required** at edugate.eduweb.vic.gov.au/edrms/keyprocess/cp/SitePages/SchoolPoliciesDetail.aspx?CId=14.

Schools are required to publish this statement, and the department recommends that this occur on the school's website or other online parent/carer/student communication platform.

The school's objectives are outlined in further detail in the 4-year School Strategic Plan and Annual Implementation Plan as goals and key improvement strategies. These documents are key elements of Victoria's Framework for Improving Student Outcomes (FISO 2.0) cycle, and they are both endorsed at school council. See the **Framework for Improving Student Outcomes (FISO 2.0)** page at www2.education.vic.gov.au/pal/fiso/policy.

Further information on school council's role in strategic planning is provided in the ISG training module: **Strategic Planning and Annual Reporting**.

School council annual self-assessment

Self-assessments are an important process for reflecting on school council effectiveness. All councils, as boards of public entities, must have adequate procedures in place for assessing their own performance under the *Public Administration Act 2004*.

School council members will operate effectively when they have an understanding of governance roles, responsibilities and a consistent process for decision-making.

The president can take a leadership role in the review and reflection of the effectiveness of the council as a group. The annual self-assessment process should identify areas of strength and areas for improvement.

A new online self-assessment tool has been designed by the department to assist school council presidents, principals and all council members to reflect on their roles and the effectiveness of the school council as a whole. The council as a group, can undertake the annual self-assessment, then discuss the results in small groups or as a team and develop an improvement plan.

Most school councils will identify some areas of focus. For example, they may agree that some council operational practices could be improved, or they may wish to build particular knowledge and capabilities by undertaking training.

As a result of the annual self-assessment, councils may review and revise their Standing Orders, their sub-committees and the effectiveness of their meetings. It is important that school councils and individual councillors work collaboratively and purposefully.

The department's self-assessment tool can be located on the **School Council – Training and Good Governance** page on the department's website at www2.education.vic.gov.au/pal/school-council-training/policy.

Finance

It is a legal requirement that school councils ensure that funds coming into the school council are being properly used and authorised.

To this end, school councils are responsible for overseeing a functioning and effective system of internal controls in accordance with the **Finance Manual – Financial Management for Schools** page on the department's website at www2.education.vic.gov.au/pal/finance-manual/policy.

Principals are required to inform school councillors at the first meeting of the new council each year about their financial responsibilities and the policies and procedures that are required to be followed.

Further information on school council's role in financial management is also provided in the **ISG Finance** module. Principals should provide councillors with information about the free training and support available to them in relation to financial management.

Internal controls are the procedures that ensure:

- all financial activity within the school is sound, accurate and legal
- the school's assets are safe
- school council can rely on the accuracy of the financial information it receives.

School council also helps develop the school's program (non-staff) budget that shows how the school will allocate its resources to implement the key improvement strategies in the School Strategic Plan and Annual Implementation Plan. In conjunction with the principal, council monitors the school's financial performance against the budget.

Finally, council is responsible for how the school raises funds, over and above the funding provided by the government. It must manage any financial and reputational risks that could arise and ensure that all legal and policy requirements are met.

It is recommended all school councils have a treasurer, although this is not mandatory. Most school councils have a finance subcommittee which handles many of the council's routine financial responsibilities. The treasurer is usually the convener of the finance subcommittee, is elected from council members, and is preferably a non-department employee. The business manager/bursar should not hold this position. It is recommended the office bearer position of treasurer be elected at the first meeting of the school council after the declaration of the council election, in line with current practice.

The following table provides an overview of how the principal and staff, school council and the school community would typically be involved in school financial management. These roles and responsibilities are examined in more detail in the ISG Finance module.

The principal ...	The school council ...
Internal controls	
<ul style="list-style-type: none"> provides financial reports to council 	<ul style="list-style-type: none"> considers financial reports
<ul style="list-style-type: none"> puts in place a system of internal controls consistent with department policy 	<ul style="list-style-type: none"> ensures the school has and uses a system of internal controls consistent with department policy
<ul style="list-style-type: none"> conducts school financial business in line with the system of internal controls 	<ul style="list-style-type: none"> adheres to internal controls such as: <ul style="list-style-type: none"> appointing a school councillor, normally the school council president or another member who has been delegated the authority by the school council, to approve payments and sign cheques; this councillor cannot be the business manager approving trading operations ensuring issues raised by auditors are addressed identifying and managing conflicts of interest monitoring and overseeing offers and provision of gifts, benefits and hospitality within the school and at least annually, reviewing the School Register for compliance with policy
Budgeting	
<ul style="list-style-type: none"> develops the budget timeline 	<ul style="list-style-type: none"> approves the budget timeline
<ul style="list-style-type: none"> develops program budgets with staff, and salary and revenue budgets 	<ul style="list-style-type: none"> reviews budget submissions and program priority list. This can be undertaken by the finance subcommittee if school council has one
<ul style="list-style-type: none"> evaluates program outcomes, prepares and prioritises budget submissions 	<ul style="list-style-type: none"> reviews and approves the budget
<ul style="list-style-type: none"> communicates the budget to staff 	
Financial Reports	
<ul style="list-style-type: none"> prepares financial reports 	<ul style="list-style-type: none"> monitors revenue and expenditure against the budget
<ul style="list-style-type: none"> explains financial reports to the finance subcommittee and school council, and recommends action as appropriate 	<ul style="list-style-type: none"> takes action to address issues arising from the financial reports
<ul style="list-style-type: none"> implements the council's decisions 	
Fundraising	
<ul style="list-style-type: none"> assists with the review of fundraising proposals 	<ul style="list-style-type: none"> approves fundraising activities (including those undertaken by a parent's club) reviews approved fundraising profit and loss
<ul style="list-style-type: none"> advises council about available cash 	
Parent payments	
<ul style="list-style-type: none"> develops the school's parent payments arrangements in accordance with the department's Parent Payments policy 	<ul style="list-style-type: none"> contributes to and approves the parent payments arrangements

Education and Care Services

The National Quality Framework provides a national approach to the regulation and quality assessment of education and care services, which includes OSHC and kindergarten services. The National Quality Framework (NQF) includes:

- Education and Care Services National Law and the Education and Care Services National Regulations. See the **National Law** page on the Australian Children's Education & Care Quality Authority website at www.acecqa.gov.au/nqf/national-law-regulations/national-law and the **National Regulations** page on the Australian Children's Education & Care Quality Authority website at www.acecqa.gov.au/nqf/national-law-regulations/national-regulations
- the National Quality Standard (NQS) and system of Assessment and Rating. See the **National Quality Standard** page on the Australian Children's Education & Care Quality Authority website at www.acecqa.gov.au/nqf/national-quality-standard
- national approved learning frameworks:
 - My Time, Our Place: Framework for School Aged Care in Australia and Belonging
 - Being and Becoming: The Early Years Learning Framework for Australia (EYLF)
 - The Victorian Early Years Learning and Development Framework, while not a national approved framework, may also be used in Victorian services.

The Australian Children's Education and Care Quality Authority (ACECQA) supports the implementation of the NQF and works with state and territory regulatory authorities to implement and administer this framework. Information about **providing a service under the NQF** is available at www.acecqa.gov.au.

The Secretary of the Department of Education is the Regulatory Authority responsible for regulating all education and care services approved to operate in Victoria. Most of the functions of the Regulatory Authority are delegated to the department's Quality Assessment and Regulation Division (QARD). Information about **regulation and quality assessment** is available on the department's website at www.vic.gov.au/regulation-and-quality-assessment.

School councils that have a provider approval to operate an outside school hours care (OSHC) or kindergarten service also need to be familiar with the legislative frameworks that apply to providing an education and care service. Approved providers have legal and regulatory responsibilities and must ensure their service complies with these obligations.

When a school council is the approved provider of an education and care service, at least one person must be approved by the Regulatory Authority as a person with management or control (PMC) of the service. In most cases, this person is the school principal. However, any person who has significant influence over the provision of the service must be an approved PMC. The school council, as the approved provider, is required to notify the Regulatory Authority if the people who would be considered PMCs change (such as due to a change of membership of the council), or if there is any change regarding an existing PMC's fitness and propriety. Information about PMCs is available in the **Guide to the National Quality Framework** at www.acecqa.gov.au/nqf/about/guide

When a school council operates a service that administers **Child Care Subsidy (CCS)**, such as outside school hours care, the council must also be approved as a provider under www.servicesaustralia.gov.au/child-care-subsidy, which is administered by the Australian Government. School council members who hold an executive position are required to be approved as a PMC under Family Assistance Council.

Visit the **Family Assistance Law** page at www.education.gov.au/early-childhood/provider-obligations/family-assistance-law.

School council members may also be required to be approved as a PMC under this Law.

School council members assessed as a PMC under either the National Quality Framework or Family Assistance Law will be subject to fitness and propriety checks.

School-run early childhood education and care services, i.e. an outside school hours care (OSHC) or kindergarten services, must comply with the National Quality Framework (NQF) and relevant policies.

For a school council managed OSHC, the service's policies will need to be developed and reviewed as part of the policy cycle. As part of the Child Safe Standards school councils must ensure that the child safety requirements in the department's Procurement – Schools policy are followed, including ensuring that contracts with third-party suppliers include requirements for the safety of children and students.

For a third party provided OSHC service, it is important that relevant policy information is shared between the school and the service to support quality provision, for example: the anaphylaxis management policy, child safety policy, and emergency management plan. The third-party provider should report regularly to school council as specified in the requirements of the licence agreement.

Occupational Health and Safety

School councils hold a duty under the *Occupational Health and Safety Act 2004* to ensure that the school, as a workplace, is so far as reasonably practicable, safe and without risks to health.

This means that the duty will extend to all matters over which school council has management and control. This includes matters such as engagement of goods and services, oversight of the management of contracts, and the maintenance of school buildings, grounds and facilities. The duty extends to all persons affected by the conduct of the school, including students, parents, visitors and contractors.

Child Safety Legislation

Under the *Child Wellbeing and Safety Act 2005* all schools are required to comply with the Child Safe Standards. Compliance with Ministerial Order 1359 – Implementing the Child Safe Standards – managing the risk of child abuse in schools and school boarding premises, is part of the prescribed minimum standards for school registration.

When performing their powers, duties and functions, school councils must comply with the Child Safe Standards and Ministerial Order 1359. School councils must familiarise with their responsibilities in relation to the Child Safe Standards. See the **Child Safe Standards** page on the department's website at www2.education.vic.gov.au/pal/child-safe-standards/policy.

More information about these responsibilities can be found in the Child Safe Standards training presentation for school councils. See the **PROTECT Child safe standards – training material** page on the Victorian Government website at www.vic.gov.au/child-safe-standards-training-material.

For information on the Child Safe Standards and Ministerial Order 1359 see the **Policy and Advisory Library (PAL) Child Safe Standards** page on the department's website at www2.education.vic.gov.au/pal/child-safe-standards/policy.

The department's **Reportable Conduct scheme** is a child safety mechanism and complements the Child Safe Standards. This ensures all department employees and school councils notify the relevant department officer (Principals are to contact the **Employee Conduct Branch and Incident Support and Operations Centre** on 1800 126 126) where there is an allegation of reportable conduct. Reportable conduct includes allegations of sexual offences, sexual misconduct, physical violence, behaviour causing significant psychological or emotional harm and significant neglect against children under the age of 18.

Principals must notify **Conduct and Integrity** as soon as possible after becoming aware of a reportable conduct allegation involving any employees, contractors, volunteers (including parents), allied health staff and school council employees.

A school councillor must make a report to the principal, as the executive officer of the council, as soon as possible after becoming aware of a reportable allegation.

For more information, see the **Reportable Conduct** page on the department's website at www2.education.vic.gov.au/pal/reportable-conduct-scheme/policy.

Protective Data Security Legislation

Under Part 4 of the *Privacy and Data Protection Act 2014*, the Victorian Protective Data Security Framework (VPDSF) is the overall scheme for managing protective data security risks in the Victorian public sector and its agencies, which includes schools.

The Office of the Victorian Information Commissioner (OVIC) is the regulator and source of independent advice to the community and Victorian Government about how the public sector collects, uses and discloses information. Consistent with national and international standards, the **Victorian Protective Data Security Standards (VPDSS)** establishes 12 high level mandatory standards to protect public sector information in the following areas:

- Governance
- Information
- Personnel
- Information Communication Technology (ICT)
- Physical Security.

For further information on what each standard represents, you can **download a copy of the standards** from the OVIC website at www.ovic.vic.gov.au/wp-content/uploads/2019/10/VPDSS-V2.0-Standards-and-Objectives_web-version.docx.

Where schools and school councils have information security services managed and delivered by the department the regulator requires that the school, in collaboration with the department provide an annual **Protective Data Security Plan (PDSP)** including an attestation to confirm/reaffirm the continuation of information security activities that address the standards as reported to the regulator, outlined in their previous PDSP.

School and school councils are responsible for overseeing a functioning and effective information security program that ensures the information they both collect, uses and discloses complies with the standards set out in the VPDSS.

Principals are required to assist the department in the preparation of PDSP response and attestation that highlights the progress of information security improvements on applicable standards the school and school council is responsible to address. The proposed PDSP for the upcoming year must be presented to the school council to authorise annually by April, providing time for the department's Secretary to formally approve and submit on behalf of the school to the regulator.

When performing their powers, duties and functions, school and school councils must comply with the PDP Act in helping to develop and endorse the recommendations outlined by the principal, support required budget and resourcing, and oversee continued progress of commitments towards improving information security for the school and school council.

It is recommended members of school councils engage and undertake relevant information security training (offered by the school) to ensure they securely discharge their duties and ensure privacy and information security incidents are reported to the department when they occur.

For further information on reporting an information security incident, refer to PAL on **Information Security InfoSafe: Resources** at www2.education.vic.gov.au/pal/information-security/policy.

The following table provides an overview of what the principal and leadership team, and the school council are responsible for in terms of Protective Data Security compliance.

The principal ...	The school council ...
<ul style="list-style-type: none"> • has responsibility to ensure the school complies with all the obligations of the VPDSS established under Part 4 of the <i>Privacy and Data Protection Act 2014</i> (PDP Act). Refer to VPDSS on the department's website at www2.education.vic.gov.au/pal/ • in respect of school employees, ensures that department security policies and practices are followed • engages the department to identify the standards and specific requirements of the VPDSS that are applicable to the school • undertakes a security risk profile assessment (as part of the existing <i>Emergency Management Plan</i> process) • ensures any contracted service provider does not contravene a protective data security standard in respect of public sector information collected, held, used, managed, disclosed or transferred by the contracted service provider for the school • provides annually to the department an accurate update on the effectiveness of current provisions that deliver the standards applicable to the school • identifies specific improvements that form part of the Protective Data Security Plan (PDSP) that is submitted annually in conjunction with the department and is reportable to the Regulator • uses the guidance to identify what they need to do to address an attestation 	<ul style="list-style-type: none"> • approves the PDSP to the extent that it applies to school council members and employees, unless the president chooses to delegate signoff to the principal • in respect of school council employees, ensures that department security policies and practices are followed • ensures, at least annually, the council receives appropriate guidance and training about: <ul style="list-style-type: none"> - their obligations and responsibilities for the VPDSS - procedures for reviewing and approving the annual attestation and PDSP • assist the principal in effectively discharging the requirements of the VPDSS where specific standards are under the direct control of the school • where applicable to their powers and functions, works with the principal to ensure that the agreed PDSP commitments are delivered • will be aware of the school's information security policies and procedures

Contracts and contract management

Centrally attestable schools are those identified as schools where information, communication, and technology (ICT) services are co-managed with the department. OVIC requires these schools to report compliance against the VPDSS on an annual basis for which the department will contribute updates on compliance and progress to relevant standards on behalf of these schools.

A school council can purchase goods, equipment and materials for carrying out its functions, subject to the Act. School councils are strongly encouraged to use the **Contractors — Insurance and Contract Arrangements** page on the department's website to locate template agreements at www2.education.vic.gov.au/pal/contractors-insurance-contract-arrangements/policy for the purchase of goods and services. If a supplier insists on using their own Agreement or you would like to amend a template Agreement, it is recommended the principal seek advice from the department's Legal Division.

School councils must:

- provide and maintain a working environment that is safe and without risks to health for all employees, independent contractors and contractor's employees
- ensure that contractors are competent and able to control their own systems of work
- retain a general supervisory power over any work undertaken by a contractor
- define the contractor's respective areas of responsibility, particularly where there is more than one contractor involved
- examine carefully the contractual arrangements

- ensure that contracts relevant to family violence risk assessment or risk management include a term requiring the contracted agency to align their relevant policies, procedures, practice guidance and tools with the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM)
- ensure that selection, supervision and management practices for school council employees and contractors are child safe by following department's recruitment policy and practices
- ensure that the activities undertaken do not put staff, students, community members or the contractors at risk.

School councils should use the standard contracts or related documents available from the Legal Division which include:

- maintenance or cleaning services
- school canteen licences
- hiring school premises by third parties
- school uniform items
- licence agreement for licencing an area of the school to a third party
- licence agreement template for OSHC program
- expression of interest template for third party OSHC program
- Community Joint Use Agreements.

School councils must ensure that the school complies with the **Procurement policy, Procurement – Schools** page on the Victorian Government's website at www2.education.vic.gov.au/pal/procurement-in-schools/policy and the **Finance Manual — Financial Management for Schools** page on the department's website at www2.education.vic.gov.au/pal/finance-manual/policy for Victorian Government schools.

Further information on school council's role in financial management is provided in the ISG Finance module.

Gifts, Benefits and Hospitality (GBH) Policy and School Council

Teachers, principals and members of school councils sometimes receive offers of gifts, benefits and hospitality from members of the school community or suppliers. By declaring such offers, school staff support integrity, protect their reputation, reduce complaints and build public confidence in schools.

Each school council must monitor and oversee offers and provision of gifts, benefits and hospitality within schools. This includes offers to department employees as well as school council members, school council employees and contractors.

Each school council must table a review of the **Gifts, Benefits and Hospitality (GBH) Register – Login required** on the Edugate portal at edugate.eduweb.vic.gov.au/forms/Pages/Gifts-Home-Page.aspx at least once a year. The principal or business manager can request a report of Gifts, Benefits and Hospitality (GBH) declarations within their school from the **Registry System Administrator, Procurement Division** via email at gifts@education.vic.gov.au.

All offers must comply with the **Gifts, Benefits and Hospitality (BGH)** policy page on the Victorian Government's website at www2.education.vic.gov.au/pal/gifts-benefits-and-hospitality/policy.

The principal ...	The school council ...
<ul style="list-style-type: none"> • fulfills the responsibilities of Authorised Delegate for non-token offers (offers valued at \$50 and over) received by members of the Teaching Service • takes action against instances of non-compliance as described in the GBH policy • confirms compliance through the annual 'Internal Certification Checklist' (school attestation) 	<ul style="list-style-type: none"> • fulfills the responsibilities of Authorised Delegate for non-token offers (offers valued at \$50 and over) received by School Council, e.g. gift made to a school council member or employee. This is usually done by reviewing and recording a motion at school council and ensuring the decision on the offer is recorded in the GBH Register • approves the provision of non-token gifts to school-based personnel that are funded by public monies (e.g. retirement gifts exceeding \$50) • monitors and oversees GBH offers within schools, and at least annually review the School Register to ensure compliance with the policy (this item could be added to the agenda annually or as a standing agenda item) • Issues of non-compliance can be referred to the Registry System Administrator, Procurement Division via email at gifts@education.vic.gov.au or by referring to the Speak-up section of the GBH Policy on the Gifts, Benefits and Hospitality page on the Victorian Government's website at www2.education.vic.gov.au/pal/gifts-benefits-and-hospitality/policy

Please refer to the **Gifts, Benefits and Hospitality (BGH) policy** page on the Victorian Government's website at www2.education.vic.gov.au/pal/gifts-benefits-and-hospitality/policy or the **Gifts, Benefits and Hospitality (GBH) Register – Login required** on the Edugate portal at edugate.eduweb.vic.gov.au/forms/Pages/Gifts-Home-Page.aspx for additional information such as:

- quick reference guide
- how to declare and how to approve GBH declarations
- case studies.

Employment

School Councils can employ people for the purposes of performing its functions (e.g. delivering OOSH services/ canteen/grounds maintenance).

Legal basis of employment

Part 2.3 of the Act authorises school councils to employ staff for the purpose of performing its functions and duties.

The conditions of employment for school council employees are set out in Part 2.3 of the *Education and Training Reform Act 2006*, Regulations and Ministerial Orders made under that Act.

Conditions of employment

The conditions of employment for school council employees are set out by Ministerial Order, including rates of pay for casual relief teachers and education support class employees. Currently the Ministerial Order applying to school council employment is Ministerial Order 1389

Further information on employment by school councils can be found here: **School Council Employment: Policy and Guidelines** at www2.education.vic.gov.au/pal/school-council-employment/policy-and-guidelines.

Sponsorship and school councils

Sponsorship can provide a mutually beneficial and purposeful relationship between organisations or businesses and Victorian Government schools. Well-managed sponsorship arrangements can provide an effective way of increasing awareness of school initiatives, building stakeholder relationships, and help communicate with specific audiences within the community.

The role of school councils regarding sponsorship is two-fold. School council members should be aware of, and refer to and follow, the department's Sponsorship Policy and have a broad understanding of the processes involved when seeking, planning, implementing and evaluating a sponsorship proposal.

School principals, councils and staff must:

- undertake sponsorships in an ethical and fair manner and disclose any conflict of interests
- only engage in sponsorship activities that:
 - promote and improve educational outcomes
 - support school goals and objectives
 - increase effectiveness of the department's strategic programs
 - engage or build relationships with stakeholders
 - communicate key messages to specific audiences and the community
- assess proposed sponsorships against the department's Sponsorship policy
- assess the value and benefits of the sponsorship
- draft sponsorship agreements
- ensure all sponsorship agreements have end dates
- register and record all sponsorship details
- maintain and record their own sponsorship register for all sponsorships
- monitor and evaluate the sponsorship arrangement.

Detailed guidance on the process, required approval levels, registers, agreements and other recording requirements is contained within Sponsorship policy and guidance. See the **Sponsorship page** on the department's website at www2.education.vic.gov.au/pal/sponsorship/policy.

Schools must comply with this policy.

International Student Program and school councils

Some schools choose to become department accredited to deliver the International Student Program (ISP). These schools can enrol students from overseas on certain visa subclasses who come to Australia to study and are required to pay fees. School councils play a role in overseeing their school's ISP.

Some international students are fee exempt and some are fee liable, depending on the visa the student holds. Schools can determine fee liability by using the **International Student Visa Fee Table** on the **International Student Program (ISP)** page on the department's website at www2.education.vic.gov.au/pal/international-student-program/policy and viewing the training resource on how to identify and enrol international students on LearnED. Where students are fee liable, they must enrol through the department's International Education Division and pay fees as outlined in Ministerial Order 819.

The fee liable international students who enrol through the department and pay fees fall into two categories.

1. Those who are the primary holder of a subclass 500 Student – Schools visa and who are subject to additional Commonwealth legislation, primarily the *Education Services for Overseas Student Act 2000* (Cth) (ESOS) and related legislative instruments. These students are referred to as ESOS students, or Standard and Study Abroad students.
2. Those who are here on a temporary visitor visa or who are here as dependants on their parent's visa. These students do not fall under ESOS legislation and are referred to as non-ESOS students, or Temporary and Dependant students.

Schools can enrol non-ESOS students without becoming an ISP-accredited school. If schools wish to enrol ESOS students, they must be accredited by the department's International Education Division and comply with additional compliance requirements in relation to these students. School councils play a role in overseeing a school's ISP and should be aware that an ISP includes several inherently high-risk components, including finances, homestays, child safety and critical incidents.

School principals and councils:

A school council's endorsement is required:

- for a school to become an ISP-accredited school
- when a school submits an application for ISP re-accreditation, every four years
- when a school requests changes to its accreditation (e.g. accreditation level, enrolment cap)
- where an ISP is already established within the school, school councils must act in accordance with:
 - clause 45.(1) of Ministerial Order 1280 and comply with any policies or procedures issued by the department in relation to the provision of international education services and programs, including policies or procedures in relation to:
 - the provision of education to overseas students
 - arrangements for inbound or outbound study tours or overseas student exchange programs, or
 - local, interstate, or international homestay arrangements.
 - clause 45(2) of Ministerial Order 1280 and receive and consider a report from the school principal on the school's ISP compliance with its obligations under the ESOS Act once per year.

For further information on the **International Student Program** see **International Student Program (ISP)** at www2.education.vic.gov.au/pal/international-student-program/policy.

For advice on matters relating to ISP school accreditation, contact the **Manager, Strategy and Quality Assurance Unit, International Education Division** via email at isp.quality@education.vic.gov.au.

Victorian School Building Authority (VSBA)

School Asset Management Roles and Responsibilities Framework

The School Asset Management Roles and Responsibilities Framework (the Framework) describes the school facilities management roles and responsibilities for school councils, principals and corporate (department) staff. The Framework has been designed to help school councils understand their unique asset management role and responsibilities and explain how these responsibilities work in conjunction with those of principals and the department. In particular, the Framework provides practical information about the school council's legislative function to 'exercise general oversight of school buildings and grounds' and how this function applies to a variety of key asset management topics such as building maintenance, OHS requirements and school-funded building projects.

Councillors can work with the president and principal to inform themselves of their role and responsibilities.

The following table provides an overview of what the principal and leadership team, and the school council are responsible for in terms of asset management.

The principal ...	The school council ...
<ul style="list-style-type: none"> is the asset manager for their school and responsible for the planning of and delivery of safe and sustainable learning environments 	<ul style="list-style-type: none"> is responsible for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the school
<ul style="list-style-type: none"> is responsible for overseeing, planning and managing the maintenance of school facilities, and ensuring the school site is safe and secure for all staff, students and visitors 	<ul style="list-style-type: none"> is responsible for general oversight of the school buildings and grounds and ensuring that they are kept in good order and condition
<ul style="list-style-type: none"> is responsible for ensuring compliance with Occupational Health and Safety regulations and policies and ensuring rectification or maintenance works found in the schools Annual Essential Safety Maintenance Report are completed 	<ul style="list-style-type: none"> must ensure that the school (as a workplace) is, so far as is reasonably practicable, safe and without risks to health. This duty extends to the oversight of the completion of rectification or maintenance works as reported

For the **Framework**, see the **Asset Management Roles and Responsibilities Framework** page on the department's website at www2.education.vic.gov.au/pal/asset-management-roles-responsibilities-framework/advice.

For further information, contact the **Victorian School Building Authority** on **1800 896 950** or by email at vsba@education.vic.gov.au.

Community joint use agreements (CJUA)

The department encourages schools to partner with local government and community organisations to explore sharing facilities and developing and using school infrastructure to benefit the wider community's educational, recreational, sporting or cultural needs.

Hire and licence agreements must comply with the department's legal requirements and clearly outline each party's responsibilities to protect the school council against liability. School councils have the power to enter into agreements with third parties for the use of school facilities when they are not required for ordinary school purposes. These are generally considered short-term agreements.

CJUAs, are more detailed, long-term agreements used for constructing or upgrading jointly used community facilities such as stadiums, sporting grounds and theatres. The initial term of such an agreement would usually be 20 to 30 years. For more information about community joint use agreements, refer to the **Community Use of Schools – Community Joint Use Agreements** policy page on the department's website at www2.education.vic.gov.au/pal/community-use-schools-community-joint-use-agreements/policy.

A CJUA is a formal written agreement between the Minister for Education (or delegate), a school council and a community partner regarding the construction and the ongoing management of shared facilities that are located on school land or land owned or managed by the community partner. CJUAs can also apply to existing facilities that are being upgraded.

Schools seeking to enter into a CJUA must first contact the **Victorian School Building Authority** by email at vsba.property@education.vic.gov.au or by phone on **1800 896 950**.

Policy development and review

A school council is responsible for developing particular policies, for example, the student dress code policy. Legislation and other regulations require councils to develop some but not all local school policies. They may develop other policies that are within the scope of their functions and powers to address local needs.

School principals are responsible for operational school policies, procedures and decisions. However, there are a small number of policies that must be developed and approved by the school council because of legal requirements or department policy, for example student dress code policies and finance policies.

For other local school policies, the principal may choose to seek school council approval of a policy (even where there is no legal or other requirement to do so). The principal may consult with the school council during the policy development phase or may present policies to the school council for noting.

The **ISG Policy and Review** module provides further information on the school council's role in policy development, review and approval. Information and template school policies are also available on the department's School Policy Templates Portal which can be accessed by staff and school council presidents with an education email address.

Many specific policies are required for the school to comply with the Minimum and Required Standards for School Registration. The minimum standards require policies and procedures to not only exist, but to be implemented.

The following table provides an overview of what the principal and leadership team, the school council and the school community are responsible for in terms of developing and implementing policies that fall within the scope of school council powers and functions.

The principal ...	The school council ...
<ul style="list-style-type: none"> advises council about the need for the school policy to meet government policy and guidelines 	<ul style="list-style-type: none"> in consultation with the principal (executive officer) determines the need for policy on local issues within its powers and functions
<ul style="list-style-type: none"> contributes to policy development as a member of council 	<ul style="list-style-type: none"> develops selected policy, including consulting with the school community (i.e. parents and students) if required
<ul style="list-style-type: none"> implements policy 	<ul style="list-style-type: none"> reviews existing policies on a cyclical basis
<ul style="list-style-type: none"> ensure communication and accessibility of department and school policies to the school community 	<ul style="list-style-type: none"> monitors policy effectiveness where appropriate

Community Engagement

The functions and powers of a school council are specified in the Act and include the important component of community engagement within school council's role.

Engagement with the community supports the council in establishing the broad direction and vision of the school, reflecting the community and department's expectations.

Consultation provides members of the school community with an opportunity to provide input into decision-making and allows school councils to recognise and take into account the views of parents and students. Consultation can inform council, and provide clarity, however it does not mean the community makes the decision. School council seeks opinions, advice and views on matters pertaining to the school and community and then makes its decision within the scope of its powers and functions.

Involving the community in school matters, activities and programs generates interest, involvement and knowledge of the school. It enhances positive relationships and confidence in the school and the school council.

Involving families and communities in decisions relating to their children's safety and wellbeing also helps the school implement the Child Safe Standards, in particular standard 1 (culturally safe environments), standard 3 (child and student empowerment) standard 4 (family engagement) and standard 5 (diversity and equity).

Fostering multicultural inclusion is essential to ensuring a vibrant and prosperous school community in which everyone is welcomed, feels safe and is supported to participate.

Community engagement should include targeted outreach to families and community members from multicultural and refugee backgrounds. While all families have high aspirations for their children, parents and carers from refugee backgrounds in particular may be unsure about the contribution they can make to their children's schooling. Many families from refugee backgrounds will be unfamiliar with the Australian education system and have limited knowledge of education pathways and school governance structures. Some families may have limited literacy skills in their first language and may have had limited access to formal schooling themselves. Refer to the '[Resource links](#)' section for further information about the practical steps schools can take to strengthen engagement with multicultural and refugee background communities.

School council through the executive officer of the school council (the principal) reports annually to the school community and to the department. The public reporting meeting is an opportunity to promote the school's achievements, annual priorities and present an overview of the school to the community, through the school's Annual Report.

Community engagement can also be encouraged through involvement in school council subcommittees; working parties; parent clubs and student representative councils. Working on a subcommittee can provide an introduction into the work of council and that of the school. Community ideas and views can be incorporated into recommendations that are taken by the subcommittee to council.

School council meetings are usually open to the school community and are conducted according to standard meeting requirements. The council standing orders will describe the process for visitors to request their attendance at council meetings and clarify their level of involvement.

Partnerships with council members and with the school community

In an effective school council, processes are characterised by a mutual sharing of information, knowledge and ideas.

There is a focus on dialogue in which all school council members are able to exchange information, share experiences, honestly express perspectives, pose questions, clarify viewpoints, explore relevant research and develop a shared vision and way forward.

Effective school councils are conscious of the need for positive working relationships and partnerships within both the council itself, and the school community (incl. parent clubs and Student Representative Councils).

The main partnerships that a school council will have has been described in following sections and will potentially include partnerships with businesses, industry, community organisations, early childhood education and care services, such as OSHC and kindergartens, universities, technical and further education institutions, such as TAFEs and other schools.

The principal

The principal holds two distinct roles within the school.

Firstly, the principal, as an employee of the Secretary of the department, is responsible for the organisation, management and administration of the school and implementing department policies.

In practice, the principal is the leader of the school and is the department representative in the school. The principal and school council must have a close working relationship to bring together the school's strategic and operational activities.

Secondly, the principal is the school council's executive officer and is responsible for implementing the decisions of the school council, ensuring school councils have adequate and appropriate advice on educational and other matters, and providing support and resources for the conduct of school council meetings.



Staff

Staff are represented on school councils, in the school employee category. It is important that staff members work closely with all council members, as council recommendations and decisions can directly affect the work of staff through the school council's strategic planning work, setting the school's long-term direction, policy development and/or budgeting, and allocating resources for their programs.

Students

School councillors are required by legislation to ensure that decisions affecting students of the school are made in the best interest of the students. This can most effectively be done by ensuring strong and regular engagement with students to get their views on issues and decisions that impact their experience and wellbeing at school.

Students are represented on school councils of schools that provide secondary school level education. Student members will be involved in discussions and decisions on matters relating to the school and have the same voting rights as other council members.

School council might also have links with the student representative body. Effective strategies to engage students can be discussed with school staff involved in student voice, agency and leadership. At times a school council will consult with all students, particularly in relation to policy development on topics which have an impact on students. Refer to the 'Resource links' section for more information on student engagement.

The school community

The school community includes staff, students, parents and carers. The broader community may comprise businesses, industry, services clubs, sports clubs, early childhood services and other interested individuals and organisations. Parent and community representatives on school council and parent clubs contribute community perspectives to all deliberations. They also build links with and explain the school's values and directions to the community.

Community members are represented on council if the school's constituting Order includes members in this category (community members are optional). Department employees are not able to be community members.

The department

All Victorian Government school councils must comply with relevant legislation, Ministerial Orders and Ministerial Directions as well as guidelines and department policies, where required to do so by the Minister. Partnerships with the department can provide additional contact with, and information from, regional office and central office personnel.

High risk areas for conflicts of interest

Any interaction between the school council and school community raises the potential for conflicts of interest.

A conflict of interest can arise in circumstances where a council member's private or professional interests can influence or be seen to influence a council decision or responsibility.

Conflicts of interest (COI) are an inevitable fact of organisational life and can arise without anyone being at fault. However, where an actual, potential or perceived conflict of interest exists, it creates serious risks for the council, the department and for the individual which must be identified and managed appropriately.

Some examples of COI risks may arise when a school council undertakes the following activities or in the following areas:

- recruitment and selection activities
- procurement activities
- funding allocation activities
- previous associations
- gifts, benefits and hospitality.

COI in recruitment might include:

- family relationships or friendships with an applicant
- close working relationship with an applicant
- a hostile relationship with an applicant.

If you are involved in any type of recruitment or selection process, you must consider whether you have an actual, potential, or perceived conflict. If so, or if you are unsure, you must declare the conflict to the school council at the earliest possible stage.

COI risks can affect any stage of procurement. Regardless of the monetary value, these risks must be proactively managed throughout the life of a procurement project.

COI in procurement or funding allocations might include:

- gifts, benefits or hospitality being offered to employees involved in the procurement process
- family relationships or friendships with a supplier
- close working relationships as a result of regular business with a supplier.

Other interests and associations that may result in actual, potential or perceived COI are:

- external consulting
- other (external) employment
- private tutoring
- out-of-hours sporting or community activities
- using contractors for private works
- personal relationships with employees
- group affiliations
- conflict of duty i.e. balancing two roles – school employee member and teacher
- other public duties; for example, member of local council or political party
- family and other relationships.

For more information on COI and how to appropriately manage conflicts, see the **School Council – Conduct and Conflict of Interest** page on the department's website at www2.education.vic.gov.au/pal/school-council-conduct/policy or email the department at school.council@education.vic.gov.au.

For advice on matters of integrity and the department's values, contact:

- **Manager, Integrity Policy and Engagement** by phone on **03 8688 7840**

Resource links

An interactive mini training module, Community engagement, is available as part of the department's online training. See the School Council – Training and Good Governance page on the department's website at www2.education.vic.gov.au/pal/school-council-training/policy.

Further information, related policies and advice can be located on the department's website, Policy and Advisory Library (PAL) page at www2.education.vic.gov.au/pal including:

Annual Implementation Plan (AIP) page on the department's website
www2.education.vic.gov.au/pal/annual-implementation-plan/policy

Asset Management Planning – School Upgrades page on the department's website
www2.education.vic.gov.au/pal/asset-management-planning/policy

Asset Management Roles and Responsibilities Framework page on the department's website
www2.education.vic.gov.au/pal/asset-management-roles-responsibilities-framework/advice

Child Safe Standards page on the department's website
www2.education.vic.gov.au/pal/child-safe-standards/policy

Contractors — Insurance and Contract Arrangements page on the department's website (to locate template agreements)
www2.education.vic.gov.au/pal/contractors-insurance-contract-arrangements/policy

Finance Manual — Financial Management for Schools page on the department's website
www2.education.vic.gov.au/pal/finance-manual/policy

Framework for Improving Student Outcomes (FISO 2.0) page on the department's website
www2.education.vic.gov.au/pal/fiso/policy

Gifts, Benefits and Hospitality page on the Victorian Government's website
www2.education.vic.gov.au/pal/gifts-benefits-and-hospitality/policy

Ministerial Order 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools on the Child Safe Standards page on the department's website at
www2.education.vic.gov.au/pal/child-safe-standards/policy

Multicultural education programs and resources page on the department's website
education.vic.gov.au/school/teachers/teachingresources/multicultural/Pages/multidepth.aspx

International Student Program (ISP) page on the department's website
www2.education.vic.gov.au/pal/international-student-program/policy

Ministerial Order 819 Fees for overseas students in government schools on the Study Vic website
study.vic.gov.au/Shared%20Documents/en/MinisterialOrder819.pdf

Resource links continued

Education and Training Reform Act 2006 Ministerial Order 1280, Constitution of Government School Councils on the School Council – Powers and Functions page on the department’s website

www2.education.vic.gov.au/pal/school-council-powers-and-functions/policy

Outside School Hours Care — Decision Making Regarding the Provision of OSHC page on the Victorian Government's website

www2.education.vic.gov.au/pal/outside-school-hours-care-decision-making-regarding-provision-oshc/policy

Supporting students from refugee backgrounds page on the department’s website

education.vic.gov.au/school/teachers/support/diversity/eal/Pages/ealsupportrefugee.aspx

Victorian Student Representative Council page, to support stronger engagement with student voice, agency and leadership: Victorian Student Representative Council (VicSRC)

vicsrc.org.au

Parents Victoria

parentsvictoria.asn.au

Philanthropic Partnerships page on the department’s website

www2.education.vic.gov.au/pal/philanthropic-partnerships/policy

Principal Selection page on the department’s website

www2.education.vic.gov.au/pal/principal-selection/overview

Privacy and Information Sharing page on the department’s website

www2.education.vic.gov.au/pal/privacy-information-sharing/policy

Procurement – Schools page on the Victorian Government's website

www2.education.vic.gov.au/pal/procurement-in-schools/policy

Records Management — School Records page on the department’s website

www2.education.vic.gov.au/pal/records-management/policy

School Council —Liability and Legal Proceedings page on the department’s website

www2.education.vic.gov.au/pal/school-council-liability/policy

School Council – Powers and Functions page on the department’s website

www2.education.vic.gov.au/pal/school-council-powers-and-functions/policy

School Council – Training and Good Governance page on the department’s website

www2.education.vic.gov.au/pal/school-council-training/policy

School Policy Templates Portal – Login required, on the Edugate portal

edugate.eduweb.vic.gov.au/edrms/keyprocess/cp/Pages/home.aspx?Redirect=1

School Review page on the department’s website

www2.education.vic.gov.au/pal/school-review/policy

School Strategic Plan on the department’s website

www2.education.vic.gov.au/pal/school-strategic-plan/policy

Sponsorship page on the department’s website

www2.education.vic.gov.au/pal/sponsorship/policy

Strategic Planning Online Tool (SPOT) – Login required on the Edustar app

apps.edustar.vic.edu.au/spot

Other relevant resources

Code of Conduct for Directors of Victorian Public Entities page on the Victorian Public Sector Commission website

boards.vic.gov.au/code-conduct-directors-victorian-public-entities

Schools and school boarding premises page on the Victorian Government's website

www.vic.gov.au/child-safe-standards-schools-and-school-boarding-premises

Outside School Hours Care (OSHC) services

An OSHC training program has been designed to assist school councillors understand their roles and responsibilities in establishing and managing an OSHC service in their school. The OSHC training video is located on the **Outside School Hours Care — Decision Making Regarding the Provision of OSHC Resources** page on the department's website at www2.education.vic.gov.au/pal/outside-school-hours-care-decision-making-regarding-provision-oshc/resources.

The training program consists of an 8-minute introduction to OSHC video, and a 30-40 minute online training module.

The OSHC video and online module is available from the Improving School Governance Training portal, accessible from the department's school council web page.

The video will also be available from the OSHC website at player.vimeo.com/video/392864430.

The Public Administration Act 2004 page on the Victorian Public Sector Commission website

vpssc.vic.gov.au/about-vpssc/legislative-framework-the-public-administration-act-2004

Victorian Schools Building Authority (VSBA) website

schoolbuildings.vic.gov.au/Pages/home.aspx

1.3

Council operations

Why is this topic important?

Clarity in the following two areas assists school councils to operate effectively and efficiently:

- the roles and responsibilities of members, particularly office bearers such as the principal and the president
- the way in which the school council establishes a set of rules, such as standing orders, to ensure that its meetings run smoothly and fulfil its governance functions.

On completing this unit, school councillors should understand:

- the roles and responsibilities of the school principal and school council president
- the roles and responsibilities of school council subcommittees
- the need for standing orders.

Roles and responsibilities of the principal and school council president

To avoid confusion over the role of the school principal and that of the school council president, the table below provides a brief outline of the differences between their respective roles and responsibilities.

The principal ...	The school council president ...
<p>As executive officer of the school council, the principal is responsible for:</p> <ul style="list-style-type: none"> • providing school council with timely advice about educational and other matters related to school council functions and powers • preparing the school council's agenda in consultation with the school council president • making sure that council decisions are implemented • providing adequate support and resources for the conduct of school council meetings • communicating with the school council president about school council business • ensuring that new council members are inducted • creating an Education Mail account for the school council president and encouraging the president to check their account regularly • recording the president's details on CASES21 • keeping the community informed about council's decisions 	<p>The role of the school council president is to:</p> <ul style="list-style-type: none"> • effectively chair school council meetings, ensuring that everyone has a say in meetings and that decisions are properly understood and well-recorded • be a signatory to contracts and financial accounts • ensure school council stays focused on the functions of school council • with the principal, be school council's spokesperson and official representative on public occasions • when votes are tied, have a second or casting vote • access email communications each week from the department through the president's Education Mail account and communicate these to school council members where relevant

Roles and responsibilities of school council subcommittees

Subcommittees assist school council in the work that needs to be done and report regularly at school council meetings. These committees provide advice and make recommendations to school council, which has the final responsibility for making decisions.

The decision-making responsibilities of the school council should not be compromised by the work of any subcommittee.

The membership, purpose and terms of reference of subcommittees are determined by the school council. Members of a subcommittee may be school council and non-school council members (i.e. parent club member delegates). Subcommittees must have at least three members, including at least one school council member. Subcommittees should have procedures for developing agendas and ensuring minutes are taken at subcommittee meetings and reported to the school council.

All school councils are encouraged to have a finance subcommittee. Some examples in which subcommittees may assist school council perform their functions include buildings and grounds (facilities), local policy development and review, information technology, community building or community relations, OSHC, and kindergarten or canteen if the school provides these services. Sample terms of reference and agenda templates for OSHC subcommittees, for both council and third-party managed services, are available on the department's website.

Parent clubs are not a subcommittee of school council. However, parent clubs work with parents, staff, and the school council to support the school.

For further information about subcommittees, see the School Council – Subcommittees page on the department's website at www2.education.vic.gov.au/pal/school-council-subcommittees/policy.

Standing orders

A school council may develop and agree on standing orders to assist it to operate effectively and efficiently. The standing orders must be consistent with the legal requirements set out in the Act, the Regulations, the constituting Order of the school council and department guidelines.

It is good practice to establish standing orders and review them each year following completion of the election process.

Standing orders typically comprise:

- **an introduction** – that outlines the purpose of the standing orders, their influence in promoting teamwork, avoiding conflict, improving the efficiency and effectiveness of the council, the school councillors' Code of Conduct and the importance of following the standing orders
- **reference to the Ministerial Order 1280** – which lists the membership structure by membership category and numbers
- **an outline of office bearer positions and subcommittees**
- **a description of meeting procedures** – how the school council will operate, including length of meetings, agendas, minutes, quorum requirements, meeting arrangements, open and closed meetings, effective decision-making, member absence from meetings, arrangements for extensions of meetings and meeting etiquette.

Legal requirements

The Regulations set out certain legal requirements in relation to conducting school council meetings. These requirements cannot be overridden by the standing orders determined by a school council. Set out below are the legal requirements and department guidelines for the operation of school council meetings. School councils may approve additional guidelines to assist in effectively and efficiently conducting meetings.

Number of school council meetings each year

A school council must meet at least eight times a year and at least once every school term, unless alternative requirements have been approved by the Minister.

Who presides at a meeting?

The school council president must preside at school council meetings. If the president is unable to preside, the meeting must be conducted in the following manner:

- if a vice-president has been appointed by the school council, the vice-president must preside at the meeting if available
- if the school council has not appointed a vice-president, or the vice-president is unable to preside, the school council must decide on a member of the council, other than an employee of the department, to preside.

A department employee, including the principal, is ineligible to be school council president or chair a school council meeting.

Quorum at a school council meeting

A school council meeting requires a quorum so that the proceedings of the meeting including any decisions made, are valid. Ordinarily, a quorum requires not less than one half of school council members currently holding office to be present at the meeting and the majority of members present must not be department employees. Any parent members on school council who also work for the department are counted as department employees for the purpose of a quorum.

However, some school councils' constituting Orders, particularly those with nominee members, provide that a majority of the school council's total membership is not required to consist of persons who are not employees of the department. In these cases, a quorum for a school council meeting is constituted if not less than one half of the members of the school council currently holding office are present.

A member of the school council may be present in person or by video conferencing or teleconferencing.

If at the end of 30 minutes after the appointed time for a school council meeting there is not a quorum, the meeting must stand adjourned to a time and place determined by the school council members present.

Decisions and voting

Decisions of school council must be made with quorum and must be supported by the majority of the members of the school council who are eligible to vote and are present at the school council meeting. Decisions are made by voting. A vote by proxy is not valid.

School councillors need to ensure their votes on decisions affecting students, are made having regard for, as a

primary consideration, the best interests of the students. All decisions of council, the motions as well as the name of the person that moved the motion and the seconder, must be recorded in the minutes of the meeting. The principal is a voting member of the school council. A council member's temporary absence for a vote on a particular matter, due to conflict of interest, does not affect the meeting quorum.

Voting will normally be by a show of hands, but a secret ballot may be used for particular issues.

The department does not recognise a vote taken by email as a correct/ appropriate voting procedure. Members may be present in person or via teleconferencing (i.e. Webex) or a mixture of both, to cast a vote at a meeting or extraordinary meeting.

Effective and informed decision-making

For effective and informed decision-making at council meetings, there needs to be:

- a carefully prepared agenda and papers that are distributed five working days, where possible, before the meeting
- frank and open discussion
- accurate records of decisions
- access to independent and external professional advice where appropriate.

Election of office bearers

In the election of an office bearer, if the votes are tied, the school council will decide the outcome by either holding a new election or drawing of lots. If a new election is held and is also tied, the school council may decide the election by the drawing of lots or decide to conduct further elections until the election of office bearers is decided.

Tied votes

When a vote is tied, the school council presiding member, usually the school council president has a second or casting vote.

Conduct of meetings

School councillors must abide by the Code of Conduct and locally agreed meeting etiquette.

Meeting etiquette

When discussing a topic, it is good practice, but not necessarily documented in the standing orders that:

- only one person talks at a time
- all requests to speak are directed to the chairperson
- all speakers are listened to in respectful silence
- no 'side conversations' are held
- members listen to the discussion carefully in order to avoid making points that have already been made or asking questions which have already been answered
- when the chairperson indicates that the topic of discussion is closed, no further comments are made
- no-one uses jargon or insider knowledge
- all electronic devices, such as mobile phones and pagers, are silenced and no calls are taken during the meeting
- regardless of how difficult or challenging the topic, everyone stays calm.

Conflict of interest

Conflicts of interest must be managed appropriately to ensure that school council decision-making is objective and in the best interest of the school.

Conflicts of Interest (COI) arise in circumstances where a school council member's private or professional interests may influence, or be perceived to influence, the performance of their duties on the school council. Having a COI is common and occurs without anyone being at fault.

However, all instances of COI must be declared and managed appropriately.

School council members often have intrinsic personal interests in the school community – their children may attend the school, they may work for a business that offers goods or services that schools may require, or they may be active community members in the area.

Due to these natural private interests, and the level of responsibility school councils have over school operations and expenditure of public funds, school councils are a high-risk area for conflicts of interest. High-risk COI activities completed by school councils include:

- recruitment and selection activities
- procurement activities
- sponsorship activities
- funding allocation activities
- managing or making offers of gifts, benefits and hospitality.

School council members are required to declare any actual, potential or perceived COI that may arise in a school council meeting or as part of their duties to the council, and appropriately manage that COI. A record of any COI declaration and the management approach taken should be kept in the meeting minutes, as well as recorded on a school council COI register for future reference.

For more information on common areas of COI for school council members and how to appropriately manage a COI that arises in a school council meeting, see the **School Council – Conduct and Conflict of Interest** page on the department's website at www2.education.vic.gov.au/pal/school-council-conduct/policy or email the department at school.council@education.vic.gov.au.

For advice on matters of integrity and the department's values, contact:

- **Manager, Integrity Policy and Engagement** by phone on **03 7022 5400**
- **Conduct and Integrity** via email at integrity.enquiries@education.vic.gov.au

Member absence

If the president is unable to preside at a school council meeting, and if a vice-president has been appointed, the vice-president shall preside at the meeting.

If the president is unable to preside at a school council meeting, and there is no vice-president appointed, the school council will elect a member of the school council to chair the meeting. An employee of the department, including the principal, is ineligible to chair the school council meeting.

If a council member is unable to attend a meeting, an apology should be submitted to the principal prior to the meeting.

Agenda

The agenda lists the business that school council will consider at the meeting. Some items are for information only, some for discussion and others for decision. In order to avoid the agenda being crowded with too much business to consider, a significant amount of work may be undertaken by subcommittees. Reports from these subcommittees are considered at council meetings when appropriate.

The principal will ensure an agenda is prepared for each regular meeting and distribute the agenda, draft minutes from the previous meeting and meeting papers such as subcommittee reports, principal's and president's reports to school council members.

Most information regarding agenda topics to be discussed in council meetings will be provided by the principal or in reports from relevant individuals or subcommittees. Meeting papers should be sent out approximately five days prior to the meeting date, if possible, to allow councillors to reflect on the issues, and to gather more information if necessary.

Minutes

Minutes are the official record of the proceedings at a school council meeting. The principal will ensure a designated council member records a summary of what has been discussed, any decisions made and any actions to be taken before the next meeting. The minutes are written up under the agenda item headings and circulated by the principal to members before the next school council meeting where they are considered and confirmed.

The minutes will record the type of meeting (regular, extraordinary or public); date, time and venue of meeting; names of attendees and apologies received from members; name of presiding officer; a record of the business of the meeting including the decision on the minutes of the previous meeting; inward and outward correspondence and reports of any subcommittees tabled; and decisions including motions and any amendments, names of movers and seconders, whether the motion was carried or rejected and the number of votes for and against.

Once the minutes have been accepted as a true and accurate record of the meeting, they are to be approved by the school council president or the person who presided at the meeting. The approval may be captured digitally or minuted.

Business arising from the minutes is dealt with after the minutes have been confirmed.

The principal should keep the community informed about the council operations by publishing a report following a meeting in the school newsletter and/or on the school website.

A person does not have a right of access to the minutes of a school council meeting or other documents or records of a school council under the *Freedom of Information Act 2000*.

Minutes of school council meetings are permanent value records under the *Public Records Act 1973*, requiring eventual transfer to the State Archives. They must be stored securely and saved in long-term sustainable formats, such as PDF or MS Word.

Length of meeting

School council meetings should require no longer than 2.5 hours, regardless of the setting. If business has not been concluded by the scheduled closing time for the meeting, the chair should ask school councillors whether they wish to defer the rest of the business until the next meeting or to extend the meeting by a specified period of time, for example, 15 minutes. A motion is necessary if the school council wants to extend the meeting.

Open and closed meetings

School council meetings would normally be open to the school community and conducted according to standard meeting requirements. Visitors or observers can be present at the council meetings with the agreement of the principal and a decision of school council. Visitors may be invited to speak but must do so through the invitation of the person chairing the meeting, usually the school council president. They have no voting rights. There may be times when, for the purpose of confidentiality or other reasons, the council meeting, or part of the meeting, needs to be closed, such as considering a principal selection report.

Extraordinary meeting

An extraordinary meeting of a school council may be held at any time decided by the council, if all members are given reasonable notice of the time, date, place and object of the meeting.

The president, or if absent, the principal, must call the extraordinary meeting of the school council if either of them receives a written request to do so from three members of the council.

The business of an extraordinary meeting must be confined to the purpose for which the meeting is called.

Public reporting meeting

A school council must call a public meeting, where any member of the public can attend, at least once each year and report the proceedings of the council since the date of the previous public meeting. The council must present the Annual Report to the public meeting and, if the school council accounts have been audited, present a copy of the audited accounts.

Extended leave of school council member

A school council member may apply in writing to the president for extended leave of up to three consecutive meetings. If leave is granted to a member, their membership is excluded in determining the requirement for a quorum of not less than half the members of the school council currently holding office.

Casual vacancies

A casual vacancy is created when a person:

- dies
- becomes insolvent under administration
- is of unsound mind
- resigns in writing to the school principal or school council president
- is found guilty or convicted of an indictable offence or an offence that would be an indictable offence if it had been committed in Victoria
- ceases to be eligible for the particular membership category under which they were elected or co-opted
- is a registered offender within the meaning of the *Sex Offenders Registration Act 2004*
- is subject to any medical condition that would make them unable to fulfill the role of a member of school council
- is absent from three consecutive school council meetings without special leave previously granted by the school council and subject to a decision of the school council
- in the school employee member category and goes on any form of leave with or without pay for more than six months
- in the parent member category becomes a department employee during their term of office in circumstances where this causes the school council to be in breach of the requirement that the majority of a school council's total membership must be persons who are not department employees
- in the student member category, ceases to be enrolled in the school
- in the student member category, goes on any form of leave from the school (including an exchange) for a period of more than six months
- in the community member category becomes a student member during their term of office
- who is a member of another membership category, is appointed as a nominee member of the school council
- who is a nominee member, becomes a parent member, school employee member, or community member of the school council
- is found to have been ineligible for election, co-option, or appointment to the council at the time of their election, co-option, or appointment.

Where a student who is a member of the student member category on school council ceases to be enrolled in the school, a casual vacancy will be created for the remainder of the term of office.

If Year 12 students, who are serving a two-year term, graduate they are no longer enrolled at the school and therefore cannot remain on school council. However, these students are eligible to stay on council for the remainder of their Year 12 year, and until the school council election is held in the following year.

A casual vacancy is also created if a member of school council is appointed as a principal of the school, other than if the appointment is temporary. An appointment for more than 12 continuous weeks shall not be considered temporary.

Resource links

Further information, related policies and advice can be located on the department's website, Policy and Advisory Library (PAL) page at www2.education.vic.gov.au/pal including:

Gifts, Benefits and Hospitality page on the Victorian Government's website

www2.education.vic.gov.au/pal/gifts-benefits-and-hospitality/policy

Outside School Hours Care — Decision Making Regarding the Provision of OSHC page on the Victorian Government's website

www2.education.vic.gov.au/pal/outside-school-hours-care-decision-making-regarding-provision-oshc/policy

School Council – Conduct and Conflict of Interest page on the department's website

www2.education.vic.gov.au/pal/school-council-conduct/policy

School Council – Meetings page on the department's website

www2.education.vic.gov.au/pal/school-council-meetings/policy

School Council – Powers and Functions page on the department's website

www2.education.vic.gov.au/pal/school-council-powers-and-functions/policy

School Council – Subcommittees page on the department's website

www2.education.vic.gov.au/pal/school-council-subcommittees/policy

Strategic Planning Online Tool (SPOT) – Login required on the Edustar app

apps.edustar.vic.edu.au/spot

Other relevant resources

The *Public Administration Act 2004* page on the Victorian Public Sector Commission website

vpssc.vic.gov.au/about-vpssc/legislative-framework-the-public-administration-act-2004

1.4

Understanding the school

Why is this topic important?

To provide good governance, school councillors need to understand their school, what it seeks to achieve, and how it functions. This means knowing about the organisation itself including areas such as the curriculum, teaching and learning program, support services, staffing structure, specialist programs, student numbers and demographics and physical facilities.

On completing this unit, school councillors should:

- be able to find information about the school
- be able to identify who's who at the school
- know about regional support services available to the school
- be aware of the school's curriculum, teaching and learning program and student assessment and reporting practices.

Finding out information about the school

The principal or school council president will usually welcome new school councillors with a package of information about the school.

This could include:

- the School Strategic Plan
- the school vision and mission statements
- the school's Annual Report
- a map of the school noting the major facilities
- a list of any specialist programs, such as the International Student Program, Performing Arts or English as an Additional Language
- minutes of the last school council meeting
- a list of policies, procedures and relevant information applying to schools located on the department's website.
- promotional information given to families of prospective students

As the school council's role is to establish and contribute to the broad direction and vision for the whole school, councillors should extend their knowledge beyond one specific area. Good sources of information are the principal and the school's most recent Annual Report to the School Community.

Who's who at the school

As well as meeting the principal and teachers who are members of the school council, it is useful to find out who's who among the teaching staff. Government schools have three classes of employee: principal class, teachers and education support.

The principal is responsible for the delivery of a comprehensive curriculum plan, governance (in conjunction with the school council), managing financial and human resources and providing a safe learning environment. A school might also have one or more assistant principals responsible for significant areas or functions within the school, such as Transition, Years F–2 or VCE.

Leading teachers may have responsibilities across a range of school operations. They typically coordinate a number of staff to improve teaching and learning. Leading teachers usually have titles such as year level coordinator, transition coordinator or literacy coordinator.

The majority of teachers in a school are classroom teachers. They plan, prepare and teach programs to achieve specific student outcomes.

Each school also has education support employees who work in school administration and operations and support teachers and students in the delivery of educational programs. They include business managers, office managers, education staff and health and wellbeing staff.

If the school is operating a school council managed kindergarten or outside school hours care service, the school also employs the staff in the service.

When there is an agenda item concerning areas for which senior staff are responsible, school councillors may request them to address the council meeting.

Regional support services available to the school

The department's regional offices provide support to education and care services and schools.

The department has four regions in Victoria: North Eastern Victoria Region, North Western Victoria Region, South Eastern Victoria Region and South Western Victoria Region.

Regions are responsible for supporting and monitoring the provision of education and care services and along with planning, managing, supporting and reporting on the delivery of outcomes for children and students from 0–18 years in schools. Through its regional offices, the **Schools and Regional Services: Department of Education**, play a key role in supporting schools by providing a range of services including facilitating the establishment of networks and services for local communities.

Regional offices offer advice and guidance in a wide range of areas including school management, workforce planning, leadership, youth pathways, transitions and student wellbeing.



Central office support services available for school councillors

The School Operations and Governance Unit (SOGU) of Schools and Regional Services provides advice and guidance to school councils on a range of governance issues. Councillors can contact **SOGU** directly by email at school.council@education.vic.gov.au for information and advice.

Councillors can also contact their regional office for information and advice.

School council training

The department offers a range of free comprehensive training to school councils of Victorian Government schools. The training is based on the five modules of the Improving School Governance (ISG) materials; **Governance, Strategic Planning and Annual Reporting, Finance, Policy** and **Review and School Council President**.

There is also an induction video for school councillors and additional online training modules on effective meetings, conflict resolution and reaching agreement, elections and succession planning, community engagement and being a school councillor.

The ISG school council training suite is free of cost to school councils of Victorian Government schools and can be accessed on the **School Council – Training and Good Governance** page on the department's website at www2.education.vic.gov.au/pal/school-council-training/policy.

Facilitated virtual-live/face-to-face training

The facilitated virtual-live or face-to-face training is based on four modules of the Improving School Governance (ISG) materials: **Governance, Strategic Planning and Annual Reporting, Finance** and **School Council President**. Training is accessed via the school council training booking portal or by contacting **Synergistiq** on **03 9946 6801** or emailing **Synergistiq** at sct@synergistiq.com.

Interactive online training

School council members can also access an interactive online training program featuring videos and activities on all five ISG training modules, including the **Policy and Review** module. Additional training mini modules include; effective meetings, conflict resolution and reaching agreement, elections and succession planning, community engagement and being a school councillor.

Online training can be accessed individually or in small groups, at a time and place convenient to participants. Access to the Interactive online learning is gained through **The Big Canvas Learning Management System (LMS)** portal at lms.learneyo.com/DETSC. This link is located on the **School Council – Training and Good Governance** page on the department's website at www2.education.vic.gov.au/pal/school-council-training/policy.

Training can be completed as a whole module or in part, participants can bookmark and return to a module at a later time. A certificate can be downloaded on completion of a module.

Resource links

Further information, related policies and advice can be located on the department's website, Policy and Advisory Library (PAL) page at www2.education.vic.gov.au/pal including:

Annual Implementation Plan (AIP) page on the department's website
www2.education.vic.gov.au/pal/annual-implementation-plan/policy

Framework for Improving Student Outcomes (FISO 2.0) page on the department's website
www2.education.vic.gov.au/pal/fiso/policy

International Student Program (ISP) page on the department's website
www2.education.vic.gov.au/pal/international-student-program/policy

School Strategic Plan page on the department's website
www2.education.vic.gov.au/pal/school-strategic-plan/policy

School Facilities Management Handbook for School Principals, Business Managers and Facility Managers downloadable from the Asset Information Management Systems (AIMS) page on the department's website
www2.education.vic.gov.au/pal/asset-information-management-system/resources

Other relevant resources:

Community language schools page on the department's website
www.education.vic.gov.au/school/teachers/teachingresources/discipline/languages/Pages/clsschools.aspx

My School website
myschool.edu.au

F–10 Curriculum page on the Victorian Curriculum and Assessment Authority website
vcaa.vic.edu.au/Pages/foundation10/f10index.aspx

Apprenticeships and Traineeships page on the Victorian Curriculum and Assessment Authority website
vcaa.vic.edu.au/curriculum/vet/apprenticeships/Pages/index.aspx

Vocational Education and Training (VET) page on the Victorian Curriculum and Assessment Authority website
vcaa.vic.edu.au/studentguides/return-to-study/Pages/AboutVET.aspx

Victorian Early Years Learning and Development Framework page on the Victorian Curriculum and Assessment Authority website
vcaa.vic.edu.au/curriculum/earlyyears/veyldf/Pages/Index.aspx

Victorian School of Languages (VSL) website
vsl.vic.edu.au

State Register page on the Victorian Registration and Qualifications Authority website
vrqa.vic.gov.au/aboutus/Pages/state-register.aspx

