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**School Board  
Terms of Reference  
2017**

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# Terms of Reference

## 1. General

### 1.1 Name, Purpose and Term

The name of this group shall be the *Harmony Primary School Board* or referred to as the **Board**.

The purpose of this document is to set out the role, responsibility and Membership of the Board.

### 1.2 Reference

This Terms of Reference document shall be read in conjunction with the School Education Act 1999 (SEA) and the School Education Regulations 2000 (SER) as amended from time to time. To the extent of any inconsistency, the relevant legislation shall prevail.

### 1.3 Definitions

**“Annual Public Meeting”** means the annual meeting in which the Board presents to the School community an annual report based on the Board’s functions.

SER r.117

**“Annual School Report”** means the annual report developed by Independent Public Schools outlining the School’s activities and performance for that period.

**“Board”** means “Council” as defined in section 125 of the School Education Act 1999.

SEA s.125

**“Connect”** means the Connect Department of Education online portal.

**“DPA”** means the Delivery and Performance Agreement

**“Director General”** means the Chief Executive Officer of the Department of Education as defined in section 229 of the *School Education Act 1999*.

SEA s.229

**“Educational Program”** means an organised set of learning activities designed to enable a Student to develop knowledge, understanding, skills and attitudes relevant to the Student’s individual needs as defined in section 4 of the *School Education Act 1999*.

**“Formal Notice”** is correspondence from the Board via School Stream, Harmony Newsletter, email and/or office notice Board.

**“HPS”** means *Harmony Primary School, a Western Australian Independent Public School situated at Aurora Drive, Atwell WA 6164.*

**“IPS”** means an **Independent Public School** developed through a WA State Government initiative to provide individual Schools greater flexibility to set own strategic direction and authority for day to day decisions.

**“Member”** means the holder of an office on the Harmony Primary School Board.

**“Minister”** means a body corporate with the name “Minister for Education”

SEA s.214(1)

**“Ordinary Meeting”** means a meeting held by determination of the Board.

SER r.115(1)

**“Parent”** in relation to a child, means a person who at law has responsibility for the day to day care, welfare and development of the child.

SEA s.4

**“Parents and Citizens Association”** means the independent Association incorporated under the Associations Incorporations Act (1997) comprised of Parents of Students attending the School and other interested community Members, to support their School by means of raising funds for resources, infrastructure and other expenses, managing a canteen, uniform shop and generally assisting the School where practically possible.

**“School”** means Harmony Primary School.

**“School Fund”** means the General Purposes Fund and a fund referred to in section 110 of the *School Education Act*, as defined in section 4 of the *School Education Act*;

**“School Self-Assessment”** means the quality self-assessment process to monitor the School’s performance, Student’s achievement improvement targets and milestones outlined in the Business Plan.

**“SEA”** means the School Education Act 1999.

**“SER”** means the School Education Regulations 2000.

**“Special Meeting”** means a meeting of the Board called for by written notice to the Chairperson by Parents of Students at the School for a specific purpose.

SER r.118

**“Student”** means a Student enrolled at the School.

SEA s.4

**“Terms of Reference”** means these rules that will apply to the Board and Members.

## **2. Background and Context**

### **2.1 Harmony Primary School (HPS)**

HPS aims to produce Students who are independent thinkers and learners, as well as being positive citizens. HPS actively promotes the four core values of Care, Cooperation, Perseverance and Responsibility. HPS strives for excellence in everything they do, whether it be arts, sports or academic achievement.

### **2.2 Independent Public Schools (IPS)**

The IPS initiative is a WA State Government commitment to empower School communities by giving greater capacity to shape the ethos, priorities and directions of schools. Independent Public Schools assume greater responsibility for their own affairs and have greater flexibility to respond to their communities. They create more diversity in the public school system and help build strong communities that are more able to respond to the needs of students.

Independent Public Schools are provided with the following flexibilities:

- select their own staff (teachers and support staff);
- manage their own budgets;
- select school development day dates;
- approve leave applications;
- determine the curriculum that best supports students’ needs;
- manage school utilities (electricity, water, gas and waste management) and faults (breakdowns and repairs); and
- operate with school boards providing advice and support.

IPS remain part of the West Australian public school system and are bound by a framework of legislation, industrial agreements and policies.

### **2.3 Delivery and Performance Agreement**

Under the operational requirements of an IPA, all schools must prepare and implement a *Delivery and Performance Agreement* (DPA) which provides the framework to assess the school’s performance and accountability for the life of the agreement.

The DPA is signed by the Principal, Chair of the School Board and Director General. The DPA is developed as a three (3) year, ongoing agreement. This agreement identifies:

- the resources the School will receive;
- support that will be provided;
- programs it will be contracted to deliver;
- student achievement and how it will be monitored; and

- the performance and accountability of the School over the life of the agreement.

The School is independently reviewed in the final year of the DPA with the report made public.

## 2.4 Business Plan

Independent Public Schools are required to develop a three (3) year Business Plan that aligns with and has the same time span as the Delivery and Performance Agreement. The Business Plan sets out the Schools vision, objectives, key focus areas, how these will be measured and by when.

The Business Plan and DPA form the basis of the Principals professional review.

## 3. The Board

### 3.1 Board Purpose

The purpose of the Board is to enable Parents and Members of the wider community to engage in activities that are in the best interests of Students to support and enhance the education provided by the School.

The Director General may give directions in writing to a Board with respect to the performance of its functions, either generally or in relation to a particular matter, and the Board is to give effect to any such direction

SEA s.135(1)(2)

### 3.2 Role and Responsibility of the Board

The Board is responsible for all business required of it by the Department of Education or the Principal of the School, including but not limited to the following:

The Board is responsible for **approving** the following:

- the Delivery and Performance Agreement;
- the School's Business Plan;
- the Annual School Report;
- appropriate spend through regular reviews of the one-line School budget;
- charges and contributions as determined by the Principal for the:
  - provision of certain materials;
  - services and facilities;
  - participation in an extra cost optional component of the School's Educational Programs; and
  - items to be supplied by a Student for their personal use in an Educational Program;
- any agreements or arrangements for advertising or sponsorship in relation to the School.

SEA s.99(4)

SEA s.99(4)

SEA s.100(3)

SEA s.108(2)

SEA s.216(5)

The Board **provides advice** to the Principal of the School on:

- a general policy concerning the use in School activities of prayers, songs and material based on religious, spiritual or moral values being used in a School activity as part of religious education and the implementation of special religious education;
- allowing time for the special religious education of Students in the School, but the total number of hours so allowed in a School year is not to exceed 40.

SEA s.70

SEA s.69(2)

The Board **takes part in:**

- establishing and reviewing, from time to time, the School's objectives, priorities and general policy directions, including participating in the development of the School's Business Plan;

SEA s.128(a)(i)

<ul style="list-style-type: none"> <li>the planning of financial arrangements necessary to fund those objectives, priorities and directions;</li> </ul>	SEA s.128(a)(ii)
<ul style="list-style-type: none"> <li>evaluating the School's performance in achieving them;</li> </ul>	SEA s.128(a)(iii)
<ul style="list-style-type: none"> <li>formulating codes of conduct for Students at the School;</li> </ul>	SEA s.128(c)
<ul style="list-style-type: none"> <li>Determining satisfaction levels of Parents, staff and Students, with results reported in the Annual School Report.</li> </ul>	
<ul style="list-style-type: none"> <li>the selection of, but not the appointment of, the School Principal or any other Member of the teaching staff (with the approval of the Director General); and</li> </ul>	SEA s.129(2)
<b>The Board is responsible for:</b>	
<ul style="list-style-type: none"> <li>promoting the School in the wider community;</li> </ul>	SEA s.128(b)
<ul style="list-style-type: none"> <li>determining, in consultation with Students, their Parents and staff, a dress code for Students when they are attending or representing the School.</li> </ul>	SEA s.128(d)
<b>3.3 Limit of Board Functions</b>	
The educational leadership, day-to-day operation and management of the School remains the responsibility of the Principal.	
<b>The Board cannot:</b>	
<ul style="list-style-type: none"> <li>intervene in the control or management of the School;</li> </ul>	SEA s.132(a)
<ul style="list-style-type: none"> <li>intervene in the educational instruction of Students;</li> </ul>	SEA s.132(b)
<ul style="list-style-type: none"> <li>exercise authority over teaching staff or other persons employed at the School; or</li> </ul>	SEA s.132(c)
<ul style="list-style-type: none"> <li>intervene in the management or operation of a School Fund.</li> </ul>	SEA s.132(d)
<b>4. Eligibility and Appointment of Board Members</b>	
<b>4.1 Board Membership</b>	
An IPS must have an effective School Board that includes Parent, teacher and community representation.	
Parents and Members of the general community will form the majority of the Members of the Board and at least one Member of this majority will be a Parent Member.	
The Board's composition has been determined:	
<ul style="list-style-type: none"> <li>having regard to the nature of the Student population of the School and the social, cultural, lingual, economic or geographic factors that may be relevant to the School; and</li> </ul>	SER r. 107(1)(a)(i)
<ul style="list-style-type: none"> <li>having regard to the functions of the Board and any changes in those functions.</li> </ul>	SER r.107(1)(a)(ii)
Membership of the HPS Board shall be comprised of 7 - 15 persons, including the Principal, who together represent the following:	
<b>Parents</b>	3 - 6 representatives (including P&C representative)
	The P&C may nominate one of its Members to be considered for Membership of the Board in the Membership category of Parents or general community Members as is relevant to the nominee.
<b>School Staff</b>	3 - 6 representatives (including the Principal who is automatically a Member of the Board)
	Staff who are also Parents or community Members will only serve on the Board in their capacity as a Department of Education employee. Such a person will only be on the Board in the category of staff Membership.

<b>Community</b>	1 - 3 representatives	SEA s.127(1)(b)
	The Board may co-opt a Member of the local community to be a Member of the Board for such period, or in relation to such matters, as determined by the Board where that person's experience, skills or qualifications would enable him or her to make a contribution to the Board's functions.	SER r.112
<b>Students</b>	Students at the School who are not Members may attend Board meetings and take part in discussions, but without having a right to vote or being counted in determining a quorum.	SEA s.140(b)
	Members (other than the Principal) are appointed to the Board for a term of two (2) years and may be reappointed for consecutive terms.	SER r.110(1)(a) SER r.110(1)(b)
<b>4.2 Eligibility &amp; Election of Board Members</b>		
	The Principal will invite nominations from all persons in each category to fill vacancies in the Board Membership during Term 1, on an annual basis.	SER r.108(1)
	A person who wishes to nominate to serve on the Board will notify the School Principal in writing by the due date in order to be considered. The Principal will keep a record of nominations received.	
	If there are more nominees than places available on the Board:	SER r.108(2)(a)(c)(d)
	<ul style="list-style-type: none"> <li>the Principal will conduct an election to appoint Parents, staff and Students; and</li> </ul>	SER r.108(2)(a)(c)(d)
	<ul style="list-style-type: none"> <li>in the category 'community Members' the choice of nominee will be decided by the Board rather than by election.</li> </ul>	SER r.108(2)(b)
	Only those people eligible for a position are eligible to vote for representatives for that position.	SER r.109(1)(2)(3)(4)(5)
	<b>Parent Members</b> are elected from and by the Parents. Parents eligible to vote are:	SER r.108(2)(a)
	<ul style="list-style-type: none"> <li>each Parent whose name and address has been provided to the School; or</li> </ul>	SEA s.16(1)(b)(ii)(I) SER r.109(1)(a)
	<ul style="list-style-type: none"> <li>if neither Parent's name and address has been so provided in relation to a particular Student, each person who is responsible for the Student</li> </ul>	SER r.109(1)(b)
	<b>Staff Members</b> are elected from and by the staff of the School;	SER r.108(2)(c)
	<ul style="list-style-type: none"> <li>Staff Members who are eligible to vote are each person who is employed at the School under SEA s.235(1), and whose usual place of work is at the School.</li> </ul>	SER r.109(3)
	<ul style="list-style-type: none"> <li>the Principal is automatically included on the Board and is included in the Staff Member category; and</li> </ul>	
	<b>Community Members</b> are appointed by the Board.	
	<ul style="list-style-type: none"> <li>there will not be an election to appoint community Members.</li> </ul>	
	<ul style="list-style-type: none"> <li>the Board may appoint suitably qualified persons from the list of nominees by vote in a meeting.</li> </ul>	SER r.108(2)(b)
	<ul style="list-style-type: none"> <li>the Board may co-opt a Member of the local community to be a Member of the Board for such period, or in relation to such matters, as determined by the Board where that person's experience, skills or qualifications would enable him or her to make a contribution to the Board's functions.</li> </ul>	SER r.112
	<b>Students</b> of HPS are not eligible for Membership of the Board.	SER r.109(4)(a)
	A person will not vote in respect of more than one category of Membership of the Board.	SER r.109(5)
	The Principal is responsible for the proper conduct of all elections.	SER r.108(2)

### 4.3 Election of the Chairperson

The **Chairperson** is elected by, and from the Board's Membership at the first meeting of the Board following the annual election.

SEA s.127(6)

### 4.4 Casual vacancies of the Board

In consultation with the Board, the Principal can call for extraordinary nominations for specific categories of Membership whereby vacancies on the Board are considered detrimental to the operations of the Board (i.e. a quorum cannot be achieved).

Extraordinary appointments to the Board will follow the same procedure and eligibility as per an annual appointment.

Any Member appointed or elected to a casual vacancy in the Board shall hold office for the balance of the term of the Member of the Board whose seat on the Board has become vacant.

SER r.110(2)

## 5. Duties of the Board

### 5.1 Role and Expectations of Board Members

The Board is expected to:

- appoint a suitable person to the role of Secretary;
- act honestly, fairly, loyally, in good faith, and with integrity in the best interests of the School;
- have a clear understanding of their role and responsibility as a Board Member;
- be committed to and actively involved in pursuing the Schools vision and objectives;
- actively participate in all meetings, discussions and other working groups as appropriate and respect the views and opinions as expressed by others;
- work effectively and constructively with all other Board Members, relevant parties and external stakeholders;
- support the School in times of crises;
- declare any conflict, or potential conflict, of interest between their business or professional or personal interests and their role as a Member of the Board;
- uphold and adhere to the policies, procedures and working documents of the School and the Board; and
- maintain confidentiality in respect of all Board matters and discussions unless otherwise agreed by the Board.

SEA s.136

A Member may at any reasonable time inspect the books, documents, records and securities of the Board. Members may make a copy of or take an extract, but have no right to remove the books, documents, records or registers of the Board.

### 5.2 Role and Expectations of the Secretary

The role of the Secretary is to:

- co-ordinate the correspondence of the Board;
- serve Formal Notice to Board Members and the community at the direction of the Chairperson, for all meetings and motions;
- prepare the agenda and relevant papers, in collaboration with the Principal;
- ensure that full and correct minutes of the meetings and proceedings of the Board are kept in a minute book and are signed off by the Chairperson after every meeting;

<ul style="list-style-type: none"><li>▪ keep and maintain in an up to date condition a register of the Members of the Board and their postal and residential addresses;</li><li>▪ keep a list of nominees of Members of the general community that may be appointed to the Board in the category of general community Membership;</li><li>▪ keep and maintain this Terms of Reference and have copies of this Terms of Reference available to all Members;</li><li>▪ ensure every Member has access to inspect the records and documents of the Board;</li><li>▪ have custody of all books, documents, records and registers of the Board; and</li><li>▪ have custody of all other records held by the Board.</li></ul>	SER r.108(2)(b)
<b>5.3 Role and Expectations of the Chairperson</b>	
<p>The Chairperson will hold the position of meeting Chair and shall convene all Board meetings. If the Chairperson is not available, then a Chair can be nominated prior to the start of the Board meeting (referred to as the Acting Chair) and will be responsible for convening and conducting that meeting.</p>	SER r.115(2)
<p>The Chairperson shall be responsible for the following duties, in addition to those of a general Member outlined at 5.1:</p>	
<ul style="list-style-type: none"><li>▪ complying with any directions of the Board in relation to the venue and time of meeting and giving notice of the meeting;</li><li>▪ chair Board meetings ensuring meetings are run efficiently, on time and achieve their purpose;</li><li>▪ ensure that meeting processes comply with the Board’s Terms of Reference;</li><li>▪ be a signatory to the DPA;</li><li>▪ monitor the progress of the Business Plan;</li><li>▪ ensure that the Board focuses on improving Students’ learning outcomes;</li><li>▪ participate on the selection panel for the Principal if a vacancy arises;</li><li>▪ prepare and present an Annual Report to Members and the School community at Annual Public Meetings;</li><li>▪ support the School in times of crises;</li><li>▪ act with the Principal as the Board’s spokesperson and official representative on public occasions; and</li><li>▪ participate in the external review of the School in the final year of the DPA implementation.</li></ul>	SER r.115(2)  <



<ul style="list-style-type: none"> <li>▪ has misbehaved or is incompetent;</li> </ul>	SER r.111(3)(b)
<ul style="list-style-type: none"> <li>▪ is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a Member; or</li> </ul>	SER r.111(3)(c)
<ul style="list-style-type: none"> <li>▪ has been absent, without leave or reasonable excuse, from three consecutive meetings of which the Member has had notice.</li> </ul>	SER r.111(3)(d)
The Board will not remove a person as a Member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.	SER r.111(4)(a)
A decision of the Board to remove a person from office is to be made by resolution of a majority comprising enough of the Members for their number to be at least two thirds of the number of offices, whether vacant or not, of Members of the Board.	SER r.111(4)(b)
<b>6. Meeting Schedule and Procedure</b>	
<b>6.1 Meeting</b>	
Meetings of the Board will be held no less than four (4) times per school year.	
<b>6.2 Ordinary Meetings</b>	
The Chairperson is to convene Ordinary meetings in accordance with the directions of the Board in relation to the venue and time of the meeting and giving notice of the meeting.	
The Chairperson will give to the School community 14 days Formal Notice of an Ordinary Meeting.	
Ordinary Meetings of the Board are generally open to the public. However, the Board may decide to close to members of the public a meeting or part of a meeting if the meeting deals with:	SER r.115(3)
<ul style="list-style-type: none"> <li>▪ a matter affecting a person who is employed at the School;</li> </ul>	SER r.116(a)
<ul style="list-style-type: none"> <li>▪ the personal affairs of any person;</li> </ul>	SER r.116(b)
<ul style="list-style-type: none"> <li>▪ a contract entered into or which maybe entered into;</li> </ul>	SER r.116(c)
<ul style="list-style-type: none"> <li>▪ legal advice obtained which relates to a matter to be discussed at the meeting; and</li> </ul>	SER r.116(d)
<ul style="list-style-type: none"> <li>▪ a matter that if disclosed, would reveal: <ul style="list-style-type: none"> <li>▪ information that has a commercial value to a person other than the Board; or</li> <li>▪ information about the business, professional, commercial or financial affairs of a person other than the Board.</li> </ul> </li> </ul>	SER r.116(e)(i)
	SER r.116(e)(ii)
The decision to close a meeting or part of a meeting and the reason for the decision is to be recorded in the minutes of the meeting.	SER r.116(2)
<b>6.3 Annual Public Meeting</b>	
An Annual Public Meeting will be held once in every calendar year, and is open to the public.	SER r.117(a)
An Annual Report will be presented at the meeting to advise the School community of the performance of the Board in relation to its functions since the previous Annual Public Meeting.	SER r.117(c)
The Chairperson will give to all Members and Parents not less than 14 days Formal Notice of an Annual Public Meeting.	SER r.117(b)
The Board will not close to Members of the public an Annual Public Meeting.	SER r.115(3)
<b>6.4 Special Meeting</b>	
A Special Meeting is a meeting called for by families of Students at the School for a particular purpose.	SER r.118
The Chairperson will give to all Members and Parents not less than 14 days Formal Notice of a Special Meeting.	

The Board will not close to Members of the public a Special Meeting.	SER r.115(3)
A Special Meeting will be held by determination of the Board, and will be called for by:	SER r.115(1)
<ul style="list-style-type: none"> <li>at least 20 families of Students at the School; or</li> </ul>	SER r.118(1)(b)(i)
<ul style="list-style-type: none"> <li>at least half the number of families of Students at the School, whichever is the lesser number of families; and</li> </ul>	SER r.118(1)(b)(ii)
<ul style="list-style-type: none"> <li>a Formal Notice to the Chairperson, which will state the purpose for which the Special Meeting concerned is required; and be signed by the families who called for the Special Meeting.</li> </ul>	
The Chairperson will convene a Special Meeting within 30 days of receiving a formal request in writing.	
The Chairperson is not to convene a Special Meeting if the purposes of the proposed meeting are not relevant to the Board's functions.	SER r.118(3)
A Special Meeting is to deal only with matters relevant to the purposes set out in the notice received by the Chairperson.	SER r.118(4)
Subject to this Terms of Reference, the Board will determine its own procedures.	SEA s.136
<b>6.5 Agenda, Minutes and Meeting Papers</b>	
Preparation of meeting agendas, meeting papers and minutes is the responsibility of the Secretary.	
Board Members are required to submit any agenda items and supporting documentation to the Secretary for collation at least five working days prior to the next scheduled meeting. Final agendas will be distributed no later than two working days prior to the next scheduled meeting.	
Copies of the minutes, including relevant attachments and reports, shall be provided to all Board Members no later than five working days following each meeting for ratification at the subsequent meeting of the Board. When confirmed, the minutes shall be signed by the Chairperson and the Principal.	
The minutes of each Board meeting will be maintained by the School as a complete record as required under provisions of the Archives Act 1983.	
<b>6.6 Quorum</b>	
A quorum will be no less than four (4) people including the Principal and with Parent representation being not less than 50% of the members in attendance.	
If within 30 minutes after the time specified for the holding of a meeting, and where Formal Notice has been given a quorum is not present, then the meeting shall be rescheduled.	
<b>6.7 Voting</b>	
The Board will reach decisions by reference to a vote.	
Each Board Member including the Chairperson is entitled to one (1) vote only.	SER r.119(3)
A co-opted Board Member is not entitled to a vote.	SEA s.140(a)
Students attending Board meetings that are not Members do not have a right to vote or be counted in determining a quorum.	SEA s.140(b)
Procedures for counting of votes will be a show of hands. Votes will be recorded in the minute book.	
A decision of the Board will not take effect unless it has been made by an Absolute Majority.	SER r.119(2)
An Absolute Majority, in relation to a Board for a School, means a majority comprising enough of the current Members of the Board for their number to be more than 50 per cent of the number of offices (whether vacant or not) of Members of the Board.	SER r.119(1)

A vote which is passed will be declared by the Chairperson as a resolution. A declaration by the Chairperson is evidence of the fact.

A proxy vote is not a lawful vote under the *School Education Act 1999* or the *School Education Regulations 2000*. Accordingly, Members cannot assign a Proxy to represent them if they cannot attend a meeting in person or for voting purposes.

## **6.8 Out of Session Decisions**

Out-of-session decisions will be deemed acceptable.

Communications requesting out of session decisions will be sent to Members via email or Connect.

Communications sent to the Members for the purpose of decision making out of session will take the following format;

### **“DECISION REQUIRED (Communication subject Line)”**

Communications will describe the decision required and will contain any relevant background information. It will include a timeframe for responses (minimum two days). If clarification is required, it is the responsibility of each Member to contact the Chairperson to discuss.

If a decision is required urgently it will be stated in the body of the communication and will include a timeframe for response.

All communications regarding the request for ‘Decision Required’ will be initiated by the Chairperson or the Principal.

All responses to “Decision Required” communications are to be returned so they are viewable to all Members.

A resolution approved by a majority of the Board is valid and binding and has the same effect as if the resolution had been duly passed at a Board meeting and the approved resolution will form part of the minutes of the next Board meeting.

## **6.9 Declaration of a Conflict of Interest**

A Board Member must declare as soon as practicable any interest that may impinge upon a Board decision that may arise from, but not limited to:

- other Board Membership or employment;
- professional or business interests and associations;
- investment or financial interests;
- family relationships.

When a potential conflict becomes known, the Member must declare details of the conflict of interest or issue to the Board so that the Chairperson, in consultation with the Board, shall decide how that conflict of interest may be mitigated, including:

- the Member not taking any part in the discussion of the Board relating to the interest or issue;
- the Member not voting on the matter;
- requiring the Member to be absent from the meeting when the discussion or vote is taking place;
- the Member not receiving any relevant School Board papers in relation to the issue.

## **7. Committees of the Board**

The Board can appoint committees as it deems necessary to assist the Board.

The Membership of Committees is not confined to Members of the Board, but at least one (1) Board Member is required to serve on each committee and provide update reports at Board meetings as to the progress of the Committee.

The duties of any Committee shall be clearly defined by the Board and communicated accordingly with the Committee.

Committees do not have any decision-making powers, rather Committees provide recommendations to the Board for acceptance and or endorsement.

## **8. Failure to Act Properly**

In the event that the Board breaches the *School Education Act*, or the conduct of the Board is incompetent, inadequate or improper, the Minister may give written notice to the Board requiring that the situation be remedied.

If the Minister is of the opinion that a Board has not complied with such a notice, the Minister may dismiss the Board.

## **9. Dispute Resolution**

In the event of a dispute the Board will meet and discuss the dispute and attempt to resolve the dispute on a basis consistent with a desire to retain a good working relationship, without prejudice and in a confidential manner. The Board must:

- work to resolving the dispute within fourteen (14) days that the dispute was raised;
- appoint a mediator agreed to by the parties to the dispute; and
- ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

In the event that a dispute cannot be resolved, then the parties must refer to the Director General for guidance.

## **10. Review**

These Terms of Reference shall be subject to review every two (2) years to ensure their effectiveness and relevance. Interim reviews may be undertaken as necessary.

## **11. Endorsement of Terms of Reference**

Board Members must have individually read, understood and accepted all the terms and information as contained herein upon election to the Board, and agree to uphold and carry out the objects and activities of the Board.

Approved by the Board on:

Date:

October 24, 2017

End.