

# CONSTITUTION OF WOODLANDS PRIMARY SCHOOL

November 2017



Woodlands Primary School  
7 Bentwood Avenue  
Woodlands  
Western Australia

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# CONSTITUTION

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## 1 Preliminary

### 1.1 Definitions and interpretation

(a) The name of the board is **Woodlands Primary School Board**.

(b) In this constitution:

“**Business Plan**” means the long term strategic plan (three years) which outlines strategies for school improvement. It includes a vision, school context, overview of self assessment, key focus areas, operational strategies, resource management and indicators of success/milestones.

“**Board**” means the Woodlands Primary School Board and carries the same interpretation as “**Council**” as defined in the School Education 1999.

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

“**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.

“**Minister**” means the Minister responsible for administering the School Education Act 1999.

“**Parent**” as defined in section 4 of the School Education Act 1999 is the person or persons who is or who are named in the School Register as a parent of a Student.

“**P&C**” means the Parents and Citizens Association of Woodlands Primary School.

“**School**” means Woodlands Primary School located at 7 Bentwood Avenue, Woodlands, WA.

“**School Delivery and Performance Agreement**” means the document between the Principal, School Board Chair and Director General. It sets out the performance and accountability expectations of the school to the Director General and Department resourcing and support.

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

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

“**School Register**” means the data base of students enrolled at Woodlands Primary School.

“**Student**” means a student or students enrolled at the School.

### 1.2 Purpose of the Board

The purpose of the Board is to enhance the education and well-being of the Students by contributing to the direction and promotion of the School, representing the interests of staff, Parents and members of the community.

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## 2 Functions of the Board

### 2.1 Powers and duties of the Board

The Board has the power and duty to:

(a) make recommendations in the following:

- (i) establishing and reviewing from time to time, the School's objectives, priorities and general policy directions;
  - (ii) the planning and ratification of financial arrangements necessary to fund those objectives, priorities and general policy directions;
  - (iii) contributing to the School Delivery and Performance Agreement and the Business Plan;
  - (iv) evaluating the School's performance in achieving its objectives, priorities and general policy directions; and
  - (v) formulating codes of conduct for Students at the School.
- (b) endorse and review the annual budget;
- (c) make recommendations in consultation with Students, their Parents and staff on an appropriate dress code for Students when they are attending or representing the School;
- (d) promote the School in the community;
- (e) approve:
- (i) charges and contributions for the provision of certain materials, services and facilities pursuant to section 99(4) of the School Education Act;
  - (ii) extra cost optional components of an education program pursuant to section 100(3) of the School Education Act;
  - (iii) items to be supplied by a Student for use in an Educational Program pursuant to section 108(2) of the School Education Act; and
  - (iv) any agreements or arrangements for advertising or sponsorship in relation to the School under section 216(5) of the School Education Act;
- (f) provide advice to the principal of the School on:
- (i) a general policy concerning the use in School activities of prayers, songs and other material based on religious, spiritual or moral values being used in a School activity as part of religious education; and
  - (ii) the implementation of special religious education under section 69(2) of the School Education Act.
- (g) with the approval of the Minister or Director General, as the Minister's delegate, take part in the selection of, but not the appointment of, the School principal or any other member of the teaching staff under section 129(2) of the School Education Act.

## **2.2 Excluded powers**

The Board cannot:

- (a) intervene in the control and management of the School, including the day to day running of the School;
- (b) intervene in the educational instruction of Students;
- (c) exercise authority over teaching staff or other persons employed at the School including performance manage the principal or any other staff member;
- (d) discuss individual issues relating to staff or Parents;

- (e) represent specific interest groups;
- (f) intervene in the operation of the School Fund; or
- (g) purchase land, buildings or cars, nor enter into hire purchase agreements or obtain credit or loans, unless permission is given by the Minister.

### **3 Membership of the Board**

#### **3.1 Categories of membership**

The School Education Act provides for the following categories of membership of the Board:

- (a) Parents;
- (b) members of the general community; and
- (c) staff of the School.

#### **3.2 Composition of the Board**

The Board is to determine its composition:

- (a) 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;
- (b) having regard to the functions of the Board and any changes in those functions; and
- (c) with a view to including members of the general community and staff of the School and allocating a membership position to a member of an association referred to in section 149 of the School Education Act.

#### **3.3 Number of members of the Board**

The number of members of the Board shall be nine (9), comprising four Parents, three staff members including the principal and two community members.

#### **3.4 Chairperson**

- (a) The chairperson of the Board is to be elected by, and from, its members.
- (b) The chairperson's six main roles are to:
  - (i) act with the principal as the Board's spokesperson and official representative on public occasions;
  - (ii) chair Board meetings;
  - (iii) be a signatory to the Delivery and Performance Agreement including the Business Plan;
  - (iv) ensure the Board stays focused on improving Student learning outcomes;
  - (v) be a member of the selection panel for the principal if a vacancy arises; and
  - (vi) support the School in times of crises.
- (c) The chairperson may also participate as an ex officio member of all committees established by the Board.

### **3.5 Deputy Chairperson**

A deputy chairperson shall also be elected to undertake these duties in the absence of the chairperson.

### **3.6 Principal**

The principal of the School is automatically a member of the Board.

### **3.7 Parents and community members**

- (a) The P&C may nominate one of its members to be a member of the Board in the Parent or community membership category as is relevant to the nominee.
- (b) Parents and members of the general community must form the majority of the Board.
- (c) The Board may co-opt a member of the local community to be a member of the Board for such a 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.

## **4 Appointment and election of members**

### **4.1 Nominations**

The principal of the School will invite nominations from suitably qualified persons to fill vacancies occurring and, except in the case of the general community membership category, will conduct elections where the number of nominees is greater than the vacancies available.

### **4.2 Eligibility to vote**

- (a) Eligible to vote in the category of parent membership positions is each Parent whose name and address has been provided to the School under section 16(1)(b)(ii)(I) of the School Education Act, or if neither Parent's name and address has been so provided, each person who is responsible for the Student.
- (b) Eligible to vote in the category of staff membership positions is each person to whom section 235(1) of the School Education Act applies and whose usual place of work is at the School.
- (c) A person may not vote in respect of more than one category referred to in clauses 4.2(a) and (b).

### **4.3 Appointment of general community members**

In the category of general community membership positions, the Board may appoint suitably qualified members of the general community from the list of nominees.

### **4.4 Standards and enquiries**

- (a) The Director General may, from time to time, specify standards or requirements in relation to the conduct of elections.
- (b) The Director General may inquire into any matter affecting an election or appointment of a member of the Board and, if any irregularity has occurred, may declare the results of an election or appointment invalid or order an election or appointment or a new election or appointment to be conducted.

### **4.5 Term of office**

- (a) A member of the Board (other than the principal) shall hold office for a term not exceeding three years as determined by the Board and may be reappointed more than once.

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

## **5 Cessation or termination of office**

### **5.1 Situations under which vacancies arise**

The office of a member of the Board becomes vacant if the member;

- (a) resigns by written notice delivered to the Board;
- (b) becomes ineligible to hold office as a member; or
- (c) is removed from office on direction by the Director General or delegate.

### **5.2 Removal from office by the Director General**

The Director General, or Executive Directors as delegates of the Director General, may remove a person as a member of the Board on the grounds that the continuation of the person as a member would be detrimental to the interests of the Board.

### **5.3 Removal from office by the Board**

- (a) The Board may remove a person as a member of the Board on the grounds that the person:
  - (i) has neglected his or her duty as a member;
  - (ii) is deemed incompetent ;
  - (iii) has broken the Woodlands PS board code of conduct
  - (iv) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
  - (v) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.
- (b) The Board must not remove a person as a member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.
- (c) 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.

## **6 Meetings and proceedings of the Board**

### **6.1 Convening general meetings**

- (a) The Board will determine the number of and dates for meetings convened during the year at the first meeting of the year. A minimum of five meetings will be held each calendar year.
- (b) The chairperson of the Board is to convene Board meetings in accordance with the directions of the Board in relation to the venue and time of meeting.
- (c) Notice of all general meetings of the Board shall be given in writing to all members no less than seven (7) days prior to the date of the proposed meeting.

### **6.2 Quorum**

A quorum will be more than 50 percent of the members of the Board but decisions must still be made with an absolute majority.

### 6.3 Public attendance

- (a) Meetings of the Board are generally to be open to the public.
- (b) The Board is to hold each calendar year at least one meeting that is open to the public, 14 days' notice of which has been given to Parents and in which a report is presented on the performance of the Board's functions. This meeting could be held before a P&C meeting.
- (c) The Board may decide to close to members of the public a meeting or part of a meeting unless the meeting is the annual public meeting or a special meeting called under regulation 118 of the School Education Regulations 2000.
- (d) The Board may decide to close to members of the public a meeting or part of a meeting if it deals with any of the following:
  - (i) a matter affecting a person who is employed at the School;
  - (ii) the personal affairs of any person;
  - (iii) a contract entered into, or which may be entered into, by the School and which relates to a matter to be discussed at the meeting;
  - (iv) legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting;
  - (v) a matter that, if disclosed, would reveal:
    - (A) information that has a commercial value to a person and that is held by, or is about a person other than the Board; or
    - (B) information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Board; and
  - (vi) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971.
- (e) A decision to close a meeting or part of a meeting to the public and the reason for the decision are to be recorded in the minutes of the meeting.

### 6.4 Agenda items

- (a) The chairperson determines the agenda of the meeting in consultation with the principal, in accordance with this constitution.
- (b) Matters proposed to be tabled with the Board should be raised with the chairperson, the principal or the P&C. If deemed relevant to the Board functions by the chairperson, the matter will be raised at the next scheduled Board meeting.

### 6.5 Special meetings of the Board

- (a) The chairperson is to convene a special meeting of the Board if the meeting is called for in a notice to the chairperson setting out the purpose of the proposed meeting, that is provided by requisitioning parties comprising at least 20 families of Students at the School or at least half the number of families of Students at the School, whichever is the lesser number of families.
- (b) The chairperson is not to convene a meeting if the purpose of the proposed meeting is not relevant to the Board's functions.
- (c) A meeting convened is to deal only with matters relevant to the purpose set out in the notice received by the chairperson.

- (d) Subject to clauses 6.5(b) and (c), if the Board does not cause a special meeting of the Board to be held within twenty one (21) days from the date on which the notice is received by the chairperson, any requisitioning party may convene the meeting, but any meeting so convened shall not be held less than three (3) months from the date of lodging the notice with the chairperson.

## **6.6 Voting and passing of resolutions**

- (a) Each Board member, including the chairperson, is entitled to one vote only.
- (b) A decision by the Board does not have effect unless it has been made by an absolute majority.
- (c) An absolute majority means a majority comprising enough of the members of the Board for their number to be more than 50 percent of the number of offices whether vacant or not.
- (d) Subject to this clause 6.6, the procedure and order of business to be followed at a meeting shall be determined by the Board.

## **6.7 Secretarial duties**

The Board is to allocate a member or members the following secretarial duties:

- (a) Coordinate the correspondence of the Board;
- (b) Ensure that full and correct minutes of the meetings and procedures of the Board are kept; and
- (c) Have custody of all books, documents, records and registers of the Board.

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## **7 Failure to act properly**

### **7.1 Remedies enforceable by the Minister**

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.

### **7.2 Dismissal of the Board by the Minister**

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

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## **8 Committees of the Board**

### **8.1 Appointment of committees**

The Board is empowered to appoint such committees as it deems necessary.

### **8.2 Duties and powers of committees**

- (a) The duties of any committee shall be clearly defined by the Board and, where appropriate, a specific date shall be set for the completion of the tasks assigned to any committee.
- (b) In all cases a committee makes its recommendations to the Board.

### **8.3 Membership of committees**

- (a) The Board shall determine, and appoint, the members of any committee.
- (b) Membership of committees is not confined to members of the Board but at least one Board member is required to serve on each committee.

- (c) A notice shall be placed in the School newsletter inviting other interested Parents and staff to self nominate for all committees convened by Board.
- (d) A formal letter of invitation to participate in a committee of the Board shall be forwarded to the prospective committee member by the chairperson of Board. A formal response to the invitation must be recorded.

#### **8.4 Chairing of committees**

The committee shall elect a chairperson from among its members and the committee chairperson shall:

- (a) convene meetings of the committee;
- (b) manage the business of the committee; and
- (c) provide leadership to the committee.

#### **8.5 Proceedings, minutes and communication**

- (a) Minutes must be taken of all committee meetings and submitted to Board. The Board representative on the committee must report back the progress of the committee at each Board meeting held during the term of the committee.
- (b) Notification of meeting times, agenda and past minutes must be forwarded to all committee members whether listed in attendance, absent or as an apology to a prior meeting.
- (c) Upon completion of the committee's task the chairperson of Board will ensure all members of the committee receive a letter of thanks which informs the committee member of the outcome of the Board's deliberations pertaining to the recommendations made by the committee.

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### **9 Communications**

#### **9.1 Feedback to community and staff**

- (a) At the conclusion of each meeting a P&C member and a teacher member of the Board will undertake the communication role to keep their respective bodies informed at the next available opportunity, such as at meetings or via written communication.
- (b) Staff meetings will generally be the forum for teacher discussion on Board matters.
- (c) P&C meetings will be the forum for Parent discussion on Board matters.

#### **9.2 Obtaining wider community comment**

The Board may use surveys, questionnaires and other methods to obtain wider community comment on issues.

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### **10 Changes to the Constitution**

Changes to this constitution need to be within the Education Act 1999 and supported by 75% agreement.