



Association of Independent Schools  
of Western Australia

# School Governance and Regulation

Presented by Valerie Gould

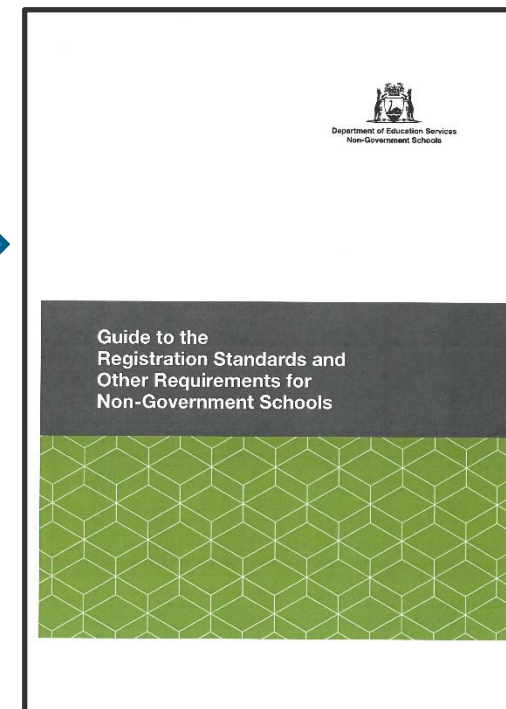




# School Registration



WA Minister for Education  
Director General of DES



Director General and  
Department of  
Education Services





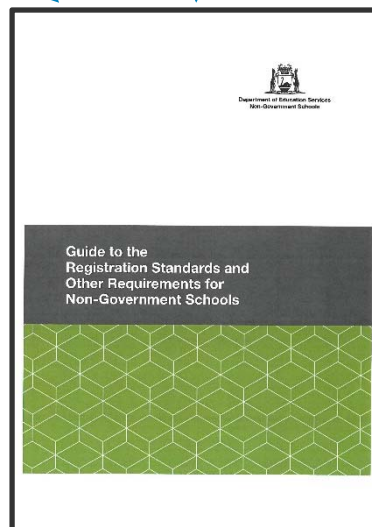
# School Education Act 1999

**PART 2**  
Enrolment and  
Attendance (all  
schools)

**PART 4**  
Non-Government Schools

**Section 159 - Standards**  
(Curriculum; Ratios; Hours & days of instruction; Staff; Premises; Facilities; Students per year level; Enrolment and attendance; Critical Incidents; Boarding; Complaints management; Child abuse prevention; Financial viability; Discipline and punishment)

**Section 160 – Other requirements**  
(Governance; Student Learning; Levels of Care; Financial)



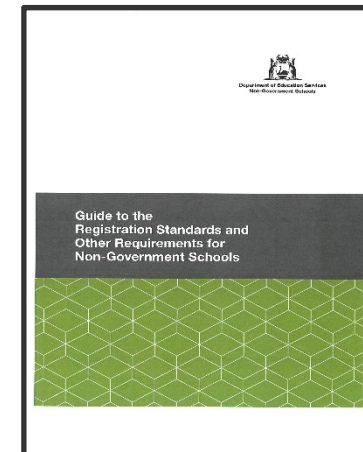
**A school's compliance must be to the DES / DG's Satisfaction Register, Renew, Review and Cancel**



# The process – a risk based approach

*Regulator considers the school's history of compliance, financial analysis, evidence supplied and registration renewal visit.*

*What to supply:*



## Part A

- Basic school details
- Financial information

6 months prior to expiry date

## Part B

- Minutes, Registers and declarations – Governing body
- Staff
- Physical Environment
- Enrol and Attend

6 months prior to expiry date

## Part C

Evidence from the 12 chapters, as determined by the reviewers, based on school's compliance history and Parts A and B.

On request, about 6 weeks before visit

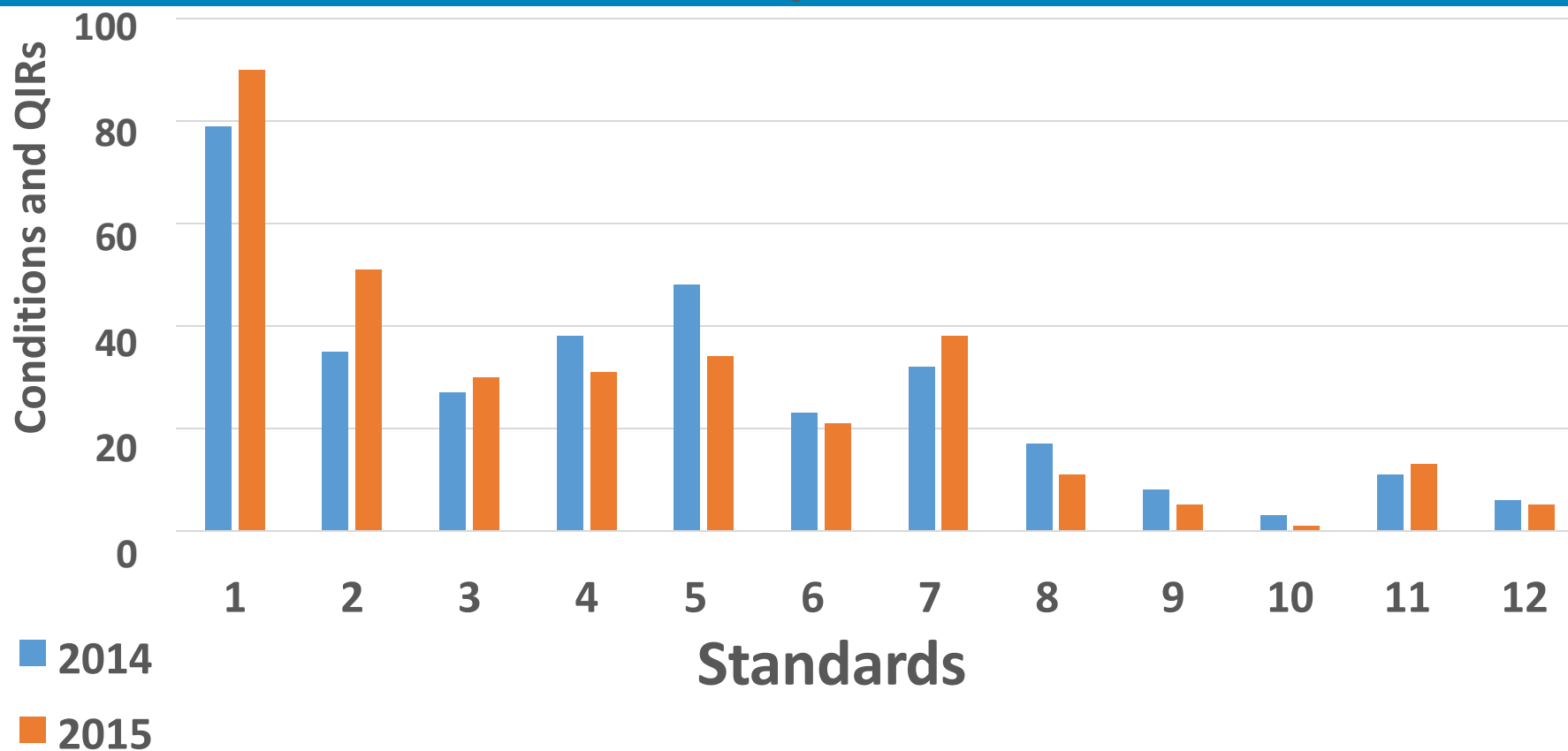
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# Conditions and Quality Improvement Requirements

## Conditions and QIRs imposed in 2014 and 2015



Legend: 1 Governance and Accountability  
2 Student Learning  
3 Curriculum  
4 Level of Care  
5 Financial Management  
6 Staff Management

7 Physical Environment  
8 Enrolment and Attendance  
9 No of Students  
10 Time for Instruction  
11 Complaints Management  
12 Legal Compliance





# School Governing Body

The body that governs a registered school (the governing body as defined in section 150 of the *School Education Act 1999*) is responsible for:

- maintaining a satisfactory standard of education,
- is accountable for the strategic direction of the school,
- the quality of educational programs provided,
- the safety and welfare of students,
- financial management, and
- legal compliance.

Each member of the governing body is a fit and proper person to operate a school.



# The constitution of the governing body

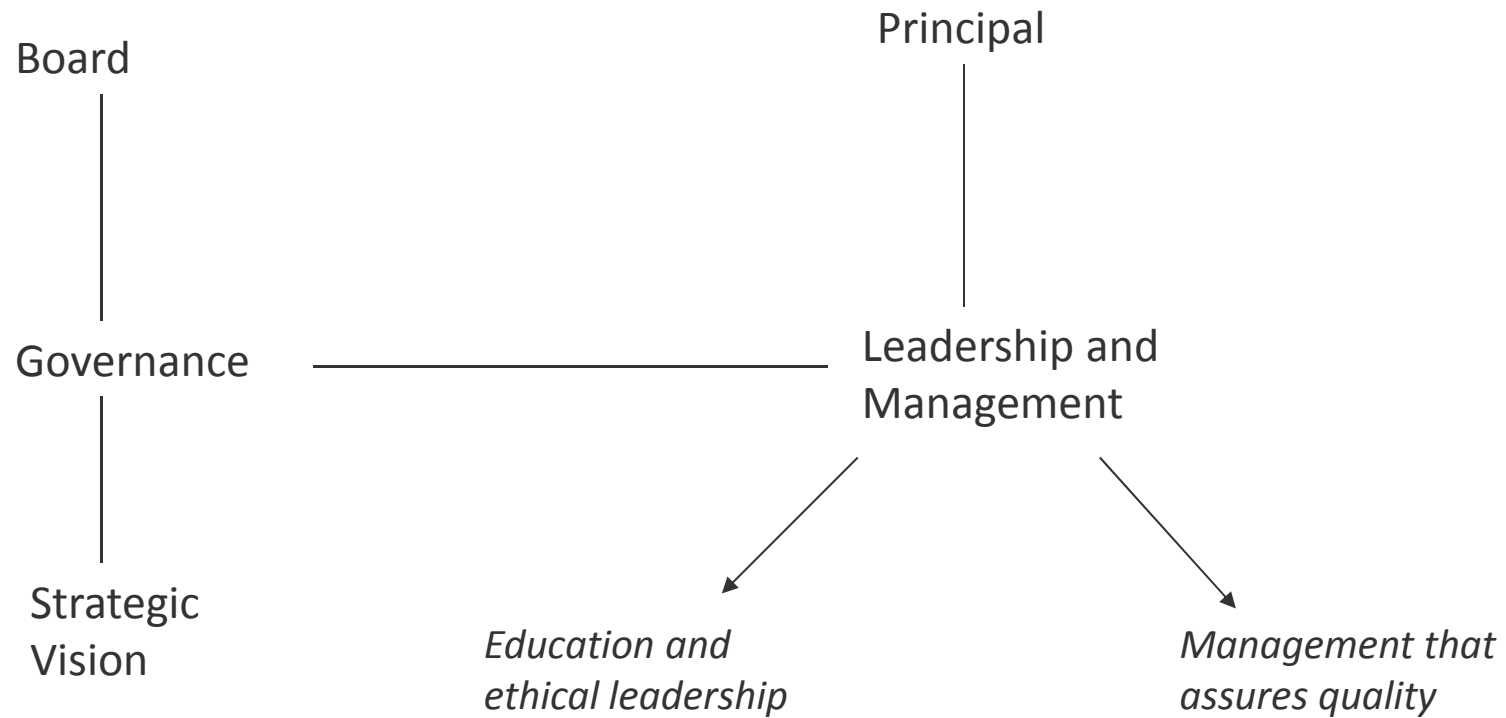
- articulates its educational philosophy,
- defines a structure for effective governance,
- enables development of its strategic direction,
- enables the management of its finances.

The constitution defines, and the school demonstrates, a clear separation between the day-to-day management and control of the school by the principal and the overall governance of the school by the governing body.





# Clarity of Roles





## Who's job is it?

The Board	The Principal
<b>Formulates</b> policy, strategies and long term plans	<b>Executes</b> policy, strategies and long term plans
<b>Decides</b> on the big ticket items; e.g. change to years of registration, major building programs, etc.	<b>Implements</b> the decisions made by the Board according to the criteria established by the Board
<b>Works on the business</b>	<b>Works in the business</b>



# Who does what - AICD

<b>Governance – the Board</b>	<b>Management – the Principal and management team</b>
Govern the organisation (school) and act on behalf of the organisation in a ‘stewardship’ role accountable for the success of the organisation	Deal with the complexity and details of day to day operations and each operational function
<ul style="list-style-type: none"><li>• Work on the organisation not ‘in’ the engine room</li></ul>	<ul style="list-style-type: none"><li>• Work ‘in’ the organisation as manager(s)</li></ul>
<ul style="list-style-type: none"><li>• Set the strategic direction and maintain control of the organisation as a whole</li></ul>	<ul style="list-style-type: none"><li>• Act within the framework of the strategic direction and policies established by the board</li></ul>
<b>Directors direct</b>	<b>Managers manage</b>



## The Effective Board

Must have as its foundation members who are independent, be of a workable size and have strong leadership ... it must be made up of members with the required competencies to assist in the solution of specific problems facing the school and who can work together to make effective decisions

[Richard Le Blanc]



## Attributes of an effective board

- Continual development
- Strong leadership
- Positive working relationships
- Good communication
- Teamwork – collegiality and trust (within board and board and principal)
- Common vision and agreed plan to achieve
- Strategic (not operational)
- Stakeholder focus
- Outcomes focus
- Accountable and transparent
- Sound decision making



## Attributes of an effective board member

- Ethical – dealing with conflicts of interest and maintaining board confidentiality
- Effective listener and communicator
- Constructive questioner
- Contributor and team player
- Committed – invests the time
- Influencer and negotiator
- Critical and innovative thinker
- Leader



## Members of the Board

- should understand the school mission and work together to achieve that
- should care about what other people need – including staff, stakeholders, students and other committee members
- should be able to put aside their personal agenda for the good of the school

### Chairs

- are there to improve the running of meetings and to create a culture of collaboration and trust among committee members
- should speak for the Board, not individual Board members



## Principles of Good Practice: The Governing Body

1. is a group of people whose role is to govern, not manage
2. prepares a clear statement of the School's mission and objectives and Strategic Plan
3. reviews and maintains the constitution, and establishes policies and plans consistent with the mission
4. is responsible for the financial well-being of the School
5. selects and supports the Principal – the Board has one employee, the Principal
6. evaluates itself annually and establishes goals for the following year
7. keeps full and accurate records of its meetings, committees and policies





## Principles of Good Practice: The Governing Body

8. works to ensure all its members are actively involved in the work of the Governing Body
9. develops itself through the orientation of new members, on-going education and community education
10. assures compliance with applicable laws and regulations and minimizes exposure to legal action
11. with school management understand their roles, responsibilities and duties
12. complies with good employment practices
13. develops a plan for its own succession and for recruiting appropriately qualified Governing Body members.



## The chairperson's role

- Keep control of the meeting – members should ask for permission to speak and speak when asked
- Gate-keeping – being aware of who wants to contribute, and assisting all to participate. “I think that’s an important point, does anyone have a different point of view?”
- Normalising – affirming what has been said as being quite normal. “I’m sure there are others who feel the same way” is a way of normalising a statement made by another.
- Develop a culture of trust and tolerance among members



## Reaching decisions around the Board table

- Majority vote
- Minority vote: a sub-committee is appointed to make a decision on behalf of the group
- Consensus: building united judgement, the decision everyone accepts that reflects the best thinking of the group. There is no “winning” or “losing side”. It provides an opportunity for everyone to participate.
- Decision by leader after group discussion: the group proposes ideas and discusses them, but the designated leader makes the final decision
- Decision by expert: an expert is selected, he/she considered the issues with or without group discussion and then makes a decision on behalf of the group.

*Each of the methods has pros and cons. The important thing is to consider which is appropriate for your particular meeting, and for all group members to accept that method and be clear about how it works*



## Role of Board members

- Make sure you know the business of the Board and any Committees ..... know the school, know what is important to the school.
- Read meeting papers prior to the meeting
- Come prepared to have an opinion and participate
- Ask for clarification – don't just assume everyone bar you understands
- Do not just speak for the sake of hearing your own voice
- Be prepared to add items to the agenda
- Be prepared to serve on sub committees
- Be prepared to take on tasks to progress the work of the committee



## Creating and Maintaining a Good Board Culture

- Lead by example – the Chair should be the role model for all
- Appoint the right people to the Board – have a succession plan
- Get the right procedures in place and implement them
- Provide training for Board members and ensure good channels of communication
- Continual monitoring of Board processes and of the school and intervene being aware of boundaries

Be prepared to take ownership as a Board if things go wrong



## Ground Rules for a good Principal/Board relationship

- The Board's expectations of itself and the Principal should be clearly articulated
- The Principal should be empowered to act and not always require the Board's permission .... however the Principal must demonstrate his or her ability to keep the Board informed
- The principal should work in collaboration with the Board Chair to ensure sound governance and ongoing development of the Board
- The Principal review process should be undertaken by a committee not the Chair alone.
- The Principal's remuneration package should be approved by the whole board
- The Board is ultimately responsible for the financial viability of the school so must understand the school accounts.



## Pre-conditions for good Governance and Management relationships

- Clarity of Board function
- Clarity of Principal roles and responsibilities
- A mutually agreed strategic plan
- Regular communication between the Chair and the Principal
- Appropriate observance of the protocols in Board members dealings with staff other than the Principal
- Fulfilment of mutual obligations which bind the Principal and the Board in a common purpose



## The Board must demonstrate it is serious about a good relationship with the Principal

- Keep Board development and assessment on the agenda
- Set targets for what the Board is going to achieve and meet them
- Discuss the difference between strategic and operational matters and describe how the Board sees its role and involvement
- Review the scope of the Board business on a regular basis
- Keep reporting demands to a minimum – focus on the important issues
- Always provide support and advice to the Principal especially when it is requested
- Ensure appropriately skilled Board members are part of the Board
- Avoid getting directly involved with staff issues this is the job of the Principal
- Clearly establish how the Chair and the principal work together





## What can de-rail the relationship

- A Board that engages in micro-managing instead of focusing on the big picture
- A Principal who obsessively controls the agenda and information flow to the Board and as a result frustrates Board members' efforts to set policy and plans
- A Board that has unreasonable expectations of a Principal and then provides very little guidance or support
- A Board that is fractious and is unable to articulate a unified vision for the school
- A lack of enthusiasm on the part of the Board



## When do boundaries blur?

- There is no Principal or a weak Principal
- There is a crisis
- Setting strategy
- Board members are working on special projects
- A former Principal joins the Board
- The Chairperson is weak
- The school is in the early stages of development or a major expansion
- Board members are giving help in difficult financial times
- Board members have their personal money invested in the school or being used as part of an expansion
- There is lack of trust between the Board and the Principal



## Some blurring is explained ...but it is all a risk

- The independence of the Board is reduced
- Board members get in the way of the management of the school
- Board members do not have time for their real duties
- Over time the boardroom and school dynamics are changed with the Chair and Board involved in management and management involving itself in the governance of the school



## How to avoid school governors overstepping the boundaries

- Giving management directions to undertake an action should be done by the Board as a whole, ideally at a meeting and always minuted
- Outside Board meetings governors may offer or be invited to provide advice – management should feel free to accept or reject this, and advice should come from a committee or a governor who has delegated responsibility to provide that advice
- If an individual governor has been given responsibility for a specific task he/she should have clear objectives, timelines and be accountable for that task and not expand the task
- Where a governor has useful contacts the school could use, the governor should facilitate the introduction of the Principal and leave management to use that contact as appropriate



## Good Governance ....Top 3 things to get right

- Select and excellent Principal, and ensure the Principal is supported by the Board
  - Be strategic in discussions and decision making, leave implementation to the Principal
  - Understand the school finances and engage in the school budget process
- 
- Plus undertake Board Appraisal ... self appraisal and at times appraisal by an external entity



## What type of animals are your Board members?

Dogs are there to rubber stamp whatever the executive or dominant chair puts on the table – they do what they are told.



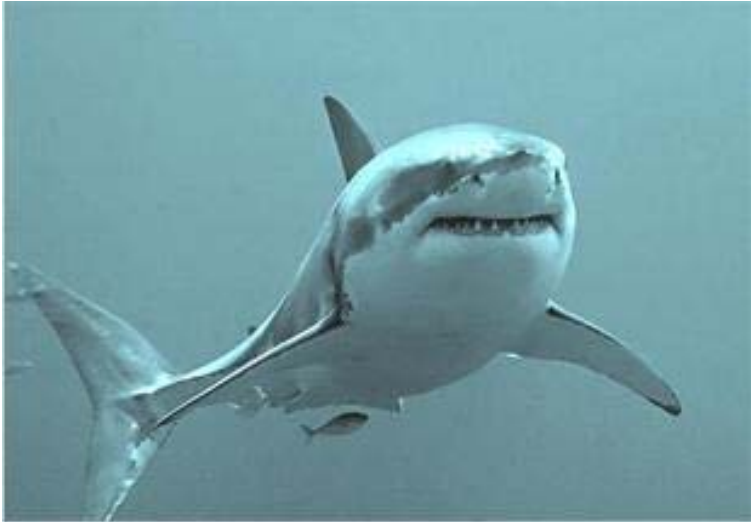


Rabbits are there to make sure nothing goes wrong. They are frozen by the glare of potential problems that may occur and spend all their time making sure they don't get into trouble.

Bees get far too involved in the minutiae of the school and examine every area of the school operations and how they work and want input into these operations.







Sharks represent their own interest group and will fight to have their view heard and held, regardless of what the school mission and strategic plan is.



Penguins are most concerned about getting on with each other. They do not want anyone to feel different or uncomfortable. The more alike they are the happier they are.



Crabs try to catch the Principal, or other Board members, out. Crab Members are hostile with each other and constantly trying to drag each other down.

Lions are authoritative and bold and tend to seize the advantage taking small unobtrusive steps over a longer period of time to achieve a goal. They patiently plan and wait before they make a move or lead in a new direction. They meet challenges head on and put their power, strength and position to good use when necessary.





Eagles fly high and can scan the terrain and then are able to focus on the job at hand. This animal represents the strategic, forward looking Board or committee.





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