



Role of the Board

SCHOOL BOARD POLICY NUMBER 3.2

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Approval and Implementation

Approval Authority	Board of Directors
Responsible Officer(s)	Secretary

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3				

1 Purpose

To provide guidance to Blue Gum Montessori School Inc.'s Board Directors, Executive, Staff (Administration, Teaching and Support) and Association Members (Parents and Legal Guardians) as to the role of the Governing Board ("the BGMS Board").

2 Scope

This Policy is applicable to the Blue Gum Montessori School Inc.'s Board Directors, its Office Holders and Sub-Committees, and the Principal and Business Manager.

3 Policy Statement

There are two aspects that must be taken account of in defining the role of the BGMS Board:

Legal – the requirements under the *Associations Incorporation Act 2015*, including the requirements set on in the Blue Gum Montessori School Inc.'s Rules of Association; and the current Registration Standards; and any other legal requirements under statute or common law;

Best Practice – the legal requirements described above provide a framework for defining the role of Governing Board for a not-for-profit Incorporated Association and a WA Non-Government School. However, looking to Best Practice guidance from relevant government and not-for-profit support organisations is essential to enable the Blue Gum Montessori School to achieve its Mission and realise its full potential.

The BGMS Board is responsible for:

- Exclusively managing the affairs of the Blue Gum Montessori School Inc. Association ("the Association") to achieve the Association's Objectives;
- The management of the school and accountability for the school's operations;
- The quality of the educational programmes provided by the school;
- The school's strategic direction;
- Compliance with applicable laws; and
- Its own duty of care for the students of the school.

The BGMS Board fulfils this responsibility through:

- Developing and maintaining the BGMS Strategic Plan – including its Vision, Mission and Values;
- Developing and implementing of effective processes to plan for, monitor and achieve improvements in student learning;
- The appointment, performance evaluation, support and (if the circumstances necessitate) termination of the employment contract of the Principal;
- Approving annual budgets, to support the delivery of the BGMS Strategic Plan;
- Approving expenditure over pre-specified limits;
- Developing and maintaining board policy and procedures;
- Developing and monitoring of a Strategic Risk Plan;
- Providing a check on the integrity of external financial and non-financial reports such as the Annual Financial Report and ensuring full and proper accounts are provided the appointed External Auditor;

- Any additional monitoring of the activities of the BGMS organisation in order to satisfy itself that the organisation is being properly managed including, but not limited to, the review of regular Financial Statements, commissioning of internal and external audits and reviews, and seeking specialist advice from both within and external to the school;
- Any additional management of the activities of the BGMS organisation that it deems is required to satisfy itself that it is meeting its management obligations under the Registration Standards¹, being mindful of the separation between the Board's overall governance role and the Principal's day-to-day management and control responsibility;
- Enhancing the Association's public image – consistent with any BGMS Board Communications Policies; and
- Assessing and continuously improving its own performance

In defining the role of the BGMS Board, it is important to indicate that the Board is not responsible for the day-to-day operations of the school.

Notes:

1. For example the Board may determine to involve itself in the appointment, dismissal or performance management of senior staff, or may give specific directions to the Principal or senior staff to act on an operational matter, or may incur an expenditure on behalf of the Association, if it believes its critical to meeting its obligations as outlined above.

4 Responsibilities

The BGMS Board has responsibility for implementation of this policy.

5 Relationship to Other Policies

This policy should be read in conjunction with the following Board Policies:

3.3 Board Director Code of Conduct.

3.6 Rules of Association.

3.7 Governing Philosophy.

With the exception of the Rules of Association, where there is any conflict between this policy and any of the other policies listed above, this policy shall be deemed to have precedence.

6 Legal

This policy must at all times be consistent with the Rules of Association, and in doing so must be consistent with the *Associations Incorporation Act 2015*

To maintain its WA Non-Government Schools Registration this policy must be consistent with the current Registration Standards.

At the time of redrafting, the current Registration Standards are, The Registration Standards for Non-Government Schools 2020, as amended in 2022.

The BGMS Board Policy Committee has used the Department of Educations “Guide to the Registration Standards and Other Requirements for Non-Government Schools” July 2022 in redrafting this policy.

7 Procedures

There are no procedures associated with this policy

8 Definitions

Registration Standards – the Registration Standards for Non-Government Schools, determined by the Minister in accordance with section 159 of the *School Education Act 1999 (WA)*

BGMS Organisation – the registered school known as the Blue Gum Montessori School and the Incorporated Association known as the Blue Gum Montessori School Inc.

Financial Statements – statements of comprehensive income, financial position, changes in equity, and cash flows

Annual Financial Report – Annual Financial Statements prepared to required or pre-determined accounting standards, together with an Audit Report, Governing Board Report and Declaration, and Notes to the Financial Statements. Usually a component of the Annual Report.

9 Appendices

9.1 Legal Requirements

9.1.1 Associations Incorporations Act and the Blue Gum Montessori School Inc. Rules of Association

Section 38 of the *Associations Incorporations Act 2015* defines Management Committee as:

"The persons who under the rules of the incorporated association have the power to manage the affairs of the association constitute the management committee of the association for the purposes of this Act."

Section 9.1 of the Blue Gum Montessori School Inc. Rules of Association states:

"The affairs of the Association will be managed exclusively, limited by rule 9.10, in accordance with the governance and delegation powers outline in Sections 13 and 18 by a Governing Board ("the Board") consisting of no fewer than six (6) and no more than seven (7) Directors, plus the Principal."

Section 13.1 (1) of the Blue Gum Montessori School Inc. Rules of Association states:

"The Board shall maintain a Board Policies Manual reflecting best practices in governance and in particular setting out the responsibilities and reporting relationships of the Board, its Office Bearers, the Principal and any other delegates as appointed under rule 13.4 and the policies and procedures by which the Association's affairs shall be managed."

9.1.2 WA Non-Government Schools Registration Standards

The *School Education Act 1999 (WA)* provides for the setting of registration standards by the Minister (currently the Minister for Education and Training) for Non-Government Schools. BGMS must meet these standards to maintain registration as an independent school.

These include specific standards with regards to the governance of a school (namely the governing body of a school). These standards are updated from time to time (usually every three to five years), with the latest standards coming into effect from on 1 January 2020.

The Department of Education publishes a guide to these registration standards. The current version is: *The Guide to the Registration Standards and Other Requirements for Non-Government Schools – January 2020* (Department of Education), available on the Department's Website

9.2 Best Practice

The BGMS Rules of Association states "The Board shall maintain a Board Policies Manual reflecting best practices in governance...".

The Non-Government Schools in Western Australia Registration Standards and Requirements 2022 also states "that there is a separation between the governing body's overall governance role and the Principal's day-to-day management and control responsibilities."

Therefore, to define this policy the BGMS Board needs to look to external Best Practice guidelines, particularly in giving further definition around "day-to-day management and control of the school" and the "overall governance of the school".

The BGMS Board Policy Committee has, in addition to the guidance provided by the Department of Education, looked to the following sources to provide best practice guidance to assist in the formulation of this policy:

- Good Governance Principles and Guidance for Not-for-Profit Organisations, Australian Institute of Company Directors, 2013;
- Ten Basic Responsibilities of Non-profit Boards, National (US) Centre for Not profit Boards (now referred to as BoardSource),<https://www.boardsource.org/eweb/>