Research into Developing Highly Effective School Boards for Independent Public Schools

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1) Develop a body of research focused on practical and implementable outcomes that will enhance the resilience, efficiency and the sustainability of the Not-for-profit Sector Australia-wide;
2) Build significant and effective industry engagement in order to identify and prioritise the topics of research, and to facilitate dissemination and discussion of the findings to the best effect for the sector; and
3) Build a body of up-to-date, Australia specific knowledge that can be used to inform policy and practice within government, the Not-for-profit Sector and the broader community with a view to enhancing policy outcomes to the greater benefit of all communities in Australia.

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This report is dedicated to the more than 5,000 Western Australians who serve their communities by giving their time, passion and expertise to serve on all of WA's public school boards and councils.

Executive Summary

The aim of this study was to undertake research to inform "improvements to the functionality, influence and effectiveness of Independent Public School boards in meeting their accountability requirements within the scope of the existing statutory and policy settings in Western Australia".[1] It was conducted in two parts: Part One involved a literature review of effective schools governance in Australia and internationally.[2] This report summarises the findings arising from Part Two, which involved the development of case studies of 20 Independent Public Schools, including primary and secondary schools in urban and regional settings.

Context

There are currently 441 Independent Public Schools throughout Western Australia, ranging from small primary schools in regional communities to the very large metropolitan secondary schools with over 2,500 students. Each of these schools has a board consisting of the principal and usually six to eight parents, community representatives, staff and (in some schools) students who volunteer their time and skills to support their school. Extrapolating these numbers means that there are now over 3,000 Independent Public School board members and 441 principals who have taken on the additional governance responsibilities that come with electing to be Independent Public Schools. In addition, each year over 500 new members join Independent Public School boards, replacing those whose terms have expired or those who have retired, and there are several hundred more who are forming boards for the first time when their schools become Independent Public Schools.

How well are Independent Public School boards fulfilling their function? This is a complex question to answer. Essentially, it requires comparing a board's outputs and outcomes with the role or functions it has been asked to fulfil. At a fundamental level, this role is defined by the *School Education Act 1999* (the SEA), *School Education Regulations 2000* and policy documents and therefore is the same for all schools. In practice, the requirements vary significantly depending on such things as the size and complexity of the school, its operating environment and the leadership skills and capacity of the principal and senior leadership team. There is no single model of an effective board, nor is there a need for all board members to be governance experts. Instead, boards should be 'fit for purpose'. Large secondary schools or schools of any size facing significant challenges will need more sophisticated governance support than those that are less complex or operating in more stable environments.

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[1] Request for Tender ED15040, Statement of Requirements.
[2] The findings of this study were presented in a report titled 'Governance of School Boards: Review of Current Literature on Best Practice' which should be read in conjunction with this report.

Findings from the literature review

The literature review found that the extent to which boards add value to their schools depends on a range of extrinsic and intrinsic factors.[3] In summary, effective boards typically have

- a clear understanding of their role;
- a mindset of responsibility and collective accountability;
- governance skills appropriate to their schools' needs;
- access to good performance information that enables them to set targets and monitor performance; and
- processes to actively manage their composition.

Of these factors, having a mindset of responsibility and collective accountability (effectively the motivation to perform well) and the level of governance skills are critical factors that jointly lay the foundations for board performance. The combined impact of these and resulting profile of boards are illustrated in Figure 1. Not surprisingly, highly motivated and highly skilled boards perform best.

Importantly, researchers note that board effectiveness is also strongly influenced by the governance and leadership skills of the principal.

Figure 1 Board motivation/skill matrix (Source: Curtin)

These factors and others were explored in our research with Independent Public School boards and we found that they apply in the WA Independent Public Schools context.

Findings from research with WA Independent Public Schools

This study comprised qualitative research focused on 20 selected schools and is therefore not statistically representative of all Independent Public School boards. To meet the research objectives this report describes the issues we found common to most boards that we believe are likely to be reflective of Independent Public School boards in general.

1. **Many of the boards we studied appear to be adding significant value to their schools.** They take an active role in determining long-term goals, strategic planning, evaluation and providing a

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[3] This report should be read in conjunction with the literature review that formed the first stage of this study. Gilchrist, DJ, Knight, P and Jones, B (2015), Governance of School Boards: Review of current literature on best practice.

range of other supports. Principals commented that their boards were also encouraging and supporting school development and innovation.

There are also some school boards that are in the early stages of development (in the Emergent / developing quadrant). In most cases, these boards are able to define their role and are highly motivated to support their schools, but collectively they have fewer governance skills and experience than the higher performing boards. As such, they also lack a clear vision of how higher performing boards work in practice and do not have a benchmark against which to compare their performance. This is evident in boards' self-evaluations. Nearly all boards and principals in our study gave themselves similar high scores for their performance notwithstanding observable variations in practice. Boards with members who have experience of good governance from involvement in not-for-profit, government or commercial boards set higher standards, whereas other boards are not only lower performing but also unaware that they are lower performing. These boards and principals judge their performance based on past board (or council) activity, and the governance expectations and culture within the schools.

2. **The formal role of the board is not well defined, but in practice board members and principals have a clear and common view of the board's purpose.** The formal role, responsibilities and accountability of boards are defined by a mix of legislation, regulation and policy and is not easy to interpret. However, in practice, boards and principals have interpreted their role as to "work with the principal to determine the overall strategic directions of the school, prepare the business plan, monitor the school's performance and support the school to achieve its objectives". This view of their role was consistent across schools, but implemented differently depending of the needs of the schools and the skills of the board members.

In addition to undertaking the designated functions and being involved in delivering governance outputs such as the business plan, school budget and annual report, boards are also involved to various degrees in:
- bringing the 'voice of the community' into the schools;
- advocating for their schools;
- challenging the principals' thinking and offering ideas;
- community outreach and relationship building with key stakeholders; and
- supporting the principals' leadership.

3. **Boards and principals are very aware of the boundary between governance and operations and the locus of control of schools is with principals.** There was little evidence of boards stepping outside their remit into school operations. In the few minor cases we observed, boards and principals were aware that the boards were engaged in operational matters and were doing so for sound reasons. Of greater concern is that our research found that in some schools the principal is, in effect, running the board, and the board is taking only an advisory or notional role in decision-making, school evaluation or business planning.

4. **The more effective boards had several characteristics in common.** Effective boards (that is, those that appear to be adding the most value to schools) exhibit most, if not all of the following attributes and behaviours.

    *   At least one, but often two or more members with previous governance experience (outside the public school system) and good governance skills. These people clarified the board's role for others and created expectations about how the board fulfils its role.
    *   Members with a strong sense of individual and collective responsibility and accountability. That is, they genuinely care about the performance of the school and of students and feel that they can have an impact by contributing to good governance.
    *   A principal who understands governance and value the contribution of the board.
    *   A skilled chair.
    *   A strong relationship between the chair and principal.
    *   Strong strategic planning skills (often from outside the public school system) and creation of a culture of collective responsibility to fulfil goals and remedy problems.
    *   A culture that places high value on performance and other information, and has the skills to analyse it and to use it to create effective change.
    *   A focus on the governance activities that improve school and student performance (rather than activities that may take time but add little value).
    *   High expectations of board members, the board and the school.
    *   Active management of board composition to ensure the board has the depth and diversity of skills needed.
    *   A culture that values the contribution of all board members, including staff and students while also recognising the conflicts of interest.
    *   A formal code of conduct and clear expectations of the behaviour of board members.
    *   An understanding of and compliance with the rules or 'mechanics' of board process, including meeting protocols, while not being overly formal.

There are some issues and challenges that should be considered when designing and implementing initiatives to improve governance performance in WA's Independent Public Schools. These are:

*   The large and dynamic population of Independent Public School board members and principals, and the very large variation in their skills and training needs. In addition, board members are volunteers and it can be difficult to get them to attend training due to their work and other commitments.
*   The variance in the governance needs of individual schools and the difficulty in defining a model of good governance that fits all schools.
*   The limits of relying on board self-evaluation to assess governance performance.
*   The lack of a simple formal definition of the role of Independent Public School boards, which reduces clarity in training and support.

- The need to address the risks of increased school autonomy without winding it back or dampening motivation.

Recommendations

Based on our research and subject to resource availability, we recommend the Department pursue the following.

Clarify the role of boards

1. Develop a clear and simple description of the board's role. The Department could use the role definition expressed by boards (discussed above) or an adaption. It should consider supplementing this with an outcome statement that defines why the board fulfils these roles. For example "to **improve student outcomes** by working with the principal to determine the overall strategic directions of the school, prepare a business plan, monitor the school's performance and support the school to achieve its objective".

2. Focus training and development on identify and communicating a desired role model of attitudes and behaviours, rather than limiting training to the tasks and functions of the board.

3. Recognise the boards that exemplify the desired roles and behaviours through awards and other mechanisms.

Clarify and build accountability

4. Clarify the board's accountability to the community and students, its role in the formal governance structure of schools and in relation to the principal.

5. Encourage additional external accountability for board and school performance. Specifically, build the sense of collective accountability for school performance by promoting better use of the school's annual report and annual general meeting to engage with the community. In several cases, the annual report and business plan have become marketing rather than accountability documents.

Improve governance skills

6. Develop board and principal training programs using flexible training pathways and modules, and maximise the use of online resources to ensure consistency in messaging, and to improve the reach and timeliness of training. This approach provides the flexibility required to best meet the diverse training needs of board members and is likely to be most cost effective. In addition to defining the tasks of boards, online training allows the use of such things as videos of example board meetings and enables board members to undertake short training modules individually or collectively just prior to the task needed (such as preparing the business plan or annual performance evaluation). It can also be used for webinars and podcasts, such as announcements from the Department.

7. Create an online board self-evaluation tool and develop benchmarks. Despite the limits of self-evaluation for some boards, when combined with role modelling and training it can be a very effective means to drive continuous improvement. An online assessment would also allow the

Department to collect and analyse consolidated information to monitor training effectiveness and overall change in governance performance over time.

8. Provide specialist training for board chairs and deputy chairs.

9. Where possible, and particularly for new Independent Public School boards, train board members and principals together.

Build the governance knowledge and skills of principals

10. Enhance the governance skills of principals, as they are central to improving board performance. Training developed for board members would be equally applicable to principals, but this may need to be supplemented with specific modules to take into account the unique role of principals in governance. Again, online training would be effective, but principals should also be encouraged to get broader governance experience by attending board meetings of other schools or preferably organisations outside the education sector. They can also be supported with mentoring.

Improve the use of performance data

11. Provide greater support to interpret school and student information so boards can optimise the use of these resources. Boards can only monitor school performance effectively and set goals if all members understand and can use the performance data. It is not enough for staff members alone to have this knowledge.

Actively manage board composition

12. Rather than accept what they get or base composition on past practices, boards should be encouraged to actively manage the board composition and to create and sustain a 'dream team' that has the skills and motivation to fulfil its role.

Make better use of the code of conduct

13. Encourage boards to make better use of the code of conduct to manage the risks of poor board or board member behaviour, and to clarify the role and behaviour of the board in public. This will allow boards and, if necessary, the Department, to deal with poor behaviour of members individually rather than through sector-wide policies or communications.

Other recommendations

14. Build respect for Independent Public School boards and board members within school communities. This will help attract quality board members and encourage a culture of strong school governance with staff and with the wider school community.

15. Provide a range of templates to facilitate the work of boards, for example, agendas, minutes, business plans and annual reports. By providing several examples, rather than a single template, this provides a model, but also encourages boards to tailor these to their own needs rather than replicate the work of others.

16. Improve the quality of board and board meeting management through specific training. This should include guidance on the information that should be provided to the board and how it is

provided, how to propose and vote on proposals, how to establish and work with sub-committees and how to manage contentious issues. This will ensure board members' time is used most efficiently and effectively for the benefit of the school.

Final comments

In concluding, it is important to recognise what has been achieved so far. The establishment and development of 441 Independent Public School boards in five years has required a large number of principals, staff and volunteer board members to build their knowledge of governance, reform their boards, develop business plans, evaluate school performance and report to the community, all in addition to the tasks they were performing as school councils. Many of these people are undertaking these tasks for the first time. Now that the Independent Public Schools initiative is 'business as usual' for many schools, there is capacity and opportunity to challenge those that could do more to step up to the next level. It is also timely to recognise and celebrate their contribution and achievements to date, as this will support motivation for continuous improvement.

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1. Introduction

1.1 Background

The Independent Public Schools initiative constitutes a major reform in Western Australia (WA) and is a key element of the Government's education policy. The Independent Public Schools initiative is based on the view that 'schools are best placed to make decisions for their students in consultation with their community'[4] and it is the Government's aim to 'empower school communities by giving them greater capacity to shape the ethos, priorities and directions of their school'. Since 2010, 441 WA public schools have become Independent Public Schools.

The Independent Public Schools initiative is developing and will continue to develop as lived experience informs practice and builds confidence. The boards themselves, the school leadership teams and the Department of Education (the Department) are all focused upon achieving better outcomes for Western Australia's students. Many people have contributed to this study by being available for interviews and in offering their candid accounts of their experiences—both positive and negative.

The remainder of this document constitutes our final report providing the findings of our research program.

1.2 Aim of this study

The aim of this study is to improve the functionality, influence and effectiveness of Independent Public School boards in meeting their accountability requirements within the scope of the existing statutory and policy settings in Western Australia. Specifically, it is seeking information that will answer the following questions and provide a robust evidence base for the development of future policy:

1. How is effective school governance exercised by school boards in other Australian states and territories and leading international education systems?
2. How are the legislative and other functions of school boards exercised in WA Independent Public Schools?
3. What are the evidence-based characteristics of effective school board governance, particularly in terms of accountability?
4. What are the strengths of the current model of school board governance in WA Independent Public Schools?
5. Are there any issues hampering the efficiency or effectiveness of school boards in WA Independent Public Schools?
6. What areas of the current model of school board governance could be further developed in WA Independent Public Schools?

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[4] Department of Education website. Department of Education Independent Public Schools Accessed 15/10/2015

These questions formed the basis of our research directions, informed the method and scope, and are used to structure the findings in this report.

1.3 Method and scope

This study was undertaken in two parts. Part One involved a review of the most recent academic and grey literature published in leading journals from Anglophone countries, including Australia, New Zealand, the United Kingdom, the United States of America and Canada. Over 120 articles were collected and the findings summarised in a report titled Governance of School Boards: Review of current literature on best practice.[5] While this report contains references to Part One where we considered it appropriate and useful (including a section reviewing the material findings made during that part), it should be read in conjunction with the literature review. The purpose of the literature review was, essentially, to identify key issues and solutions constituting part of the experience of Australian and international jurisdictions and to confirm the foci of the qualitative research.

Part Two consisted of the development of case studies of WA Independent Public Schools following site visits, interviews and document analysis. The participants included primary and secondary schools within metropolitan and regional areas across WA. The schools were selected by the Department to seek their participation and initial contact was made by Department officers. The Curtin Research Team (Curtin) then contacted each school to arrange interviews and site visits. The schools encompassed in this study were located in metropolitan areas, and regional cities and towns in WA. Selection by the Department was based on schools' Independent Public School governance maturity as considered by the Department. A list of the schools included in this study can be found in Appendix 1.

Principals and board chairs were interviewed individually, with meetings lasting at least one hour. Group and individual interviews were then undertaken in person with board members, staff, representatives of the Parents and Citizens' Association (P&C), and of organisations affiliated with schools, such as local community centre managers. Interviews were conducted by telephone where board members were unavailable to attend in person. The discussion guides used in the interviews were based on the findings from the literature review and aimed to (a) explore the extent to which these findings apply in the WA public school context and (b) to identify issues unique to the WA Independent Public Schools context. Over 140 people associated with 20 schools were interviewed as part of this study. Curtin also attended twelve board meetings and collected and examined materials from each school, including the business plan, annual reports and minutes of recent board meetings.

This research was approved by Curtin University Human Research Ethics Committee, project number RDBS – 65 – 15. This number should be quoted if readers have a query regarding ethics which they

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[5] Gilchrist, DJ, Knight, P and Jones, B (2015), Governance of School Boards: Review of current literature on best practice.

wish to direct to Curtin University. The responses from all interviewees are confidential and the findings from individual schools are not identified.

Application of findings and limits

This study consisted of qualitative research and the 20 schools selected to participate were not a random sample, nor do they comprise a sufficiently large sample to enable us to draw conclusions about the applicability of our findings across all 441 Independent Public Schools. We found common themes among the schools we examined and this report focuses on identifying and commenting on these in order to answer the research questions. Further research would be required to determine the extent to which these findings apply more broadly to the whole population of Independent Public School boards. We have included examples of specific activities, issues or opinions intended to illustrate the range of responses found, but these should be read in the context of this report and not assumed to be evidence of common practice.

Research scope

Readers should note the following regarding the scope and application of this study.

Number of school boards and board members

There are currently 441 Independent Public Schools in WA and most have six to eight members on their boards. Extrapolating this, there are approximately 2,650 to 3,530 people currently serving on Independent Public School boards.[6] There is no data on the turnover of members, but it is estimated that the turnover of members could be 10% to 20% per year, suggesting that there are over 500 new board members each year. There are also approximately 350 public schools that are not designated as Independent Public Schools, but also have boards (councils). This represents a further 2,000 to 2,800 people involved in the governance of schools.

Governance within WA's current legislative and policy framework

As stated above, the aim of this study was to assess the functionality and effectiveness of Independent Public School boards in meeting accountability requirements based on existing statutory and policy settings and not to consider new or expanded functions that would require legislative amendment. This requirement has been adhered to throughout this study. In undertaking and interpreting the international literature review which preceded this study, it was necessary for us to take into account the differences in the legislated roles of boards in different jurisdictions but in doing so we are not inferring that change is required to the Western Australian legislation.

Examining governance, not comparing governance with other factors that impact school performance

This research examines and compares school governance practices across national and international jurisdictions and across 20 Western Australian schools. It does not comment on the relative impact of

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[6] In some cases, a board may serve more than one school.

governance compared with other factors that influence school performance or student outcomes, such as financial and staff resources, teacher quality, curricula and socio-economic background of students and the broader community in which schools are located. Instead, it aims to compare governance with governance across schools to identify opportunities to improve efficacy.

Application to Western Australian public schools that are not designated as Independent Public Schools

Under the *School Education Act 1999* , all WA public schools are required to have a council (board) unless exempted by the Minister. All public schools, including Independent Public Schools, are subject to the same legislation and regulations. However, in addition to fulfilling their legislated roles, Independent Public School principals and board chairs co-sign a Delivery and Performance Agreement with the Director General of the Department of Education and this agreement creates somewhat higher expectations regarding the quality of governance of Independent Public Schools. As the formal governance requirements of all school boards are the same, the findings from this research are applicable to all public schools.

Unincorporated and incorporated school councils (boards)

The *School Education Act 1999* allows for school boards to incorporate; that is, to become incorporated associations under the *Associations Incorporation Act 1987*.[7] Incorporated associations are corporations that are separate from their members and have powers similar to a natural person. They can own and deal in property, open and operate bank accounts, employ staff, and enter into contracts. In WA, organisations seeking to incorporate must be constituted as not-for-profit and register with the Department of Commerce. School boards may elect to incorporate in order to establish school canteens, residential boarding facilities, school farms or other enterprises. Boards that are incorporated associations must comply with the *Associations Incorporations Act* in addition to fulfilling other responsibilities and maintaining the accountability structures of school boards. The existence of a school canteen is not an indication that the board is incorporated, as many school canteens are run by the P&C association, which can also be an incorporated association.

Most WA public school boards are unincorporated and, as the aim of this research is to examine the efficacy of school board governance overall, we have not separately examined the additional compliance requirements of incorporated boards. The findings from this study are equally applicable to incorporated and unincorporated boards, but incorporated boards have greater responsibilities in regard to compliance with the requirements of the *Associations Incorporations Act* and the laws and regulations relevant to their particular enterprise.

Key terms

The *School Education Act 1999* and the *School Education Regulations 2000*

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[7] The *Associations Incorporations Bill 2014* has been tabled in WA State Parliament and when passed, will replace the 1987 Act.

The *School Education Act 1999* and *School Education Regulations 2000* form the legal foundations of the definitions, structure and functions of public school boards.

The definition of a WA public school board (or council)

The Act defines a council as follows:

Council, in relation to a government school, means the Council established under section 125 for the school. Section 125 essentially states, '*Each government school is to have a council*'.

Other than this, the council is defined in the Act and Regulations by its membership (s. 127) and functions (s. 128). The Act requires council members to include parents (or, if the majority of the students are over 18 years old, students of the school), the general community, staff of the school, students (for secondary schools where most students are less than 18 years old) and the principal (s. 127). The functions of the council are outlined in Appendix 2 and later in this report.

The term 'board' is not used in the Act or Regulations, and the Department formally introduced the term on the implementation of Independent Public School initiative. The Delivery and Performance Agreement states that the term 'board' means 'Council' as referred to in the Act.

The terms 'council' and 'board' are interchangeable as they refer to the same entity. For this report, we use the term 'council' for accuracy when referring to the Act or Regulations; otherwise we use the term 'board'.

2. Definitions and governance concepts

This report uses a number of specific governance terms and concepts, and these are explained below.

Board, council or committee

In governance research, the term 'board', 'council', 'committee' or 'B\board of governors' are different names for the bodies responsible for ensuring governance of an organisation.

Definition of governance

The term governance can be used in two ways, which can create confusion:

- **'Governance' – The formal definition**
  Governance refers to the systems, structures, rules and processes by which an organisation is controlled and operated. In Australia there are a number of bodies supporting public sector, not-for-profit and corporate governance. Each of these defines governance slightly differently, but the core elements are the same. These definitions highlight that the activities of a board, including school boards, are only one element in the overall governance framework of an organisation. They also highlight that all boards, including WA public school boards, must operate within external laws and regulations, government agency policy (in the case of public sector boards) and within their own constitutions (terms of reference).

- **'Governance' – Common use**
  In academic and grey literature, government policy documents and in general conversation the term 'governance' is used to describe the activities that boards undertake and the

Examples of formal definitions of Governance

Public Sector Commission, Government of Western Australia
The WA Public Sector Commission defines governance as *'encompassing the systems and structures by which an organisation is directed, controlled and operated and the mechanisms by which it and the people within it are held to account'.*
www.publicsector.wa.gov.au

Australian Institute of Company Directors (AICD)
The AICD is a membership organisation that is 'committed to achieving standards of excellence in governance'. It has income of over $60m per year and more than 36,000 members.

The AICD defines governance as *'The rules, relationships, systems and processes whereby authority within organisations is exercised and maintained'.*

The AICD also states:
'A common goal for many organisations is to have the most effective governance framework in place that best meets their individual circumstances and needs – helping to drive enhanced organisational performance while at the same time aiding conformance with various requirements (e.g. the company's constitution, policies, controls and procedures as well as with applicable external regulations and laws)'.
www.companydirectors.com.au

The Governance Institute of Australia
The Governance Institute has nearly 7,000 members in Australia. It aims to 'promote and advance effective governance in Australian organisations and the wider community'. It defines governance as

'…the system by which an organisation is controlled and operates, and the mechanisms by which it, and its people, are held to account. Ethics, risk management, compliance and administration are all elements of governance'.
www.governanceinstitute.com.au

way they undertake them. For example, the Governance Institute of Australia publishes a School Governance Toolkit for non-government schools, which outlines good governance practices for boards. Similarly, in the UK, the Office for Standards in Education, Children's Services and Skills (Ofsted) provides a number of publications and training resources aimed at improving school governance that refer to the functions and activities of maintained (public) school boards and how they work in concert with school principals.[8]

For this report, we use the term 'governance' in its common meaning: that is, to refer to the functions and activities of boards; and we use the phrase 'formal governance structure' to refer to the systems, structures and rules within which school boards operate.

There are hundreds of thousands of boards governing public sector, not-for-profit and commercial organisations in Australia. In addition to the thousands of corporate boards, WA alone has approximately 6,000 economically significant not-for profit organisations and 300 State Government boards and committees, plus hundreds of boards associated with local governments.[9] (This also means that a significant number of Western Australians have governance experience – if these boards each have at least five members, there are over 30,000 people in WA working on not-for-profit and State Government boards alone.) The formal governance frameworks, terms of reference and liabilities of board members differ, but many aspects of good governance, particularly in the not-for-profit and public sectors, provide useful lessons for Independent Public School boards. Therefore, our review of governance literature and best practice has included consideration of the broader governance research.

Governance is separate from management and operations. There is a clear distinction between governance of an organisation and leadership of operations, and a key component of effective governance is being aware of and staying within the boundaries of the role. The day-to-day operations of an organisation are the responsibility of the chief executive officer or, in schools, the principal. When governance experts discuss improving governance, they are not referring to expanding the board's duties into operational areas, but to executing governance duties better. Although not a perfect analogy, the role of coach and players in a football team is similar. No matter what happens on the field, the coach never steps over the boundary line and plays the game. Similarly, boards and individual board members are not involved in the operations of an organisation. In practice, this boundary line can be difficult to identify at times—especially where it is not well articulated or when board members have multiple roles (staff member and board member) and, therefore, different experiences and expectations. This issue is discussed further in this report.

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[8] Ofsted. *www.gov.uk/schoolsgovernance.gov.uk*

[9] ABS. Cat 5256.0 Australian National Accounts: Non-Profit Institutions Satellite Account.

Board terms of reference, constitution or rules are an essential component of governance. Every formally constituted board whether commercial, not-for-profit or public sector must have a terms of reference, constitution or rules that define its function. In regard to WA public school boards, the Department provides a model terms of reference, but school boards may adapt or extend this, so long as their terms of references remain within the scope of the Act.

Advisory boards are not governance boards. The term 'board' is used to define both advisory and governance boards, but these two bodies fill distinctly different roles. The terms of reference for advisory boards usually state that their role is 'to provide advice to' a particular person or body. They are not empowered to make decisions that are binding on the individual or organisation they are advising, and are generally not accountable for the decisions that are taken on their advice. That is, they provide advice on a 'take it or leave it' basis and do not take ultimate responsibility for the decisions made as a result of that advice. Advisory boards may be part of a broader governance structure, but they are not governance boards. In contrast, governance boards make decisions about the future of the organisation (within their terms of reference) and the decisions are binding on the chief executive office and organisation.

Good governance is situational. The fundamental role and responsibilities of governance boards are mostly similar and stable over time, but how boards execute their roles in different organisations or under different conditions can and should vary. There is no single model for how to execute governance; instead good governance requires boards to adapt to the needs of the organisation at that time. As such, this research did not set out to audit Independent Public School boards against a single model of behaviour or checklists of tasks they should complete, but rather to examine how boards understand and execute their responsibilities. This requirement for boards to be responsive to their operating environment also means it is not possible to be highly prescriptive about best practice.

Formal board authority and responsibility, and a mindset of responsibility. Differing governance arrangements establish different levels of authority and responsibility to be allocated to boards. We would usually say that the more authority allocated to a board, the more formal responsibility assigned to the board for the outcomes of decisions taken. Therefore, there is always a trade-off - board members who have less authority have less formal responsibility. Nonetheless it is possible for people to feel a strong mindset of responsibility even without formal authority or accountability.

Leadership and governance. While differing governance arrangements establish differing levels of authority and responsibility, all boards should demonstrate leadership. Leadership does not just depend on the formal authority and responsibility of a board, but instead, is an aspect of the board's culture and is exhibited not by acting outside of the parameters of the board's remit but rather by acting in good faith to do what it can to further the interests of the organisation.

3. Findings from the literature review and their application to the case studies

The literature review examined academic and grey literature from Australian and international jurisdictions to determine if specific practices or elements of school boards make a difference to school performance and, if so, which ones make the greatest difference. The review identified a number of studies that claims to have found isolated elements that correlate with better performance. Exploration of these issues was incorporated into our interview guides and examined in our case studies with individual schools.

In summary, the key practices or elements identified were as follows:

1. **Clarity of role**. To operate effectively, boards and the stakeholders who work with them need to have a clear understanding of the board's role in supporting the school. This includes its role in the structure of governance. In our interviews with schools, we asked specifically about the role and accountability of boards, board members and principals to assess whether board members had a clear understanding of their role and if this was common among all stakeholders.

2. **A mindset of responsibility.** Higher performing board members have a mindset of responsibility. They feel personally engaged in the school and motivated to support the school and the principal to achieve good outcomes for students. The extent to which the board members feel a sense of responsibility was assessed directly and indirectly, including through their response to questions regarding student performance, the focus of the board meetings and the overall awareness of the school data and critical issues. We also asked board members about the school's priorities over the next three years.

3. **Governance skills**. Effective boards collectively have the skills to execute their role and responsibilities, including in planning, goal setting, creating a constructive culture and monitoring performance. Board members also need to work effectively as a team and must have a strong relationship with the principal. They recognise governance as a unique skill set, evaluate their own performance and aim for continuous improvement. We evaluated board governance experience through direct questions about members' prior governance experience (for example, in sports clubs, not-for-profits, government and commercial boards) and whether they had any governance training. We also observed their language and behaviour at board meetings.

   The combined impact of governance skill and motivation (sense of responsibility) on board effectiveness and capacity to improve has been illustrated in Figure 1 below which shows that boards can be classified into one of four quadrants based on their current effectiveness and their

propensity to improve. This framework was used for assessing boards and identifying the factors most likely to contribute to high performance.
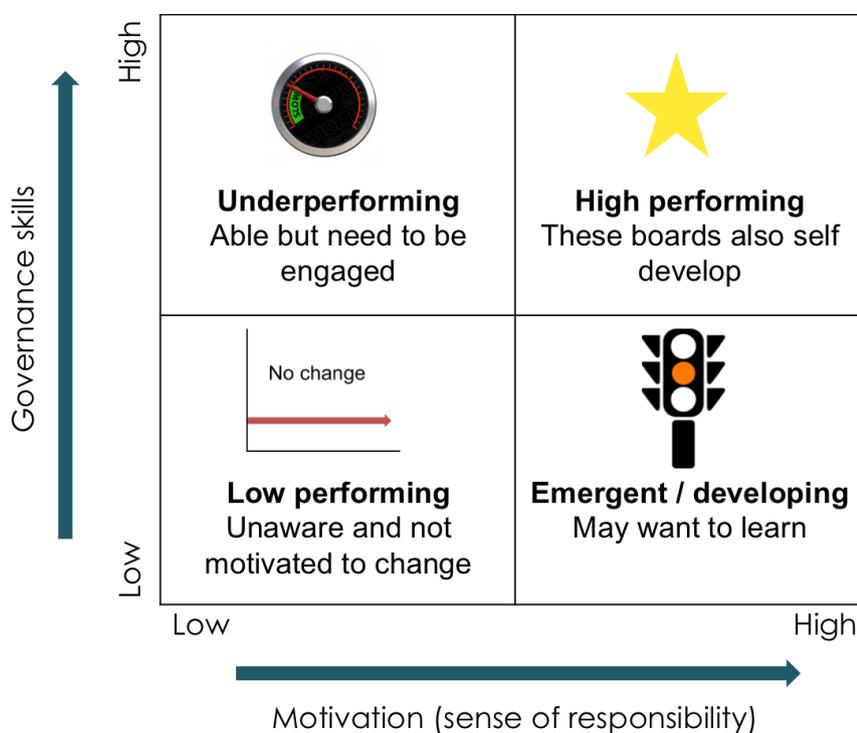
- **High performing boards** have both high levels of motivation and the skills to undertake the defined governance role. These boards are adding significant support and value to their schools.

- **Emergent / developing boards** are those with high motivation, but low levels of experience and skill. These are often newly established boards or boards that consist of inexperienced members. They may be busy but not necessary effective. If they are or can be made aware of how to improve performance, they are usually motivated to seek advice and training. However, without intervention, they may stay in this role indefinitely.

- **Underperforming boards** consist of individuals with the right skills, or combinations of skills, but for a range of reasons may not be fully engaged and therefore not adding significant value to school governance. Possible causes are lack of engagement in the schools' mission or vision, insufficient time, lack of a sense of empowerment or role clarity, poor team dynamics, or other board members taking an overbearing attitude. These boards (or on occasion, just individual board members) need to be re-engaged or replaced in order to improve governance performance.

- **Low performing boards** have low motivation to support the school and a low level of governance skills. It is likely that this group of boards has inherited a culture of low expectations and low performance, and is unaware that they are empowered to support the school and can develop the skills to do so.

4. **The leadership capacity and governance experience of the principal**. School boards take part in strategic planning, performance monitoring and provide other support to schools, but the extent to which this is effective in improving school performance is determined by the leadership skills and capacity of the principal. Boards can advise and decide, but principals control school operations. A school can be successful with an effective principal and a low quality board, but in most cases, a highly skilled board cannot compensate for a principal with under-developed leadership skills. Naturally, the best case scenario is the combination of a high performing board and a highly skilled principal.

   Further, all principals have a very high level of influence on the capacity of the board to add value to the school. If the principal 'keeps the board at arm's-length', does not fully share school performance information, aims to control the board or does not implement the board's decisions, the board cannot have a positive impact on the school and is likely to become disaffected. Boards can have the most positive effect on schools when principals are comfortable working with boards and understand their role as 'gatekeeper'. In our research, we asked all board members, including principals, about their governance experience outside the school environment and sought to gauge the quality of the relationship between the board and the principal. We did not seek to assess the leadership skills of principals.

5. **Access to and effective use of performance data**. In order to contribute to business planning, goal setting and performance monitoring, boards need accurate and timely information on the performance of the school. Better boards actively monitor a range of quantitative and qualitative information to assess the extent to which the school is meeting its objectives. For the most part, all schools have access to the same or similar student performance information, budget data and other metrics such as student attendance. However, schools can choose to analyse and present this information differently and can access or commission further data to support school business planning and monitoring. We examined documentation, observed board meetings and asked boards how they use and respond to performance information.

6. **Active management of board composition**. Effective boards actively manage their composition to ensure that the board collectively has the necessary governance skills, knowledge of the school and the community, and any additional specialist expertise needed to carry out its role and implement plans. They also seek to attract board members that will support the school in the community and are of different gender and age, and of a cultural background reflecting the student and parent population. In our interviews, we asked how schools select board members, asked board members about their governance and work experience and noted the age, gender and cultural diversity of boards to make a general comparison with the school population. We also asked board members about the activities and behaviours of the board to gauge the extent to which the board leverages its collective skills and works together as a team.

4. Summary of findings

This section summarises the findings from the case studies and addresses the research questions.

4.1 How are the legislative and other functions of school boards exercised in WA Independent Public Schools?

The literature review found that researchers had identified a relationship between the clarity of a board's role and responsibilities, and governance performance. That is, boards that have a clear and common understanding of their role are generally more effective.

The role and functions of school boards are defined explicitly by legislation, regulation and the Department's policy, training and communications. However, these formal expectations can be interpreted differently depending on the existing governance habits and culture of the boards, individual board members' experience and training in other governance roles, as well as the attitudes and behaviours of 'peer group boards' where they are available.

What are the formal functions of Independent Public School boards?

This section summarises the formally specified function of school boards (councils) found in the Act, Regulations and the Department's policy documents. These laws and regulations take a minimum, desired and 'out of bounds' approach to allow for wide variations in the complexity of school operations and for the differences in their operating environments. That is to say, they are structured to be sufficiently flexible to accommodate the governance needs of very large secondary schools as well as small primary schools. Individual school boards and principals must, therefore, determine how to apply these structures within their own operating environments.

Figure 2 Basic framework of approach to formal governance structure

The minimum: e.g. 'the board must approve'	Desired but non-specific: e.g. 'the board will take part in'
Compliance	Goal setting and performance monitoring
Out of bounds: e.g. 'the board is not to be involved in'	
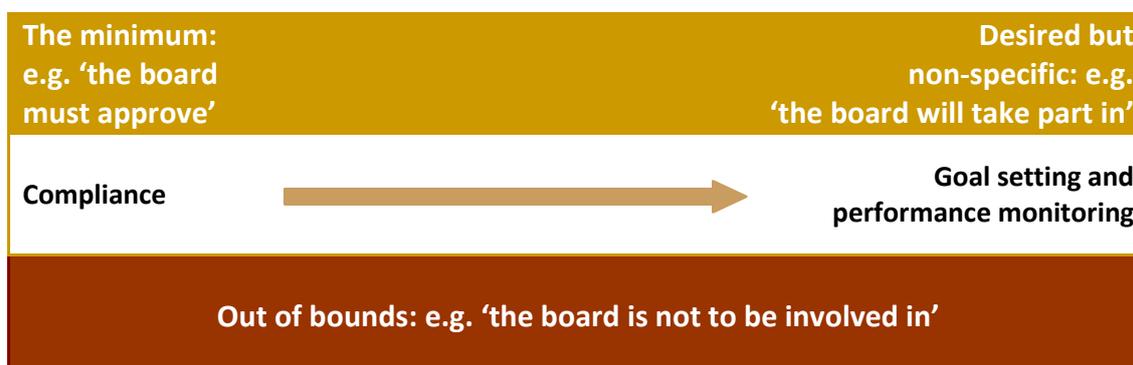
1. **Legislation –***School Education Act 1999 – Division 8 – Parent and community involvement, Subdivision 1 – School Councils*

The Act provides for the establishment, membership and powers of the school council. Section 128 defines the function of school councils as follows:

128.   Council, functions of

The functions of a Council for a school are —

    (a)   to take part —

        (i)   in establishing, and reviewing from time to time, the school's objectives, priorities and general policy directions; and

        (ii)   in the planning of financial arrangements necessary to fund those objectives, priorities and directions; and

        (iii)   in evaluating the school's performance in achieving them; and

    (b)   to promote the school in the community; and

    (c)   to take part in formulating codes of conduct for students at the school; and

    (d)   to determine, in consultation with students, their parents and staff of the school, a dress code for students when they are attending or representing the school; and

    (e)   to carry out the functions given by sections 70, 99(4), 100(3), 108(2) and 216(5); and

    (f)   to undertake such other functions prescribed by the regulations for the purposes of this section.

Sections 124 to 127, and 129 to 140 provide for other matters in regard to the composition of councils, additional functions, property, powers, protection of council members from liability and the powers of the Minister to dismiss an unincorporated council. A copy of the relevant section of the Act is included in Appendix 2 and a full copy of the Act is available for download from the State Law Publisher at www.slp.wa.gov.au.

In addition to Division 8, the Act also mentions councils in several other sub-sections. The additional functions of councils defined by these and sub-sections 70, 99(4), 100(3) 108(2) and 216(5) specifically referred to in section 128 are summarised in Table 1.[10]

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[10] Incorporated Councils have additional functions and responsibilities. These are listed in Appendix 2.

Table 1 Summary of additional functions of school Councils (boards) in the SEA

Note: These summary notes should not be interpreted as a legal advice and readers are advised to read the SEA in full and/or take legal advice.	

S	Summary of function
57	Requirement of the Minister to consult with the council (along with other stakeholders) if the Minister proposes to amalgamate or close a school.
63	Principal's functions include to establish a plan for the school in consultation with the council and the school's teaching staff that sets out its objectives and how the objectives and priorities will be achieved. In consultation with the council and teaching staff to also monitor and report on the school's performance in relation to that plan.
70	Principal is to consult the council on general policy concerning the use in school of religious activities, specifically, prayers, songs and religious materials.
99	Principal may determine a charge or contribution for student use of materials, services and facilities, but this will only have effect if approved by the council.
100	Principal may determine costs to be paid for participation in extra cost ptional component of the school's educational program, but this will only have effect if approved by the council.
108	Principal may determine items to be supplied by a student for the student's personal use, but this will only have effect if approved by the council.
129	With the approval of the Minister, a council for a school may a) take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff; and (b) carry out any other function prescribed by the regulations for the purposes of this section.
216	Requirement for the principal not to enter into an agreement or arrangement for advertising or sponsorship of the school unless approved by the council.

2. **Regulations –***School Education Regulations 2000***, Part 6 – Government School Councils**
The Regulations expand on requirements in regard to the composition of the council (board), including the minimum number of members and the ratio of different category of members, their appointment and selection, eligibility to vote in elections of members, terms of office and the co-option of members. They also stipulate requirements for the frequency and conduct of ordinary, special and public meetings and voting at meetings. While the Regulations do not define the functions of the board, they provide further insight into the role expected of boards. In many areas they reflect the general framework of rules for incorporated associations.

Part 6 also defines additional functions the Minister may approve for incorporated councils, which include obtaining funds for the benefit of the school, employing staff and management and

operations of facilities at the school. Examples of these facilities include canteens, swimming pools, residential accommodation for students and school farms or horticultural centres.

3. **Department policy and communications**

   In addition to the legislated function, the Department's policies and communications, particularly in regard to Independent Public Schools further define the role of Independent Public School boards.

   Delivery and Performance Agreement

   To be designated an Independent Public School, the principal and the board chair of a selected school (now supported schools[11]) must sign a Delivery and Performance Agreement with the Director General of the Department of Education. Clause 19 of the agreement specifies the responsibilities of the Department and the principal in regard to the functions of the board. These reflect the legislated functions but, in specifying the tasks of the board, appear to place a little more emphasis on its role in regard to the school business plan and budget, reviewing school performance, the annual report, assessing parent, staff and student satisfaction and the Department of Education Services' independent review. It also requires the board to communicate with the broader school community regarding its own function and activities.

   Our research found some uncertainty and different practice across schools in regard to the board's involvement in such things as the review of school performance and development of the business plan. This will be discussed later in the report. At this point, it is worth noting that the terminology used in the agreement and Act differ slightly. The Act requires the board to "take part in" planning and performance monitoring and to "approve" such things as charges and contributions; whereas the agreement uses different phrases including "the board participates in the development, endorsement and review of the school business plan and budget". While the agreement is clear about the board chair's role in endorsing the agreement itself, the phrase "participate in endorsement" is not clearly defined. The boards we examined interpret this as a requirement to put these documents to the board for a vote of endorsement.

   A key difference between the Act and the agreement is that the agreement puts the onus on the principal to ensure that the board fulfils its functions. It is also more prescriptive regarding the requirement of the principal to provide the board with monthly financial reports, the results of school audits and reviews, and advice on school and student performance targets.

   Finally, clause 20 of the agreement outlines the requirements of the business plan that the school must produce, stating that the 'principal will ensure there is an effective business plan that outlines the long-term strategic approach for the school, and describes key focus areas,

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[11] Schools wishing to be Independent Public Schools no longer need to apply to a selection panel, but instead take part in a development program aimed at supporting them to develop the appropriate planning, control and accountability systems required to be more autonomous.

strategies and school performance and student improvement targets intended to have maximum impact on overall school performance'. Long-term is not defined, but the agreement specifies that the business plan is no less than a three-year plan.

School boards

19. The Department of Education will ensure:

    a.   information is available to support principals and board members to be able to understand their roles and responsibilities and operate effectively;

    b.   in the event that the principal and board are unable to reach agreement on areas of significance, the board and/or principal may call on the Director General to make a decision. The Director General will consult with the board and the principal before making a ruling. The decision of the Director General is final;

    c.   when a new principal of insert name of school needs to be recruited, selected and appointed, for a period longer than six months, a suitable delegate will be nominated by the Director General to oversee the process and be a part of the selection panel; and

    d.   the board chair or representative is invited to participate in the selection of the new principal.

The principal will ensure:

    a.   an effective board is in place;

    b.   the board's membership is representative of the school community and complies with the *School Education Act 1999* and *School Education Regulations 2000* which specify the membership categories and composition;

    c.   the board understands its functions as prescribed in the *School Education Act 1999*, *School Education Regulations 2000* and Department policy.

    d.   the board fulfills its functions as prescribed in the *School Education Act 1999*, *School Education Regulations 2000* and Department policy.

    e.   the board participates in:
        i.   the endorsement of the Agreement;
        ii.   development and endorsement of the school's annual report;
        iii.   the development, endorsement and review of the school budget and business plan;

        iv.   processes to review school performance;
        v.   processes to determine satisfaction levels of parents, staff and students, with results reported in the school's annual report;
        vi.   the Department of Education Services independent review of the school in the final year of the Agreement (with the report made public);

    f.   the board communicates with the broader school community regarding the board's function and activities;

    g.   the board receives:

        i.   relevant monthly financial reports;
        ii.   the results of any school audits and reviews;
        iii.   advice on school performance and student improvement targets, as detailed in the school's business plan; and
        iv.   a copy of the Department of Education Services independent review report.

<u>Terms of reference</u>

The Regulations establish the parameters of the rules of operation of the council, including the appointment and tenure of members and voting procedures. It also specifies how certain proceedings, such as meetings are to take place. The Department recommends that boards have agreed terms of reference that define how the board will operate within the parameters of the Act and Regulations. In the first years of the Independent Public Schools initiative, schools were encouraged to develop their own terms of reference, but now the Department provides an approved document. The approved terms of reference summarise the functions and composition of the board as provided for in the Act and Regulations and do not add further to their role. It does, however, state that the 'council is formed with the fundamental purpose of enabling parents and members of the community to engage in activities that are in the best interests of students and will enhance the education provided by the school'.

It also defines the role of the board chair and secretary, and provides a template for the board to determine its procedures, such as the minimum number of ordinary meetings that must be held, notice of meetings, meeting procedure and provides for dispute resolution and mediation.

<u>Unincorporated Councils Information Package</u>

This document is on the Department's website and summarises key aspects of the Act and Regulations discussed above[12]. In relation to the council's responsibilities, the key requirements or recommendations of this document that are not previously identified are:

- the Department's Financial Management in Schools Finance and Accounting policy that requires the principal of the school to submit the school's annual budget to the council for endorsement and
- the suggestion that councils develop a code of conduct or council protocols. The information pack provides a template for a code that includes the statement that 'the Council is accountable to its local community and the Director General or delegate'. There is no legislative, regulatory or policy requirement for councils to have a code of conduct but schools can include a requirement in their terms of reference for a code of conduct to be signed by members.

Other Department documents that define the function of the board include the Schools' Councils Policy (March 2013) and board training and other materials produced by the School Innovation and Reform Unit.

The Western Australian Primary Principals' Association (WAPPA) published a Guidance Statement on Successful School Governance in February 2015 that describes the governance framework of Independent Public Schools and provides advice on how principals can support boards to execute

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[12] Available from the Department's website at www.det.wa.edu.au.

their responsibilities effectively together with the types of questions boards might ask in each of their areas of responsibility.

Finally, the Department of Education Services provides guidance to Independent Public School boards and principals on how they should operate through their evaluation criteria and feedback to schools.

How are boards and other stakeholders interpreting the role of the board in practice?

Most interviewees stated the role of their school board is to **'work with the principal to determine the overall strategic directions of the school, prepare the business plan, monitor the school's performance and support the school to achieve its objectives***'.* Although the phrasing used varied, this description of the board's role was consistent across schools, including board members and principals interviewed.

As such, when compared against the Act and Regulations, boards are interpreting their role widely, but this interpretation is consistent with the intent of the Delivery and Performance Agreement. Board members were aware that the roles of the boards are defined in legislation and regulation but they did not specifically refer to these. Instead they used their experience of governance in other environments and combined this with the advice and guidance of principals and training and communications from the Department.

Board members and principals also mentioned a number of additional roles their boards should or do fill in order to support their schools. Several of these, such as outreach and relationship building, or budget approval align with the functions defined by the Act. Not all boards filled all of these roles and some focused on their compliance duties only. These additional roles are as follows:

1. **'Bring the voice of the community into the school.'** Boards provide information to the principal about the views of the community and a sounding board for changes that the school might wish to introduce. Many principals commented that they found this support to be a very valuable.

2. **Advocate for the school.** For example, schools may be impacted by local infrastructure development around the school, traffic, parking and public transport, or be undertaking large on-site building programs on their own site. On occasions, the board (usually the chair) represents the school's interests in public meetings or through direct advocacy with local and State Government agencies including the Department of Education. On occasions they will also liaise with their local member of parliament or ministers. In the examples reported to us, this was done either at the principal's request or with the support of the principal. For schools in which the board had been involved in these advocacy roles, this was seen as an infrequently required, but very valuable role boards can play. As public sector employees, the principal and other staff may have a conflict of interest in these situations.

3. **Challenge the principal's thinking and offer ideas.** In some cases, this role was explicitly mentioned by principals and board members, in others it was identified after some discussion. We found that boards achieve this to some degree even if quite passive. That is, the existence of a reporting and approval structure that requires the principal to step out of her or his day-to-day operational role and discuss school operations and explain budgets and school performance with a board was seen as valuable by both the board and the principal. To put this into context, discussing agendas, preparing reports, the meetings themselves and managing the records require at least three to four hours per meeting, often more, and the potential is there for this to be seen as a burden, but this was not the case, and instead most principals valued the process.

   In many schools, the boards are active in this role, contributing to discussions on business plans and engaging with performance information and other school reports, discussing school initiatives and response to change. In these schools, principals not only valued this contribution, but were aware of their role in supporting boards to fill this role by providing information and explanation. Several principals mentioned that they would like their boards to ask more questions and provide more input.

4. **Outreach and relationship building.** The extent to which boards are active in developing relationships with other key stakeholders varied among schools and often had historical roots. Some schools have board members who were members of local councils, Members of Parliament, senior executives in major local companies (e.g. in regional areas, BHP Billiton, Fortescue Metals Group), principals or chairs of local primary schools or senior executives in universities. Others have senior leaders of local religious or community organisations (such as Rotary). In some cases these people were parents of students and therefore were not permanent connections to these organisations, in others the board had formally or informally allocated a community representative position on the board to a nominee from these organisations. Several schools also had formal associations or were engaged in joint venture projects with these organisations. For example, some secondary schools have formal associations or programs with universities to collaborate on specific curriculum areas or research. Others have formal arrangements for skills training and work placement with large local employers. By allocating a place on the board to representatives from these organisations, schools were formally recognising their intention to establish long-term relationships with key stakeholders aimed at achieving shared outcomes for students.

   It should be noted that not all schools saw community outreach and relationship building as a role for the board and board members. These boards consisted mostly of parents or past parents, staff and students and even community representatives were drawn from the group of current or past parents. In these cases, the role of developing relationships with other organisations or individuals was the responsibility of the principal or was not a high priority for the school.

5. **Supporting the principal's leadership.** A few boards and principals saw a role for the board in supporting organisational change and the leadership of the principal. Some principals tactically use the board as leverage to support school initiatives that may otherwise be difficult to achieve. This is similar to the external advocacy role of boards but, for the most part, the boards are silent and instead the principal explicitly or implicitly uses the board's authority. For example, if the principal wishes to make potentially unpopular changes to staffing ratios, she or he might mention that 'the board has agreed' to add more weight to the changes required.

6. **Budget setting and monitoring expenditure.** Board members and principals mentioned this as a key role of their board. As part of annual planning, the board examines the school budget to examine assumptions about forecast income and expenditure and to confirm that resource allocation supports achievement of the business plan. It is also required to formally endorse the budget.

   In some cases, boards or particular board members are spending considerable time during each board meeting reviewing expenditure and income against budget. Our observation is that this is not a productive use of board time as no decisions were made adjusting expenditure. Instead, once the budget has been set, the board can be informed on progress and any material changes in forecast income or expenditure. This is especially relevant as principals are responsible to the Director General for budgetary outcomes.

Under the Act, boards are also responsible for advising on religious activities and for approving uniform and student codes of conduct, but board members rarely mentioned these unless prompted. When asked if the board fulfilled these roles, most said they did and their response was confirmed by our review of board minutes. In most cases boards were not spending significant time on these issues, instead approving recommendations from school sub-committees or the P&C.

Among the schools we visited, other stakeholders, such as the P&C, have significantly less knowledge of the boards' role and, in general, boards have a low or very low profile in their school community.

How effectively are boards undertaking their role?

The majority of board members and principals stated that their board was filling the overall strategic governance and monitoring role well or very well. There were some board members and a few principals that felt the board was playing only a modest role or 'box ticking' and not adding significant value to this core function.

Those who mentioned the other roles listed above (excluding the external advocacy role) often expressed a desire to be more proactive in these areas, but generally rated the performance of their board in these roles as very good.

However, this does not mean that boards were equally effective. Taking into account the different operating environments and experience of the principals, our research found significant variation in the quality of board governance and the extent to which boards are contributing to their schools.

Why then are boards of different effectiveness rating themselves similarly? It is important to recognise that when most board members are assessing their board, they are doing so without a fixed benchmark. In the schools we visited, the majority of board members are highly motivated to support their schools but more than three quarters did not have previous governance experience outside of their single public school environment. In other words, within the framework of legal and policy requirements, it is possible for some boards to complete all of their duties but add almost no value to the school, whereas others can make a substantial contribution, and yet both boards will rate themselves as effective.

It was evident from our research that the boards' expectations and behaviour are strongly influenced by the schools' culture, history and habits of governance. Many of the schools we interviewed are well established and had active, engaged boards and members who have been board members for many years prior to becoming Independent Public Schools. These boards commented that they have become even more involved in supporting their schools and principals since becoming Independent Public Schools, but this was from a relatively high starting point. We also saw boards that have transitioned to Independent Public Schools and are complying with the additional responsibilities, but have changed little in their overall approach, at best acting as advisory boards.

Of particular interest were the boards of schools that had opened recently and had little history of governance. These boards had received similar guidance and training from the Department, yet it was evident that the previous experience of board members (including the principal) had the strongest influence on the interpretation of their role and the quality of governance. Some school boards had one or more people with extensive (mostly not-for-profit) governance experience, were setting a high standard of business planning and performance monitoring, and were role modelling effective meeting management and relationships between the board and principal. Other boards comprised members with little governance experience and without an alternative role model will likely continue to operate as they have since inception unless there is a change in board composition, such as a new principal.

It is also important to acknowledge that there is no 'correct' type of governance activity that all schools should adopt, as it is not the level of activity that defines good governance but the amount of value the board brings. To illustrate, some boards felt they were actively involved in the development of the business plan when they were provided with a draft copy and asked to comment. Whereas at other

schools, the board members participated in half-day workshops with staff (in some cases, facilitating these discussions) and in ongoing meetings with the principal and senior staff to evaluate performance and agree upon the school's goals and strategies.

In both of these cases, these levels of activity may be appropriate and reflect a board fulfilling its role completely. A fully informed board that has sufficient knowledge of planning and evaluation gained through close contact with the school may best add value to the business plan by commenting on a draft, particularly when the school is led by an experienced principal and there is a track record of the school producing effective business plans. In other cases, the collaborative approach may be best for a school new to the Independent Public Schools initiative, with a principal and board with less experience in business planning, or simply where the school wishes to create greater community engagement.

Little evidence that boards are involved in operational areas or acting outside their remit in high risk areas

Boards had a very good understanding of the boundary between the role of the principal and the role of the board and there were very few examples of boards involved in operational matters. In most of the cases we observed in which this boundary was breached, boards and principals were aware that the board was acting in a more operational capacity and only doing so at the request of the principal. It was also recognised that these issues were unique or isolated and were not setting precedents or encouraging more involvement in operations.

That said, several schools commented that in the first few years of being Independent Public Schools, their board had complex problems to solve regarding whether certain issues were governance related or operational, and therefore the responsibility of principals, and this had taken up some time and created complex debates in the board meetings. In some cases, this was described to us as the board 'finding its feet' and having to test the boundaries through discussion. They also commented that although boundaries are now clearer, issues continually arise that require the board to first determine whether or not the issue lies within the board's terms of reference or is operational.

A few of the boards we examined were supporting innovation in areas such as improved student support, longer-term strategic planning in collaboration with other stakeholders and fundraising. In most cases these initiatives were introduced by the principal and supported by the board, but there were also examples of boards proposing initiatives. These initiatives demonstrated that some school boards and principals are actively utilising the autonomy available as Independent Public Schools for the benefit of the school and students, and there was no evidence among the schools we visited that these initiatives involved increased risk.

Board and principal accountability: To whom and for what are they accountable?

While board members and principals were able to easily articulate the role of the board, when asked 'to whom is the board accountable', nearly all were initially lost for words. It is evident that consideration of accountability was not top of mind for the boards and principals in our sample. After some consideration, most stated that the board is accountable to the community, to students or to parents, or a combination of these. Some stated instead that the board reports to the Department, to the Director General and in some cases to the principal. Others said the board is accountable to 'the regulations' or to the Minister. In many cases, interviewees mentioned two or more people or entities to whom the board is accountable.

When asked 'for what is the board accountable', many board members and principals reiterated the functions and tasks of the board, that is, oversight of strategic planning, goal setting or taking part in the development of the business plan and annual report. However, several board members and principals also took an outcome rather than task perspective on the board's role, stating that it was responsible for 'supporting the school to improve school performance' or 'improve student outcomes'. Many were quite passionate about and motivated by this responsibility, and the opportunity to have an impact on improving outcomes for students was a key reason they joined the board. They also clearly saw their roles as one of creating continuous improvement in their school.

Interestingly, one interviewee stated that the board was accountable to the Department and its role was to ensure the Department's money was spent effectively to maximise student outcomes.

While the Act and Regulations do not define a formal accountability structure, the Delivery and Performance Agreement does represent an agreement between the board and the Director General. As such, this implies the board is to some extent accountable to the Director General.

The principal's role and accountability. Nearly all board members interviewed had a clear understanding of the role of the principal, in most cases saying 'to run the school' or the 'day-to-day' management of the school. In regard to accountability, nearly all board members stated the principal is accountable to the Department, Regional Executive Director or Director General. Notably, many principals first mentioned being accountable to the community/parents/students and then their accountability to the Department, demonstrating their strong sense of duty and loyalty to their local stakeholders. Both boards and principals mentioned that the principal is also in some way accountable to the board, but this was a much 'softer' form of accountability. Even though boards are involved in the development of business plans, principals had a sense that the business plan was a form of 'promise' to the community with the board as its proxy, and principals felt responsible for ensuring the goals were met.

The locus of control is with principals. In all of the 20 schools in our study, the locus of control of the school resides firmly with the principal and there was no evidence of boards seeking to take authority or clouding lines of accountability for staff or parents. Supporting the principal and his or her

authority within the school is part of effective governance and the best boards did this well. Any concerns the board might wish to raise with the principal were addressed in private. A few principals spoke of one or two occasions in which a board chair or other board member had sought to dominate discussions or 'throw their weight around' and this had caused some stress for principals and boards, and required the principal or other board members to affirm the boundaries of the role. It appears that this was evident in the early years of the Independent Public Schools initiative and in the first years of autonomy for some schools.

Creating greater risk to governance effectiveness was the finding that in several schools the principal is not only the locus of control of the school, but that he or she dominates the board, setting the agenda and running the board meetings. In most of these cases, this was the result of school governance dynamics remaining unchanged when the school became an Independent Public School or because the principal did not have the confidence or skill to work in collaboration with a board and instead maintained a 'line management' approach, treating the board as an advisory group. In other cases, the principal is filling this role because the chair is not sufficiently skilled or motivated. Given that under the Delivery and Performance Agreement, the principal is responsible for ensuring an effective board is in place, this could mean that the principal is either not aware of the characteristics of effective boards or that some board chairs lack the skills required for the role.

4.2 What are the evidence-based characteristics of effective school board governance, particularly in terms of accountability?

Effective board governance requires boards to respond to different circumstances and there is no single best model of governance that will apply to all Independent Public Schools. Nevertheless, our research found certain characteristics to be more common among boards that in our observation were more effective in adding more value to their schools. These are as follows:

1. **Experienced board members**. We found that the most effective school boards have at least one but usually two or more members of the board with previous experience on not-for-profit (e.g. sporting or arts bodies, or charities) and/or business or government boards (other than public school boards). Often these people held the role of board chair. These board members gained the knowledge and skills of governance by observing experienced practitioners and are bringing these skills into school boards, role modelling both the tasks and behaviours of effective boards. They also had experience of performance evaluation and strategic planning.

2. **A strong sense of responsibility and collective accountability to the community for student and school performance**. The board members, principals, staff and the school community in schools with higher performing boards saw themselves as individually and collectively responsible for the student outcomes. That is, when asked who is responsible, all stakeholders say 'I am and we are', rather than consider the school performance to be 'someone else's problem'. They use terms such as 'our' and 'we' ('our school' - 'our board' - 'our results' - 'we will be growing', etc.) rather than 'the school' or 'the students'. They do not shift blame for poor outcomes on to teachers, parents, students, the Department or others, but rather consider the future of the school to be in their hands. Planning and monitoring of performance was a collective activity and interviewees spoke proudly of the achievements of their school, were confident in their ability to address challenges and were actively seeking to improve standards year-on-year. This collective responsibility did not blur lines of accountability between the board and principal, but rather reinforced the need for each role to be played well.

3. **Principals who understand governance and value the contribution of the board.** The more effective boards were working with principals who understood and valued the governance process and were able to leverage the board to improve school performance. In some cases, these principals had governance experience gained from governance in other environments which enable them to bring an alternative perspective in their own organisation. Experienced principals had open, frank and trusting conversations with their boards, even inviting them to participate in their performance evaluation and sharing the results with the board. They created a culture of strength, vulnerability and continuous improvement that not only engaged board members, but also involve the school's leadership team. This in turn supported the strong sense of shared responsibility for the school's performance.

4. **Skilled chairs.** The role of the chair is to facilitate the governance processes. Principals run the school, but in effective boards the chair runs the board as this ensures the dynamic between the principal, staff and the board is balanced. If the principal controls the board, even gently, this undermines the capacity of the board to add value, especially in the longer term.

   Effective chairs work with principals to draft the agenda, giving consideration to the time that will be allowed on each item, facilitate the preparation of papers and identify items for decision and for information. They also control the meetings to ensure that the board stays on topic and time is spent on the items that contribute to school success. Good board chairs encourage all members of the board to speak, invite effective dissent and challenge for improved decision-making. Effective chairs can manage dissent and have the capacity to invoke formal rules to ensure that meetings are conducted in an orderly way and to remind members of their roles and code of conduct rules.

5. **Strong relationships between the principal and board chair.** The principal and board chair discuss and set the agenda, ensure that papers are prepared and distributed on time, and review the minutes of the meeting. They will often confer on whether certain matters are board business. Importantly, the relationship between principal and chair is characterised by a high level of trust and respect for each other.

6. **Place a high priority on activities that improved student and school performance**. There are several aspects to this dimension. The better boards put student and school performance at the heart of every discussion and prioritised activities that contributed to this—they do not get bogged down in discussions that add little to the school or waste board time. By doing so, these boards also discourage any self-interest among board members who might otherwise shift the focus on to personal or staff issues. Focussing on student outcomes also requires long-term and whole of school planning and avoids conversations becoming embedded in such things as evaluating the financial report in detail or in projects better handled by the P&C.

7. **High expectations of the school, staff, students and themselves.** They create a culture of empowerment, collective effort and collective reward. They seek to understand their school community and listen to the views of parents, students, staff and stakeholders

8. **Active management of board composition**. Given the importance of governance and planning skills, effective boards did not leave board composition to chance and encouraged people with the right skills to nominate for elected positions as parent, staff and student representatives. They then balance the board with careful selection of community members that would bring additional skills or contacts to the board to create their 'dream team'. Less effective boards were less prescriptive in the skills sought for the boards or, in some cases, filled positions based on 'allocated' roles. For example, some boards automatically gave the staff board roles to a deputy

principal or head of learning area rather than having formal elections. Others had community roles 'allocated' for representatives from local government, industry, a religious organisation— regardless of whether the person filling that role was the right fit. In some cases, boards had recruited high profile people from their local community only to find that they did not have the governance skills they expected or were not committed sufficiently to attend board meetings.

9. **Strong strategic planning skills (often from outside the public school environment)**. These boards set challenging targets and refer to these at most if not all meetings. They create a culture of collaborative responsibility to meet goals and treat any failure as a joint responsibility and seek ways to remedy problems.

10. **Value information highly and have the skills to analyse it to create change.** Effective boards did not go through all performance data in detail, but they were better at identifying meaningful data and using it to leverage change. In most cases, it was the principal and staff who were filling this role on behalf of the board, but boards created a sub-committee with members who are not teachers so they were better able to translate the performance information objectively and in a manner that could be easily understood by the board.

11. **Value the contribution of staff and students on the board, and recognise the conflict of interest.** Staff and students often find it difficult to make a full contribution when their 'boss' sits on the board. Boards do not have a hierarchy and all members have a single vote. Effective chairs and, particularly principals, are cognisant of the fact that staff and students may feel less able to dissent or comment when it might contradict the principal and they encourage these board members to play a full role on the board.

    Effective boards recognise that the board is a team and board members respect and value each other's contribution. They use sub-committees and seek expert advice where necessary to complete the work of the board.

12. **Have a formal code of conduct** that specifies expectations of board members, including confidentiality, attendance and behaviour at meetings, dealing with the media and other topics. The code ensures boards have the power to dismiss members who are in breach. Many boards require the code to be signed by all new board members and annually by existing board members.

13. **Know the mechanics of board process and meeting rules, but were not overly formal.** Most board meetings we attended were casual, that is people spoke when they chose rather than addressed their comments to the chair and the tone of the conversation was informal. But underlying this was an understanding and respect for the process, the chair and the board members.

4.3 What are the strengths of the current model of school board governance in WA Independent Public Schools?

In examining strengths of the current model we have considered these from the perspective of supporting achievement of Independent Public Schools policy goals and based it on opinions of interviewees regarding the difference in governance of their organisation pre and post being Independent Public Schools. We did not compare the Independent Public Schools model of governance with others that are not consistent with the Act.

The main strengths of the current model are as follows:

1. **Strong support for the Independent Public Schools initiative.** It was not the purpose of this study to assess the impact of Independent Public Schools or attitudes towards them. However, in the course of discussion, interviewees made a range of comments about the impact of being an Independent Public School on their school and it was clear that there is strong and sustained support for the Independent Public Schools initiative among principals, boards and the school community. Interviewees believed it had changed the culture of their school and created a renewed energy and a sense of responsibility and capacity to improve the school performance and student outcomes. This is a key strength and provides a strong foundation on which to further improve governance and the contribution of boards.

2. **The locus of control is firmly with principals.** The aim of Independent Public Schools was not to pass full accountability for school performance to boards, but to build the local leadership capacity of schools, particularly the principals, and create more freedom for school leaders to respond to the needs of their local communities. The schools we visited appeared to have achieved this.

3. **Boards, principals and other stakeholders have a strong sense of responsibility and passion for improving school performance.** Most interviewees believe that the autonomy that comes with being an Independent Public School can help them achieve marked improvements in their schools and for students. This strong sense of shared ownership of the school's mission and outcomes has created enormous capacity to generate change and is a motivating force to improve governance effectiveness.

4. **The broad definition of the role of the board in the Act, Regulations and other formal documents allows boards the flexibility to adjust their terms of reference and functions in order to best support the school.** As mentioned, several schools had implemented innovative changes which leverage the autonomy afforded to Independent Public Schools, without exceeding the board's or school's jurisdiction.

A less prescriptive definition also requires boards and principals to think and debate the governance role in order to determine what is best for the school. A more structured definition would not have been consistent with creating a culture of autonomy a self-leadership.

5. **The requirement to produce a business plan and the encouragement of collaborative planning.** The requirement for Independent Public Schools to have business plans that set very specific targets for the school and requires the identification of the activities and priorities in achieving these was seen by principals and boards as having a positive effect in a wide range of areas. It requires the school to think carefully about how it is currently performing, its strengths and weaknesses and what it wants to be achieving in three years' time. School boards see their role as endorsing this plan (although it is unclear if the board is required under the Delivery and Performance Agreement to do this, or the impact if it chose not to endorse it) and therefore supports boards in developing a mindset of responsibility. They feel like they have 'skin in the game' and, as mentioned elsewhere in this report, it is seen as a form of promise to the community.

Arguably of equal importance is that schools have been encouraged to develop business and other plans collaboratively in a way that involves staff, students, the community, the board and the senior leadership team. It is well established that the process used to develop plans has as a significant impact on these plans being implemented. Collaborative processes not only improve the quality of information used in planning, it encourages the identification of shared goals and a shared commitment to achieving these goals. Good plans also identify the contribution required by key stakeholders. Principals who refer to their plans frequently during the year explained that they felt a greater sense of control over school performance and a higher likelihood of achieving goals.

6. **Boards and principals are well supported with performance information, and the quality and timeliness of this information is constantly improving.** The quality of governance, particularly goal setting and performance monitoring, is highly dependent on the quality of information available and schools and boards are well supported in this respect.

4.4 Are there any issues hampering the efficiency or effectiveness of school boards in WA Independent Public Schools?

Any activity to improve overall governance effectiveness needs to address several factors inherent in the nature of governance itself and in the WA Independent Public School environment if it is to be effective in implementing change. These factors include the diverse nature of the current board skills: the difficulty in defining a single, ideal standard or model of governance that will work well in most schools; and the subjectivity inherent in board members evaluating their own and board performance. The Department has little control over these factors but, nonetheless, they need to be considered when evaluating and implementing initiatives aimed at improving board governance. In addition, there are a few issues about the Department's approach to Independent Public School that it may wish to address to further facilitate the development of more effective Independent Public School boards.

Issues hampering change that are inherent in the nature of the governance and the WA Independent Public School environment

The key issues are as follows:

1. **The large and changing population of board members and principals and the diversity of their training and support needs.** Improving the efficacy of school boards requires improving the skills of board members. Our research found a very diverse range of board skills among the 20 schools examined. If this is indicative of the whole population of 441 Independent Public Schools then this diversity will create a number of challenges with regard to building skills.

    Specifically, there are currently 441 principals and an estimated 3,500 school board members with a wide variety of governance experience—from novice to expert—much of it gained over the last five years as members of Independent Public School boards. Some of these board members will have gained their experience on boards that are highly effective and others less so. In addition, this population of board members is constantly changing as each year 500 to 600 new board members replace those currently on boards and several hundred more who join newly established boards of schools entering the Independent Public Schools initiative. These new board members will come into the role with quite different governance skills and skill levels. They will need to apply them in a wide range of situations from small primary schools to large secondary schools.

    It will be challenging to meet the diverse training and development needs of this large and geographically distributed population in a cost effective way over the short, medium and long terms.

2. **The difficulties inherent in defining a single model of good governance for a diverse range of schools.** While board members and principals used a common description for the board's

role, we found significant variance in how the role is undertaken on a day-to-day basis in individual schools. Complicating this further is the issue that it is not possible to prescribe the 'right' contribution by a board—what might appear to be cursory engagement in the context of one board may be considered highly effective in another. As such, defining and then teaching boards how to govern effectively will be an ongoing challenge and will require the use of role modelling and individualised training and feedback. This would include chair and board evaluation and coaching.

3. **The lack of an objective measure of governance skills.** The skills of the board are the sum of the individual skills of different members combined with their capacity to work well as a team in responding to the governance environment in which they are working. While there are a number of diagnostic tools available to assess governance, most of these are based on self-evaluation, and are strongly affected by an individual's experience and expectations. Tools can provide a good basis for challenging thinking and stimulating change, but are most effective when used by those with governance experience. For boards or board members who are 'low performing' or 'developing / emergent' (see Figure 1) tools will need to be supported by strong role modelling and independent evaluation.

Issues hampering change that can be influenced by the Department

1. **There is no clear, simple definition of the role of Independent Public School boards**

In order for us to clarify the definition of the formal functions of the board and prepare this report, it was necessary to examine the Act, Regulations, Delivery and Performance Agreement, several policy documents and other materials. The Department's training materials and literature, and the Guidance Statement published by WAPPA have had to take a similar approach in an attempt to define the board's role and remit.[13] While some flexibility in interpretation has its advantages, the difficulty that even specialists have defining the functions of the board suggests the Department needs to determine the role and functions it wishes Independent Public School boards to undertake and then articulate this as simply as possible.

In practice, as mentioned previously, the boards we interviewed stated that their role is to 'work with the principal to determine the overall strategic directions of the school, prepare the business plan, monitor the school's performance and support the school to achieve its objectives'. This definition is working well for the schools we studied. The Department could adopt this or a similar definition to provide an overarching statement of purpose. A statement of this kind would be consistent with the Act and Regulations, but provide a more succinct definition than that in the Act at section 128 that is often quoted. Alternatively, or in addition, the Department could specify the role of the board in terms of the outcomes it should achieve rather than its tasks, for example, 'to work with the principal to improve student outcomes'.

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[13] WA Primary Principals' Association Regulatory Guidance Statement, Successful School Boards, Moving from a School Council to a School Board under IPS. February 2015

Given the challenges in defining and teaching effective governance, the Department will also need to ensure that central agency staff involved in supporting schools boards have a clear and common understanding of the board's role and experience of good governance (including where possible serving on the boards of not-for-profit or public sector organisations) so they can provide the guidance and support needed. This may include extending expertise into regional offices (if these are to play an ongoing role in supporting Independent Public Schools) and into the Department of Education Services , so that periodic reviews of schools can include effective feedback to boards.

2. **Addressing the risks of increase autonomy without winding it back or dampening motivation.**

Providing greater autonomy for schools so they can be lead and managed locally is not without risk. One of the Department's key roles in managing the introduction of Independent Public Schools has been to mitigate these risks by providing principals and boards with training and support so they can meet the additional demands associated with being independent. Board members and principals commented that the training and publications provided by the Department strongly emphasised the activities that boards cannot nor should not undertake. Similarly, the Department has become more prescriptive about such things as the terms of reference and the business plan since the initial years of the Independent Public Schools initiative and has softened its language in regard to the freedoms and expectations of Independent Public School boards (for example, the early versions of the Delivery and Performance Agreement used the term 'participates fully' whereas this now reads 'participates')[14,15].

Several board members commented that they interpreted this as the Department wanting to limit the involvement of the board to be mostly advisory or compliance and they found this disappointing and demotivating. (Principals were able to interpret this in a wider context and, although concerned, used a range of factors to judge the Department's position on Independent Public Schools)

The Department will need to ensure that policy, training and communications are focussed on reiterating the intent of the Independent Public School initiative and does not unintentionally imply that autonomy is limited or notional. Where possible, the Department should manage risk by establishing policy and guidance for the large majority of boards and principals who exercise their autonomy well and deal individually with those who do not. Furthermore, as schools adjust to being Independent Public Schools, they will become more skilled in governance and less likely to make mistakes

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[14] Ibid.

[15] In mid 2015, the WA Government issued a government wide policy that requires all government agencies including public schools to accept 're-deployees' from other agencies rather than select their own staff. This change is outside the control of the Department, but has removed the capacity of Independent Public School principals to have full control over the selection of non-teaching staffing. All principals mentioned that control over staffing was a major reason for seeking to become an Independent Public School and the changes to this, particularly in the context of other Department-led change, was interpreted as a 'winding back' of autonomy.

4.5 What areas of the current model of school board governance could be further developed in WA Independent Public Schools?

Since the introduction of Independent Public Schools in 2010, 441 Independent Public School boards have had to form, determine their terms of reference and code of conduct, develop a business plan, learn how to interpret complex performance information, evaluate and decide on a range of policy areas and be subject to a Department of Education Services review. Most of the members of school boards had little experience in governance before coming into the role, and all are volunteers and part-time, filling their board role for a few hours a month. Principals of Independent Public Schools have had to absorb and respond to an even greater number of challenges, of which working with an Independent Public School board is only one.

This research has found that many boards and board members in the schools we visited have made a strong contribution to their schools and will continue to do so as their skills and experience improve. It also found some boards that could be more effective if provided with clear role models, training and other supports. It confirms the findings from the literature review regarding the factors or elements of board practice that support effective governance. In addition, this study examined the impact that culture and expectations has on board members' understanding of their role and the subjective nature of self-evaluation of board performance.

Improving the effectiveness of boards and creating higher consistency in effectiveness will require building on the strengths of Independent Public Schools and designing change strategies that take into account the nature of the population of school boards and schools, and the complexity of defining an effective governance practice. Training and support will be an important part of this strategy and it is clear that this must be modular and multi-modal (that is, delivered through a range of media) in order to reach the large and dynamic population of volunteer board members and principals who have a wide range of different training needs.

This research involved case studies of governance practice in 20 Independent Public Schools and is not statistically representative of all Independent Public School boards. Nonetheless, the findings point to issues that are likely to be common across many schools and suggests initiatives the Department may wish to implement to improve board effectiveness. The extent to which some of these can be implemented will be determined by resource availability.

Clarify the formal role of Independent Public School boards

1. **Clarify and simplify the description of the board's role.** The Department should clearly identify and communicate the intended role of the board in simple language. As mentioned in section 4.4 of this report, this will not require changes to the legislation.

2. **Promote a vision of the activities and outcomes of high performing boards by identifying and communicating role models**. For example, the Department could produce a regular

bulletin to place on its website or email to board members and principals, and/or produce webinars or podcasts that highlight the current best practice activities being taken by boards through the use of stories. Controlling this from a central point, rather than through person-to-person training, promotes consistency in messaging. It also allows boards to pick up and share the stories that are most applicable to them. These communications can be supported via the encouragement of networking between boards with similar interests and needs.

3. **Recognise high performing boards through awards and other mechanisms.** The Department should consider implementing recognition initiatives for boards and specific board members or chairs who exemplify the governance attitudes and behaviours the Department wishes to promote and to acknowledge those who have made significant contribution either in their own communities or in support of public school governance more broadly.

Clarify and build accountability

4. **Clarify the accountability of the board and its role in the formal governance structure of schools and in relationship to the principal.** Reinforcing the accountability of the board to students and the community will help to strengthen the board members' sense of responsibility and engagement. Ensure that all Department communications, training and support are consistent with the intended role.

5. **Encourage additional external accountability for board and school performance.** The Department of Education Services undertakes a review of the performance of Independent Public Schools every three years (and the end of the term of the Delivery and Performance Agreement) and the Department monitors school performance data centrally on an ongoing basis. However, if the school's performance is not actively publicised, those outside the board and senior leadership team may not know if the board has achieved its goals or not, and what remedial action is being taken. School annual reports vary in the extent to which they are transparent about performance and in some case have become 'glossy' prospectus documents for school promotion. Instead, boards and principals could be encouraged to use the annual report and the annual open meeting as key elements in the governance framework to communicate with the school community, encouraging feedback.

Improve governance skills

6. **Develop training programs based on 'pathways' and modules rather than single standardised training events and maximise the use of online resources to ensure consistency in messaging, reach and timeliness of training.** There are many advantages in taking this approach. Specifically, it:
   - demonstrates that governance is a specific skill and ongoing skills development is expected;

- allows for the wide range of existing knowledge and skills of board members and self-selection of the training needed. Board members (or whole boards) can start on the point along the path that is most relevant to them and can skip the parts that are not specific to them or useful at the time and return to them later;

- enables central control of messaging and facilitates greater consistency in communication of the Department's vision for board governance and supports the development of a common language of governance;

- is generally lower cost per trainee than face–to-face training and facilitates quick updates of specific topics rather than having to revise large programs;

- enables the Department to monitor which resources are being used most and for online self-testing and evaluation of the training materials from those being trained;

- allows for a 'theory/case study or example approach'. That is, to present a particular topic, such as developing codes of conduct and then examples of how it is used in practice and the variations of practice;

- can be accessed by board members at their own convenience and pace, rather than requiring them to take time from work or other activities to attend group training. Trainees can pause and rewind videos when they do not understand topics rather than risk raising questions in front of their peers;

- allows for the issuing of certificates of completion, the achievement of which can be a board goal, e.g. 'All of our board members have completed online governance training to level 2';

- enables boards to incorporate training into board meetings. For example, prior to a review of the board's terms of reference or discussion on issues such as religious education, chairs could request that members undertake or re-take the training module on this topic in advance of the meeting, or even during a meeting; and

- can be used by external trainers or board evaluators, creating more consensus in face-to-face training.

7. **Create an online board self-evaluation tool and develop benchmarks.** Online evaluation tools enable boards to collect anonymous information about board performance from individual board members and other stakeholders, and to present this collectively to the board in order to facilitate self-improvement. Initiatives of this kind have proven to be a very effective means of creating change, and are usually highly cost effective. One advantage of online forms is that they can be tailored to some extent to the situation and school. For example, data on school size and location could be used to determine the questions and criteria for evaluation. When based on a performance rubric, the process of completing the form becomes an effective training aid in itself, raising awareness of the potential for low and high points on performance in a range of areas. Online evaluation is also more efficient as it enables the rapid collection and summation of large amounts of information and can provide instant feedback to schools. The collection and publication of the data over time can also be used to form benchmarks, both for individual school boards, for sub-population and the total population of schools—a form of 'NAPLAN' for boards—

although individual boards would not be identified. It also enables the Department to collect and analyse board performance information on a regular basis and identify areas of development or types of schools that may need further support.

8. **Provide specialist training and support for board chairs and Deputy chairs.** Board chairs have special responsibilities on the board and, with the principal, are the major influence on the culture and performance of boards. Improving the skills of board chairs (and deputy chairs should resources be available) should be a higher priority than training other board members.

9. **Where possible, train boards and principals together.** For new Independent Public School boards or established boards seeking improvement, train the whole board or at least the principals and board chairs from the same school together. Like sports teams, training together creates a sense of shared purpose and approach, helps clarify the scope and quality of the tasks that must be achieved, and builds cohesion and trust. Both parties hear the same messages at the same time and so there is no confusion regarding roles and responsibilities. Separate training suggests that boards and principals have different priorities and encourages differing views on purpose and roles. Where training is to be completed online, encourage group training by allowing members to log-in to a school board 'home page' that lists members and the training they have completed.

Build the governance knowledge and skills of principals

10. **Enhance the skills of principals, as they are central to improving board governance.** Principals play a key role in the development of their board's governance standards and culture, and in the quality of strategic planning, monitoring and innovation. Under the Delivery and Performance Agreement, they have formal responsibility for ensuring their board is effective. Principals new to their role will need basic training in the core knowledge and tasks of governance, but to develop a clear understanding of the work and culture of effective boards, they will also need to spend time observing experienced board members and principals. Improving the skills of principals will raise the standard of governance of the whole board, especially when combined with improving the skills of board chairs. Ideally, the job descriptions and performance appraisals of principals should also be reviewed to ensure they recognise the importance of their governance skills.

Improve the use of performance data

11. **Provide performance data together with greater support to interpret school and student performance so schools can optimise the use of these resources.** This includes the provision of training and examples in how to translate the data into meaningful information for decision-making. Approaches to this have been noted earlier in this report. Board training should also provide further guidance on the role of the board in overseeing financial resources, including how

to add value when reviewing the budget prior to endorsement and the ongoing role the board should take in monitoring income and expenditure against budget.

Actively manage board composition

12. **Encourage boards to improve their composition.** Use communications and training, including role modelling, to encourage schools to be more active and strategic in their approach to board composition and encourage them to build a 'dream team' rather than fill positions based on tradition or habit. Boards can do this by evaluating the skills they need (for example, by using a skills matrix) and, for elected positions, identifying potential candidates and managing nominations through nominations committees or other processes. They can then fill skills gaps through the appointment of appropriate community representatives. Boards should also be reminded of their requirement to be culturally diverse and build boards that are reflective of their student and community demography. Boards also need to plan role succession to ensure the corporate memory and skills are transferred in an orderly way. Finally, chairs and principals should consider the balance of attendees. It is a requirement of the Act that community and parent members are in the majority, but in some cases, non-voting senior staff members also regularly attend meetings and in effect may dominate discussion. Staff and community members should be encouraged to come to meetings, particularly where they have a role to play in information sharing, but board meetings should not become staff meetings with a few 'outsiders'.

Make better use of the code of conduct

13. **Encourage boards to make better use of the code of conduct to manage the risks of poor board or board member behaviour and to clarify the role and behaviour of the board in public.** Boards can sometimes attract people who do not have the best interests of the school or students in mind, or misunderstand the role of the board. On occasion, these people can create significant friction or problems for a board. In some cases, board members simply fail to attend meetings, or do not undertake their preparation work. By strengthening the role of the code of conduct document, including using it to define responsibilities in regard to speaking to the media, risks can be managed without the need to create limits on innovation or engagement. Board training, particularly that for the chair, should note the power of the Minister to direct board functions or dismiss an unincorporated board that is in breach of the Act or is, in the opinion of the Minister, incompetent, inadequate or improper.

Other recommendations

14. **Build respect for the board and board members within school communities.** Boards often deal with complex problems and the work can be hard, both intellectually and emotionally. Board members donate their time and skill to the school and recognising them plays a role in supporting board recruitment and engagement, and in promoting a culture of strong school governance throughout the community.

15. **Provide a wider range of templates and guides for board meeting management, business plans, the annual school report and other documents.** Boards and principals need examples and guidance to avoid wasting time on 'reinventing the wheel' but also encouragement to tailor these to their own needs and to continually improve on these. These latter documents, or rather the preparation of these documents, play a very important role in supporting school improvement. For example, a well-run process for developing the business plan can facilitate engagement, motivation and higher performance. However, if not supported and acknowledged externally, these can become a compliance chore.

16. **Improve the quality of board and board meeting management.** Board training should include building skills in board and meeting management, the use of sub-committees and the development of effective board packs (the set of documents provided to board members in advance of the meeting that contain information for noting, reports, such as the principal's report, and items for voting) to ensure that board members' time and expertise are used effectively and efficiently and add value to the school's governance.

5. Appendix 1 – Schools included in the study

Ref	School Name	School Type
1	Subiaco Primary School	Primary
2	Carramar Primary School	Primary
3	Wattle Grove Primary school	Primary
4	Rangeway Primary School	Primary
5	West Busselton Primary School	Primary
6	Treendale Primary School	Primary
7	Baynton West Primary school	Primary
8	Darkan Primary School	Primary
9	Mindarie Senior College	Secondary
10	Applecross Senior High School	Secondary
11	Southern River College	Secondary
12	Baldivis Secondary College	Secondary
13	Girrawheen Senior High School	Secondary
14	Shenton College	Secondary
15	Ashdale Secondary College	Secondary
16	Durham Road School	Education Support
17	Rockingham Beach Education Support Centre	Education Support
18	Hedland Senior High School	Secondary
19	York District High School	District High
20	Narembeen District High School	District High

6. Appendix 2 – Formal governance framework documents

School Education Act 1999 – Division 8 – Parent and community involvement

Division 8 — Parent and community involvement
Subdivision 1 — School Councils

124. Term used: school

In this Subdivision —

school means a government school and includes, where s 125(2) applies, all relevant government schools.

125. Each government school to have Council for school

(1)   A government school is to have a Council unless it is exempted by the Minister under s 126.

(2)   It is sufficient compliance with subs (1) for 2 or more government schools, with the approval of the Minister, to have one Council that operates for those schools jointly.

126. Exemptions from and approvals for s. 125

(1)   The Minister may by order published in the *Government Gazette* —

(a)   exempt a school from the requirements of s 125(1) if the Minister is satisfied that it is not necessary for the school to have a Council —

(i)   because of its size or nature; or

(ii)   because the functions to be performed by a Council can be provided by some other means; and

(b)   give an approval for the purposes of s 125(2); and

(c)   at any time revoke an order and specify a time by which the school is to comply with s 125(1).

(2)   The Minister may —

(a)   make an exemption or approval subject to any condition; and

(b)   impose any further condition or vary or revoke a condition at any time.

127. Council, members of etc.

(1)   The membership of a Council for a school is to be drawn from —

(a)   the parents of students at the school except where the majority of the students at the school are 18 years of age or more; and

(b)   other members of the general community; and

(c)   the staff of the school; and

(d)   where the school is of a prescribed class, students at the school, but no student under 18 years of age can be a member of an incorporated Council.

(2)   The principal for the time being of a school is automatically a member of the Council for that school.

(3)   A person who —

(a)   is the principal of, or on the staff of, a school which has a Council; and

(b)   is also a person described in subs (1)(a) or (b),

can only be a member of the Council in his or her capacity as the principal or a staff member.

(4)   Persons referred to in subs (1)(a) and (b) must form the majority of members of a Council.

(5)   Subject to this s —

(a)   the procedure for the establishment of Councils; and

(b)   the number of members and composition of Councils; and

(c)   the manner in which persons become members; and

(d)   the term of office of members; and

(e)   matters relating to ineligibility for, and cessation or termination of, membership,

are to be as prescribed by the regulations.

(6)   The Chairperson of the Council is to be elected by and from its members.

128.   Council, functions of

The functions of a Council for a school are —

    (a)   to take part —
        (i)   in establishing, and reviewing from time to time, the school's objectives, priorities and general policy directions; and
        (ii)   in the planning of financial arrangements necessary to fund those objectives, priorities and directions; and
        (iii)   in evaluating the school's performance in achieving them;
        and
    (b)   to promote the school in the community; and
    (c)   to take part in formulating codes of conduct for students at the school; and
    (d)   to determine, in consultation with students, their parents and staff of the school, a dress code for students when they are attending or representing the school; and
    (e)   to carry out the functions given by ss 70, 99(4), 100(3), 108(2) and 216(5); and
    (f)   to undertake such other functions prescribed by the regulations for the purposes of this s.

129.   Additional functions of Council, Minister may approve

(1)   This s applies to any Council.

(2)   With the approval of the Minister, a Council for a school may —
    (a)   take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff; and
    (b)   carry out any other function prescribed by the regulations for the purposes of this s.

(3)   An approval is only to be given for the purposes of subs (1) if the Minister is of the opinion that it will be in the best interests of the students that the Council have the function to which the approval relates.

(4)   The Minister may —
    (a)   make an approval subject to any condition; and
    (b)   at any time —
        (i)   impose any further condition or vary or revoke a condition; or
        (ii)   revoke an approval.

130.   Additional functions of incorporated Council, Minister may approve

(1)   Regulations may be made prescribing functions that a Council may perform only if it has the approval of the Minister in terms of subs (2).

(2)   An approval referred to in subs (1) is to be given by the Minister only if in his or her opinion the performance by the Council of the function to which the approval relates will —
    (a)   improve an educational programme of the school or the management of the school's facilities; and
    (b)   be in the best interests of the students.

(3)   An approval referred to in subs (1) —
    (a)   is to be conditional on the Council —
        (i)   having a constitution containing provisions approved by the Minister; and
        (ii)   becoming an incorporated association under the *Associations Incorporation Act 1987* within a period specified by the Minister;
    and
    (b)   does not have effect until those conditions are satisfied; and
    (c)   may be subject to any other condition.

(4)   The Minister may at any time —
    (a)   impose any further condition or vary or revoke a condition; or
    (b)   revoke an approval.

(5)   While any approval is in force any change to the constitution of the Council, other than an amendment to this Act or the regulations, or any substituted constitution is of no effect until it has been approved by the Minister.

131. **Property acquired by incorporated Council vests in Minister**
All property acquired by an incorporated Council for the use of a school is acquired for the purposes of this Act; and s 215 applies to it whether or not public moneys were spent on its acquisition.

132. **Council cannot intervene in certain matters**
A Council cannot —
      (a)   intervene in the control or management of a school unless —
            (i)   the Council is one to which s 130 applies; and
            (ii)   the intervention is by way of performing a function prescribed for the purposes of s 130;or
      (b)   intervene in the educational instruction of students; or
      (c)   exercise authority over teaching staff or other persons employed at the school; or
      (d)   intervene in the management or operation of a school fund.

133. **Powers of Council**
A Council may do all things necessary or convenient to be done for or in connection with the carrying out of its functions.

134. **Support services for Council, principal to provide**
The principal of a school is to provide the school's Council with such support services as it may reasonably require.

135. **Minister may direct Council**
(1)   The Minister may give directions in writing to a Council with respect to the performance of its functions, either generally or in relation to a particular matter, and the Council is to give effect to any such direction.
(2)   A direction under subs (1) may require a Council to comply with a specified instruction or class of instructions issued by the chief executive officer under s 233.

136. **Procedures of Council**
      Subject to this Act, a Council is to determine its own procedures.

137. **Protection from personal liability**
(1)   An action in tort does not lie against a person for anything that the person has done in good faith as a member of a Council.
(2)   Subs (1) does not relieve a Council that is an incorporated association under the Associations Incorporation Act 1987 of any liability that it might have for the doing of anything referred to in that subs.
(3)   In this s, a reference to the doing of anything includes a reference to the omission to do anything.

138. **Minister may dismiss unincorporated Council**
(1)   This does not apply to a Council that by operation of s 130 is an incorporated association under the Associations Incorporation Act 1987.
(2)   If in the opinion of the Minister the conduct of a Council is incompetent, inadequate or improper or a Council is in breach of this Act, the Minister is to give written notice to the Council —
      (a)   setting out particulars of the allegations against it; and
      (b)   requiring that the situation be remedied within the time specified in the notice.
(3)   If the Minister is of the opinion that a Council has not complied with a notice under subs (2) the Minister may, by order published in the Government Gazette, dismiss the Council.
(4)   An order under subs (3) may make any supplementary or incidental provision that the Minister considers is necessary to allow the dismissal to have effect with the least inconvenience to the school, the students at the school and their parents and the staff of the school.
(5)   Provision may be made under subs (3) —
      (a)   for ownership of the Council's documents and records; and
      (b)   for custody of them to be given to a specified person or persons.
      [s 138 amended by No. 74 of 2003 s. 107(4).]

139. **Incorporated Council, winding up**

   (1)   A Council that, by operation of s 130, is an incorporated association under the Associations Incorporation Act 1987 may, if the Council is in breach of this Act or the conduct of the Council is incompetent, inadequate or improper, be wound up by the Supreme Court on the application of the Minister.

   (2)   The Associations Incorporation Act 1987 applies to a Council for the purposes of subs (1) as if the grounds referred to in that subs were specified in s 31 of that Act as grounds for winding up.

   (3)   This s is in addition to, and does not limit, the application of the Associations Incorporation Act 1987 to a Council that is an incorporated association.

140. **Regulations about Councils**

Without limiting s 127(5), 129(2)(b) or 130, regulations may be made in respect of the functions, powers and duties of Councils and in particular —

   (a)   enabling Councils to co opt members of the local community as members of Councils and prescribing the capacity in which they may be co opted provided that no co opted member shall have any voting rights on the Council to which she or he is co opted; and

   (b)   enabling Councils to allow students to attend meetings and take part in discussion but without having a right to vote or being counted in determining a quorum; and

   (c)   with respect to the proceedings of Councils; and

   (d)   providing in relation to a school dress code referred to in s 128(d) —

       (i)   for the matters which may, or cannot, be provided for in a code; and

       (ii)   for the procedures to be followed by a Council in the formulation and approval of a code; and

       (iii)   enabling the principal of a school to exempt a student at the school from complying with any requirement of a code approved by the school's Council.

Subdivision 2 — Parents and Citizens' Associations

141. **Terms used**

In this Subdivision —

association, except in s 149, means a Parents and Citizens' Association formed under s 142;

incorporated association has the same meaning as it has in the *Associations Incorporation Act 1987*.

142. **Forming association**

Parents and other persons who are interested in the welfare of a government school or a group of government schools may, in accordance with this Subdivision, form a Parents and Citizens' Association for that school or that group of schools.

143. **Objects of and limits on associations**

   (1)   The objects of an association are to promote the interests of the school or group of schools for which it is formed through —

       (a)   cooperation between parents, teachers, students and members of the general community; and

       (b)   assisting in the provision of resources, facilities and amenities for the school or schools; and

       (c)   the fostering of community interest in educational matters.

   (2)   An association cannot —

       (a)   intervene in the control or management of a school; or

       (b)   intervene in the educational instruction of students; or

       (c)   exercise authority over teaching staff or other persons employed at the school.

   (3)   An association is not to expend its funds that are in excess of administrative costs otherwise than for the benefit of students at a government school.

   (4)   The constitution of an association must at all times be consistent with this s.

144. **Property acquired by association vests in Minister**

All property acquired by an association for the use of a school or group of schools is acquired for the purposes of this Act; and s 215 applies to it whether or not any public moneys were spent on its acquisition.

145. Association formed after 1 Jan 2001, incorporation of

   (1)   This s applies to an association formed after the commencement of this Division.

   (2)   An association is to become an incorporated association within 3 months after it is formed.

   (3)   An association is not to apply for incorporation under the *Associations Incorporation Act 1987* unless the Minister has first approved the provisions of the proposed constitution.

   (4)   No provision in an association's constitution has effect until it has been approved by the Minister.

   (5)   While any approval is in force any change to an association's constitution or any substituted constitution is of no effect until it has been approved by the Minister.

146. Transitional provisions for association existing at 1 Jan 2001

   (1)   This s applies to an association to which clause 21 of Schedule 1 applies.

   (2)   An association that is not incorporated at the commencement of this Division is to become an incorporated association within 2 years from that commencement.

   (3)   An association referred to in subs (2) is not to apply for incorporation under the *Associations Incorporation Act 1987* unless the Minister has first approved the provisions of the proposed constitution.

   (4)   No provision in the constitution of an association referred to in subs (2) has effect until it has been approved by the Minister.

   (5)   An association —
       (a)   that is referred to in subs (2); or
       (b)   that is an incorporated association at the commencement of this Division,
           is not to apply under the *Associations Incorporation Act 1987* to change or substitute its constitution unless the Minister has first approved the proposed change or substituted constitution.

   (6)   Any change to an association's constitution or any substituted constitution is of no effect until it has been approved by the Minister.

147. Association to give certain information to principal

An association for a school or a group of schools must —

   (a)   before 30 April in each year notify the principal of the school, or of each of the schools, in writing of the names of the persons who as at 1 April in that year are office bearers or committee members of the association; and

   (b)   give to the principal of the school, or of each of the schools, a copy of the audited annual financial statements of the association as soon as is practicable after those statements have been approved by the association.

148. Winding up association

   (1)   An association that is in breach of this Act may be wound up by the Supreme Court on the application of the Minister.

   (2)   The *Associations Incorporation Act 1987* applies to an association for the purposes of subs (1) —

       (a)   whether or not the association is an incorporated association; and
       (b)   as if a breach referred to in subs (1) were specified in s 31 of that Act as a ground for winding up, but in the case of an association that is not an incorporated association, the application of that Act is limited to the purposes of subs (1).

   (3)   In the case of an association that is an incorporated association, this s is in addition to, and does not limit, the application of the *Associations Incorporation Act 1987* to the association.

149. Other associations, forming etc.

   (1)   Nothing in this Subdivision prevents the formation and carrying on of any other association, in relation to a government school or group of schools, that has as its object or one of its objects the promotion of the interests of the school or the group of schools or students at the school or the groups of schools either generally or in any particular respect.

   (2)   An association referred to in subs (1) is not to have a name that is likely to be misunderstood as referring to an association to which s 142 applies.

   (3)   If the Minister is of the opinion that an association referred to in subs (1) —
       (a)   is being carried on in a way that is not in the interests of the school; or
       (b)   has a name that contravenes subs (2),

he or she may give directions in writing to the persons who manage the affairs of the association as to any matter relating to the name, constitution, objects or management of the association.

(4)   A person to whom a direction is given under subs (3) must take all steps reasonably available to him or her to comply with it.
Penalty: a fine of $500.

(5)   If any such direction is not complied with, the association may, on the ground of that non-compliance, be wound up by the Supreme Court on the application of the Minister; and s 148(2) and (3) apply for that purpose with all necessary changes.
[s 149 amended by No. 28 of 2014 s. 35.]

Other sections of the Act that refer to school councils

s 57.   Consultation requirements before s. 56 power exercised. Page 59

(1)   If the Minister proposes to amalgamate 2 or more government schools or to close any government school permanently, the Minister is to consult with —
   (a)   the parents of the students who are enrolled at the school or schools affected by the proposal, in relation to the matters referred to in subs (2); and
   (b)   the Council of each school affected by the proposal, in relation to the matters referred to in subs (2); and
   (c)   each Parents and Citizens' Association formed under s 142 which would be wound up as an effect of the proposal, in relation to the disposal of property acquired by the association.

(2)   The matters for consultation under subs s (1)(a) and (b) are —
   (a)   alternative arrangements for the enrolment of students who are affected by the proposal and the appropriateness of the arrangements; and
   (b)   the provision of educational programmes for the students who are affected by the proposal; and
   (c)   the disbursement of any assets realized as a result of the proposal; and
   (d)   any other relevant matter.

(3)   The Minister may consult for the purposes of this s in any way that he or she thinks appropriate, and the Minister's decision on the manner of consultation is not liable to be challenged, reviewed or called in question by a court.

s 63.   Principal's functions. Page 63

(1)   The functions of the principal of a government school are —
   (a)   to provide educational leadership in the school; and
   (b)   to have responsibility for the day to day management and control of the school, including all persons on the school premises; and
   (c)   to ensure the safety and welfare of students —
      (i)   on the school premises; and
      (ii)   away from the school premises but on school activities,
              so far as that can reasonably be done; and
   (d)   to see that instruction provided in the school is in accordance with the requirements of —
      (i)   the *School Curriculum and Standards Authority Act 1997*; and
      (ii)   any determination under s 67;
      and
   (e)   to establish a plan for the school in consultation with the Council and the school's teaching staff setting out its objectives and how the objectives and priorities will be achieved; and
   (f)   in consultation with the Council and the school's teaching staff to monitor and report on the school's performance in relation to the plan referred to in paragraph (e); and
   (g)   to promote cooperation with the local community; and
   (h)   to encourage innovation in educational practice; and
   (i)   to perform any other prescribed function assigned to the principal by the chief executive officer.

(2)   The principal of a government school has the powers necessary for the performance of his or her functions.

(3)   The functions set out in subs (1) —
(a)   do not affect any other function given or delegated to a principal by or under this Act; and
(b)   have effect —
(i)   within the limits of the powers vested in the principal; and
(ii)   subject to this Act and the direction and control of the chief executive officer.

[s 63 amended by No. 37 of 2011 s. 58(3).]

s 70   Prayers etc., principal to consult school Council about. Page 66
If a school has a Council the principal is to consult the Council on —
(a)   a general policy concerning the use in school activities of prayers, songs and material referred to in s 68(2)(b); and
(b)   the implementation of s 69(2).

s 99.   Charges etc. for materials, services and facilities, determining etc.
(1)   Subject to subs (2), regulations may be made providing for charges or contributions that may be made for —
(a)   materials provided in —
(i)   a non optional component of an educational programme of a government school; or
(ii)   an optional component of an educational programme of a government school that is to an extra cost optional component; or
(b)   services or facilities for use in, or associated with the provision of —
(i)   a non optional component of an educational programme of a government school; or
(ii)   an optional component of an educational programme of a government school that is not an extra cost optional component.

(2)   Regulations cannot be made providing for charges or contributions for the purchase, maintenance or replacement of equipment, furniture and fittings provided for the purposes of a government school.

(3)   The principal of a government school may from time to time determine a charge or contribution —
(a)   if the charge or contribution is of a kind prescribed by the regulations as able to be charged or be a contribution for the purposes of this s; and
(b)   not exceeding any limit prescribed by the regulations.

(4)   If the school has a Council a determination under subs (3) does not have effect unless it has been approved by the Council.

(5)   All charges or contributions for a school year must be determined under subs (3) and approved under subs (4) not later than 2 months before the beginning of the school year.

(6)   The principal is to take reasonable steps to notify the persons —
(a)   from whom may be recovered under s 106(1) the charges that are payable under this s for a school year, of those charges; and
(b)   from whom a contribution may be sought, of the amount to be sought by way of contribution.

(7)   Notification under subs (6) must be given not later than 2 months before the beginning of the school year but the validity of a determination is not affected by the failure of a person to receive notice.

(8)   When notifying a person for the purposes of subs (6), it is sufficient for the principal to notify the person —
(a)   of the total charges that are payable, or the total contribution to be sought, (as the case requires) for the school year in respect of the student, itemizing each component of those charges or the contribution and the charge or contribution for each component; or
(b)   of the scale of charges or contribution for each —
(i)   non optional component of the school's educational programme; or

（ii）　　optional component of the school's educational programme that is not an extra cost optional component, that will be available to the student in the school year.

s 100 Extra cost optional component of educational programme, determining cost for etc. Page 89

(1)　　The principal of a government school may from time to time determine the costs to be paid for participation in an extra cost optional component of the school's educational programme.

(2)　　The costs of an extra cost optional component must not include a fee for instruction if the instruction is provided by a member of the teaching staff.

(3)　　If the school has a Council a determination under subs (1) does not have effect unless it has been approved by the Council.

(4)　　The costs of the extra cost optional components to be provided in a school year must be determined under subs (1) and approved under subs (3) not later than 2 months before the beginning of the school year.

(5)　　If an extra cost optional component may be participated in by a particular student, the principal is to take reasonable steps to notify —
(a)　　a parent of the student; or
(b)　　in the case of a student who has turned 18 or who is a prescribed child, the student, of the costs of an extra cost optional component of those costs not later than 2 months before the beginning of the school year.

(6)　　When notifying a person for the purposes of subs (5), it is sufficient for the principal to notify the person —
(a)　　by itemizing each component of those costs and the cost for each component; or
(b)　　of the scale of costs for each extra cost optional component that will be available to the student in the school year.

(7)　　The participation of a student in an extra cost optional component is conditional on payment of the costs of that component.

108.　　Items to be supplied by student for personal use in educational programme, determining etc. Page 91

(1)　　The principal of a government school may from time to time determine the items that are to be supplied by a student for the student's personal use in the school's educational programme.

(2)　　If the school has a Council a determination under subs (1) does not have effect unless it has been approved by the Council.

(3)　　All items to be supplied by a student for a school year must be determined under subs (1) and approved under subs (2) not later than 2 months before the beginning of the school year.

(4)　　If a particular student is to supply any item under this s, the principal is to take reasonable steps to notify —
(a)　　a parent of the student; or
(b)　　in the case of a student who has turned 18 or who is a prescribed child, the student, of each item to be supplied not later than 2 months before the beginning of the school year.

216.　　Powers of Minister. Page 165

(1)　　The Minister may do all things necessary or convenient to be done for the purposes of —
(a)　　school education; or
(b)　　furthering the best interests of students and educational programmes in government schools; or
(c)　　carrying out joint arrangements.

(2)　　Without limiting subs (1) the Minister may for any of the purposes mentioned —
(a)　　acquire, hold, manage, improve, develop and dispose of property or an interest in property; and
(b)　　accept any gift, devise or bequest if it is absolute or subject to conditions to which the Minister agrees; and
(c)　　subject to s 217, participate in any business arrangement and acquire, hold and dispose of shares, units or other interests in, or relating to, a business arrangement; and

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(d)   allow persons to undertake advertising or sponsorship, of the kind and to the extent that is authorised by regulations, in connection with educational activities in government schools; and

(e)   enter into any contract or arrangement; and

(f)   turn to account any resource or intellectual property that is vested in the Minister; and

(g)   apply for, hold, exploit and dispose of any patent, patent rights, design rights, copyright, trademark or similar rights; and

(h)   use the expertise and resources of the department to provide consultancy, advisory or other services for profit.

(3)   The Minister may for the purpose of furthering education whether in the government or non government schools —

(a)   act as trustee of any trust for educational purposes; or

(b)   grant allowances, awards and scholarships.

(4)   In exercising any power under this s the Minister may act in conjunction with —

(a)   any person or firm, or a public authority; or

(b)   any department of the Public Service or any agency of the State or the Commonwealth.

(5)   An agreement or arrangement for advertising or sponsorship in relation to a government school is not o be entered into by the principal of the school acting —

(a)   in exercise of the power conferred by subs (2)(d); and

(b)   as the sub delegate of the Minister under s 225,

     unless the Council for that school has approved the agreement or arrangement.

(6)   In subs (2) —

acquire includes taking on lease or licence or in any other manner in which an interest in property may be acquired;

business arrangement means a company, a partnership, a trust, a joint venture, or an arrangement for sharing profits;

dispose of includes dispose of by way of lease;

participate includes form, promote, establish, enter, manage, dissolve, wind up, and do anything incidental to participating in a business arrangement.

[s 216 amended by No. 28 of 2014 s. 31.]

Part 6 — Government School Councils. Page 66

Division 1 — Preliminary
103.   Term used: school
(1)   In this Part —
school has the meaning given by s 124.
(2)   If a Council operates for 2 or more schools jointly a reference in this Part, except in regulation 107(1) to (3), to a school is a reference to each of the schools for which the Council operates.

Division 2 — Constitution of Councils
104.   Interim Council, appointment of etc.

(1)   If the Minister —
(a)   establishes a school the Minister may appoint an interim Council for the school; or
(b)   gives approval for 2 or more schools to have one Council that operates for those schools jointly the Minister may appoint an interim Council for the schools.

(2)   An interim Council has the functions of a Council, and holds office, until 1 January in the year after the first year in which students are enrolled at the school or the Minister gives the approval referred to in subregulation (1)(b), as is relevant to the case.

(3)   Subject to s 127(1), (2), (3), (4) and (6) and subregulation (2), the Minister may appoint for an interim Council such number of members, in such composition and for such term as is appropriate.

105.   Class of school prescribed (Act s. 127(1)(d)); which students can be on Council

(1)   A school with students enrolled in secondary programmes is a school for the purposes of s 127(1)(d).

(2)   A student at a school referred to in subregulation (1) may be a member of the Council for the school during a calendar year if the student is 15 years of age or more or will reach 15 years of age during that year.
[Regulation 105 amended in Gazette 11 Nov 2014 p. 4259.]
106.   Number of members prescribed (Act s. 127(5)(b))

(1)   For the purposes of s 127(5)(b) —
(a)   an unincorporated Council is to have at least 5 members and not more than 15 members;
(b)   an incorporated Council is to have at least 10 members and not more than 15 members;
(c)   if a Council operates for 2 or more schools jointly, the Council is to have such number of members as is determined by the Minister.

(2)   Subject to subregulation (1), a Council for a school is to determine the number of members.

107.   Composition of Council, how determined (Act s. 127(5)(b))

(1)   For the purposes of s 127(5)(b), subject to subregulations (2), (3) and (4), the Council for a school is to determine its composition —
(a)   having regard to —
(i)   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
(ii)   the functions of the Council and any changes in those functions;
and
(b)   with a view to —
(i)   including members of the general community; and
(ii)   including members of the staff of the school in addition to the principal; and
(iii)   including student members to whom regulation 105 applies; and
(iv)   allocating a membership position to a member of an association referred to in s 149
in relation to the school or a group of schools to which the school belongs.

(2)   The Council for a school is to have at least one member drawn from the persons referred to in s 127(1)(a).

(3)   If a school or a group of schools to which the school belongs has a Parents and Citizens' Association the association is entitled to nominate one of its members to be a member of the Council for the school in the membership category referred to in s 127(1)(a) or (b), as is relevant to the nominee.

(4)   If a Council operates for 2 or more schools jointly, the composition of the Council is to be determined by the Minister.

108.   Members, appointment and election of (Act s. 127(5)(c))

(1)   If a vacancy of any kind exists in the membership of a Council for a school the principal of the school is to invite nominations from suitably qualified persons to fill the vacancy.

(2)   If the number of nominations exceeds the number of vacancies —
        (a)   for the membership category referred to in s 127(1)(a), the principal is to conduct an election among those persons eligible to vote under regulation 109(1) or (2), as is relevant to the case; or
        (b)   for the membership category referred to in s 127(1)(b), the Council may appoint suitably qualified persons from the list of nominees; or
        (c)   for the membership category referred to in s 127(1)(c), the principal is to conduct an election among those persons eligible to vote under regulation 109(3); or
        (d)   for a membership category referred to in s 127(1)(d), the principal is to conduct an election among those persons eligible to vote under regulation 109(4).

(3)   The chief executive officer may, from time to time, specify standards or requirements in relation to the conduct of elections under subregulation (2).

(4)   The chief executive officer may inquire into any matter affecting an election or appointment under subregulation (2) and if any irregularity has occurred in relation to the election or appointment the chief executive officer may —
        (a)   declare the results of an election or appointment to be invalid; or
        (b)   order an election or appointment or a new election or appointment to be conducted.

(5)   In subregulations (1) and (2) —
        principal, in relation to a Council that operates for 2 or more schools jointly, means a principal of one of those schools who has been nominated by the chief executive officer for the purposes of those subregulations.

109.   Who can vote in election of members

(1)   The persons eligible to vote for a person to be a member of the Council for the school in the category referred to in s 127(1)(a) are, subject to subregulation (2) —
        (a)   each parent whose name and address has been provided to the school under s 16(1)(b)(ii)(I); or
        (b)   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.

(2)   The persons eligible to vote for a person to be a member of the Council for the school in the category referred to in s 127(1)(a) where the majority of students at the school are 18 years of age or more are each student —
        (a)   who is enrolled at the school at the date of the notice of the election; and
        (b)   who is 15 years of age or more or who will reach 15 years of age during the calendar year of that date.

(3)   The persons eligible to vote for a person to be a member of the Council for the school in the category referred to in s 127(1)(c) are each person to whom s 235(1) applies and whose usual place of work is at the school.

(4)   The persons eligible to vote for a person to be a member of the Council for the school in the category referred to in s 127(1)(d) are each student —
    (a)   who is enrolled at the school at the date of the notice of the election; and
    (b)   who is 15 years of age or more or who will reach 15 years of age during the calendar year of that date.

(5)   A person may not vote in respect of more than one category referred to in subregulations (1) to (4).

110.   Term of office prescribed (Act s. 127(5)(d))
(1)   A member of the Council for a school —
    (a)   subject to subregulation (2), holds office for a term, not exceeding 3 years, as determined by the Council; and
    (b)   may be reappointed once or more than once.
(2)   A member of a Council for a school who is elected or appointed to fill a casual vacancy holds office for the residual period of the predecessor's term of office.

111.   When vacancy occurs
(1)   The office of a member of the Council for a school becomes vacant if the member —
    (a)   becomes ineligible to hold office as a member; or
    (b)   resigns the office by written notice delivered to the Council; or
    (c)   is removed from office by the chief executive officer under subregulation (2).

(2)   The chief executive officer may remove a person as a member of the Council for a school on the grounds that the continuation of the person as a member would be detrimental to the interests of the Council.

(3)   Subject to subregulation (4), the Council for a school may remove a person as a member of the Council on the grounds that the person —
    (a)   has neglected the person's duty as a member; or
    (b)   has misbehaved or is incompetent; or
    (c)   is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of the person's functions as a member; or
    (d)   has been absent, without leave or reasonable excuse, from 3 consecutive meetings of which the member has had notice.

(4)   The Council for a school must not remove a person as a member of the Council unless —
    (a)   the person has been given a reasonable opportunity to show that he or she should not be removed as a member; and
    (b)   the decision is made by a resolution of a majority comprising enough of the members for the time being of the Council for their number to be at least 2/3 of the number of offices (whether vacant or not) of member of the Council.

112.   Co opting members
The Council for a school may appoint a member of the local community having such experience, skills or qualifications as would enable the person to make a contribution to the Council's functions to be a co opted member for such period, or in relation to such matters, as determined by the Council.

Division 3 — Functions of Councils

113.   Functions prescribed that Minister may approve for incorporated Council (Act s. 130(1))
The functions of a Council for a school prescribed for the purposes of s 130(1) are as follows —
    (a)   to obtain funds for the benefit of the school;
    (b)   to employ persons other than a person referred to in s 235(1);
    (c)   to manage or operate facilities at the school.
        Examples of facilities:
        •   a canteen
        •   a swimming pool
        •   residential accommodation for students
        •   a school farm or horticultural centre

114.   **Council operating for 2 or more schools, performance of functions by**
If a Council operates for 2 or more schools jointly, the Council's functions are to be performed in a way which takes account of the specific needs of each school for which the Council operates.

Division 4 — Proceedings of Councils

115.   **Meetings, when to be held; open to public**
(1)   Subject to regulations 117 and 118, an ordinary or a special meeting of a Council for a school is to be held if so decided by the Council.
(2)   The Chairperson of the Council is to convene Council meetings in accordance with the directions of the Council in relation to the venue and time of the meeting and giving notice of the meeting.
(3)   A meeting of the Council is generally to be open to members of the public but the Council may decide to close to members of the public a meeting or part of the meeting on the grounds set out in regulation 116 unless the meeting is one referred to in regulation 117 or 118.

116.   **Grounds for closing meeting to public**

(1)   A Council for a school may decide to close to members of the public a meeting or part of the meeting if the meeting or part of the meeting deals with any of the following —
(a)   a matter affecting a person who is employed at the school;
(b)   the personal affairs of any person;
(c)   a contract entered into, or which may be entered into, by the Council and which relates to a matter to be discussed at the meeting;
(d)   legal advice obtained, or which may be obtained, by the Council and which relates to a matter to be discussed at the meeting;
(e)   a matter that if disclosed, would reveal —
(i)   information that has a commercial value to a person and that is held by, or is about, a person other than the Council; or

        (ii)   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 Council;
(f)   information which is the subject of a direction given under s 23(1a) of the *Parliamentary Commissioner Act 1971*.

(2)   A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

117.   **Annual public meeting**
A Council for a school is to hold each calendar year at least one meeting —
(a)   that is open to the public; and
(b)   14 days' notice of which has been given to parents of students enrolled at the school at the time the meeting is called; and
(c)   in which a report is presented on the performance of the Council's functions since the previous annual public meeting or the Council's inaugural meeting, as is relevant to the case.

118.   **Special meeting called for by families of students or by students**

(1)   Subject to subregulation (2), the Chairperson of a Council for a school is to convene a special meeting of the Council if the meeting is called for —
(a)   in a notice to the Chairperson setting out the purposes of the proposed meeting; and
(b)   by —
(i)   at least 20 families of students at the school; or
(ii)   at least half the number of families of students at the school,
        whichever is the lesser number of families.
(2)   The Chairperson of a Council for a school at which the majority of the students at a school are 18 years of age or more is to convene a special meeting of the Council if the meeting is called for —
(a)   in a notice to the Chairperson setting out the purposes of the proposed meeting; and
(b)   by at least 20 students at the school.
(3)   The Chairperson is not to convene a meeting under subregulation (1) or (2) if the purposes of the proposed meeting are not relevant to the Council's functions.

(4)   A meeting convened under subregulation (1) or (2) is to deal only with matters relevant to the purposes set out in the notice received by the Chairperson.

119.   Voting
(1)   In this regulation —
absolute majority, in relation to a Council for a school, means a majority comprising enough of the members for the time being of the Council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the Council.
(2)   A decision of a Council for a school does not have effect unless it has been made by an absolute majority.
(3)   Each Council member (including the Chairperson) is entitled to one vote only.

Division 5 — Transitional provision as to Councils
120. Certain Councils to comply with Act s. 127 and this Part Div. 2 and 4 by 1 July 2003
(1)   In this regulation —
Council means a Council referred to in clause 20(1) of Schedule 1 to the SEA.
(2)   A Council is to take such steps as are necessary to ensure that its constitution and procedures comply with s 127 and Divisions 2 and 4 by 1 July 2003.
(3)   Before 1 July 2003, a Council may operate under the constitution and procedures applicable to it on the day on which the SEA commences until such time as its constitution and procedures comply with s 127 and Divisions 2 and 4.
(4)   A Council is not to apply for the Minister's approval to perform a function under s 130 unless at the time of the application the Council's constitution and procedures comply with s 127 and Divisions 2 and 4.

Department of **Education**

INDEPENDENT PUBLIC SCHOOLS

DELIVERY AND PERFORMANCE AGREEMENT

INTRODUCTION

1. The parties to this Delivery and Performance Agreement (the Agreement) recognise that the Independent Public Schools initiative provides schools with the freedom to make the best decisions for their students in consultation with their communities.

2. Independent Public Schools remain part of the public school system of Western Australia and as such are expected to meet the obligations required of all public schools.

3. The Agreement is between the Department of Education, represented by the Director General; the school, represented by the Principal; and the School board, represented by the Chair of the board.

4. The board Chair endorses the Agreement and works with the Principal and community to ensure the board carries out its functions as prescribed in the School Education Act 1999, the School Education Regulations 2000 and Department of Education policies.

5. For the purposes of the School Education Act 1999 (s125(1)), 'board' means 'Council'.

6. The Agreement sets out the performance and accountability expectations of the school; and the resources and support supplied by the Department of Education.

7. The Agreement builds on the Director General's Classroom First strategy and the Department's strategic planning documents.

8. The Parties to the Agreement are committed to being socially inclusive and addressing disadvantage, including for students who are Aboriginal or Torres Strait Islander, have disability, who come from an English as an Additional Language background or who experience social disadvantage.

9. All parties understand the urgent need to work to 'Close the Gap' in education outcomes between Aboriginal and Torres Strait Islander students and their peers.

School boards

19. The Department of Education will ensure:

   a. information is available to support Principals and board members to be able to understand their roles and responsibilities and operate effectively;

   b. in the event that the Principal and board are unable to reach agreement on areas of significance, the board and/or Principal may call on the Director General to make a decision. The Director General will consult with the board and the Principal before making a ruling. The decision of the Director General is final;

   c. when a new Principal of insert name of school needs to be recruited, selected and appointed, for a period longer than six months, a suitable delegate will be nominated by the Director General to oversee the process and be a part of the selection panel; and

   d. the board Chair or representative is invited to participate in the selection of the new Principal.

The Principal will ensure:

   a. an effective board is in place;

   b. the board's membership is representative of the school community and complies with the School Education Act 1999 and School Education Regulations 2000 which specify the membership categories and composition;

   c. the board understands its functions as prescribed in the School Education Act 1999, School Education Regulations 2000 and Department policy.

   d. the board fulfills its functions as prescribed in the School Education Act 1999, School Education Regulations 2000 and Department policy.

   e. the board participates in:

      i. the endorsement of the Agreement;
      ii. development and endorsement of the school's annual report;
      iii. the development, endorsement and review of the school budget and Business Plan;
      iv. processes to review school performance;
      v. processes to determine satisfaction levels of parents, staff and students, with results reported in the school's annual report;
      vi. the DES independent review of the school in the final year of the Agreement (with the report made public);

   f. the board communicates with the broader school community regarding the board's function and activities;

g. the board receives:

    i. relevant monthly financial reports;

    ii. the results of any school audits and reviews;

    iii. advice on school performance and student improvement targets, as detailed in the school's Business Plan; and

    iv. a copy of the DES independent review report.

Business Plan

20. The Department of Education will ensure:

a. data and information are available to support the Principal develop an effective Business Plan.

The Principal will ensure:

b. there is an effective Business Plan that outlines the long-term strategic approach for the school and describes key focus areas, strategies and school performance and student improvement targets intended to have maximum impact on overall school performance;

c. the Business Plan is no less than a three-year plan and runs for the same time span as the Agreement;

d. consideration is given to the recommendations of the DES review of insert name of school in the business planning cycle; and

e. the Business Plan is available to the school community.