GOVERNANCE AND MANAGEMENT POLICY

Updated by Governance Committee on Sept 2013. Next update due Sept 2015.

RATIONALE

The governance of an organisation is concerned with the systems and processes that ensure the overall direction, effectiveness, supervision and accountability of a School and Kindergarten. Members of the Governance Committee are responsible for setting the directions for the School and Kindergarten and ensuring that its goals and objectives are met in line with its constitution, and all legal and regulatory requirements governing the operation of the business are met.

The day to day implementation of the responsibilities and decisions of the Governance Committee are delegated, through the School Principal, to the School Leadership Team.

Under the National Law and National Regulations, Schools and Kindergartens are required to have policies and procedures in place relating to the Governance and Management of the School and Kindergarten, including confidentiality of records (refer to Privacy and Confidentiality Policy).

AIMS

This policy outlines the duties, roles and responsibilities of the Governance Committee of Mansfield Rudolf Steiner School and Kindergarten.

Mansfield Rudolf Steiner School and Kindergarten is committed to ensuring that there are appropriate systems and processes in place to enable:

1. good governance and management of the organisation
2. accountability to its stakeholders
3. compliance with all regulatory and legislative requirements placed on the organisation
4. the organisation to remain solvent and comply with all its financial obligations.

The Governance Committee will ensure:

1. the School and Kindergarten pursues its stated purpose and remains viable
2. budgets and financial accountability systems will enable ongoing viability and make best use of the School and Kindergarten’s resources
3. the School and Kindergarten manages risks appropriately.

Members of the Governance Committee will:

1. Provide leadership, forward planning and guidance to the School and Kindergarten, particularly in relation to developing a strategic culture and directions.
2. Monitor and oversee management including ensuring that good management practices and appropriate checks and balances are in place.
3. Be accountable to members of the School and Kindergarten.
4. Maintain focus, integrity and quality of School and Kindergarten.
5. Oversee legal functions and responsibilities.
6. Declare any actual, potential or perceived conflicts of interest.
LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

• Associations Incorporation Act 1981 and Corporations Act 2001, as applicable to the School and Kindergarten
• Education and Care School and Kindergartens National Law Act 2010
• Education and Care School and Kindergartens National Regulations 2011: Regulation 168(2)(l)
• National Quality Standard, Quality Area 7: Leadership and School and Kindergarten Management − Standard 7.3: Administrative systems enable the effective management of a quality School and Kindergarten

LEGAL LIABILITIES OF MEMBERS OF THE GOVERNANCE COMMITTEE

The Governance Committee is responsible under the constitution to take all reasonable steps to ensure that the laws and regulations relating to the operation of the School and Kindergarten are observed. Members of the Governance Committee are responsible for ensuring that:

1. adequate policies and procedures are in place to comply with the legislative and regulatory requirements placed on the School and Kindergarten
2. appropriate systems are in place to monitor compliance
3. reasonable care and skill is exercised in fulfilling their roles as part of the governing body of the School and Kindergarten
4. they act honestly, and with due care and diligence
5. they do not use information they have access to, by virtue of being on the Committee improperly
6. they do not use their position on the Committee for personal gain or put individual interests ahead of responsibilities.
7. They comply with the Governance Charter of the School.

POWERS AND DUTIES OF GOVERNANCE COMMITTEE

1. The Governance Committee shall have the power and duty to:
   a. Oversee the affairs of the Association to achieve the purposes stated in the Constitution, through planning, leadership and support for the long-term development and welfare of the School and the Association.
   b. As considered necessary, frame by-laws, policies or regulations for the general conduct and management of the School, its Members and employees.
   c. Control and manage all real estate and other assets belonging to the Association and School, or used for the purpose of the School (subject to all trusts, engagements and liabilities affecting the same) and provide for the maintenance and protection of such assets.
   d. Nominate and select the Principal of the school, either from existing staff, or by employing a suitable person, with a contract date of no more than 5 years. Removal of the Principal may be achieved by a vote of no confidence in the Principal by a minimum 2/3 majority of the Committee.
e. Exercise the powers of the Association to borrow money and to mortgage or charge its property, or part thereof, and to issue debentures or securities whether outright or as security for any liability of the Association.

f. Insure all real and personal property of the Association and comply with any legislation requiring insurances to be taken out.

g. In consultation with SLT, oversee the creation and filling of any position or vacancy which may occur from time to time for non-teaching staff positions in the School.

h. In consultation with the School Leadership team as required, oversee the creation and filling of any position or vacancy which may occur from time to time for teaching staff positions in the School.

i. From time to time, as may be necessary, the Governance Committee shall advise on and resolve staffing matters in which the Association, as employer, must be represented.

j. Establish annuity, superannuation, retirement and other similar funds for the teaching staff and non-teaching staff of the School and their dependents as a required by law or additionally that the Governance Committee may see fit to put in place.

k. Make public to members the agenda for each General Meeting of the Association, provide minutes or a summary of minutes to members on request.

l. In addition to the particular powers herein conferred upon them, exercise all such powers of the Association which are not required by the Act to be exercised by General Meetings of the Association and to do so having regard to the regulations and provisions of the Act.

m. Approve and monitor annual school budgets, in consultation with the School Leadership Team.

n. Should a member of the Association request a copy of the minutes they will be available after any sensitive or confidential information concerning other people is deleted.

MANAGING CONFLICTS OF INTEREST

Conflicts of interest, whether actual, potential or perceived (refer to Definitions), must be declared by all members of the Governance Committee or subcommittee, and managed effectively to ensure integrity and transparency (refer to Attachment 1 – Sample Conflict of interest disclosure statement).

Every member of the Governance Committee or subcommittee has a continuing responsibility to scrutinise their transactions, external business interests and relationships for potential conflicts and to make such disclosures in a timely manner as they arise.

The following process will be followed to manage any conflicts of interest:

2. whenever there is a conflict of interest, as defined in this policy, the member concerned must notify the President of such conflict, as soon as possible after identifying the conflict

3. the member who is conflicted must not be present during the meeting of the Governance Committee or subcommittee where the matter is being discussed, or participate in any decisions made on that matter. The member concerned must
provide the committee with any and all relevant information they possess on the particular matter
4. the minutes of the meeting must reflect that the conflict of interest was disclosed and appropriate processes followed to manage the conflict.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Governance Committee will:

1. regularly seek feedback from everyone affected by the policy regarding its effectiveness
2. monitor the implementation, compliance, complaints and incidents in relation to this policy
3. keep the policy up to date with current legislation, research, policy and best practice
4. revise the policy and procedures as part of the School and Kindergarten’s policy review cycle, or as required
5. notify parents/guardians of any policy changes within 14 days of that change.