



## **JOHN SEPTIMUS ROE ANGLICAN COMMUNITY SCHOOL**

### **SCHOOL COUNCIL CODE OF CONDUCT & PRACTICE**

The School Council is responsible for ensuring the sound management of the School and the observance of the policies of the Anglican Schools Commission.

The strength of the system of the local governance of the schools of the Anglican Schools Commission (ASC) established by the Anglican Diocese of Perth, imparts to persons appointed to the School Council of John Septimus Roe Anglican Community School a responsibility for exercising good governance through the powers conferred on the School Council by the Constitution of the School. The Anglican Diocese of Perth, the ASC and the local school community place their trust in the School Council's consultation and decision-making processes and the integrity and diligence of each member of the School Council.

Council members are expected to:

- Discharge their responsibilities conscientiously;
- Devote the necessary time and energy to their position; and
- Act at all times in the best interests of the School.

Council members are required to:

- Regularly attend meetings of the Council and its Committees;
- Publicly support all Council decisions;
- Not disclose any confidential School or Council matters;
- Support the Principal and staff;
- Act as good ambassadors for the School; and
- Attend School functions as regularly as possible.

Council members should be practicing Anglicans or practicing members of other Christian denominations in communion with the Anglican Church of Australia.

Each individual member of the School Council, therefore, in fulfilling the roles and responsibilities of a School Councillor must:

- act honestly and in good faith;
- use due care and diligence;
- recognise that the primary responsibility of the School Council is to the School, and have regard for the interests of all its students and their families;
- use the powers of their position for a proper purpose and act, at all times, in the best interests of the School Council and the School as a whole;
- recognise the responsibility and accountability of the School Council to the School community, the Anglican Diocese of Perth, the ASC, and the State and Commonwealth Governments as appropriate;
- not take improper advantage of their position;

- ensure that there is no conflict or apparent conflict between the School Councillor's own interests and duties with those of the Council. Members need to have regard to any benefit or interest that potentially may arise for members of their immediate families, to the extent that they know their interests, as well as their own;
- understand the obligation to be independent in judgement and actions and to take all reasonable steps to be satisfied as to the soundness of all decisions taken by the School Council;
- not make improper use of information acquired;
- keep confidential the information received in the course of their duties, and not disclose it, or allow it to be disclosed, unless that disclosure has been authorised, or if it is required by law;
- not engage in conduct likely to bring discredit upon the School or the School Council;
- understand the obligation to act lawfully and to comply with the principles of this code of conduct and practice; and
- understand the obligation to take all steps, including mediation if necessary, to resolve any disputes which may arise between members of the School Council, the officers of the School; the officers of the ASC and its Board.

## **THE PRINCIPLES OF THE CODE OF CONDUCT AND PRACTICE**

### **Students and the School, as a whole:**

Each School Councillor should endeavour to ensure that the School achieves high standards and the resources of the School are effectively allocated so as to protect and enhance the interests of the students, children and parents.

### **Duties to others:**

All School Councillors must comply with the framework governing the School Council's operations, the use of, and accountability for, the resources of the School.

The very nature of the School as part of the an education system funded by the State and Commonwealth governments, requires the School Council decisions to be transparent and publicly justifiable in a political, social and, economic sense.

Although each Councillor owes a primary duty to the School as a whole, the responsibilities imposed on the ASC and the School under various Acts of both the State and Commonwealth Parliaments demand that the Councillor evaluate actions and decisions in a broader social context.

### **Due diligence:**

A Councillor should regularly attend meetings of the School Council and its relevant Committees. Where attendance at meetings is not possible, an apology must be provided to the Secretary to School Council.

In order to be fully effective, a School Councillor is entitled to and should insist upon access to all relevant information to be considered by the School Council. This information must be made available in sufficient time to allow proper consideration of all relevant issues.

Part of the duty of a Councillor should be to participate in the establishment of systems within the School to provide to them the necessary information on a regular and timely basis to enable reasoned judgements to be made and to ensure that adequate human resources are available for this to occur.

In relation to audit procedures, a Councillor should endeavour to ensure that relations between the Council and the auditors are open, unimpeded and constructive. Similarly, the auditors must have direct and unimpeded access to the School Council.

**Conflict of interest:**

A Councillor must not take improper advantage of the position to gain, directly or indirectly, a personal advantage or an advantage for any associated person, which might cause detriment to the School or the School Council.

The personal interests of a School Councillor, and those of the Councillor's family, must not be allowed to prevail over those of the students and parents of the School generally and its staff. A Councillor should seek to avoid conflicts of interest wherever possible. Full disclosure of any conflict, or potential conflict, must be made to the School Council. In considering these issues, account should be taken of the significance of the potential conflict and the possible consequences if it is not handled properly.

**Use of information:**

A Councillor must not make improper use of information acquired by virtue of his or her position as a member of the School Council. A Councillor nominated to the School Council by a particular body should recognise the particular sensitivity of the position and should be especially careful not to disclose to the nominating body matters that are confidential unless prior agreement of the School Council has been obtained.

**Professional integrity:**

If there is any doubt whether a proposed course of action is inconsistent with a Councillor's honest duty then the course of action should not be supported. Independent advice should be sought as soon as possible to clarify the issue.

When a Council member feels so strongly as to be unable to abide by a decision of the School Council, some or all of the following steps should be considered:

- (a) making the extent of the dissent and its possible consequences clear to the School Council as a means of seeking to influence the decision;
- (b) asking for additional legal, accounting or other professional advice;
- (c) asking that the decision be postponed to a later meeting to allow time for further consideration and informal discussion;
- (d) tabling a statement of dissent and asking that it be minuted;
- (e) writing to the Chairperson, or all members of the School Council, and asking that the letter be filed with the minutes; and
- (f) seeking a resolution through the intervention of the Visitor to the School; in this case the Anglican Archbishop of Perth.

## **CODE OF CONDUCT COMMENTARY**

### **1 Context:**

Non-government schools are required to be registered in accordance with the provisions of Part 4 of the School Education Act 1999. Section 160 of the Act which outlines the conditions that must be met for a school to be registered. As John Septimus Roe Anglican Community School is part of the Anglican Schools Commission, the responsibility for ensuring the requirements specified in Section 160 of the School Education Act 1999 are shared between the School Council and the Council of the ASC as detailed in the constitutions of the two bodies.

### **2 Responsibilities for the exercise of duties and functions:**

As members of the School Council, individuals are responsible to the Anglican Church, the School Community, the ASC and Government as appropriate for the manner in which they exercise their duties and functions. The duties of a Councillor must be performed in an efficient and effective manner consistent with the legal requirements of the School Education Act 1999 specifically those relating to the Registration of Non-Government Schools, the Canons and Policies of the Anglican Diocese of Perth, the Constitution of the School, the Constitution of the ASC, or any other relevant Act or law.

When members accept appointment to the School Council, they undertake a duty of trust and loyalty to act honestly and in good faith, to consider the needs of every student, and act in the best interests of the School. Although a Councillor may have been elected, nominated or appointed by a particular body as specified in the Constitution, that person is considered to have been elected, nominated or appointed to the Council, to act independently in the course of making decisions in the best interests of the School regardless of other loyalties or allegiances.

This Code of Conduct and Practice forms part of the Constitutional and regulatory framework under which the School Council operates. School Councillors are protected from personal liability through the immunity provided to those who act in good faith in exercising the powers and functions of the School Council, to the extent that the Law permits. This code of conduct and practice underpins and is, therefore, an integral part of that immunity.

### **3 Duties of a Councillor:**

The code of conduct and practice embraces the values of honesty, integrity, enterprise, excellence, accountability, justice, independence and equal opportunity, and these values form the basis for decision making.

There are two broad categories of duties for a Councillor:

- a duty to act in good faith and in the best interests of the School; and
- a duty to act with care and diligence.

In undertaking the duties, a Councillor is required to:

- take reasonable steps to be informed of the functions of the School Council and to ensure that the Council competently discharges those functions;
- take reasonable steps to be informed about the School, policies and activities and the circumstances and context within which the School operates;
- take reasonable steps through the processes of the Council to obtain sufficient information and advice on all matters to be decided by the Council;
- exercise an active discretion with respect to all matters to be decided by the Council; and
- be diligent in attendance at and preparation for meetings.