



## SCHOOL COUNCIL POWERS & FUNCTIONS POLICY

Please note: [Ministerial Order 1280 Constitution of Government School Councils 2020](#) updates the constituting Order for all school councils with effect from 1 January 2021.

### **Policy & Guidance**

- School Councils play a vital role in Victorian government schools and are established and operate under the Education and Training Reform Act 2006 (Vic), the Education and Training Reform Regulations 2017 (Vic) and a constituting Order.
- The powers and functions specific to each School Council are set out in their constituting Order.
- School Councils are also required to comply with state and federal laws, relevant Ministerial Orders and certain Department policies when exercising their powers and functions.
- A well-informed and effective School Council strengthens community confidence in the school and helps to build and secure the school's reputation.
- Understanding the distinction in roles and responsibilities between School Council and the Principal supports the effective and efficient operations of the Council and the school. School Council powers and functions are set out in this policy. Responsibility for all other aspects of running a school rests with the Principal, with support from the Department and other members of school staff.
- A School Council's constituting Order constitutes the School Council as a body corporate and specifies the council's powers, functions and objectives.
- School Council functions, powers and objectives are set out in various instruments, including the Education and Training Reform Act 2006, the Education and Training Reform Regulations 2017, Ministerial Orders and the School Council's own constituting Order.
- The key functions of School Council with regard to the school are:
  - to establish the broad direction and vision of the school within the school's community
  - to arrange for the supply of:
    - goods
    - services
    - facilities
    - materials
    - equipment
    - other things or matters required for the conduct of the school, including the provision of preschool programs
    - to raise funds for school related purposes
    - to regulate and facilitate the after-hours use of the school premises and grounds
    - to exercise a general oversight of the school buildings and grounds and ensure they are kept in good order and condition
    - to provide for the cleaning and sanitary services that are necessary for the school
    - to ensure that all money coming into the hands of the council is expended for proper purposes relating to the school

- to provide meals and refreshments for the staff and students of the school and make charges for those meals or refreshments
- to inform itself and take into account any views of the school community for the purpose of making decisions in regard to the school and the students at the school
- to generally stimulate interest in the school in the wider community
- to prepare the School Strategic Plan and the Annual Implementation Plan — to be signed by the president and the principal
- to report annually (the Annual Report) to the school community and to the Department on
  - the school's financial activities
  - the School Strategic Plan, and
  - any other matters that are determined by the Minister
- to manage the hire, licence and shared use of school facilities
- to determine the dates for the school's student-free days
- in accordance with the number of student-free days each calendar year specified by the Secretary of the Department
- to perform any other function or duty, or to exercise any power conferred or imposed on the Council by or under:
  - the Education and Training Reform Act 2006, or
  - any regulations made under that Act
  - a Ministerial Order made, or direction issued, by the Minister under the Education and Training Reform Act

Information on the role and responsibilities of the various School Council officer bearers (such as the principal as Executive Officer and the School Council president) is available on [School Councils – Composition and Officer Bearers](#).

### **Powers of School Council**

For the purpose of meeting its functions and objectives, and in accordance with any conditions or limitations set out in the Education and Training Reform Act, the Education and Training Reform Regulations, Ministerial Order or the School Council's constituting Order, School Councils may:

- enter into contracts, agreements or arrangements
- form sub-committees
- sell property acquired for use in the school
- for primary schools, provide preschool programs
- use any funding provided to the school, for any purpose related to the school, provided the funding was not provided for a specified purpose
- establish trusts and act as trustee of them
- employ staff (noting the exception in relation to the employment of teachers)
- charge fees to parents for goods, services or other things provided by the school to a child of the parent
- subject to section 2.2.4 of the Education and Training Reform Act, and
- in accordance with any Ministerial Order made under that Act
- conduct programs in or use, or allow any other person or body to conduct programs in or use, any of the school's buildings or grounds for the purpose of educational, recreational, sporting or cultural activities for students, the local community or young persons, but only when the buildings or grounds are not required for ordinary school purposes
- with the applicable approval from the Minister, construct or carry out any improvements to any school building structure or school grounds
- do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties
- do anything else conferred on it by or under the Education and Training Reform Act, or any regulations or a Ministerial Order made under that Act

**Important: A School Council does not have the power to:**

- employ a teacher for longer than twelve months or with no date fixed for the termination of that employment;
- purchase or acquire for consideration any land or building; or
- unless authorised by or under the Education and Training Reform Act or any regulations or a Ministerial Order made under that Act:
- license or grant any interest in land, including school lands or buildings;
- enter into hire purchase agreements;
- obtain loan or credit facilities;
- form or become a member of a corporation;
- provide for any matter or thing outside Victoria unless it is related to an excursion by students from the school or the professional development of staff of the school;
- purchase a motor vehicle, boat or plane.

**Objectives of School Council**

The objectives of a School Council are set out in the School Council's constituting Order and section 2.3.4 of the Education and Training Reform Act and are to:

- assist in the efficient governance of the school
- ensure that its decisions affecting students of the school are made having regard, as a primary consideration, to the best interest of the students
- enhance the educational opportunities of students at the school
- ensure the school and the council complies with any requirements of the Education and Training Reform Act, the Education and Training Reform Regulations, a Ministerial Order or a direction, guideline or policy issued under the Education and Training Reform Act

These School Council objectives must be taken into account by School Council members when exercising any of their powers, duties or functions.

**Delegation of School Council powers, duties and functions**

The Education and Training Reform Regulations allow School Councils to delegate their powers, duties or functions. However, a School Council cannot delegate any of its functions in relation to the approval of the school budget or Annual Report.

A School Council must generally obtain written approval from the Minister for Education if they wish to delegate a power or duty to a person or body, other than the principal.

The delegation must be recorded in the minutes of the meeting of School Council and a register of delegations must be kept by the School Council.

The instrument/documentation setting out the delegations, and the terms and conditions of the delegations, must be signed by the president of the School Council and delivered to the delegates.

A person or body to whom a delegation has been made must provide a written report about any activities performed as a delegate at each ordinary meeting of the School Council.

A [Delegations Fact Sheet](#) and [template instrument of delegation for School Councils](#) is available to support School Councils with the delegations process.

**Confidentiality**

School Council decisions will usually affect the school community, and they generally need to be clearly communicated to, and understood by, the school community.

However, School Council members must feel confident their deliberations and any differing views during council discussions are treated confidentially by other members.

School Councillors must only use the information they gain in the course of their duties as a councillor for its intended purpose of achieving School Council decisions and responsibilities.

School Councillors must not use information to obtain an advantage for themselves or another person or to cause detriment to the School Council.

**Purpose**

- This policy sets out the powers and functions of the Footscray North Primary School Council.

### **Implementation**

- The school notes the above.
- School Council has responsibilities in regard to:
  - Assets
  - Canteen
  - Child Safe Standards
  - Cleaning
  - Community Engagement
  - Employment
  - Engaging Contractor & Services
  - Excursions (Including Camps)
  - Finance & Budgets
  - Fund Raising
  - Occupational Health & Safety
  - Out-of-Hours Care if applicable
  - Parent Payments
  - Policy Development & Review
  - Principal Selection
  - Purchasing
  - Strategic Planning & Reporting
  
- In addition to the above, please refer also to the school's *School Council Liabilities & Legal Proceedings Policy*.

### **Evaluation**

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET updates late September and late October 2020).

Reference:

<https://www2.education.vic.gov.au/school/pal/school-council-powers-and-functions>