



# CONSTITUTION

of

## Kensington Public School Council

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## **1. NAME**

- 1.1. The name of the School Council will be Kensington Public School Council.  
(Hereinafter called "The Council".)

## **2. DEFINITIONS**

- 2.1. "APPOINTED MEMBER" means any person on the Council appointed as a community member.
- 2.2. "BUDGET PLAN" means a general outline of anticipated income and expenditure for the financial year.
- 2.3. "COMMUNITY MEMBER" means any person appointed to the Council from local government/business/industry or a particular section of the local community (which was previously unrepresented through elected parent members).

{NB. A currently employed member of a school staff cannot be an "appointed member" on the council.}

- 2.4. "CONSTITUENCY" means the whole body of voters who are eligible to elect their representatives on Council.
- 2.5. "COUNCIL" means the Kensington Public School Council.
- 2.6. "COUNCILLOR" means an elected/appointed member, the Executive Member of the Council or the President of Kensington Public School organisation (or the identified alternative executive member).
- 2.7. "ELECTED MEMBER" means any person on the Council elected by the relevant constituency to represent the school staff or the parents.
- 2.8. "EXECUTIVE MEMBER" means the Principal of Kensington Public School or the delegate.
- 2.9. "PAPERS" means any document necessary for conducting the business of the School Council
- 2.10. "PARENT" means the parent, guardian or any person who has actual custody of a student enrolled at Kensington Public School.
- 2.11. "PARENT COMMUNITY" means all parents of students enrolled at Kensington Public School.
- 2.12. "PARENT MEMBER" means any parent elected to the Council as well as the President of the P&C (or the identified alternative executive member).

{NB. A member of Kensington Public School staff may not be a parent member on the Council. Only one (1) parent member may be currently employed member of a school staff from another school.}

- 2.13. "PARENT ORGANISATIONS" means the Kensington Public School Organisation.
- 2.14. "QUORUM" means the minimum number of persons required to attend a meeting before any business can be transacted.
- 2.15. "SCHOOL COMMUNITY" means the school staff, parents and local community of Kensington Public School.
- 2.16. "SCHOOL STAFF" means all persons employed at Kensington Public School by the Department of School Education (teaching and non-teaching staff). This includes persons employed at the school under externally funded programs and all casual teaching staff.
- 2.17. "STUDENT" means any student enrolled at Kensington Public School.
- 2.18. "SUPPLEMENTARY SERVICES" means support provided to the school by parents and other members of the community to enrich the educational program of the school.
- 2.19. "WRITING" may include paper or electronic documents such as email correspondence.

### **3. AIM**

To enable school community participation in the planning and management of Kensington Public School and to foster closer links between the school and its community.

### **4. ROLE AND OBJECTIVES OF THE SCHOOL COUNCIL**

#### **4.1. Preamble**

- The School Council ("the Council") will operate within the context of the relevant legislation and the stated policies and priorities of the Government and the Department of Education.
- The Council operates as a non-mandatory volunteer body, operated by elected representatives as determined by clause 7 to provide assistance to the Principal for the good and transparent governance and delivery of programs and services to the school.
- The Principal remains accountable under the Public Finance and Audit Act for the management of school finances including, where appropriate, the negotiation of all contracts on behalf of the School Council.
- The Principal is accountable to the Director, Educational Leadership (Principal Network) responsible for Kensington Public School for the total management of the school and for the implementation of the broad policies and priorities determined by the Council.

## 4.2. Objectives

Within the context of relevant legislation and the stated policies, priorities and expenditure and staff allocations of the Government and the Department of School Education, the School Council will conduct its business as follows:

### Recruitment

- have representation on the interviewing panel for the selection of the incoming Principal, Executive or any other approved position when a vacancy occurs and is to be filled by advertisement and interview;
- develop a profile for the position of Principal at the change of persons in the role in liaison with the Director, Educational Leadership (Principal Network) responsible for Kensington Public School.

### Planning

- assess the needs of the school from time to time in areas such as buildings, grounds, facilities, school transport, starting/finishing times and matters which could affect neighbouring schools;
- work in conjunction with the Principal to address these and other issues except those relating to the employment, appointment and efficiency of school staff;
- provide support to the Principal on supplementary services required by the school. Such support may include but is not limited to panel member participation and examination of tenders.

### Policy

- determine local student welfare policies and the school's Fair Discipline Code.

### Finances

- assess the school's financial needs;
- determine the school's broad budget priorities and develop a budget plan;
- advise the Principal on the implementation of the budget plan;
- examine reports on expenditure provided by the Principal at intervals determined by the Council.

### Reporting

- provide an annual report to the school community on the activities of the School Council.

### Liaison

- establish effective liaison with other school/community committees to promote activities consistent with school policies.

### General

- determine the aims and educational goals of the school;
- identify local educational needs and priorities;
- present and promote a positive image of the school in the local community, in order to increase parent and community awareness and willingness to become involved in the school; and
- establish policies for community use of school facilities.

## 5. MEMBERSHIP AND COMPOSITION

### 5.1. The Composition of the Council will be as follows

- (i) The Principal as Executive Member;
- (ii) the President of P&C, (or if declined, the nominee from the Executive of P&C);
- (iii) three parent members **elected** from the parent community;
- (iv) three school staff members **elected** from the teaching and non-teaching staff;
- (v) one community member appointed from local government/ business/industry or other relevant group from the local community; and

#### 5.1.1 The total number of Councillors is nine

5.1.2 An additional Council member may be appointed by the incumbent Council in consultation with the Principal, to address any imbalance of representation.

### 5.2. Executive Member

5.2.1 The Principal of the school is automatically the Executive Member.

### 5.3. President of Kensington Public School Organisation

5.3.1. The President of P&C is automatically a member of the School Council.

5.3.2. Where the President of P&C declines to join the Council, the Executive of the P&C may identify another member of that Executive for this position.

5.3.3. The President of P&C (or alternative executive member) is to provide a report of each Council meeting to the next meeting of the P&C.

### 5.4. Elected Members

5.4.1. A member of Kensington Public School staff may not be a parent member on the Council. Only (1) parent member may be a currently employed member of a school staff from another school.

5.4.2. At least one (1) school staff member must be a teacher. Elected members must provide a report of each Council meeting to their respective constituencies within 30 days of that meeting.

5.4.3. Any elected member representing school staff or parents may be removed by the respective group following a Special General Meeting of the relevant constituency called for that purpose. (See Constitution Clause 16)

## 5.5. Community Members

5.5.1. A current permanently employed member of a school staff cannot be a community member on the Council.

5.5.2. An appointed member may only be removed by the Principal.

## 5.6 Co-opted Members

5.6.1 Council may co-opt other members of the community to assist the Council for a specific purpose and for a specific period.

5.6.2 Such positions are advisory and do not have voting rights on the Council.

## 5.7 General

5.7.1 A person who is a member of a School Council at another school, at the commencement of each meeting, must declare their membership of another school council as a potential conflict of interest.

5.7.2 Where a conflict on a given matter does arise, the member will not have voting rights on the matter in question.

# 6. TENURE OF COUNCIL

6.1. The term of office for elected/appointed members of the Council will be one year, commencing the first meeting after the Annual General Meeting.

6.2. Elected/appointed Council members may hold office for no more than three terms of office consecutively.

# 7. ELECTION OF COUNCILLORS

7.1. Elections for members to represent the school staff and parent community will take place in conjunction with the Annual General Meeting of the P&C Association held in March of each year.

7.2. Announcement of Council members representing the school staff and the parent community will be made by public notice within 21 days of the election.

## 7.3. Method

7.3.1. Election for Representatives of the School Staff and the Parent Community.

- I. Election procedures will be advertised in the School Newsletter so that all school staff and the parent community have the opportunity to nominate and to vote for their particular representatives no less than one calendar month prior to the election date.

- II. All members of the school staff are eligible and entitled to vote for their representatives on the School council.
- III. The Parent Community are eligible and entitled to vote for their representatives on the School council.
- IV. Nominations are to be submitted by the advertised closing date, in writing, on the form provided. Each nominee must be PROPOSED and SECONDED by members of the constituency she/he is represent.

The nominee must sign the nomination form indicating a willingness to accept the nomination.

- V. If more than the required number of candidates is nominated, the Principal will ensure that an election is conducted so that all members of the respective constituency have the opportunity to vote for their representatives.
- VI. Any election for school staff or parent representatives will take place by secret ballot of the respective constituency at a meeting called for the purpose and/or through postal vote.

#### 7.3.2. Community Members

- i. The Principal and the President of the School Council responsible for Kensington Public School may recommend a member from local government/business/industry and, where necessary, other relevant groups in the local community for consideration as the appointed community member.
- ii. The appointment of the community member will follow the same election procedures as all other prospective candidates as set out in clause 7.3.1 above.
- iii. The appointed member will be confirmed at the first meeting of the newly constituted Council.

- 7.4. Each eligible voter is entitled to vote once and only has one vote.



## **8. COUNCIL OFFICE BEARERS**

8.1. The Council will have the following office bearers:

President: An elected parent member or an appointed community member (other than a member of Kensington School Staff)

Secretary: An elected parent member or an appointed community member

Executive member: The Principal

8.2. Office bearers will be elected at the first meeting of the newly constituted Council which will be held within (1) month of the Annual General Meeting (see Constitution clause 9.1.2).

8.3. Office bearers have the power to co-opt assistance from time to time as approved by Council. Co-opted persons have no voting rights.

8.4. Roles and Responsibilities

8.4.1. President:

- chairs all meetings;
- in conjunction with the Executive Member, prepares the Annual Report of the Council;
- in conjunction with the Executive Member, sets the agenda; and
- assumes the role of representing the School Council where required.

8.4.2. Secretary:

- is responsible for preparing and circulating the draft minutes of each meeting within fourteen days of that meeting to all Councillors;
- is responsible for the correspondence;
- maintains official records of the Council; and
- prepares in consultation with the President and the Executive Member items for inclusion in the Newsletter to inform the school Community of the Council's decisions.

8.4.3. Executive Member:

- is responsible for ensuring proper elections that allow all members of the respective constituencies the opportunities to vote;
- in conjunction with the President, prepares the requisite Annual Report of the Council;
- is responsible for the transition from one Council to the next.

#### 8.4.4. School Council Member:

- is responsible for the implementation of the broad policies and priorities determined by Council.

## 9. COUNCIL MEETINGS

### 9.1. Frequency

9.1.1. The Council will meet at minimum once per term, four times per school year, where possible and practical, a second meeting may be held in each school term where deemed necessary by the Executive and Council members.

9.1.2. The first meeting of a newly constituted council will be held within one month of the AGM to elect Office Bearers.

9.1.3. The date, venue and time of Council meetings will be decided by the Council.

9.1.4. The dates, venues and times of Council meetings will be advertised in the school newsletter.

### 9.2. Quorum

9.2.1. A quorum for Council meetings will be five

9.2.2. If the quorum is not reached, matters on the Agenda may be discussed but no decisions will be taken.

### 9.3. Attendance

9.3.1. Councillors are required to attend all meetings.

9.3.2. If a Councillor is unable to attend a meeting then the President or Executive member must be notified.

9.3.3. Should an elected member fail to attend three meetings without notification the Council may declare a casual vacancy.

9.3.4. Should an elected member resign or transfer out of the school community a casual vacancy is declared.

9.3.5. In the absence of the President of the Council, the meeting will elect a member to take the chair.

### 9.4. Agenda

9.4.1. The meeting Agenda will be circulated no less than 24 hours prior to the meeting.

9.4.2. Any member of the school community who wishes Council to discuss a particular matter should advise the Secretary in writing no less than 48 hours prior to the meeting.

9.4.3. Items not on the published Agenda may be replaced on the agenda following a resolution by the Council that the matter is urgent, alternatively the matter for discussion will be placed on the agenda for the following meeting.

9.4.4. The committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Council, and a resolution in writing which is approved in writing by a majority of those members is taken to be a decision of the Council made at a meeting of the Council.

9.4.5. Where a matter for discussion may be strictly confidential in nature, the matter may be discussed in an 'in camera' session. Details of the 'in camera' discussions will not be publicly available to the School community.

#### 9.5. Minutes

9.5.1. Minutes will be prepared by the Secretary and circulated to all Councillors within fourteen (14) days of the meeting.

9.5.2. Accepted Minutes of the last meeting held will be displayed on the school community noticeboard.

9.5.3. Minutes of all meetings will be kept at the school office and available to the School Community for review on request.

### 10. COUNCIL MEETING PROCEDURES

10.1. The format for meetings will be informal allowing adequate discussion and time for determination for all agenda items. Notwithstanding, strict time limits may be enforced at the discretion of the President or by a simple majority where there may be a number of agenda items to be discussed, or where a particular agenda item may invoke considerable debate.

#### 10.2. Voting

##### 10.2.1. Council voting

10.2.1.1. Each member of the Council will be entitled to one vote.

10.2.1.2. Decisions will be taken by a simple majority, the status quo will be maintained when voting is equal.

10.2.1.3. The Council may invite members of the school community as co-opted members to attend a Council meeting for a specific purpose. Such co-opted members have no voting rights and cannot introduce items of business at the meeting.

## 10.2.2. Member voting

### 10.2.2.1. Electronic Polling

- (a) The Council may permit a resolution to be decided wholly by electronic polling.
- (b) Electronic polling includes online surveys, email voting or any other method approved by the Council.
- (c) the notice of a meeting at which a resolution(s) will be decided wholly by electronic polling must specify:
  - (i) the resolution(s) for which electronic polling will be permitted;
  - (ii) the method of electronic polling approved by the Council;
  - (iii) the means by which Members may cast their vote (whether by following a link to an online survey, responding to a nominated email address or some other means);
  - (iv) the deadline for voting by electronic polling.
- (d) The effective date of a resolution decided wholly by electronic polling is the date of the subsequent Member's meeting.
- (e) Limitations to Electronic Polling
  - (i) Electronic polling may only be permitted for decisions that are required to be made by special resolution with the approval of a two thirds majority of the Members.
  - (ii) A proxy cannot be appointed for electronic polling

### 10.2.2.2. Members' Representatives

#### 10.2.2.2.1. Proxies

A Member who is entitled to attend and cast a vote at a meeting of the Council Members may appoint a person (whether or not a Member) as the Member's proxy to attend and vote for the Member at the meeting.

#### 10.2.2.2.2. Appointment of Proxy

- (a) An instrument appointing a proxy shall be in writing;
- (b) An instrument appointing a proxy may specify the manner (for/against) in which the proxy is to vote in respect of a particular resolution.

## **11. ANNUAL GENERAL MEETING**

- 11.1. The Annual General Meeting of the School Council will be held in conjunction with the Annual General Meeting of the P&C Association currently held in March of each year, or at an alternate time as determined by the holding of the Annual General Meeting of the P&C Association.
- 11.2. Notice of the A.G.M. will be given no less than fourteen days in advance to all members of the school community.
- 11.3. Items not on the published agenda may be placed on the agenda, following a resolution by majority vote at the commencement of the A.G.M.
- 11.4. Reports of all Council activities will be presented at the A.G.M. by the relevant office bearers, and conveners of committees of the Council as necessary.
- 11.5. A quorum for the A.G.M., will be a majority of the current Council, including 2 office bearers and 2 elected school staff members plus 6 members of the voting constituency.
- 11.6. Any nominees for the incoming School council must be in attendance at the A.G.M. to be eligible to take up office and/or membership of the Council on election.

## **12. SPECIAL GENERAL (EXTRAORDINARY) MEETINGS**

### **12.1. Procedure**

12.1.1. A Special General Meeting of the school community may be called at any time during the school term in writing to the Secretary when requested by the following:

- (a) the majority of Councillors;
- (b) 20% of the parent community by petition;
- (c) 50% of the staff by petition;
- (d) the Principal.

12.1.2. A Special General Meeting will be called for the purposes of:

- i) Recommending amendments to the constitution;
- ii) Recommending dismissal of the present Council;
- iii) Obtaining the views of as many people as possible where a matter for consideration is of such importance that adoption and/or determination of the matter should necessarily be obtained by popular vote.

12.1.3. Such a meeting will be held within fourteen (14) days of the request

12.1.4. A Notice of Motion will be circulated to the school community at least seven (7) days prior to the meeting date.

## 12.2. Quorums

12.2.1. If the purpose of the meeting is to obtain the views of as many people as possible no quorum need apply and the meeting may take a recommendation to the Council on the matter under consideration

12.2.2. The requisite quorum in regard to points (i) & (ii) in clause 12.1.2, shall be at least 40.

12.2.3. The quorum for meetings in regard to point (iii) in clause 12.1.2, shall be:

- (a) 40 in the case of a parent representative; and
- (b) 75% of the school staff in the case of a staff representative.

## 12.3. Voting

12.3.1. To be carried, motions require a majority of those present and eligible to vote.

12.3.2. Where the purpose of the meeting is to remove an elected member, only members of the constituency represented by the member (either parent or school staff) are eligible to vote.

## 12.4. Outcomes of Special General Meetings

12.4.1. Recommendations arising from such meetings must relate to the matters advertised for the purpose of the meeting and no other matters may be raised at that meeting.

12.4.2. A decision to act on any recommendation arising from meetings held to obtain the views of as many people as possible will remain the responsibility of the Council.

12.4.3. Recommendations arising from meetings held to amend the constitution, to remove appointed members, to dissent from a Council decision or to seek the dismissal of the present Council will be forwarded by the Principal to the President, through the Director, Educational Leadership (Principal Network) responsible for Kensington Public School, for consideration.

### **13. COUNCIL RECORDS**

- 13.1. Council records including copies of the Constitution and all agendas, minutes, correspondence, files, financial reports and committee reports will be retained within the school at all times unless authorised by the President or the Executive Member.

### **14. BUDGET PLAN**

- 14.1 The Council will give due consideration to the views expressed by contributing groups or individuals in determining broad budget priorities within the school budget plan.

### **15. AMENDMENTS TO THE CONSTITUTION**

- 15.1. Amendments to the constitution will only be considered at a Special General Meeting of the school community. All proposed amendments will be submitted to the Principal for consultation.
- 15.2. Amendments will be adopted in accordance with the procedures set out in clause 12 and subject to the voting procedures set out in clause 10.2.

### **16. REPLACEMENT OF COUNCIL MEMBERS**

- 16.1. When a casual vacancy for an elected Councillor occurs the position will be filled by the School Council from the constituency from which the vacancy occurred.
- 16.2. Where the former Councillor was an office bearer of the School Council, that position will be filled by the Council.
- 16.3. An appointed member may only be removed by the Principal and replaced according to Constitution clause 7.3.2.

### **17. DISMISSAL OF THE SCHOOL COUNCIL**

- 17.1. Any proposal to dismiss the School Council may only be considered at a Special General Meeting called in accordance with Constitution clause 12.
- 17.2. Any recommendation from the Special General Meeting to dismiss the Council will be forwarded to the Director, Educational Leadership (Principal Network) responsible for Kensington Public School, for consideration.
- 17.3. If the Council is dismissed, a new Council may be formed in accordance with the established election procedures (see Constitution clause 7.3.1)
- 17.4. Members of a dismissed Council are eligible for election to a new Council.

## **18. RESOLUTION OF DISPUTES**

- 18.1. Where matters occur which cannot be resolved by established Council procedures or by the calling of a Special General Meeting, Principal in consultation with Director, Educational Leadership (Principal Network) responsible for Kensington Public School shall resolve the matter in dispute.

## **19. RELATIONSHIP WITH COMMITTEES/ORGANISATIONS**

- 19.1. The Council will establish procedures for liaison with P&C.

## **20. DISSOLUTION OF THE COUNCIL**

- 20.1 A school council is dissolved:
- (a) if the school for which it was established is closed;
  - (b) if the Principal, in accordance with the NSW Department of Education guidelines, determines the role and purpose of the School Council is no longer required and gives the school council a notice stating that the school council is dissolved.

## **21. REVIEW OF THE CONSTITUTION**

- 21.1 The constitution will be reviewed and amended as required in accordance with clause 15.