LESMURDIE
SENIOR HIGH SCHOOL

Lesmurdie Senior High School

Terms of Reference

Official Copy

Chairperson: [signature] **Date:** 1 September 2025

Principal: [signature] **Date:** 3.9.25

D19/0346521

MODEL TERMS OF REFERENCE FOR UNINCORPORATED BOARDS/BOARDS 2023 Version 1

CONTENTS

1 Name of Board 3
2 Definitions 3
3 Purpose of Board 4
4 Functions of the Board 4
5 Limits of Functions 5
6 Qualifications for membership of Board 6
7 Roles of Office Bearers 8
8 Elections and appointment of members 9
9 Board meetings and proceedings 12
10 Quorum at Board meetings 14
11 Motions at Board meetings 14
12 Resolutions at Board meetings 15
13 Closing an ordinary Board meeting to the public 16
14 Disputes and Mediation 17
15 Cessation or termination of membership of the Board 18

For assistance on the legislation and policy with respect to Boards/boards please see the Department of Education's School Boards and Boards website https://www.education.wa.edu.au/school-Boards-boards

1 Name of Board

The name of the Board is Lesmurdie Senior High School Board.

2 Definitions

In these rules, unless the contrary intention appears-

- "Annual public meeting" is the annual meeting in which the Board presents to the school community an annual report based on the Board's functions **(SER r.117)**.
- "Board" means the Board of an Independent Public School. "Board" means the Board referred to in rule 1, established in **SEA s.125.**
- "Director General[1]" means the chief executive officer of the Department of Education as defined in **SEA s.229.**
- "Ordinary meeting" means a meeting held by determination of the Board **(SER r.115(1))**.
- "Parent" in relation to a child, means a person who at law has responsibility –
  - For the long term care, welfare and development of the child; or
  - For the day to day care, welfare and development of the child **(SEA s.4).**
- "PCA" means ***Parliamentary Commissioner Act 1971***.
- "Minister" means a body corporate with the name "Minister for Education" **(SEA s.214(1)).**
- "SEA" means ***School Education Act 1999***.
- "SER" means ***School Education Regulations 2000***.
- "Special meeting" means a meeting of the Board called for by written notice to the chairperson by parents of students at the school for a specific purpose **(SER r.118)**.
- "Student" means a person who is enrolled at the school **(SEA s.4).**
- "Terms of Reference" means these rules that will apply to the Board and members.

[1] All but one of the functions of the Director General mentioned henceforth have been delegated from the Director General to the Deputy Director General, Public Schools, under the current delegation instruments.

3 Purpose of Board

3.1

The board of a public school works with the school community to achieve the best outcomes for students. It plays an important role in contributing to good school governance so that school resources are used efficiently, and community expectations and the school's priorities reflect the needs of students.

4 Functions of the Board

4.1

The Board has the following functions:

To take part in:

a) establishing and reviewing from time to time, the school's objectives, priorities and general policy directions **(SEA s.128(a)(i))**;
b) the planning of financial arrangements necessary to fund those objectives, priorities and directions **(SEA s.128(a)(ii))**;[2]
c) evaluating the school's performance in achieving them **(SEA s.128(a)(iii))**; and
d) formulating codes of conduct for students at the school **(SEA s.128(c)).**

4.2

With the approval of the Director General to:

a) take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff **(SEA s.129(2))**[3][4].

4.3

To approve[5]:

a) of a charge or contribution determined by the principal for the provision of certain materials, services and facilities **(SEA s.99(4));**
b) of the costs determined by the principal to be paid for participation in an extra cost optional component of the school's educational program **(SEA s.100(3));**

---

[2] The principal submits the school's annual budget to the Board for noting. School Boards note major revisions to the budget, which have an impact on the original programs and priorities. (Department of Education's *Financial Management in Schools Finance and Accounting* manual). Principals provide relevant financial reports to the school Board. (Department of Education's *Financial Management in Schools Finance and Accounting* manual.) The School Compliance Program confirms there is a record of the Board having noted the school budget in meeting minutes.

[3] A Board of a school that is not an Independent Public School may apply to the Director General or delegate to take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff. The Director General's delegate for a school that is not an Independent Public School is the Deputy Director General, Public Schools; and only for schools in their region the Regional Executive Director. An Independent Public School board takes part in the selection of, but not the appointment of, the school principal. An Independent Public School board may apply to the Director General or delegate to take part in the selection of, but not the appointment, of any other member of the teaching staff. Where the school is an Independent Public School, the Director General's delegate is the school Principal.

[4] Members of Parliament who are also members of a Board are prevented from participating in school selection processes by the *Public Sector Management Act 1994*.

[5] The Department of Education's School Compliance Program confirms there is a record of the Board having provided approval in meeting minutes.

c) of the items determined by the principal to be supplied by a student for the student's personal use in the school's educational program **(SEA s.108(2));** and
d) of an agreement or arrangement for advertising or sponsorship in relation to a government school **(SEA s.216(5)).**[6]

4.4
To determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school **(SEA s.128(d)).**

4.5
To provide advice to the principal of the school on:
a) a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education **(SEA s.70);** and
b) allowing time for the special religious education of students in the school, but the total number of hours so allowed in a school year is not to exceed 40 **(SEA s.69(2)).**

4.6
To promote the school in the community **(SEA s.128(b)).**

4.7
To note the school's Funding Agreement (with Schedules).

5 Limits of Functions

5.1
The Board cannot:
a) intervene in the control or management of a school **(SEA s.132(a))**;
b) intervene in the educational instruction of students **(SEA s.132(b))**;
c) exercise authority over teaching staff or other persons employed at the school **(SEA s.132(c))**; or
d) performance manage the principal or any other Department of Education employee **(SEA 132(c));**
e) intervene in the management or operation of a school fund **(SEA s.132(d))**; and
f) purchase property **(SEA 131)**;

Guideline
Principals have the legislated responsibility for the control and management of the school (SEA s.63(1)(b)). The Department of Education has established processes to enable Principals to undertake these functions, including for the distribution of funding to the school, school maintenance and capital works. Principals work with Department business units and provide the information Board/board members require on these processes. Principals support members to understand the scope of the functions of a Board/board, which does not include intervening in the control or management of the school - either directly or indirectly.

[6] The principal uses the Department's *Document for Incoming Sponsorship to a Public School* and enters into an agreement with a sponsor.

5.2
The Board is not permitted to borrow money or obtain credit.[7]

5.3
The Director General may give directions in writing to a Board with respect to the performance of its functions, either generally or in relation to a particular matter, and the Board is to give effect to any such direction **(SEA s.135(1)(2))**.

6 Qualifications for membership of Board

6.1
Membership of the Board will be drawn from the following categories:

a) parents of students at the school **(SEA s.127(1)(a))**;
b) members of the general community **(SEA s.127(1)(b))**;
c) staff of the school **(SEA s.127(1)(c))**;
d) the principal is automatically a member of the Board **(SEA s.127(2))**; and
e) students 15 years and over **(SEA s.127(1)(d))** and **(SER r.105(1)(2))**.

6.2
Staff who are also parents or community members will only serve on the Board in their capacity as a Department of Education employee. Such a person will only be on the Board in the category of staff membership **(SEA s.127(3))**.

6.3
The number of members of the Board will be 15.

Guideline
The number of members is determined by the Board however it must be at least 5 and not more than 15. ***(SER r.106(1)(a)(2))***
If the Board is a joint Board the Director General will determine the number and composition of members. ***(SER r.106(1)(c)).***

6.4
The Board will determine its composition:

a) having regard to 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 **(SER r.107(1)(a)(i))**;
b) having regard to the functions of the Board and any changes in those functions **(SER r.107(1)(a)(ii))**; and

[7] Department of Education's *Boards and Boards in Public Schools policy and procedures* Section 2.

6.5

The composition of the Board will be:

i. 2 members of the general community;
ii. 3 staff of the school in addition to the principal;
iii. 7 parents;
iv. a member of another association of the school referred to in **SEA s.149** in relation to the school or group of schools that the school belongs **(SER r.107(1)(b)(i)(ii)(iii)(iv)).** *and*
v. 2 students over 15 years of age.

Guideline
To be suitably qualified for a membership position on the Board/board:

- *parents are to have children enrolled at the school;*
- *staff are to be employed at the school; and*
- *community members have contemporary expertise required by the Board/board. Examples of contemporary expertise include current employment with an employer working in partnership with the school, or business skills that are required at the time.*

Guideline
An example of another association referred to in SEA s.149 (see iv above) is an alumni association, but not a Parents and Citizens' Association. A Parents and Citizens' Association may nominate in the membership category of parents or general community members as is relevant to the nominee (SER r.107(3)). See 8.3.
The number of members from each membership category is to be specified. For example, 5 parents, 2 staff and 2 members of the general community. Use of terms such as 'up to' or 'a maximum of' are not to be used.

6.6

Parents and members of the general community will form the majority of the members of the Board **(SEA s.127(4));** and at least one of this majority will be a parent member **(SER r.107(2)).**

6.7

The Board may co-opt a member of the local community to be a member of the Board for such period, or in relation to such matters, as determined by the Board where that person's experience, skills or qualifications would enable them to make a contribution to the Board's functions **(SER r.112).**

6.8

Students at the school who are not members may attend Board meetings and take part in discussions, but without having a right to vote or being counted in determining a quorum **(SEA s.140(b)).**

7 Roles of Office Bearers

7.1

Chairperson
The role of the chairperson is to:

a) work in partnership with the Principal;

b) ensure a wide variety of people are considered for membership and that members are representative of the school community, for example gender, social, cultural, lingual, economic or geographic factors relevant to the school;
c) chair and convene Board meetings **(SER r.115(2))**;
d) ensure minutes of meetings are taken and reviewed;
e) provide leadership to the Board;
f) manage the business of the Board;
g) declare the result of decisions and motions;
h) uphold Board decisions;
i) works with the Principal to induct members;
j) ensure the Board stays focused on supporting the school to achieve the best outcomes for students;
k) prepare and present an annual report to members and the school community at annual public meetings **(SER r.117(c));**
l) comply with any directions of the Board in relation to the venue and time of meeting and giving notice of the meeting **(SER r.115(2));**
m) resolve disputes as required;
n) represent the school in the community and at formal functions; and
o) facilitate mediation meetings as required.

7.2

Secretary[8]

Where there is such a position, the role of the secretary is to:

a) co-ordinate the correspondence of the Board;
b) ensure that full and correct minutes of the meetings and proceedings of the Board are kept in a minute book and are signed off by the chairperson after every meeting;
c) serve formal notice to Board members and the community at the direction of the chairperson, for:
    i. ordinary, special and annual public meetings; and
    ii. motions;
d) keep and maintain in an up to date condition a register of the members of the Board and their postal and residential addresses;
e) keep a list of nominees of members of the general community that may be appointed to the Board in the category of general community membership **(SER r.108(2)(b));**
f) keep and maintain this Terms of Reference and have copies of this Terms of Reference available to all members;
g) ensure every member has access to inspect the records and documents of the Board;
h) have custody of all books, documents, records and registers of the Board; and
i) have custody of all other records held by the Board.

Guideline
It may be useful to add to the register of members' phone numbers and email addresses. It may be useful to regularly update the register with current information.

[8] Schools may provide support to the Board through the school support staff who may undertake the role of the secretary. Where this occurs the school support staff member is not a member of the Board.

NB Please note that it is advisable to obtain consent first, as Boards may be in breach of the Privacy Act 1988 (Commonwealth) by keeping phone numbers on the register without consent.

Guideline
In regards to the secretary's record keeping role (h) (secretary) it may be useful to have two custodians of the records and documents of the Board, in the event that the first custodian is unavailable.

Some Boards keep their records electronically.

Principals are required to produce Board records as part of the Department of Education's school compliance program.

7.3
A member may at any reasonable time inspect the books, documents, records and securities of the Board. Members may make a copy of or take an extract, but have no right to remove the books, documents, records or registers of the Board.

8 Elections and appointment of members

8.1
Members of the Board are appointed for a term not exceeding three years **(SER r.110(1)(a)).**

8.2
Members may be reappointed for a further term once or more than once **(SER r.110(1)(b)).**

8.3
The Parents and Citizens' Association may nominate one of its members to be considered for membership of the Board in the membership category of parents or general community members as is relevant to the nominee **(SER r.107(3)).**

Guideline
A Parents and Citizens' Association can nominate one of their members for either
a) a parent or
b) a community member position depending on the individual circumstances of the nominee.
If the Parents and Citizens' Association nominates a parent member, that nomination is treated the same as any other parent nomination and is required to face an election (with all parents voting and all parent candidates considered, not just Parents and Citizens' Association members) if there are more nominations than positions.[1] If the Parents and Citizens' Association nominates a community member, that nomination is treated the same as any other community nomination and is considered by the Board with the other community member nominees. Community members are appointed, not elected.

8.4
Any member appointed or elected to a casual vacancy on the Board will hold office for the residual period of the predecessor's term of office **(SER r.110(2)).**

8.5
The chairperson is elected by and from its membership **(SEA s.127(6)).**

> ***Guideline***
> *It is good practice for the Board to review on an annual basis, for example at the first meeting of the year, who will undertake the role of Chair.*

8.6
The principal of the school will invite nominations from all persons in each category to fill vacancies in the Board membership **(SER r.108(1)).**

> ***Guideline***
> *People who are eligible to nominate for a category are also eligible to vote for that category. That is, only parents vote for the parent members, only students vote for the student members and only staff vote for the staff members.* ***(SER r.109)***
> *Each parent whose name and address has been provided to the school at the time of the application for enrolment is eligible to nominate and is to be provided with the opportunity to vote where an election is to be held.* ***(SER r.109)***
> *For example, where a parent position becomes vacant on a Board of a secondary school in Term 4, all parents are to be provided with the opportunity to nominate (and vote if an election is to be held). This would include the parents of Year 6 students whose enrolment has been accepted for the following year.*

> ***Guideline***
> *Principals can access voting support materials, including an electronic voting tool, through Ikon.*

8.7
If there are more nominees than places available on the Board:

a) the principal will conduct an election to appoint parents, staff and students **(SER r.108(2)(a)(c)(d))**; and
b) in the category 'community members' the choice of nominee will be decided by the Board rather than by election **(SER r.108(2)(b))**.

8.8
Only those people eligible for a position are eligible to vote for representatives for that position **(SER r.109(1)(2)(3)(4)(5)).**

8.9
Parent members are to be elected from and by parents **(SER r.108(2)(a)).**
Parents eligible to vote are:

a) each parent whose name and address has been provided to the school **SEA s.16(1)(b)(ii)(I) (SER r.109(1)(a))**; 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 **(SER r.109(1)(b)).**

8.9.1 Students aged 15 years and over, or students who will reach the age of 15 years during the calendar year, are to be elected from and by other students **(SER r.108(2)(d)).**
Students eligible to vote for student members are each student:

a) enrolled at the school at the date of the notice of the election **(SER r.109(4)(a))**; and
b) who is 15 years of age, or who will reach 15 years of age during the calendar year **(SER r.109(4)(b)).**

8.10
Staff members are to be elected from and by the staff of the school **(SER r.108(2)(c)).** Staff members who are eligible to vote are each person who is employed at the school under **SEA s.235(1)**, and whose usual place of work is at the school **(SER r.109(3)).**

8.11
There will not be an election to appoint community members. The Board may appoint suitably qualified persons from the list of nominees by vote in a meeting **(SER r.108(2)(b)).**

8.12
There will not be an election to appoint co-opted members. The Board will appoint a person of the local community having such skills, experience, or qualifications as would enable the person to make a contribution to the Board's functions for a specified time period **(SER r.112).**

8.13
A person will not vote in respect of more than one category of membership of the Board **(SER r.109(5)).**

8.14
Voting in Board elections will be conducted in written form (as opposed to a show of hands).

8.15
The school principal is responsible for the proper conduct of all elections **(SER r.108(2)).**

8.16
A person who wishes to nominate to serve on the Board will notify the school principal in writing using the prescribed nomination form by the due date in order to be considered. The principal will keep a record of nominations received.

8.17
Appointments to the Board will not be made until after a Screening Clearance Number has been issued by the Department of Education's Screening Unit (as is applicable to the membership category).[9]

9 Board meetings and proceedings

9.1
The Board must meet together to undertake Board functions for not less than 8 ordinary meetings in each year.

9.2
Ordinary Meetings
a) "ordinary meeting" means a meeting held by determination of the Board **(SER r.115(1)); and**
b) a Board must hold at least two (2) ordinary meetings per year.[10]

9.3
The chairperson will give to the school community not less than 14 days formal notice of an ordinary meeting.

Guideline
It may be useful to give 14 days formal notice of an ordinary meeting and to specify in the formal notice -
a) when and where the ordinary meeting concerned is to be held; and
b) the agenda.

9.4
The Board will determine that medium for formal notice as email.

Guideline
The Board defines formal notice. It may be useful to define formal notice as in writing via mail, fax or email. It may be useful to set out in the formal notice when and where the meeting is to be held, and the agenda.
NB: In some situations such as remote schools, verbal notification may be considered appropriate.

9.5
Annual public meeting
a) "Annual public meeting" is the meeting held once in every calendar year that is open to the public **(SER r.117(a)).**
b) An annual report will be presented at the meeting to advise the school community of the performance of the Board in relation to its functions since the previous annual public meeting **(SER r.117(c)).**

9.6
The chairperson will give to all members and parents not less than 14 days formal notice of an annual public meeting **(SER r.117(b)).**

---

[9] *Criminal History Screening for Department of Education Sites policy and procedures* and *Boards and Boards in Public Schools policy and procedures*
[10] School Compliance Program, Financial Services, Department of Education

Guideline
It would be useful to specify in the formal notice –
a) When and where the annual public meeting is to be held;
b) The agenda, for example -
i. the consideration of the annual report of the school Board;
ii. any other business requiring consideration by the school Board at the annual public meeting.
NB: In some situations such as remote schools, verbal notification may be considered appropriate.

9.7
A special meeting:
a) is a meeting called for by families of students at the school for a particular purpose **(SER r.118).**
b) will be held by determination of the Board **(SER r.115(1));** or
c) will be called for by:
i. at least 20 families of students at the school **(SER r.118(1(b)(i));** or
ii. at least half the number of families of students at the school, whichever is the lesser number of families, **(SER r.118(1)(b)(ii);** and
iii. a formal notice to the chairperson, which will state the purpose for which the special meeting concerned is required; and be signed by the families who called for the special meeting.

9.8
The chairperson is not to convene a special meeting if the purposes of the proposed meeting are not relevant to the Board's functions **(SER r.118(3)).**

9.9
A special meeting is to deal only with matters relevant to the purposes set out in the notice received by the chairperson **(SER r.118(4)).**

9.10
The chairperson will give to all members and the school community not less than 14 days formal notice of a special meeting.

Guideline
It may be useful to give to all members and the school community 14 days formal notice of a special meeting. It may be useful if the notice specifies -
a) when and where the ordinary meeting concerned is to be held; and
b) the agenda.

9.11
The chairperson will convene the special meeting within 30 days of receiving the request in writing.

9.12
The chairperson may, with the consent of a meeting at which a quorum is present, and must, if so directed by such a meeting, adjourn that meeting from time to time and from place to place.

9.13
No business will be transacted at an adjourned meeting other than business left unfinished or on the agenda at the time when the meeting was adjourned.

9.14
When a meeting is adjourned for a period of 30 days or more, the chairperson will give formal notice of the adjourned meeting as if that meeting were a fresh meeting.

9.15
The Board will agree on the manner that the secretary will communicate notice of ordinary, special and annual public meetings to members and the school community.

9.16
Meetings for the Board and the Parents and Citizens' Association are to be held separately.

9.17
Subject to this Terms of Reference, the Board will determine its own procedures **(SEA s.136).**

10 Quorum at Board meetings

10.1
At a meeting 60 % per cent of members present in person at a Board meeting constitute a quorum.

Guideline
At a meeting 60 per cent of members present in person, or by electronic means, could constitute a quorum. The number should be determined taking into consideration the requirement for an absolute majority of all members for a motion to be passed. See 12.7

Electronic means may include via telephone, web/video conference. Members cannot send a proxy.

10.2
If within 30 minutes after the time specified for the holding of a meeting of which formal notice has been given:

a) a quorum is not present, the meeting lapses and will be rescheduled; or
b) otherwise than as a result of a request, notice or action, the meeting stands adjourned until such time as the Board agrees to reconvene the meeting.

10.3
If within 30 minutes of the time for the resumption of adjourned meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of the meeting as if a quorum were present.

11 Motions at Board meetings

11.1

A motion may be moved by a member with full voting rights and voted on by a member with full voting rights, at an ordinary meeting, special meeting, or annual public meeting.

11.2
The chairperson will be given 7 days notice of a motion to be proposed at a meeting.

> ***Guideline***
> *It would be reasonable for the chairperson to be given 7 days formal notice of a motion to be proposed at a meeting.*

11.3
The chairperson will give days formal notice to members that a motion will be proposed at a meeting.

> ***Guideline***
> *It would be reasonable for the chairperson to give 5 days formal notice to members that a motion will be proposed at a meeting.*

11.4
The Board will agree on the manner that the secretary will communicate notice of motions to members and the school community.

12 Resolutions at Board meetings

12.1
Each Board member is entitled to one vote only **(SER r.119(3)).**

12.2
A co-opted Board member is not entitled to a vote **(SEA s.140(a)).**

12.3
Students attending Board meetings that are not members do not have a right to vote or be counted in determining a quorum **(SEA s.140(b)).**

> ***Guideline***
> *Members must participate in a vote in person or via electronic means. Electronic means may include via telephone, web/video conference. Members cannot send a proxy vote.*

12.4
Procedures for counting of votes will be a show of hands.

12.5
Voting on issues will be recorded in the minute book.

12.6
A decision of the Board will not take effect unless it has been made by an absolute majority **(SER r.119(2)).**

12.7

An absolute majority, in relation to a Board for a school, means a majority comprising enough of the current members of the Board for their number to be more than 50 per cent of the number of offices (whether vacant or not) of members of the Board **(SER r.119(1)).**

Guideline
If a Board has 15 positions then an absolute majority is 8 votes. If only 8 members attend a meeting, 8 votes are required to form an absolute majority.

12.8
A motion put to the vote:
a) may be moved and voted on at an ordinary, special or annual public meeting; and
b) will be decided by an absolute majority of votes.

12.9
A motion which is passed will be declared by the Chairperson as a resolution. A declaration by the Chairperson is evidence of the fact.

13 Closing an ordinary Board meeting to the public

13.1
Meetings of the Board are generally to be open to the public **(SER r.115(3)).**

Guideline
Where members of the public attend an ordinary Board meeting they do so as observers, unless invited by the Chairperson.

13.2
The Board will not close to members of the public an annual public meeting or special meeting **(SER r.115(3)).**

13.3
The Board may decide to close an ordinary meeting or part of an ordinary meeting if it deals with any of the following:
a) a matter affecting a person who is employed at the school **(SER r.116(a));**
b) the personal affairs of any person **(SER r.116(b));**
c) a contract entered into, or which may be entered into, by the Board and which relates to a matter to be discussed at the meeting **(SER r.116(c));**
d) legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting **(SER r.116(d));**
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 Board **(SER r.116(e)(i));** 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 Board **(SER r.116(e)(ii));** and
f) information which is the subject of a direction given **PCA s.23(1)(a) (SER r.116(f)).**

13.4
A decision to close an ordinary meeting or part of an ordinary meeting and the reason for the decision are to be recorded in the minutes of the meeting **(SER r.116(2)).**

14 Disputes and Mediation

14.1
The grievance procedure set out in this rule applies to disputes under these rules between:

a) a Board member and another member;
b) a Board member and the principal of the school;
c) a Board member and the chairperson; or
d) a Board member and co-opted members.

14.2
The parties to the dispute should meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all parties.

14.3
If the parties are unable to resolve the dispute at the meeting, a meeting may be held in the presence of a mediator.

14.4
The mediator will be-

a) a person chosen by agreement between the parties; or
b) in the absence of agreement-
    i. in the case of a dispute between a member and another member, a person appointed by the chairperson of the Board;
    ii. in the case of a dispute between a member or relevant non-member and the Board, a person who is a mediator appointed to, or employed with, a not for profit organisation.

14.5
A member of the Board can be a mediator.

14.6
The mediator cannot be a member who is a party to the dispute.

14.7
The mediator, in conducting the mediation, will-

a) give the parties to the mediation process every opportunity to be heard;
b) allow due consideration by all parties of any written statement submitted by any party; and
c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

14.8
The mediator will not determine the dispute.

14.9
The mediation will be confidential and without prejudice.

14.10
If the mediation process does not result in the dispute being resolved, the parties may seek advice from the Regional Executive Director.

Guideline
Boards are encouraged to adopt a Code of Conduct, review the code regularly and include the code as part of the induction for new members. See the Department's website for support materials including a Code of Conduct.

Guideline
Boards are encouraged to regularly reflect on their performance. Principals can access an electronic self-assessment survey tool through Ikon.

15 Cessation or termination of membership of the Board

15.1
The office of a member of the Board becomes a casual vacancy if the member:

a) becomes ineligible to hold office as a member **(SER r.111(1)(a));**
b) resigns by written notice delivered to the Board **(SER r.111(1)(b));** or
c) is removed from office by the Director General **(SER r.111(1)(c)).**

Guideline
A person can become ineligible to hold office as a member before the end of their term. For example, a parent member becomes ineligible when they no longer have children enrolled at the school; and a community member becomes ineligible when they no longer have the contemporary expertise required.

A member themselves, or the Board/board, may identify that a member has become ineligible to hold office because they are no longer suitably qualified. Where this occurs the member resigns their position. See also Guideline at 6. Qualifications for membership of Board.

15.2
The Board may remove a person as a member of the Board on the grounds that the person:

a) has neglected their duty as a member **(SER r.111(3)(a));**
b) has misbehaved or is incompetent **(SER r.111(3)(b));**

c) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of their function as a member **(SER r.111(3)(c));** or
has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice **(SER r.111(3)(d)).**

15.3
The Board will not remove a person as a member unless the person has been given a reasonable opportunity to show that they should not be removed from office **(SER r.111(4)(a)).**

15.4
A decision of the Board to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not, of members of the Board **(SER r.111(4)(b)).**

For assistance on the legislation and policy with respect to Boards/boards please see the Department of Education's School Boards and Boards website
https://www.education.wa.edu.au/school-Boards-boards