## School Councils

## Frequently Asked Questions

**How is a school council established?**

The Department of Education’s [School Council procedure](http://ppr.det.qld.gov.au/education/community/Pages/School-Councils.aspx) outlines the processes for the establishment, operations and dissolution of school councils.

To establish a new school council, the school principal prepares a draft constitution using the model constitution (see [getting started flowchart](https://education.qld.gov.au/parents/Documents/school-councils-setting-up-a-school-council.doc)).

In preparing the draft constitution, the principal:

* **must** consult with the parents of children attending the school, and the school's staff and students; and
* **may** consult with other appropriate entities.

The principal gives **at least 30 days’ notice** to school staff and the Parents & Citizens’ Association (P&C) (where a P&C for the school exists) regarding the meeting to vote on the draft constitution. The draft constitution must be approved by the following meetings through a secret ballot:

* where a P&C exists for the school – by the P&C at a special meeting called by the P&C president; or
* where no P&C exists for the school – by a meeting of parents of the children attending the school called by the principal;

and

* by school staff at a staff meeting called by the principal.

As the model constitution has already been approved by the Director-General delegate, if the school council’s draft constitution does not vary from the model constitution, no further approval is required.

If the draft constitution varies (i.e. changes other than grey fields) from the model constitution, [Director-General delegate](http://ppr.det.qld.gov.au/pif/authorities/Authorities%20and%20Delegations/Director-Generals%20delegations%20under%20Education%20%28General%20Provisions%29%20Act%202006.pdf) approval is required. Email the amended constitution (with amendments tracked) and [supporting materials](https://education.qld.gov.au/parents-and-carers/parent-participation/school-council-handbook) to State Schools Division for delegate approval (see [amendments to the constitution](https://education.qld.gov.au/parents/Documents/school-councils-amendments-to-the-constitution.doc)). To support the delegate’s consideration, State Schools Division may seek legal advice to ensure the proposed amended constitution is consistent with the *Education (General Provisions) Act 2006* (Act) and otherwise lawful.

The principal establishes the school council by publishing a notice in the Queensland Government Gazette. Follow [Steps to Publish a Notice in the Queensland Government Gazette](https://education.qld.gov.au/parents/Documents/school-councils-gazettal-process.doc) to officially establish the school council.

Schools should retain a copy of the notice published in the Gazette for their records.

**How can schools encourage nominations from school support staff to achieve the required balance of 1:1 teaching and school support staff on the school council?**

This ratio, as stated at clause 7.3 of the School Council Model Constitution, aims to ensure that the strategic direction of the school is informed by a balanced staff view. Schools may contact their [United Voice](http://www.unitedvoice.org.au/) and [Together](http://www.together.org.au/) union representatives to discuss ways to help encourage nominations from school support staff at the school.

**Who is considered a school support staff member?**

School support staff may include: Schools Officers (Grounds and Facilities); Cleaners; Teachers’ Aides; Managers; Project Officers; Personnel/Human Resource Officers; Finance Officers; Education Officers and Business Services Managers within schools.

**Who is eligible to be an elected parent member of a school council?**

To be eligible for election as an elected parent, a person must:

* not be the principal of the school or the Parents and Citizens’ Association (P&C) president;
* have not been convicted of an indictable offence, unless the Minister gives approval under the Act (s.93);
* attend a meeting called for the purpose of electing parent members;
* be the parent\* of a student attending the school; and
* submit a completed nomination on time.

\*Note: The definition of a parent is outlined in s.10 of the [Education (General Provisions) Act 2006 (Qld)](https://www.legislation.qld.gov.au/view/whole/html/inforce/current/act-2006-039):

**10 Meaning of *parent***

1. A ***parent***, of a child, is any of the following persons—
	1. the child’s mother;
	2. the child’s father;
	3. a person who exercises parental responsibility for the child.
2. However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.
3. A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.
4. A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.
5. Despite subsections (1), (3) and (4), if—
	1. a person is granted guardianship of a child under the [Child Protection Act 1999 (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010)); or
	2. a person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State; then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).

**Are step parents, adopted parents, grandparents and guardians eligible to vote in a school council meeting?**

Section 10 of the Act provides the definition of parent (see the above FAQ). If a person meets this definition and they are an elected parent member of the school council, then the person is eligible to vote in a school council meeting.

**Why are there two different processes for electing parent members to a school council?**

The Act provides different processes for election of parent members to school councils depending on whether or not the school has a P&C Association.

* If the school has a P&C Association, then the P&C constitution’s process must be followed.
* If the school does not have a P&C, then the parent member is elected through a secret ballot process as outlined in the [Elected Staff and Parent Members](https://education.qld.gov.au/parents/Documents/school-councils-elected-parent-staff-members.doc) fact sheet.

**Do all voters need to be present at the school council meeting? Can postal, email or proxy votes be accepted?**

Clause 23.4 of the school council model constitution provides that:

“*A school council may hold meetings, or allow its members to take part in its meetings, by telephone, web-conference or another form of communication that allows reasonably contemporaneous and continuous communication between the members taking part in the meeting.”*

###### Schedule 3 of the school council model constitution details the election procedures including the voting process for staff and parent election. This is the official document that must be followed.

For more information, refer to the [School Council Handbook](https://education.qld.gov.au/parents-and-carers/parent-participation/school-council-handbook) which includes the [school council model constitution](https://education.qld.gov.au/parents/Documents/school-councils-model-constitution.docx) and the [getting started flowchart](https://education.qld.gov.au/parents/Documents/school-councils-setting-up-a-school-council.doc).

**Do school council members require student protection training?**

For school council members, the type of student protection training would depend on the nature of their contact with students and is determined by the principal.

**What is the role of the school principal on the school council?**

The principal is responsible for leading the strategic direction of the school, planning, reviewing, and reporting, as well as the day-to-day operations of the school. The school council has an accountability role and is responsible for informing and monitoring the school’s strategic direction, thereby strengthening local decision-making. School councils have responsibility for approving documents that set the strategic direction of the school, but are not involved in daily operational aspects.

**Is there a conflict of interest if a potential school council member is a paid contractor at the school (example: an external academic marker)?**

Section 103 of the Act(‘Disclosure of interest’) applies to potential or actual conflicts of interest where a member (or potential member) of the school council has a direct or indirect financial interest in the issue being considered (or to be considered) by the school council, and the interest could conflict with the proper performance of the member’s duties when considering the issue.

The school council would make a final decision about potential conflicts of interest and about the person’s appointment to the school council at a meeting. The interested member would not attend this meeting. The meeting minutes should record the individual’s declaration (disclosure of interest) and subsequent absence from the meeting during any relevant discussions.

The department’s Ethical Standards Unit can provide advice about potential conflicts of interest.

**Which ‘first-elected members’ may hold office for up to 3 years?**

The Act and school council model constitution do not restrict the process used by a school council to determine which first members would have a three year term. Provided the process used is lawful, fair, transparent and supported by school council members, a school council can determine which first members are to have a three-year term.

It is recommended that the process used to determine the length of office is supported by the school community (the P&C if the school has one) and school council members, and that the outcomes are documented (should the decision be challenged at a later stage).

Some factors for consideration include:

* If the member is a parent member, will the member’s child/children still be attending the school at the third year of office?
* If the member is a student member, will the member still be a student of the school at their third year of office?

**How often should the council adopt the department’s model constitution?**

The school council should adopt the model constitution on renewal of their existing constitution (i.e. when a new term is due for the council).

The current [school council model constitution](https://education.qld.gov.au/parents/Documents/school-councils-model-constitution.docx) can be accessed from the [School Council Handbook](https://education.qld.gov.au/parents-and-carers/parent-participation/school-council-handbook).

The model constitution has been developed to closely reflect legislation and guide school council operations.

School councils wishing to make changes to content outside of the editable fields of the model constitution, should follow the process for [amending the model constitution](https://education.qld.gov.au/parents/Documents/school-councils-model-constitution.docx).

**What does a school need to do after amendments to its constitution have been approved?**

Once amendments have been approved by the [Director-General or delegate](http://ppr.det.qld.gov.au/pif/authorities/Authorities%20and%20Delegations/Director-Generals%20delegations%20under%20Education%20%28General%20Provisions%29%20Act%202006.pdf), the revised school council constitution is effective. The school will advise the school council and/or school community of the approval.

If the school council was already established (under s.79(1) of the Act) before a request is made to amend the school council constitution, a Queensland Government Gazette notice is not required (as this is only required when first establishing the school council under the Act).

If the amendments are associated with the school’s first school council constitution, then a notice needs to be placed in the Gazette (if this has not been done already). [Steps to publish a notice in the Queensland Government Gazette](https://education.qld.gov.au/parents/Documents/school-councils-gazettal-process.doc) are available in the [School Council Handbook](https://education.qld.gov.au/parents-and-carers/parent-participation/school-council-handbook).

**Does the school council cease to be valid if a position is vacant for more than 3 months?**

No. However, if the council’s membership drops below six members (s.84(1) of the Act) and a vacancy is not filled within three months after the vacancy arises, then the council is no longer taken to be validly constituted (s.92(3) of the Act). This will have implications for the school council’s operation, administrative power and ability to function. Therefore, it is recommended that school councils fill vacancies as soon as possible.