

BOARD OF AUBURN HOUSE SCHOOL

Code of conduct for Board members

1 Preamble

The teaching of young people at Auburn House School is a responsibility shared by school, pupils, families and members of the community. The school's Board is the vehicle to ensure opportunity, excellence, inclusivity and the accountability of the school. The elected and co-opted Board members are the representatives of the school community chosen to give effect to this policy.

2 Purpose

The purpose of this code is to establish a disciplined and purposeful environment at Auburn House School, aimed at the maintenance of high-quality governance at the school. It lays down the minimum standards of conduct and action expected of members of the Board.

3 Scope and application of the code of conduct

3.1 This code of conduct for members of the Auburn House School Board applies to all members of that body, irrespective of whether they are professional, elected or co-opted members.

3.2 It is intended to be a living document. Succeeding Boards should revisit it on a regular basis and, where relevant or applicable, amend it from time to time.

3.3 It is incumbent on the school to ensure that Board members are made aware of the contents of this code, and that, in pursuance thereof, copies of the code are made available to every member immediately after election.

3.4 It is thereafter incumbent on all members to abide by, respect and implement the provisions of the code.

4 The role of the Auburn House School's governing Board

4.1 Board members are responsible for the **governance** of the School, not its **management**.

4.2 The day-to-day running of the school is in the hands of the Principal's Management Team.

4.3 The Board shall:

4.3.1 Promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school.

4.3.2 Adopt or confirm the constitution of the school's governing Board; develop, adapt or adopt a mission statement; and adapt or accept policy documents on matters such as language, admissions, religion, etc.

4.3.3 Determine (or confirm) the curriculum and extra-mural offering of the school, raise funds, pay for services, purchase prerequisites, etc.

4.3.4 Adopt or confirm a code of conduct for learners and employees at the school.

4.3.5 Support the Principal, educators and other staff members of the school in the performance of their professional functions.

4.3.6 Determine the times of the school day, consistent with applicable regulations and conditions of employment of members of staff at the school.

4.3.7 Administer and control the school's property, as well as the buildings and grounds occupied by the school.

4.3.8 Encourage parents, learners, educators and other staff to render voluntary services to the school.

4.3.9 Appoint educators at the school, subject to the Employment of Educators Act and the Labour Relations Act.

4.3.10 Appoint non-educator staff at the school, subject to the Public Service Act and the Labour Relations Act.

4.4 The Board may:

4.4.1 Allow the use of the facilities of the school for community, social and school fund-raising purposes, subject to such reasonable and equitable conditions as the Board may determine, and which may include the charging of a fee or tariff which accrues to the school.

4.4.2 Establish and maintain appropriate associations with bodies, societies and institutions concerned with the practice of Montessori methods.

4.4.3 Subject to any applicable law, establish posts for educators and employ educators.

4.4.4 Subject to any applicable law, establish posts for non-educators and employ non-educator staff.

5 General conduct of Board members

5.1 It is accepted as a fundamental tenet of the Board that all members enjoy equal status on the Board.

5.2 The overriding concern of Board members will at all times be the welfare of the school and the best interests of learners.

5.3 Board members also accept the accountability placed upon them by delegation or the allocation of responsibilities and tasks, and accept an overarching responsibility to contribute to the development and maintenance of the ethos and character of the school, as well as its physical and educational fabric.

5.4 It is expected that, in pursuance of their role, all Board members will:

5.4.1 Accept the legal authority of the Board.

5.4.2 Acknowledge that the duties and responsibilities of Board members are of a fiduciary nature (i.e. are built on mutual trust) and should be discharged with the utmost good faith and in the best interests of the school and its pupils.

5.4.3 Accept that they have a responsibility towards monitoring, reviewing and amending the school's policies, budgets, plans and procedures, as and when the need arises.

- 5.4.4 Recognise the dual role of the Principal, who serves on the Board both in his/her official capacity as Principal, but also as a full member of the school's Board with responsibility to act in the best interests of the school.
- 5.4.5 Recognise further that the Principal's role includes priority responsibility for:
 - 5.4.5.1 The professional management of the school.
 - 5.4.5.2 The professional management of all employees.
 - 5.4.5.3 The implementation of all educational programmes, whether intra- or extra mural.
 - 5.4.5.4 The safekeeping of all school records.
 - 5.4.5.5 Reporting on school activities to the Board.

6 Approach to governance

It is expected that Board members:

- 6.1 Acknowledge that their acceptance of membership of the school's Board involves a commitment to putting in a significant amount of voluntary time and energy.
- 6.2 Will involve themselves actively in the work of the Board, which involvement will include regular attendance at meetings, and at school as well as Board activities.
- 6.3 Will read all minutes and reports beforehand so that meeting time is not taken up by lengthy feedback.
- 6.4 Will attend regularly a representative cross-section of functions at the school.

7 Relationships

Board members recognise that the Board and individual Board members alike have a responsibility to fulfil their governance role, and that every member:

- 7.1 Is part of a team, with responsibilities to that team;
- 7.2 Has a responsibility to work towards effective working relationships with pupils, parents, staff and the local community;
- 7.3 Agrees to follow the protocols determined by the Board of which he/she is a member;
- 7.4 Shall, outside of Board meetings, whether in public or in private, desist from undermining decisions taken by the Board;
- 7.5 Is precluded from deriving personal profit or gain from his or her position on the Board;
- 7.6 Agrees to observe confidentiality at all times, and accepts that it is the role of Principal and Board Chairperson to make public comment on any issue;
- 7.7 Will respond to criticism or complaints concerning the school, its governance, its management or its members (whether employees, parents or learners) by following the complaints procedures established by the Board.

8 General protocols and meeting procedures

8.1 **Voting**

- 8.1.1 At a Board meeting, all members have the right to participate in discussion, but only the professional members and elected members and the Principal have voting rights.
- 8.1.2 In sub-committee meetings, all members have the right of participation and the right to vote.

8.2 **Quorum**

- 8.2.1 No decision shall be made or business transacted at a meeting at which a quorum is not present.
- 8.2.2 The legal quorum is half of the total membership of the relevant committee or sub-committee plus 1 (e.g. on a body of 9 this translates into $9 \div 2 = 4,5 + 1 = 5$).
- 8.2.3 The quorum is always calculated based on the full membership: i.e. there is **no sub-quorum** of sub-groups (parents, educators, learners) required.

8.3 **Confidentiality**

- 8.3.1 While openness is recommended between the Board and all stakeholders (parents, staff and pupils), this does not negate the need for confidentiality.
- 8.3.2 Members should check with the Chairperson or the Principal if they are in doubt regarding the confidentiality of an issue, and not comment on the matter publicly until its status is clear.

8.4 **Making statements and indulging in other forms of communication**

- 8.4.1 Communication between the parent or pupil body and the Board will always take place via the Principal, except that the Board Chairperson shall be entitled to put out an informational newsletter or report, or call a general meeting of parents for the transmission of general information.
- 8.4.2 NB: It should be highly unusual for the Board to embark on such an activity without the knowledge and approval of the Principal, and should be resorted to only under the most extreme of circumstances.

8.5 **Recusal by members**

- 8.5.1 A member of the Board must withdraw from any meeting of the Board or Board committees for the duration **of both discussion and decision-making** on any issue in which s/he has a personal interest.
- 8.5.2 The elected staff member, given their employee status, is deemed to have a personal interest in any matter dealing with:
 - 8.5.2.1 The disciplining of staff.
 - 8.5.2.2 Staff remuneration.
 - 8.5.2.3 Staff appointments.
 - 8.5.2.4 Formal, summative staff appraisal processes in which staff members are scored/ranked in order of effectiveness.

8.6 **The committees of the Board**

- 8.6.1 The Board has six committees: while a member of the Board (not **necessarily** an elected member: could be a professional member) must chair each sub-committee, people from inside or outside of the school who are not members of the Board may be co-opted to serve on a committee.
- 8.6.2 All co-options must be by decision of the full Board, not by individual members of the Board.
- 8.6.3 These committees usually meet once per quarter, except when there are specific issues to be dealt with, or, in the case of the Executive committee, more often.
- 8.6.4 Executive Committee meetings deal with urgent Board matters which may have arisen since the previous Board meeting, and which may need urgent attention.
- 8.6.5 The following are the committees of the Board:
 - 8.6.5.1 Executive
 - 8.6.5.2 Finance
 - 8.6.5.3 Remuneration
 - 8.6.5.4 Outreach
 - 8.6.5.5 Training
 - 8.6.5.6 Legal and Discipline (meets on *ad hoc* basis according to need.)

8.7 **Meetings**

- 8.7.1 Meetings of the full Board will take place quarterly.
- 8.7.2 Committees meet when needed but at least twice per year.
- 8.7.3 *Ad hoc* committees meet as directed by the Board or as decided by themselves.
- 8.7.4 Board meetings and committee meetings shall be scheduled annually for the full year, placed on a schedule of dates, and circulated to the full membership by the end of the preceding December.
- 8.7.5 Such schedule shall be accepted as having given two weeks notice of meetings.
- 8.7.6 Confirmation of meetings shall be circulated to all members, together with an agenda and relevant preparatory documentation as may be required, sufficiently far ahead of the meeting date to allow all members at least a full weekend in which to prepare for the meeting.
- 8.7.7 Minutes will be circulated within ten days of the meeting having taken place.
- 8.7.8 Any matter to be raised with the Board should be referred to the Principal or Chairperson, with a request that it be placed on the agenda. Meetings should not be 'surprised' by matters raised, and there should be sufficient time to investigate them before the meeting.

8.8 **Misgivings**

- 8.8.1 A member who has misgivings about any aspect of school governance or management shall, in the first instance, raise such misgivings with the Chairperson (where the misgivings concern the Chairperson in his/her personal or governance capacity, the misgivings may be raised with the Vice Chairperson or Principal.)
- 8.8.2 The Chairperson (or alternate, where the Chairperson is the subject of the misgivings), should, on receipt of such information, take the matter further with the member (in the case of a Board member) or the Principal (in the case of a member of staff, parent or learner.)
- 8.8.3 Except in the case of another Board member, any action shall be taken by the Principal who reports thereon to the Chairperson: the two will then decide whether the matter is to be regarded as complete/settled, whether it is to be reported on to the full Board for noting, or whether it should be referred to the Board for further action.

9 **Monitoring**

- 9.1 The Board is required to monitor the performance of the school.
- 9.2 Such monitoring will normally be via statistical means or by general, overarching observation.
- 9.3 Members should not monitor or observe by entering classrooms, taking in books, intervening in sports or cultural practices, or like activities/actions/undertakings.
- 9.4 Where the global monitoring per paragraph 9.1 and 9.2 above identifies shortcomings in school performance or behaviours, the matter will be referred to the Management team of the school for action.
- 9.5 Only where such action is demonstrably ineffective or is not carried out, should the Board intervene further, and then always through the Chairperson.

*It needs to be understood and recognised by parents that all extra-curricular activities of the school remain **educational** activities and should not be confused or conflated with professional activities, however attractive it may appear to be to act or perceive differently. This means that educational criteria may be applied by educator staff when deciding who to include or exclude when it comes to school activities, which activities, genres, or titles/topics are to be included or excluded, and how they will be interpreted. Board members should not interfere with such decisions, or team selections, allocations of duties to staff or learners, or other similar matters which fall into the realm of educational management rather than the governance terrain.*

10 **Specific protocols related to decision making**

10.1 **General Board Decisions**

- 10.1.1 All decisions of the Board and its committees will, as far as possible, be made by consensus.
- 10.1.2 If a vote is called for (which should be avoided wherever possible) each member shall have one vote.
- 10.1.3 If the votes are tied, the chairperson of the particular meeting at which the vote is taken will have a deliberative as well as a casting vote.
- 10.1.4 A casting vote may not be used to bring about a tie.

10.2 **Committee decisions**

- 10.2.1 Committees may make decisions which fall within their locus of responsibility, provided that this is done on the basis of generally accepted best practice, and that the decisions are in line with all measures in this Code of Conduct and accepted school policies.
- 10.2.2 Such decisions are referred to the full Board for noting.
- 10.3 **Decisions with financial ramifications**
 - 10.3.1 Any committee/meeting taking decisions with financial implications for the school must be attended by the Principal.
 - 10.3.2 Financial decisions, whether taken at meetings or by isolated discussion, will be guided by the following general principles:
 - 10.3.2.1 Where an item of action/expenditure has been decided upon, authorised and included in the budget, the committee or individual to whom it is delegated for implementation may proceed to investigate, discuss, decide upon and proceed with its implementation.
 - 10.3.2.2 The decision and related actions will be reported to the full Board for noting.
 - 10.3.2.3 Where a project is authorised for investigation, but not budgeted for, the same process will be followed, except that the project will, after investigation, be referred to the Board for permission to proceed and for authorization of expenditure.
 - 10.3.2.4 No expenditure will be authorised by the Board unless funding is available to cover it.
 - 10.3.2.5 Where 'funding available' is dependent on ongoing fundraising (including collection of school fees in subsequent years) it will be the norm that no project will proceed or contract be entered into which extends beyond the term of office of the current Board.
 - 10.3.2.6 Where the magnitude of a project and its expenditure is such that the previous condition is impractical, the project will be approved at a general meeting of parents of the school (which may be the AGM, a special general meeting or the annual budget meeting.)
- 10.4 **Other decisions**
 - 10.4.1 Notwithstanding paragraphs 10.3.2.1 and 10.3.2.2 above, the Board may delegate any task or responsibility to a committee "for investigation and report-back", in which case the committee will not be empowered to take a final decision.
 - 10.4.2 Where the committee concerned is the Disciplinary Committee of the Board (whether in respect of staff or pupil infractions) the Disciplinary Committee is empowered to make a final decision, which will be reported to the Board for noting.
 - 10.4.3 The Board, (consisting as it does of members who have not heard at first hand the evidence led at the disciplinary hearing), shall not be entitled to overturn the decision of the disciplinary committee (whose members **have** heard and debated the evidence) **except where it is brought to the attention of the Board that the decision was based on processes which were procedurally unfair or assumptions which were substantively unfair.**

11 Failure to comply with the code of conduct

- 11.1 Any conduct or behaviour by a member which violates any part of this code will constitute a breach of the code.
- 11.2 Any conduct or behaviour by a member which goes beyond the accepted standards of behaviour incumbent on a member of the school community, and/or expected by the community that it serves, will likewise constitute a breach of this code.
- 11.3 Such conduct may lead to disciplinary action against the member concerned.
- 11.4 Any member who:
 - 11.4.1 transgresses any law;
 - 11.4.2 repeatedly transgresses any stipulation or obligation of this code;
 - 11.4.3 repeatedly acts in a way that has a detrimental effect on the functioning of either the school or the Board;
 - 11.4.4 repeatedly acts in such a way which is detrimental to good human relationships in the school;
 will be guilty of breach of this code and may have his or her membership suspended by the Board by way of a vote of no confidence, or terminated after due process has been followed.
- 11.5 A disciplinary action in respect of this code will be in line with the stipulations of normal fair play.

12 Termination of membership

- 12.1 Should a Board member be the subject of a vote of no-confidence by a majority of members of the governing body, he/she agrees to resign his/her membership of the Board forthwith.
- 12.2 Membership is also accepted as terminating at the end of the term of office for which the member was elected/co-opted or upon the departure of his/her child from the school, whichever shall occur first.
- 12.3 The membership of a Board member will automatically be terminated if he/she is absent from three consecutive meetings without having, in advance, registered an apology and provided a reason for the relevant absence which is deemed by the Board to be valid and acceptable.