

Composition of Church School Councils

(A summary of 15 recommendations from a Review Committee and the Standing Committee's responses.)

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INTRODUCTION

The Review Committee

1. The Review Committee was appointed in 1995 to report to the Standing Committee on the composition of church school councils and related matters. It comprised the Rev Laurie Davies, Mr Grant Maple, the Rev John Mason, Mr Ian Miller (Chair), Mr Jim Mills and Mr Justice Peter Young. The school councils in item 5 were invited to respond to the terms of reference and, later, to a draft report. Their responses were valuable and significant in the development of the report.

2. A lengthy report was received in July 1997 and its 15 recommendations were debated by the Standing Committee over several months. The style, length and composition of the report make it unsuitable for reprinting in quantities. The Review Committee's many opinions (introduced with “must”, “recommends” or “should”) and helpful hints need careful reading but remain the views of that Review Committee.

3. This summary has each recommendation in italics followed by brief discussion notes and the Standing Committee's response. Those interested in the full report may enquire through the Assistant Diocesan Secretary, Ken Bowden.

Types of Church Schools

4. The Anglican Diocese of Sydney is a unit of organisation. It has many parts (including schools) under ordinances of the Synod. But people have started charitable works with an Anglican “flavour” where our Church could not do so, as rescue operations or for other reasons. Some of these associated bodies are schools that have links with our Church and have permission to use a form of the Church name.

5. The Review Committee looked at 21 school councils.

14 school councils under ordinances of the Synod.	
Abbotsleigh	Sydney Anglican Schools Corporation
Arden Anglican School	Sydney Church of England Grammar School
Barker College	Tara Anglican School
Campbelltown Anglican Schools	The Illawarra Grammar School
The Macarthur Region Anglican Church School	The King's School
St Andrew's Cathedral School	Trinity Grammar School
St Catherine's School, Waverley	William Clarke College
7 associated school councils, being companies under the Corporations Law, corporate bodies under the Associations Incorporation Act, or unincorporated associations.	
Blue Mountains Grammar School	Mosman Preparatory School
Cranbrook	SCEGGS Darlinghurst
Kambala	SCEGGS Redlands
Meriden	

6. All 14 councils under Synod ordinances are corporate bodies under Acts of Parliament. The constituting ordinances reflect the different requirements for each school. Council members have limited liability for obligations incurred by a council within its powers. These councils hold the property of their schools on charitable trusts and are accountable to the Synod, which has provided for the election or appointment of council members. Mostly their borrowing limits are set by the Standing Committee under ordinances.

7. The 7 associated school councils are mainly companies, accountable under the Corporations Law and/or the laws applying to charitable associations. The nature of their links with our Church reflects their different origins. The passing of an ordinance by the Synod has little or no effect on these schools.

Duties of a School Council

8. The purposes of the Church are to evangelise, to teach the Christian way of life and to pastor the members. One or more of these aims must be at the heart of all Church activity.

9. Often a school has valuable property and a budget of several millions of dollars. Its management requires a significant commitment of time and professional skills. The council has legal obligations as the trustee of the property, the manager of the school and the employer of staff. It is responsible for the teaching and care of pupils. It must comply with the law, financial and other reporting requirements, and any other lawful demands. As a church school is part of the work of the Church, it must be a channel for evangelising, teaching and pastoring pupils, parents and teachers.

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10. The Review Committee considers that among the essential duties of a church school council are -

- (a) the appointment of a principal;
- (b) the educational and financial management of the school, including the development of systems of internal control and insurances;
- (c) the development and use of a Christian philosophy of education, responsive to the needs of students, staff, parents and society;
- (d) the endorsement or appointment of a chaplain; and
- (e) the encouragement of people who can hold senior positions in schools.

SIZE OF A SCHOOL COUNCIL

Review Committee Recommendation

That each school council having more than 14 members plus the president be requested to consider reducing the council to, at the most, 14 members plus the president.

Discussion

11. Most school councils have between 15 and 22 members. The Review Committee thinks a council of 13 or 15 members is the right size and that a larger council can lead to a formal or informal "executive" which may dominate a council. The Review Committee's 2 models follow.

<i>Model</i>	<i>1</i>	<i>2</i>
Members elected by Synod or appointed by Synod-controlled bodies.	9	8
Members appointed or elected by the council, the Archbishop, Regional Bishop or an old students' union, provided that the latter does not elect more than two-thirds of these members.	5	4
The President, being the Archbishop or a Regional Bishop, and no other members ex-officio.	1	1
Total	15	13

12. The Review Committee thinks the principal should not be a member of the council, but should have the right to attend council meetings.

13. The Archbishop or a regional bishop is president of most of the 21 school councils. The Review Committee thinks the president should not normally attend council meetings. It suggests his powers be defined and that they include the following matters.

- (a) To call a meeting of the council at any time.

- (b) To address the council, to move motions and take part in debate.
- (c) To have a deliberative and a casting vote.
- (d) To attend meetings of the council and preside, if he chooses.

Response

14. The Standing Committee did not take up this recommendation but will consider every request for an amending ordinance on its merits.

CHRISTIAN PURPOSE

Review Committee Recommendations

- (a) *That each member of a school council, upon election, appointment or reappointment should sign a statement confirming their support of the aims and objectives of the school as these have been developed by the council.*
- (b) *That prospective council members subscribe to the principles of faith in the doctrine of The Book of Common Prayer and the Thirty-nine Articles prior to being nominated (or appointed) to the school council.*

Discussion

15. Recommendation (a) may be desirable, but is unenforceable without amendments to the constitutions of councils. Management by objectives is not usually given constitutional protection as the objectives can change. But the Standing Committee is keen on a council developing its own statement of the Christian purpose of its school(s).

16. Recommendation (b) conflicts with a comment from the Review Committee about denominational barriers to council membership. Surely clergy need not sign the suggested declaration? Each electing or appointing body will need to ensure the statement is signed by a person prior to electing or appointing that person to a council. The Standing Committee prefers the approach in its response.

Response

17. The Standing Committee recommends that each school council develop its own policy statement on the Christian purpose of its school(s).

18. The Standing Committee has requested that an ordinance or ordinances be promoted to ensure that, before a lay person is nominated or appointed to the council of a school constituted by an ordinance of the Synod, the person has produced to the electing or appointing body a testimonial from their own church minister outlining the person's participation in the life of the church.

AN APPROPRIATE MIX OF MEMBERS

Review Committee's Recommendations

- (a) *School councils be permitted to alter their constitutions ...to allow for a reduction in the number of clergy...and to otherwise review the composition of their councils in the light of the report.*
- (b) *Each school council should develop a policy of providing an appropriate gender balance.*
- (c) *A specific provision be included in each school ordinance to exclude from membership of the council any spouse of an existing staff member of that school.*

Discussion

19. Most councils under Synod ordinances have defined memberships: so many clergy and lay; so many persons but not less than so many clergy; so many clergy (sometimes priests), laymen and laywomen, etc. The constitutions of the associated schools may not have these walls. The Review Committee made several comments on the composition of a school council.

- (a) It must have people who have skills in education, pastoral, counselling, finance, law and management.
- (b) It should be permitted to vary its constitution to reduce the minimum number of clergy to 3 as part of the Synod-appointed members.
- (c) It should adopt strategies to secure competent women members within a nominated time frame.
- (d) It should not be restricted due to denomination on who might be elected or appointed by a parents' or old students' group. But a majority of council members should be active and committed members of Anglican churches.
- (e) Representatives of old students' associations could be a conservative influence against changes which the school may need.
- (f) At least 2 to 3 members should be parents of pupils of the school, but not representing parents.
- (g) The principal's authority is diminished if staff members or their spouses are council members.
- (h) A husband and wife should not both be members of a council at the same time.

Response

20. The Standing Committee did not accept recommendation (a) as a general rule, but will consider any amending ordinance on its merits. Recommendation (b) is for each school council to pursue and for electing or appointing persons to bear in mind. Recommendation (c)

has been adopted and an ordinance is being prepared for councils under Synod ordinances.

LIMITS ON TENURE OF COUNCIL MEMBERS

Review Committee's Recommendations

- (a) *That each school council adopt a policy for maximum tenure of members.*
- (b) *That each school council adopt a policy for the maximum term of office for the chairperson.*

Discussion

21. The members of councils under Synod ordinances retire after a 3-year term, a 4-year term or 6-year term. Whether a person is re-elected or re-appointed is a matter for the electing or appointing person or body. There are formal and informal protocols for the election or appointment of council members in the constitution of a council, the Elections Ordinance 1975, the Casual Vacancies Ordinance 1935, regulations and practices of the electing or appointing person or body.

22. The members of associated school councils also retire regularly. All councils have provisions for the filling of casual vacancies.

- (a) The Review Committee made several comments on the tenure of council members. Consecutive terms of office should be limited to 15 to 20 years.
- (b) The Synod's retirement age of 72 for members of diocesan organisations should be retained for school councils. But an alternative might be an extension of up to 1 year, given by the council, to enable retirement at a more suitable time (after a financial year, an end of year function or an election/appointment of a replacement).
- (c) For associated school councils which are companies, the retirement age is 72, unless extended by a special majority at an annual general meeting.

23. The Review Committee suggested the chairperson should be elected by the council at least every 3 years, should not hold the position due to the holding of another office and should have a maximum term of office (15 to 20 consecutive years?). Further, that the chairperson must keep in touch with diocesan thinking, understand the constitution of the council and its links with the president and the Synod, confer regularly with the principal and attend school functions. These are matters for councils to think about.

Response

24. The Standing Committee agrees with recommendations (a) and (b) and suggests councils take action to have their constitutions amended.

QUALIFICATIONS OF THE PRINCIPAL AND STAFF MEMBERS

Review Committee's Recommendation

That the following clause be included in all school council constituting ordinances -

"In appointing any person to be (principal of the school), the Council shall have due regard (in addition to other requirements of the position) to the importance of appointing a person of Christian faith and character who is committed to furthering and is capable of furthering the cause of Christian education in the school as a Church School".

Discussion

25. The Review Committee says that a council must ensure that the person to be appointed as principal has several attributes.

- (a) Integrity, church commitment, purity of life and Christian maturity.
- (b) Recognition as an outstanding educator and organisational leader.
- (c) Preferably an Anglican associated with an Anglican church, but if not should be amenable to being encouraged into association with an Anglican church.
- (d) Commitment to the teaching and practice in the doctrine of The Book of Common Prayer and the Thirty-nine Articles.
- (e) Commitment to the aims and objectives of the council.

26. It says a significant reason for Christian commitment is the relationship of the principal to the chaplain. The chaplain runs the Christian education program, worship and spiritual pastoring in the school under the general direction of the principal. This work would be difficult without a principal who understands and supports the chaplain's goals.

27. The recommendation is directed at councils under Synod ordinances. The Standing Committee hopes that the associated councils will adopt the proposals in its response.

Response

28. The Standing Committee has requested that an ordinance or ordinances be promoted to include a clause or clauses, to the following effect, in every ordinance constituting a church school council.

- (a) In appointing any person to be principal or head of the school, the council shall appoint a person of Christian faith and character who is committed to and is capable of

- furthering allegiance to Christ as Lord and the cause of Christian education in the school as a church school.
- (b) That no position for teaching in a diocesan school be advertised without the council stating its commitment to and furtherance of Christianity through our church schools.
- (c) The principal of each school is to report the Christian involvement of the staff as a whole to the council annually.

PROCEDURE FOR APPOINTING THE PRINCIPAL

Review Committee's Recommendations

That a protocol... be developed to ensure information flows between the president and the chairperson in the selection of a principal are clear.

Discussion

- 29. The Review Committee suggested the following procedure.
 - (a) Prior to the selection process, the chairman should brief the president on the proposed process and the make-up of any selection committee, and seek his views on the process.
 - (b) The president should be involved in the final interview process if he wishes.
 - (c) The president should be consulted if any significant issues arise of which he should be aware.
 - (d) The president should be advised before the position is offered, and he should confirm that the offer should be made.
 - (e) The president should be able to veto the appointment without giving reasons.
 - (f) The president should be advised immediately upon acceptance of the offered position.

Response

- 30. The Standing Committee requested that an ordinance or ordinances be prepared to require the following protocol for the appointment of a principal.
 - (a) Before the selection process begins, the chairperson of a school council must brief the president on the proposed process and the make-up of any selection committee, and seek the views of the president on the principles of selection and the process involved.
 - (b) The president must be invited to be involved in the final interview process.

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- (c) The president must be consulted if, during the final interview process, any significant issues arise of which he should be aware.
- (d) The president must be notified immediately upon acceptance of an offer.

31. Associated schools are not under Synod ordinances but the Standing Committee hopes they will adopt procedures appropriate to their circumstances.

SELECTION OF COUNCIL MEMBERS

Review Committee's Recommendations

That Standing Committee set up a committee to consult with school councils on the filling of casual vacancies among Synod-elected persons and to make nominations to the Standing Committee.

Discussion

32. The Review Committee thinks the large size of Synod may operate against making informed appointments to school councils and alleges that sometimes unsuitable appointments have been made.

- (a) Some have used an appointment as a reward for past services, or to gain status, but they have not had the time to make a proper contribution.
- (b) Some have lacked skill or, due to length of service, brought little new input to the council.
- (c) Some have forgotten their duty to work as a council member for the benefit of the school.
- (d) Some have undermined the principal by gossiping or attacking the principal.
- (e) Some have had inflexible views about educational matters.
- (f) And some have not demonstrated an active and committed Christian life.

33. The Review Committee suggests several measures for minimising unsuitable appointments.

- (a) The importance of council membership should be accepted by those who elect or appoint the members, and those who make nominations should approach suitable people
- (b) Council members should be informed of their duties.
- (c) Council members could sign a commitment and be commissioned by the president.

34. A conference with Synod members or "speaking to Synod" about particular needs is impracticable in the Synod election process.

But many school council members are Synod members and can make nominations. Others may know Synod members and may arrange nominations through them.

35. Casual vacancies are filled by the electing or appointing body and the Review Committee thinks that appointments by the Archbishop or a Regional Bishop enable people with specific skills to be appointed.

36. When the Synod is in recess, the Standing Committee can fill casual vacancies for persons elected by the Synod, but this is limited to about 10 months of the year (October to July inclusive). Only members of the Standing Committee can make nominations. A vacancy is declared at 1 monthly meeting and nominations are made at the next meeting. If there are no nominations, the election is deferred. A person who fills a casual vacancy holds office until the next Synod session, when a further election must be held. If casual vacancies are not reported to the Diocesan Secretary promptly the process takes longer than it should.

37. From 1977 the Standing Committee had a panel of persons with whom members of school councils could confer on the filling of casual vacancies. Very few did so and after a few years with no activity the panel was not reappointed in 1993. A council can write to the Diocesan Secretary about the filling of a casual vacancy and the letter will be given to the Standing Committee. And council representatives may make the needs of their council known to any of the 59 members of the Standing Committee and invite the member to nominate someone. But the Standing Committee member is free to refuse.

Response

38. The Standing Committee declined to act as historically the matter did not appear to be significant.

THE ARCHBISHOP AS "VISITOR"

Review Committee Recommendation

That there be an ordinance to define the role of the Archbishop as "Visitor" to all organisations in the Diocese.

Discussion

39. Some associated schools have the Archbishop as "Visitor", whatever that means.

Response

40. The Standing Committee asked its Legal Committee to prepare an ordinance to define the role of the Archbishop as "Visitor" to all organisations of the Diocese. (This may not affect an associated school.)

PROTOCOL FOR ASSOCIATED SCHOOLS

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Review Committee Recommendation

That the Archbishop-in Council develop a protocol of what we expect of associated schools.

Discussion

41. Some of these councils have members appointed by the Archbishop or a Church agency (the Standing Committee, the Sydney Diocesan Secretariat or a parish council) and some have the Archbishop as president or "Visitor". The Church appointees may comprise most of the members of 1 council, but not of another. Sometimes the Church appointees may have a limited veto at an annual general meeting.

42. The Review Committee made several comments about these associated schools.

- (a) If there is a crisis over whether a school should continue, taking over the school is the best option for the Synod.
- (b) A school operating on parish property should do so under a lease or licence and should not inhibit the ministry of the local church.
- (c) Under the Anglican Church of Australia Act 1976 an associated school council cannot use a form of the name "Anglican" without the licence of the Archbishop-in-Council. The associated school councils should be reminded of this and they should comply with financial and other guidelines.
- (d) Church appointees should take an active interest in the management of these schools, attend annual general meetings (or give proxies) to show the interest of the Church, and provide annual accounts to the Diocesan Office for record purposes.

Response

43. The Archbishop-in-Council has appointed a committee to develop this protocol.

SYDNEY ANGLICAN SCHOOLS CORPORATION "(SASC)"

Review Committee Recommendation

That SASC be requested to promote an amending ordinance on the matters in the report.

Discussion

44. The Review Committee says the structure of SASC is unique and complex. It has to manage several schools (some being companies) and start new schools. It has some low-fee schools. There is an executive committee and each school has a council, responsible to SASC. Each school council has at least 1 member of

the executive committee, several members of SASC, and local representatives. School councils meet regularly and SASC meets 3 times a year to approve its budget, to adopt its annual accounts and reports and to discuss issues affecting its schools.

45. Some members of SASC are elected by the Synod, some by the Standing Committee and some by SASC, some are appointed by the Archbishop, the Archbishop is the President, the Director of Education is a member ex-officio and, if the number of schools under SASC expands, the membership of SASC expands

Response

46. The Standing Committee has requested SASC, within 6 months, to promote an ordinance -

- (a) to change all Standing Committee appointments to Synod appointments;
- (b) to identify the rights and responsibilities of members;
- (c) to establish a method of electing an executive from among the members, with the executive being responsible for managing the corporate body, providing an annual report to SASC, having an annual consultation with SASC, and getting SASC to approve the annual budget; and
- (d) to clarify the responsibilities of each school council appointed by SASC or the executive.

CAMPBELLTOWN ANGLICAN SCHOOLS COUNCIL ("CASC")

Review Committee Recommendation

That the appropriate section of the report be sent to CASC with a request to promote an amending ordinance on specified aspects of its constitution.

Discussion

47. The Review Committee reckons it is time to separate the primary and secondary schools, that the composition of the council needs review and that the constitution of CASC has potential for several conflicts of interest.

Response

48. The Standing Committee has requested CASC to report within 6 months on -

- (a) the viability of and the case for and against the separation of St Peter's Campbelltown Primary School from Broughton Anglican College so that each school would be administered under separate ordinances;

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- (b) its response to the proposals for the reconstitution of the Council; and
- (c) its response to the proposal that the chairman of the council be elected by the Council.

REVIEW

Review Committee Recommendation

That a committee be appointed in 2 years to review the implementation of these recommendations.

Discussion/Response

49. The Standing Committee has not considered this matter.

For and on behalf of the Standing Committee.

IAN MILLER

Chairman of the Review Committee

24 September 1998