

BOSTES Governance Procedure (Working Draft)

1. Definitions

BOSTES refers to the Board of Studies Teaching and Educational Standards.

Conflict of Interest refers to preferring personal interests over professional duties where this may result in:

- obtaining personal or financial advantage outside the terms of one's employment
- bringing CEDP or the professional conduct of its staff into disrepute.

Conflict of interest, may be actual or be perceived (for example by members of the public) to give staff advantages, which are not part of their reward or remuneration as employees. The position an employee holds in the organization is a significant factor in whether their actions may amount to conflict of interest. It is inappropriate for anyone to delegate arrangements to a subordinate expecting that conflict of interest is thereby removed.

Director refers to Directors responsible for a specified service area - Finance and Administration, Staff Services, System Learning, System Performance, Evangelisation and Religious Education. This term also includes the Executive Director and Deputy Executive Director unless otherwise stated.

Executive Director refers to the Executive Director of Schools.

CEDP refers to Catholic Education Diocese of Parramatta.

Responsible persons refers to individuals defined as responsible persons under the *Education Act 1990 (NSW)*:

- The proprietor of the school and, if the proprietor is a corporation, each director or person concerned in the management of the school, or
- A member of the governing body of the school, or
- The principal of the school.

As per CEDP's governance structures, directors (including the Executive Director) and principals are defined as *responsible persons* for the purposes of the *Act* and the *Registration Systems and Member Non-Government Schools (NSW) Manual*.

2. Good character

2.1 In accordance with the *Education Act 1990 (NSW)*, at the beginning of each school year the executive director, all principals, all directors (CEDP responsible persons) and assistant principals who will act as a responsible persons will complete a good character declaration attesting that:

- 2.1.1 they are not bankrupt or insolvent;
- 2.1.2 any refusal to register, or cancellation of registration of the School or any other school, during the previous five years, has not been largely attributable to their actions;
- 2.1.3 they have not been convicted of an offence that is punishable by imprisonment for 12 months or more;
- 2.1.4 they are not a 'disqualified person', as defined by the *Child Protection (Working with Children) Act 2012*, have not been refused a Working with Children Check Clearance (clearance), or had a clearance cancelled, subjected to an interim bar or a bar from working with children or subject to a risk assessment in accordance with the *Child Protection (Working with Children) Act 2012*;
- 2.1.5 they will declare any personal interest or conflict of interest in relation to their position as principal or director in the system.

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Service area
Office of the Executive
Director

Location
Stewardship

Head policy
Stewardship



- 2.2 In the event that a principal or director cannot sign the good character declaration, the principal or director must inform the Executive Director as soon as possible, and at least within 7 days of receiving the form. If the Executive Director cannot sign the good character the declaration, he/she must inform the Deputy Executive Director as soon as possible, and at least within 7 days of receiving the form. The Executive Director or Deputy Executive Director must then inform BOSTES as soon as possible, and at least within 14 days of the notification.
- 2.3 If a principal or director's circumstances change after they have completed the good character declaration for the calendar year, they will inform the Executive Director as soon as possible after the event, and at least within 7 days. The Executive Director will then notify BOSTES as soon as possible, and at least within 14 days.
- 2.4 In the event that a principal or director becomes mentally incapacitated and becomes a patient at an institution because of the incapacity, or a protected person under the NSW Trustee and Guardian Act 2009, the Executive Director, or Deputy Executive Director if the Executive Director is not able to do so, will inform BOSTES within 14 days.

3. Conflict of Interest

- 3.1 Principals, assistant principals and directors are required to complete a conflict of interest declaration in addition to the good character declaration at the time they take up their role as principal or director in CEDP. Established principals and directors must complete a conflict of interest declaration from 2016 onwards. All principals and directors must complete the conflict of interest declaration annually regardless of whether they have material conflicts to disclose.
- 3.2 Principals and directors must also:
 - 3.2.1 update this statement annually at the start of the school year, and;
 - 3.2.2 complete an updated statement where their circumstances have changed since the existing disclosure was submitted.
- 3.3 In addition to signing the conflict of interest declaration, principals and directors must follow CEDP policies and procedures relating to conflict of interest, including the Stewardship policy, procedure and guidelines, the Guidelines for Professional Conduct and CEDP charter of delegations.
- 3.4 If a principal or director has a conflict of interest, they must consult with the Director of Staff Services to determine action to be taken to resolve or manage this conflict of interest. In most circumstances, the appropriate action will be to remove themselves from any decision that is, or could be seen to be, influenced by this interest. This includes decisions relating to the appointment of staff.
- 3.5 A register of principal and director conflicts of interest will be maintained through the 247 Checklist and will be monitored jointly by Staff Services and the Office of the Executive Director. Use of this information will be in accordance with CEDP's privacy procedure.
- 3.6 Authority delegated to a director or principal cannot be exercised if the person has a conflict of interest. In such circumstances the delegated authority must be exercised by the person's immediate supervisor. This includes the appointment of staff.

4. Professional Learning

- 4.1 The following only relates to professional learning undertaken in relation to school governance. Any other professional learning undertaken by principals or directors is outside of the scope of this procedure.
- 4.2 Directors and principals must undertake ongoing professional learning to ensure that they have the relevant skills and experience for governing school(s).
- 4.3 At a minimum, all principals and directors will complete 12 hours of professional learning over a three year period, delivered by a BOSTES approved training provider.
- 4.4 Newly appointed principals must complete at least four of the 12 hours of BOSTES approved professional learning in relation to proper governance prior to taking up the role of principal or within three months of being appointed principal.
- 4.5 At the commencement of each year the Executive Director will determine which areas of professional learning are relevant to the needs, skills and experience of directors and principals, especially in relation to compliance, risk management, finance, legal obligations, conflict of interest and related parties.



- 4.6 The System Professional Learning Team will maintain a register of each principal and director's professional learning annually. This register will record the names, role, date, nature and hours of professional learning.
- 4.7 The System Professional Learning Team will retain the professional learning register for seven years.

5. Induction for principals

- 5.1 All newly appointed principals will undertake an induction program managed by the Director of System Performance (DSP) responsible for their network.
- 5.2 The DSP will ensure that the principal receives the following:
 - 5.2.1 Copies of policies for the school and access to Catholic Education Diocese of Parramatta system policies.
 - 5.2.2 The last annual audited financial statement for the school. Any issues or concerns with the current financial state of the school will be discussed with the principal at this time, in liaison with internal audit. Future expectations around this will be documented.
 - 5.2.3 Records of the most recent leadership meetings at the school.
- 5.3 Upon their appointment, principals will be required to complete a conflict of interest and good character declaration.
- 5.4 Within three months of their start date, new principals will be required to complete four hours of governance professional learning.
- 5.5 Newly appointed principals will be required to complete online training in work health and safety and child protection.
- 5.6 Principals will be required to sign a declaration that they have received the above listed documentation.
- 5.7 The teacher accreditation team in Staff Services will maintain the record of principals receiving this documentation in Records Management System and retain the register for seven years.

6. Breaches of governance

- 6.1 Any breaches of governance procedures could lead to disciplinary action up to and including termination of employment. Disciplinary action for breaches of governance will be assessed on a case by case basis by the Executive Director in consultation with the relevant staff.

7. Related documents

CEDP charter of delegations
 Guidelines for Professional Conduct
 Registration Systems and Member Non-government Schools (NSW) Manual
 Stewardship policy
 Stewardship procedure
 Stewardship guidelines

8. Relevant law

Education Act 1990 (NSW)

