

Background Paper

Review of Governance in Victorian Government Schools

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Introduction

School committees or councils have been part of Victorian education since the 1872 *Education Act* established Boards of Advice for schools. These were elected bodies with some powers in relation to the management of schools and school buildings. During the twentieth century the role of school councils gradually expanded to encompass powers in relation to financial management; some staffing responsibilities; and school planning, reporting and review. The context within which schools operate and the way they operate has changed significantly over recent decades, as has the variety of current arrangements for meeting the learning needs of Victorian children and young people.

For example, students in government schools could be attending a school that specialises in music, mathematics and science, languages, the arts and technology or sport and this site for their schooling could be within their school, an annexe of another school or located within a university; it could be funded by the government or funded in partnership with a university or, as is the case with some language and multilingual schools, an overseas government; and it could be a local or state-wide provider. It is also possible that in the future a government school will have an overseas campus that caters for both their own students and local students, providing these students with the possibility of attending an overseas site for some their schooling. Indeed, a particular feature of Victorian government schooling is its diversity and this is evident on dimensions such as size, location, structure, programs, sharing arrangements, student composition, and success.

There have also been significant changes at a system level, particularly in the mechanisms that have been used for oversight, monitoring and review of schools and in the role of regional administration. Schools now are much more accountable for their performance than previously and are more knowledgeable about how they are performing in relation to other schools and what the key levers are for achieving improved schooling outcomes for all students. All schools have a strategic plan to guide their improvement efforts and report annually to their community their success in meeting improvement goals and targets.

Towards Victoria as a Learning Community (TVLC) (DEECD, 2012) ushers in the third wave of school autonomy that will provide government schools with greater capacity to set directions and make decisions over various aspects of school operations. TVLC recognises that schools differ and that a 'one-size-fits-all' approach to school governance will stifle innovation and hamper schools' capacity to meet the expectations and aspirations of their local school community.

It is because of this changing and increasing diverse schooling environment that this review of school governance is being conducted. We need to ensure that school governance is keeping pace with the growing diversity of schooling arrangements and the changed schooling context. As the school system and schools evolve, a governance structure that was highly suitable at one time may become less suitable, or in some cases completely unsuitable. We wish to explore whether school governance bodies have the capacity to continue to provide all schools with sound strategic and policy directions that ensure their success and if not, how governance arrangements might be improved.

Issues identified in evaluations of school governance

A research project in 2004 (VICCSO, 2004) looking at Victorian government school councils concluded that there may be room for significant improvement in the effectiveness of school councils. The research revealed that:

- school councillors felt councils were operating well (over 90% in all membership categories surveyed said council had mostly or always operated well in the last year)
- effective council operation was mainly due to goodwill and the way that councillors related to one another and not to the successful achievement of tasks
- there was a lack of role clarity and a high level of confusion about governance structures and processes and the role and purpose of councils
- councillors had high levels of confidence about their ability to participate most of the time – although the researchers observed that this may be a reflection of the level of complexity of matters that come before council
- the parents on council tended to focus on fundraising and buildings and grounds whereas teachers on council had most input into policy development on curriculum and welfare committees
- the focus of the council tended to be on relationships rather than tasks
- school councils were not engaging in higher (than administrative) level strategic governance (In answer to the question “What takes up most of your council’s time?” only 16 out of 780 individual responses included either the word ‘policy’ or ‘policies’.)
- the main work of councils tended to be concerned with financial oversight, school promotion, fundraising and the use of resources
- councils were not using the opportunity to bring members of the community onto council (most co-opted respondents were parents of children at the school).

It seems that most of the conclusions drawn from the VICCSO research a decade ago could still apply to many current councils.

The 2005 review of school governance (Victorian Department of Education and Training, 2006) revealed that there was considerable agreement on:

- the need to differentiate clearly between the roles and responsibilities of the principal and the school council
- the need to focus the school council’s role on strategic planning, curriculum objectives, resource allocation consistent with school strategic directions, and objectives and policy development
- the need to clarify the relationship between policy and operations and to focus school council deliberations away from operational matters
- the perception that councils have too many powers, some of which are perceived to be ill-defined.

There was also some support for councils to be involved in performance monitoring and compliance issues. The view was also expressed that: ‘Any future model should maintain the flexibility provided under the current arrangements, which enables the Minister to create councils by Ministerial Order, and to add extra powers, duties or functions by an order. That flexibility has worked well in the past and there is no call for change’.

A 2009 review of the training needs of school councillors revealed that around 80% of the councillors expressed a need for training in understanding the function of council and their role within its operation, school accountability and improvement and strategic planning (DEECD Audit and Review, 2009).

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Schools in other sectors and jurisdictions have similar issues about their school governance arrangements and processes.

A relatively recent review of governance in independent schools in Australia (Independent Schools Council of Australia, 2008) revealed that the biggest challenges for governing bodies were strategic change within the school; achieving the right skills mix on the governing body, risk management, the impact of technology on the school and succession planning for Head of school and Chair of the governing body.

A study in New Zealand (New Zealand Education Review Office, 2007) identified that strategic planning and legal skills were the biggest challenge for government school councils. This study also found that of the 673 schools reviewed, 60% of schools were well governed, 33% had 'positive aspects of governance' but also aspects that needed improvement and 7% of schools were governed in ways that 'needed significant improvement'. The report also advised that 'for a few schools, targeted interventions were recommended to bring about improvements to the quality of governance practice'.

The report also noted that in well-governed schools trustees:

- have an explicit focus on student learning and achievement supported by strong professional leadership;
- bring experience and expertise to their roles and share an understanding of their roles and responsibilities;
- strengthen partnerships in the school community through respectful relationships;
- implement inclusive and responsive consultation processes that acknowledge diverse school communities;
- are involved in strategic and annual planning that focuses on improving student achievement;
- use robust self-review processes to evaluate identified aspects of school performance and to contribute to ongoing improvement; and
- have sound financial, property and personnel policies and procedures to guide the management of these resources.

Another evaluation of New Zealand school councils (Wylie, 2007) made the following observations:

- 10-15% of boards have significant issues of capacity and capability
- Funding and financial management tend to dominate board business
- Most trustees and principals agreed their board lacked some expertise (71% of trustees and 79% of principals), with strategic planning and legal skills the biggest gap.
- Principals of high-decile (wealthier) schools are more likely to think their board is on top of the task than principals in low-decile (poorer) schools.
- Lower-decile schools have some problems with board membership capability but not with membership commitment.

UK research (Scanlon et al, 1999) into the composition and effectiveness of school governing bodies, and into ways in which they might be improved found inter alia that:

- there is a clear association between effective schools and effective governing bodies
- there are considerable benefits to be derived from having an effective governing body
- the factors preventing governing body effectiveness included time, the governors' lack of skills and knowledge, the volume and complexity of their work, and the lack of contact with the school 'in session'.

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Suggestions for improving governing body effectiveness arising from this research included:

- the provision of additional training for governors
- payment for governors or paid time off work
- providing more opportunities for governors to visit their school
- better organisation of and communication with the governing body
- finding and appointing governors with the necessary skills and expertise
- clarification of governors' role
- improving the support provided by the local education authority.

A 2002 study of English school governance (Ofsted, 2002) revealed that whilst only 8% of primary and 10% of secondary schools had unsatisfactory governance, this proportion increases in relation to school socioeconomic disadvantage. In those schools where the proportion of students receiving free school meals (lower socio-economic schools) was more than half the students, 17% of primary school councils and 24% of secondary school councils were evaluated as being unsatisfactory.

A 2007 UK study (Dean et al, 2007) focused on school governance in disadvantaged areas revealed that assumptions about school governance models often do not hold up in schools in disadvantaged areas. It observed that in areas of socio-economic disadvantage 'where schools are under enormous pressure, both because their role in overcoming disadvantage is crucial and because the challenges they face are almost overwhelming', 'the model of volunteer citizens supporting and challenging the work of professionals seems most problematic'.

A 2011 review of the UK research into the contribution of governance to school improvement (Ranson, 2011) concluded that governing bodies help to make schools more effective in raising standards of achievement by providing strategic leadership, scrutinising policy development and ensuring public accountability, but that this was less likely to be the case in schools in disadvantaged areas.

Some of the common themes emerging from evaluations of school councils are that the task of effectively governing schools in highly devolved environments is becoming increasingly challenging, the capacity of councils to effectively discharge their governance responsibilities varies substantially and that governance arrangements will need to keep evolving to ensure that all schools are effectively governed.

Discussion Points

1. The Purposes of School Governance

Governance refers to the structures and processes within schools and systems that:

- define expectations, grant power, or verify performance.
- enables an organisation to make authoritative decisions and remain accountable to the expectations of its community.

Governance primarily relates to the roles, responsibilities and make up of governing bodies in schools.

The Victorian government school system is one of the most devolved systems of schooling and has been so for decades. In the 1980s participatory democracy was the key concept underpinning decisions about the structure and powers of school councils. A key principle was that decisions affecting the operation of schools should as far as possible be made at the local level by those immediately involved, rather than by a central bureaucracy far removed from the schools it is supposed to serve. In line with this philosophy, decision making in relation to many functions controlled by central bureaucracy was devolved to regions and schools and a democratic, participatory and collaborative approach to decision making at the school was established (Education Department of Victoria, 1983).

This participatory democracy model of governance has to a large extent remained unchanged over the last thirty years. However, from the mid-80s onwards the roles and responsibilities of governing bodies have become increasingly complex and challenging.

Reforms to governing bodies in many systems with significant levels of school autonomy have seen a shift away from 'advisory' bodies to bodies with clear accountabilities to the school community and the system for the performance of the school and the allocation of resources. In New Zealand (New Zealand School Trustees Association, 2005) 'the role of the board of trustees has sharpened considerably, moving away from viewing such things as property, finance, and human resources as a means to themselves, to a quite specific focus on the need to improve student achievement'. There has also been a shift away from local representation being the key or only criteria for selecting members to a school's governing body to ensuring that the expertise needed to be an effective governing body is reflected in the council membership.

These shifts reflect the changing context in which schools are now operating and the expectation that the twin responsibilities of conformance and performance will be effectively handled by the school council in conjunction with the leadership of the school.

The report of the Victorian review into government school councils in 2005 (Victorian Department of Education and Training, 2006) revealed that there is 'confusion by stakeholders about the roles and responsibilities of the principal with respect to school councils and the role of school councils themselves with respect to operational matters within the school which are the preserve of the principal'. Whilst the governing and management divide is not fixed as operational matters may escalate and become a matter for the council, schools with good governance are ones where the council operates on a longer time frame and at a more strategic level than managers.

To a large extent confusion over roles and responsibilities is usually a result of a lack of precision about the purpose of the school council, the strong sense of community ownership of local schools and a culture within councils where activities associated with 'doing' are often more easily equated to 'supporting' or 'running' the school, than they are to

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governance and strategic leadership which are about setting the vision, the policy direction and targets for improvement, and the monitoring and reporting of progress and achievements.

This section is concerned with gaining greater clarity over the primary purposes of school councils as this has a major bearing on all other aspects of school governance. It is difficult to establish what the primary purposes or role of school councils should be without also considering what its key functions ought to be. The framework below (adapted from Tricker, 1994) provides a concise illustration of the key roles of a governing board. Effective organisations have boards that rigorously focus most of their energies on improving performance (i.e. they spend most of their time considering matters in the right-hand quadrants).

Table 1: Key functions of governing bodies

	Compliance roles	Performance roles
External role	Provide accountability	Strategy formulation
Internal role	Monitoring and supervising	Policy making
	Past and present orientated	Future orientated

Another way to establish what the primary purpose of school councils should be is to consider the role of school councils in other jurisdictions. For example school councils in government funded 'state' schools in the United Kingdom are responsible for raising standards through their three key roles of setting strategic direction, ensuring accountability, and monitoring and evaluating school performance. The role of the school board in New Zealand is to focus on the 'big picture' and, particularly, on the future of the school within the context of improving educational achievement for all the students in the school. Boards are to 'take a longer-term perspective' when deciding where their attention should lie and the weighting they should give to different options (New Zealand Ministry of Education, 2010).

The role of the school board in Western Australia's independent public schools (WA Department of Education 2010) is to set the long term future for the school and maintain oversight (not management) of the school's operation.

The participatory democracy model that has largely driven Victoria's model of school governance has been contrasted to strategic accountability model of governance (Cole 2010). The models differ in the priority that is given to the key characteristics of the governing body. This contrasting of characteristics is illustrated in the following table. Whilst all of the characteristics are important, the rank order of characteristics in the right hand cell better reflects a council that is primarily strategically focused and improvement oriented.

Table 2: Contrasting purposes of school governance

Participative Democracy	Strategic Accountability
1. Ethical	1. Ethical
2. Representative	2. Strategic
3. Consultative	3. Improvement –oriented
4. Transparent	4. Accountable
5. Strategic	5. Consultative
6. Accountable	6. Transparent
7. Improvement oriented	7. Representative

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Discussion Questions	<p>What should the primary purposes or roles of the school governing body be?</p> <p>Why do you suggest that these should be the primary purposes?</p>
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2. School Council Functions and Powers

The functions and powers of school councils are outlined in the *Education and Training Reform Act 2006* and the *Education and Training Reform Regulations 2007*, as well as each school council's constituting order. The constituting order specifies the size and configuration of the membership of the school council, its objectives, functions and powers and election procedures. Roles for school councils are also contained in a variety of DEECD policy documents. Table 3 describes the key functions of school councils and aligns these functions with the broad areas over which governing bodies typically exercise authority - strategic directions, resources, performance, compliance, community relations, risk and accountability.

Table 3: Key School Council Functions

Broad functions	Key Functions
Strategic directions	Establish the strategic direction and vision of the school
	Endorse the school's Strategic Plan
Resources (Money)	Approve an annual budget, approve and monitor expenditure and investments, ensure financial controls in place
Compliance	Raise funds for school related purposes
Resources (Facilities and Materials)	Regulate and facilitate the after hours use of the school
Compliance	Exercise a general oversight of the school grounds and buildings
	Provide school cleaning services
Resources (Personnel)	Approve employment and termination of some non-teaching staff
Compliance	Make recommendations to Regional Director in relation to Principal selection and principal performance/contract renewal
Performance	Develop or endorse key school policies (e.g. curriculum, assessment, code of conduct and dress code)
Community relations	Stimulate interest in the school in the wider community
Risk	Inform itself and take into account school community when making decisions for school and students
Accountability	Prepare an annual report relating to financial activities, the school plan and other matters determined by the Minister
	Conduct an annual public meeting where the findings of the Annual Report are presented

The stated objectives of school councils in government schools include that decisions need to be made in the best interests of the students and that the educational opportunities of students should be enhanced. The objectives statement also refers to the need to be

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efficient and to comply with regulations but does not refer to the need to encourage the achievement of high student outcomes, be effective or be strategic.

Regardless of the jurisdiction, most statements of the function of school councils emphasise the primacy of the council's role in strategic planning. For example, the principles of good governance developed by the National Association of Independent Schools (online) include the statements that:

- the council's primary work and focus are long-range and strategic
- the council undertakes strategic planning and reviews school performance
- council membership comprises people with strategic expertise.

The New York charter schools' governance and board development guidelines (NYC Centre for Charter School Excellence, 2006) state that the the primary responsibilities of charter boards are to:

- provide oversight functions. The board's ability to remain objective, and not be directly involved in the school's operational activities, is critical to its effectiveness in guiding the charter school.
- promote the charter school's mission. The board should be comprised of individuals who support and promote the charter school's mission and educational philosophy.
- lead planning and policymaking. The board must initiate the strategic planning process and develop policies and procedures consistent with the education laws of New York State.
- raise funds. Board members should be proactive in building a group of private and business financial supporters who regularly donate money to the school and provide other resources to help implement the school's educational program.
- achieve charter requirements. The board is responsible for ensuring that school's programs and operation comply with the terms of its charter

The New York charter school governance guidelines also state that 'board members have the fundamental responsibility for being informed for planning, policy decision-making and setting strategic direction' and that 'a successful school board should be able to determine the effectiveness of the school's educational program'. This indicates that boards of New York charter schools are expected to monitor school performance.

Similarly, one of the findings from the DEECD's review of school councils conducted in 2005 was that school councils have an important role to play in school improvement and that this role could be exercised by planning, monitoring and reviewing student outcomes. However, it was also acknowledgement that councils would need greater support and training to undertake this role effectively.

Whilst in Victoria school councils are expected to be involved in the development of the school's Strategic Plan, the legislation does not emphasise the council's role in strategic planning and holding the school accountable for performance.

A canvassing of a cross-section of viewpoints and of practices in other jurisdictions reveals that there are a range of functions carried out by school governing bodies that are not the explicit responsibility of school councils in Victorian government schools. These include having responsibility for:

- encouraging and promoting school improvement
- principal selection, monitoring, evaluation, remuneration, and when necessary, removal
- determining teacher career structure within the school
- setting and monitoring the school culture
- monitoring school performance

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- fostering and monitoring school partnership and network arrangements
- setting the appetite for risk and ensuring appropriate risk management is in place (the risk profile of schools will vary according to their circumstances and culture – some will be innovative and some will be risk averse)
- maintaining an ongoing program of self-review

There are also a few functions of local school councils that school councils in other jurisdictions generally do not have. For example, the after-hours use of grounds and facilities and the provision of school cleaning services are not functions generally listed for school governing bodies. Similarly, whilst governing boards in the private school sector typically are responsible for fund-raising, this function is far less common within councils operating in the government school sector. This does not mean that these functions are not attended to; it just means that they are not the responsibility of the school council. Indeed, it appears that the narrower and more strategically focused a governing body's functions are the greater the clarity about what are governance and what are operational matters.

However, in raising the possibility of changing the functions of school councils, it is not assumed that all schools could cope equally with some of the more challenging functions. Indeed, reviews of councils in New Zealand and the UK have suggested that whilst highly effective mainstream and specialist schools could be provided with greater flexibility over their governance arrangements, the governance of poorly performing schools needs to be subjected to much closer scrutiny and where governance is found to be inadequate education authorities should intervene to redress this situation.

It also needs to be noted that there may be flow-on effects from changing governance functions. For example changes may need to be made to council sub-committee arrangements, the skills mix of council members, the training provided for school councillors, and the advisory and decision-making bodies established by the council and the school.

Discussion Questions	<p>Given your view of the primary purpose of school councils, what should be the key functions and powers of school councils?</p> <ul style="list-style-type: none">a) How well do the current powers (in legislation and in practice) match against these?b) Are there additional functions that should be given to councils? Why?c) Are there some council functions that are operational and could be passed to another body to perform (such as a Parents' and Friends' Group, or a school committee?)d) Should there be different functions and powers depending on the school type (e.g. specialist), the characteristics of the school (e.g. size and relative success) or the level of autonomy granted to the governing body or the principal?
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3. School Council Structures

School council structures and arrangements establish how the council is to fulfil its responsibilities. In most jurisdictions where there is a diversity of school models and arrangements, there is also a diversity of governance structures and arrangements.

The *Education and Training Reform Act 2006* and the *Education and Training Reform Regulations 2007* make ample provision for the general school governance arrangements to be modified to suit the needs of schools that for various reasons are atypical and need the governance arrangements in their constituting orders to reflect their particular circumstances. For example, schools in special settings or with special purposes (e.g. a hospital school, a residential school camp, a language school and a mathematics and science centre) that have no permanent student enrolment may request a change in the composition of their school council, as may schools that are undergoing structural re-arrangements (e.g. a merger or the establishment of a hub and annexe arrangement).

Federated models of school governance have been the subject of previous reviews of governance. Initial interest in a federated governance model stemmed from consideration of how best to govern a group of schools that are highly dependent on each other and need to cooperate in order to maximise students' access to learning opportunities. Federations were also considered a desirable governance model in areas of rapid growth where planning for the construction of several new schools was underway and this planning included the provision of a 'state-of-the-art' specialist facility (e.g. a visual and performing arts, an applied learning or a sports complex) to be shared by the schools.

The Minister has announced (DEECD, 2012) that schools are to be involved in and have control over self-determined school improvement networks. This opens up the possibility that some schools may want to formalise particular network relationships through a mutually agreed governance arrangement. A federated model of governance may be a solution worth exploring.

The most striking example of an initiative whereby schools share the same structure for governance is in England where regulations now allow the creation of federations of schools (Department for Education and Skills, 2004). The following excerpts from the School Governance (Federations) Regulations illustrate how this may be accomplished and why:

The policy objective is to allow up to five maintained [fully publicly funded] schools to federate under one governing body if they wish to do so. A range of collaborative working is possible between schools, and these provisions remove an impediment to very close collaboration short of amalgamation into one school. It makes easier economies of scale in human and other resources.

The constitution of federated governing bodies is based upon the same principles of stake-holder representation as that of individual governing bodies, and parents, staff and other groups that would have been represented on an individual governing body are represented on a federated governing body.

Schools in federations remain separate schools, and retain their individual admission arrangements and delegated budgets (although these may be pooled by the schools if they wish).

Schools wishing to federate must consult parents, staff, and other interested parties, including other schools and the local education authority.

Schools are able to have increased collaborative arrangements with other schools, including joint meetings of governing bodies and joint committees. Two or more governing bodies

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may arrange for any of their functions to be discharged jointly. They may also delegate any of their functions to a joint committee in the same way that they may delegate them to a committee of a single governing body. Similar arrangements can be made between a school and a Further Education College.

It has also been suggested (Ranson, 2011) that the work of a federated board should 'be supported by a community Advisory Council of parents and community interests that will deliberate the learning needs of the community and scrutinise the work of the board'.

A joint governance model involving two schools has been proposed to address the circumstance where a successful school agrees to work with and support a less successful school but to be successful in the role it needs to be able to exert a strong influence over the policies and strategic directions of the failing school.

Another structural model that is sometimes adopted in international schools splits responsibilities for governance between a Board, a College of Educators and a Community Council. In this model, the role of the Board is limited to finances, facilities, legal matters, strategic planning and quality assurance. It is not involved in curriculum, welfare or teaching and learning policy issues. These issues are the responsibility of the College of Educators which mainly consists of the school leaders and teachers. The College of Educators reports to the Board and ensures that the Board is kept abreast of policy development and school performance. A Community Council provides the opportunity for parents and benefactors to support the school through fundraising and other activities.

Council sub-committees may also take a variety of forms. Whilst school council sub-committee structures tend to reflect the major functions of the council (e.g. buildings and grounds, finances, education policy and marketing), some schools with a specialist focus (e.g. the arts, technology, science or sports) have established expert sub-committees to provide advice and guidance on the school's particular specialism.

In order to encourage their community to work in closer collaboration with the school some school councils have identified areas where the school and the groups within their community have a strong mutual interest (e.g. work preparation, community service, arts and theatre, sport and recreation and environment protection) and established specialist reference groups to help build a bridge between programs within the school and programs operating within the community. Whilst a variety of sub-committee arrangements are possible under current legislation and regulations, few schools appear to reconfiguring their sub-committees in ways that reflect the special features of their school and community.

The above examples illustrate a variety of structural arrangements for the governance of schools that could be suitable for Victorian government schools.

Discussion Questions

Given your view of the primary purpose of school councils, what school governance structures might be required?

- a) In particular, should we retain the approach of one council per school, or some other arrangement such as a federated or district approach?
- b) What changes would be required to enable such structures?
- c) What legal status would best suit the proposed structures?

4. Needed Skills, Capacities and Perspectives

The *Act* and *Regulations* determining the operation of school councils in Victorian government schools do not make reference to the qualities board members should possess in order to practice good governance. However, the guidelines provided to New York charter schools (NYC Centre for Charter School Excellence, 2006) state that in order to practice good governance board members need the following qualities:

- Commitment to public education
- Record of public or community service
- Knowledge of complex organizations and academic institutions
- Demonstrated collaborative leadership
- Willingness and availability for constructive engagement
- Commitment to be open-minded, non-partisan and decisive.

Independent Schools Victoria (online) has developed a skills matrix to be used by a board to assess the skill requirements to be met by board members. The skills it suggests that the board's membership needs to cover are: leadership, strategic thinking, communication, inter-personal, analytical and critical thinking, understanding of economic issues, educational experience, financial experience, legal experience, ability to function well in meetings and creativity/lateral thinking.

Discussions about the skills, capacities and perspectives that might be required within school councils inevitably opens up the need to consider the membership composition of schools councils. The greater the variation is schools, the less likely that the 'standard' model of school governance will be able to meet all school's needs.

Within Victorian government school, councils normally have three types of membership – parents, DEECD employees and community - and the school council membership must comprise between 6 and 15 members. More than one third of the school council's total membership must comprise parent members (i.e. members elected to this category must have a child or children enrolled at the school).

Community members are an optional membership category and persons are co-opted by school council to a Community member position rather than elected. Co-opting a person to a Community member position allows school councils to bring additional skills and perspectives to the council that may not be available from the parent or teaching community.

Whilst these are the usual membership categories, the Minister has the power to vary the membership of school councils. For example, a specialist science school which is a state-wide provider located on land owned by a university has been authorised for its school council to have a total of twelve members comprising four DEECD employee members, four nominee members and four community members. The four nominee members are from the academic staff at the university. Nominee members cannot be a DEECD employee.

Council arrangements in other jurisdictions provide examples of additional membership categories. For example the Yokohama International School (online) lists its membership categories as being parents and students, former graduates of at least 25 years of age, persons of knowledge and experience and staff members. The National Association of Independent Schools (online) in the US has also adopted a broader council membership category list than that adopted in Victoria and seeks to bring past, present and future perspectives to a council through its membership categories. The 'past' is represented by school alumni and past parents and the 'future' is represented by prospective parents.

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Nearly all council membership structures have 'stakeholder' representation of one kind or another. They also allow for members to be drawn from the community to broaden council expertise. However, school communities differ markedly in terms of cultures, traditions of being actively involved in their school, expertise of parents in education matters, and beliefs and understandings of the importance of education. Therefore, the backgrounds, beliefs and capacity of school councillors vary widely across schools.

The challenge when it comes to establishing a council with a desirable mix of skills and knowledge is to get the balance right between stakeholders (who will have a range of desired skills and expertise) and experts (who may be needed to expand the skill sets of stakeholders). In very dysfunctional schools (and councils) there may be a need to add expert members either by increasing membership numbers or by experts replacing stakeholder members. However, the adoption of a more expert model could mean for some schools that their school was mainly governed by 'outsiders'. The question then arises about when it might be appropriate to restructure a school council, what the nature of any restructured membership might be and for how long should the restructured model operate.

Whilst the question of whether and how to intervene might be relatively easy to resolve in cases where there is compelling evidence that a council has become dysfunctional, it is more difficult when there are signs that a council is not working well and needs support, but is not dysfunctional.

Nevertheless, the current representative governance model could be adapted to incorporate features of the business governance model over time by differentiating governance rules and procedures so that governance is treated differently depending on the performance of the school and its council.

Discussion Questions	<p>Given your view of the primary purpose of school councils:</p> <p>What skills, capacities and perspectives might be required within the school governing body?</p> <ul style="list-style-type: none">a) How well do the current skills, capacities and perspectives match these?b) What could be done to improve the match?c) What role, if any, would remuneration have in securing access to the required skills, capacities and perspectives?d) Should particular attention be given to the inclusion of staff and current parents on school governing bodies?
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5. School Council Accountability

Currently there are few processes in place to hold school councils accountable for their decisions. Whilst the school council is accountable to the Minister for Education in respect of the performance by the council of its functions in accordance with any Order made by the Minister, there is no process described for demonstrating this accountability. The Minister has the power to dissolve a school council, but this power has only been exercised in extreme cases and this power is not a means for determining whether or not a school council adding value to their school. The council is also required to comply with requirements of the Act,

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Regulations and a Ministerial Order or direction but a council could meet its compliance requirements and still be relatively ineffective.

The Secretary is to ensure that 'an effective quality assurance regime is in place over the financial and operational activities of school councils' and this is addressed through financial and other resource audit procedures and the provision of councillor training programs and advice materials relating to their council roles and functions.

The school council also has an implied accountability to its school community and this is exercised by the council being required to 'prepare a school plan that sets out the school's goals and targets for the next four years and the strategies for achieving those goals and targets', to prepare and make available to the local community an annual report relating to financial activities of the school and the school plan. Whilst developing and reporting on the school plan is the school council's responsibility, it is usually the school leadership and staff that develop the plan and are held accountable for meeting the targets and benchmarks of achievement contained in annual reports of the school's performance.

The performance of school councils is not examined as part of the DEECD's school review process conducted by independent and accredited school reviewers. Tools and benchmarks to guide school councils in the conduct of a self-review are also not a feature of the accountability process. Most other local jurisdictions also do not include school councils in their school effectiveness review processes. For example the accountability instruments and processes to be adopted by Independent Government Schools (online) in Western Australia all refer to the accountabilities of the school and its' principal.

In contrast, school boards in the UK are reviewed by school inspectors and are provided with a performance rating. The inspection authority, Ofsted, has advised its inspectors that they 'must evaluate the extent to which governors both challenge and support the school and hold senior staff, including the headteacher, to account for the achievement of the pupils' (Ofsted, 2013). Ofsted also has also prepared a set of questions to assist school boards self-assess their effectiveness.

A UK report prepared by Ofsted (2011) on schools where governance was judged as being outstanding reveals that their school boards 'challenged their own performance in addition to that of the schools' and that 'robust debates about the effectiveness of governance were common'. The effectiveness of the governing body structures and committee membership was also reviewed routinely. The report observes that approximately half of the governing bodies had used Ofsted's grade descriptors for governance to guide their self-evaluation and conducted an evaluation of the effect of their decisions on the outcomes for pupils. A question these governing bodies specifically reflected on was, 'What difference have we made?'

Other jurisdictions require councils to annually self-assess using an effectiveness audit tool and some include councils in the cyclic performance review of the school. Guidelines provided for charter schools in New York (NYC Centre for Charter School Excellence, 2006) advise that board accountability is enhanced when board candidates are provided with a written job description that provides prospective members with 'a full picture of what they will be expected to do if elected or selected to serve on the board'. These guidelines also recommend that boards conduct an annual self-evaluation and that board members set and review individual goals on an annual basis.

FOR DISCUSSION PURPOSES ONLY

Discussion Questions	Given your view of the primary purpose of school councils, how should school governing bodies be held to account? a) What changed or additional mechanisms would be required to ensure robust accountability across the system? Additional measurement? Greater transparency?
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6. Implications for Other Entities

As well as establishing school councils to support schools to carry out their role in society, schools also have a range of formal and ad hoc groups that contribute to the work of the school. Regulations describe the procedures for establishing a parents' club and for undertaking fundraising activities, these include that both actions need the approval of the school council. Schools also are able to establish a student representative council as a means for gaining opinions and advice from students and involving them in school decision-making processes. In addition, as the need arises schools can establish working parties and advisory groups.

As has been mentioned above, some schools allocate what are typically seen as school council functions to other entities within the school. The example cited was drawn from a model adopted in several international schools. In this model the responsibilities for governance are split between a Board, a College of Educators and a Community Council. In this model, policies relating to curriculum, welfare or teaching and learning are the responsibility of the College of Educators which reports to the Board and ensures that the Board is kept abreast of policy development and school performance. The Community Council provides the opportunity for parents and benefactors to support the school through fundraising and other activities.

The guidelines for good governance in New York charter schools (NYC Centre for Charter School Excellence, 2006) advise that task forces and workgroups can be used most effectively to supplement standing committees by undertaking important, time-sensitive assignments that don't require a standing committee (e.g. to conduct a search for a new charter school leader, make recommendations on major policies, explore a new strategic alliance, plan a capital fundraising campaign and other high priority projects). Task forces and special workgroups focus on board-level projects and can include staff, students, parents and other community leaders, in addition to members of the board itself.

Discussion Questions	What implications would the role or purpose you have identified above have for the roles, powers and structures of other entities within the governance framework for Victorian government schools? Is there a need for other entities to be established to assume responsibility for some of the functions that are currently the responsibility of council, but may not be under a council with the purposes you have described?
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