OPTIMAL SCHOOL GOVERNANCE

OSG-S7

THE BOARD'S DUTIES

OVERVIEW OF THE COURSE

COURSE RATIONALE: 'Responsible persons' accept a vast range of duties and obligations when they accept their roles. If boards are to function effectively, all 'responsible persons' must understand the breadth and depth of these duties, as well as their legal duty to fulfil them to the best of their ability. Duties fall into two broad categories; fiduciary and non-fiduciary duties. This course helps 'responsible persons' understand and implement their duties of governance within the framework and requirements of the NESA Requirements for Proper Governance.

COURSE OBJECTIVE: This course is designed to help 'responsible persons' [as defined under Section 47(1)(b) of the Education Act in New South Wales] understand and implement their fiduciary and non-fiduciary duties in ways that comply with the NESA requirements upon school boards. Specifically, the course is designed to provide in-depth knowledge and practical application of ways in which 'responsible persons' can work together to enhance fulfilment of their duties to ensure (a) effective implementation of established principles of 'best practice' in school governance and (b) compliance with relevant NESA requirements in the area of fiduciary and non-fiduciary duties. Furthermore, the course provides opportunities through discussion and problem-solving for 'responsible persons' to build unity of understanding, a common purpose, and a commitment to implementing 'best practices' for effective school governance in a strategic manner that enhances the school's outcomes. While the emphasis of the course is addressing ongoing professional learning needs, it is also highly suitable as a component of the induction of new 'responsible persons'.

COURSE AIMS:

1. To upskill 'responsible persons' in the effective implementation of their fiduciary and non-fiduciary duties.

2. To inform 'responsible persons' about the NESA requirements and expectations in the area of fiduciary and non-fiduciary duties.

3. To expand knowledge of the NESA requirements and expectations into a solid, practical understanding that is demonstrated by a commitment to fulfil the requirements and adhere to principles and practices of 'best practice' in the area of fiduciary and non-fiduciary duties.

4. To help 'responsible persons' develop a practical strategy to fulfil the NESA requirements in terms of (a) record keeping, (b) understanding effective governance principles and practices, and (c) implementing 'best practice' in the area of fiduciary and non-fiduciary duties.

5. To help 'responsible persons' reflect upon the board's effectiveness in the area of fiduciary and non-fiduciary duties, and if appropriate, initiate an ongoing process of improvement.

DURATION OF THE COURSE: 4 hours.

MODE OF DELIVERY: Face-to-face interactive workshop with all the 'responsible persons' in one group, usually delivered at the school or at another suitable venue organised by the school.

SUMMARY OF COURSE CONTENT:

- The difference between fiduciary and non-fiduciary duties.
- Duty of Care.
- Duty of Loyalty.
- Duty of Obedience.
- Related parties transactions.
- Evidence of compliance with NESA section 3.9.3.3.
- Fiduciary duties compliance.
  - Legal compliance.
    - Accreditation
    - Evidence of compliance with NESA section 3.9.3.1-F.
  - Financial sustainability.
    - Auditing of financial documents.
    - Evidence of compliance with NESA section 3.9.3.6.
    - Responsible boards and exceptional boards' approaches to viability.
    - Evidence of compliance with NESA section 3.9.4.
    - The board's role in providing resources for the school.
  - Program oversight.
  - Risk management.
    - Checklist.
    - Evidence of compliance with NESA section 3.9.3.1-G.
    - Suggested process to develop risk management documentation.
    - Identifying major risks.
    - Internal controls.
    - Risk register template.
    - The tradeoff between internal controls and board scrutiny.
    - Hypothetical case study to explore risk management.
- Non-fiduciary duties compliance.
  - Board policies.
  - School policies.
  - Environmental sustainability.
  - School reputation.
  - School demographics.
  - Change leadership and innovation.
    - Making change effective.
- Best Practice self-evaluations of each theme throughout the course

This course covers the following governance requirements as outlined in the *Registered and Accredited Individual Non-government Schools (NSW) Manual* (December 2017):

3.9.3.1-A; 3.9.3.1-B; 3.9.3.1-F; 3.9.3.1-G; 3.9.3.2; 3.9.3.3; 3.9.3.6; 3.9.4.

CERTIFICATION: Upon successful completion of the course, a signed letter is issued to the school certifying the name of the course, the content covered, the duration of the course, the venue, and the names of those persons who attended.