

The DESIGN

for EREA School Boards

[Including Educational Entity Boards]

Commencing 1 January 2010

Preamble

1 Concept and purpose of the DESIGN

The concept and context of **design** is historical:

From 1793 to 1796 Edmund Rice developed a framework (document) for managing the future operations of his brotherly community. This framework was known as the design. The design was influenced by the 'governance and constitution' of the Presentation Sisters.

(McLaughlin, Denis; *The price of freedom*. Edmund Rice Educational Leader, David Lovell Publishing, Australia, 2006)

The DESIGN document replaces (from 1 January 2010) the current four provincial constitutions as previously provided by the Christian Brothers. The DESIGN for EREA School Boards applies to all Schools governed by EREA. It has been developed to provide clarity for EREA School Board members on the role of EREA School Boards which play an integral part in the governance of Catholic Schools in the Edmund Rice Tradition. It further outlines the responsibilities of EREA School Boards; appointment processes; as well as providing information pertaining to size and composition of EREA School Boards, committees and working parties, and the EREA School Board Handbook.

The DESIGN has been developed to acknowledge, guide and support those who serve on an EREA School Board in the realisation of Edmund's dream through making clear the authority, responsibilities and accountabilities of those involved in this ministry.

'Word soon got around and, gradually, other volunteers came forward to Mount Sion offering their services freely for the realisation of Edmund's dream.' 1803

(Edmund Rice – The Man, ERST Website)

2 EREA Governance Framework

The DESIGN for EREA School Boards forms part of the EREA Governance Framework. The EREA Governance Framework is a substantive document that articulates the roles, delegations, authorities and responsibilities of EREA Council, EREA Board, EREA Executive, EREA Principals, and EREA School Boards. The Governance Framework serves to outline the relationships between these groups. The section (6.4.1) on EREA School Boards within the Framework is known as the *DESIGN for EREA School Boards and Educational Entities*.

The EREA Board delegates to EREA School Boards the authority required to give effect to the responsibilities and accountabilities that are delegated to EREA School Boards in the DESIGN.

The EREA Board has delegated to the EREA Executive Director the implementation of the DESIGN. All correspondence, submissions or items for approval, in response to the requirements, must be forwarded to the EREA Executive Director. From time to time the EREA Executive Director will delegate specific officers to perform aspects of this role on the EREA Executive Director's behalf.

3 Role of EREA School Boards

EREA recognises the service, wisdom and expertise provided by EREA School Boards and is committed to continuing to provide support, and to enhance the important role of EREA School Boards in their contribution to the Governance of EREA Schools.

EREA School Boards are an integral part of the good Governance of EREA Schools, and enhance the mission of Catholic Schools in the Edmund Rice Tradition. The EREA Board invites committed persons to be a part of the Governance and decision-making related to the conduct of Catholic Schools in the Edmund Rice Tradition. EREA School Boards work Collaboratively with School Principals and with the EREA Executive to provide quality stewardship aimed at offering the best possible learning environment for students attending EREA Schools.

Such a role will endeavour to ensure that the School remains faithful to the Charter and to be sustainable into the future.

EREA is the legal entity¹, and as a consequence, individual Schools shall not take out loans, sell or buy land, engage in legal action or perform any action that must be performed by a legal entity without the authority of the EREA Executive Director.

4 Mission

EREA Schools provide a Catholic Education in the Edmund Rice Tradition within the wider Catholic Church. Further, within the ministry of Governance, EREA School Boards embrace this Mission through fidelity to the Charter and the cultural characteristics of Catholic Schools in the Edmund Rice Tradition.

5 Change to the DESIGN

The DESIGN for EREA School Boards shall only be altered/amended at the discretion of the EREA Board.

¹ Until such time as EREA achieves civil and canonical incorporated status, the OLT is the legal entity and EREA is operating under various delegations, powers of attorney and memoranda of understanding.

6 Definitions

“*Approve*” means to authorise as per delegated responsibilities

“*Business Manager*” means the person employed as the School Business Manager or Bursar

“*Collaboration*” means to work in a spirit of harmonious and constructive cooperation with others

“*Congregation*” means the Congregation of the Christian Brothers, a religious institute in the Catholic Church

“*DESIGN*” means the document defining the responsibilities and accountabilities delegated to EREA School Boards, and the Governance processes and procedures mandated by the EREA Board. The DESIGN was previously known as the Constitution for EREA School Boards

“*Endorse*” means to formally express support for, and agreement with, a specific proposal or recommendation

“*Ensure*” means to take reasonable actions to make certain that an objective has been, or is likely to be, met

“*Educational Entities*” means the two organisations known as Nudgee International College (QLD) and Indooroopilly Montessori Children’s House (QLD) and other bodies as determined by the EREA Executive Director

“*EREA*” means Edmund Rice Education Australia. It is the body established by Oceania Leadership Team (OLT) of the Christian Brothers to govern the Colleges, Schools and Educational Entities which are the canonical responsibility of the Christian Brothers. Authority for the conduct of EREA is delegated in the Memorandum of Understanding between the OLT and EREA, and the EREA Constitution

“*EREA Council*” means those persons who (with the President) are the sole members of Edmund Rice Education Australia appointed by the Congregational Leader or his delegate

“*EREA Board*” means the Board of Edmund Rice Education Australia appointed by the EREA Council

“*EREA Executive*” means the group of people appointed to the leadership team of EREA and comprises the Executive Director, Director Identity, Director Corporate Services, Director Education Services and Executive Administrator

“*EREA Regional Administrator*” means the person appointed to represent the EREA National Executive in one of the four EREA Regions throughout Australia

“*EREA Regions*” means the four regions within Australia comprising of Northern (Queensland), Eastern (NSW & ACT), Southern (Victoria & Tasmania), and Western (WA & SA)

“*EREA School Board*” means a group of people appointed by the EREA Board who have responded to the invitation to work in partnership with the Principal in order to undertake a range of delegated responsibilities aimed at providing optimum learning outcomes for all students attending that Catholic School in the Edmund Rice Tradition. The term, School Boards, applies to both EREA Schools and Educational Entities.

“*EREA Strategic Directions*” means the development of strategic intent based on the core values of an organisation

“Executive Director” means the Executive Director of Edmund Rice Education Australia (EREA)

“Ex officio” means the individuals who are automatically given a position on one body because they hold a certain position on another body

“Formation Plan” means the range of activities planned and prepared on a yearly basis to support the acquisition and development of knowledge and skills of EREA School Board Members

“Governance” means the way in which accountabilities, authorities and responsibilities are distributed and managed in an organisation. Good governance delivers transparency in decision making; inclusivity in oversight; support for School Leadership Teams; and enhanced assurance that School objectives will be achieved.

“OLT” means the Leadership Team of the Christian Brothers’ Oceania Province

“Partnership” means a defined and formal relationship between two or more people

“Policy” means a statement on a specific area or topic to guide the operations and actions of an organisation. A policy is developed to meet a stated purpose, need or occasion and is based on agreed principles

“Principal” means the Principal, Director or Chief Executive Officer of an EREA College, School or Educational Entity

“School” means the ordinary meanings and further includes Educational Entities governed by Edmund Rice Education Australia (EREA)

“Standing Committee” means a committee of the EREA School Board that is established on an ongoing basis

“Subsidiarity” means decision-making at the lowest organisational level that is most appropriate

“Working Party” means a group of people who are established to complete a specific task within a defined period of time

DESIGN Aspects

The DESIGN for EREA School Boards encompasses five aspects:

- 1 Principles of EREA Governance**
- 2 Operating Procedures**
- 3 Membership**
- 4 Code of Conduct**
- 5 Handbook**

DESIGN Aspect 1

Principles of EREA Governance

All participants in the Governance of Catholic Schools in the Edmund Rice Tradition:

- 1.1 Serve the wider Church through their commitment to, and support of, EREA Schools;
- 1.2 Are responsible for the strategic outcomes and stewardship of the identity, values and resources of Catholic Schools in the Edmund Rice Tradition;
- 1.3 Recognise, value and encourage Subsidiarity;
- 1.4 Focus on providing for the common good, consider the best outcome from deliberations for the entire School community, and aim to provide for all social circumstances;
- 1.5 Commit to work in partnership and Collaboration with each other;
- 1.6 Are involved in informed decision-making processes;
- 1.7 Accept transparency, accountability and co-responsibility in all aspects of EREA Governance;
- 1.8 Declare and respect conflicts of interest;
- 1.9 Engage and deliberate around the sharing of collective wisdom;
- 1.10 Undertake regular reflection and review processes.

DESIGN Aspect 2

Operating Procedures

2.1 Areas of responsibility for EREA School Boards

As part of their role in Governance and decision making, and working in a Collaborative partnership with the EREA Executive, EREA School Boards are responsible for:

2.1.1 Mission

- 2.1.1.1 Developing in Collaboration with the School community, and within the context of the School's Strategic Directions and EREA Strategic Directions, a School Mission and Vision Statement and submitting to EREA Board for approval;
- 2.1.1.2 Contributing to the creation of a connected and vibrant Catholic learning community;
- 2.1.1.3 Ensuring that the School culture reflects the values and educational vision of Edmund Rice, with particular emphasis for the poor, marginalised and disadvantaged;
- 2.1.1.4 Actively participating in formal School renewal processes of EREA;
- 2.1.1.5 Ensuring that there is an authentic expression of the charism of Edmund Rice. This includes confirming that review processes and strategic plans are in place, implemented and monitored in accordance with EREA Policies;
- 2.1.1.6 Making provision for the induction and ongoing formation, in both Mission and Governance, of EREA School Board Members so that Members understand the scope and extent of their role.

2.1.2 Planning & Review

- 2.1.2.1 Taking responsibility for the development and review of School strategic directions (previously known as strategic plans), which may include the areas of identity, education, master (capital) and finance, in accordance with EREA Strategic Directions, and any relevant requirements of Government and Church authorities. School strategic directions shall be submitted to EREA Board for approval;
- 2.1.2.2 Recommending to the EREA Board any significant change in educational direction, such as structural configurations and/or School closures, stream formation, new campuses, significant changes in enrolment patterns, or partnerships;
- 2.1.2.3 Completing an annual reflection and review of the EREA School Board's performance, and subsequently developing and implementing strategies for future improvement;
- 2.1.2.4 Identifying and recommending potential future EREA School Board Members to the EREA Executive Director, through the EREA Regional Administrator.

2.1.3 Policy

- 2.1.3.1 Approving School policies, and ensuring that the School policies are consistent with all relevant EREA, Catholic Education Commission, Diocesan, Church and legislative/regulatory requirements by Government, and also ensuring that EREA and School policies are implemented and monitored for effectiveness;
- 2.1.3.2 Ensuring that a comprehensive risk management plan is in place that has controls that reduce risks to the level required by EREA policies, Government laws and EREA values, and that the controls are implemented and monitored for effectiveness.

2.1.4 Finance

- 2.1.4.1 Monitoring the financial management of the School in accordance with EREA Policies and delegations eg loans, audited accounts, capital development, investment funds, quarterly financial reporting;
- 2.1.4.2 Submitting to the EREA Board for approval, a recurrent and capital budget for the School that is prudent, sustainable, consistent and in accordance with EREA's ethos, Policies, and budgeting guidelines.

2.1.5 Other

- 2.1.5.1 Participating in the selection of the Principal, Deputy Principal and Business Manager in accord with EREA policy and processes;
- 2.1.5.2 Providing an Annual EREA School Board Report to the EREA Board;
- 2.1.5.3 Providing advice and support to the Principal on any matter referred to it by the Principal, or any significant matter that falls within its delegated responsibilities.

2.2 Meetings

- 2.2.1 EREA School Boards meet at least six times each year at dates to be determined by the Chair in consultation with the EREA School Board;
- 2.2.2 The quorum for an EREA School Board meeting shall be a simple majority of all Members, except that no quorum exists if both the Chair and the Principal are absent;
- 2.2.3 In addition to participation in external Formation experiences, Formation should be integrated into the Annual EREA School Board Meeting schedule;
- 2.2.4 The EREA School Board secretary will provide Members with the agenda and relevant board papers within a reasonable timeframe prior to the meeting to ensure that EREA School Board Members have sufficient time to read board papers;
- 2.2.5 Following each EREA School Board meeting, a copy of all approved, signed (by Chair) EREA School Board minutes are to be forwarded by the EREA School Board secretary to the nominated EREA officer for archiving;
- 2.2.6 Original EREA School Board minutes and papers are to be stored at the School under the auspices of the Principal.

2.3 Committees

- 2.3.1 An EREA School Board may authorize a Member, or Members, of the EREA School Board to make decisions on behalf of the EREA School Board for a specific issue;
- 2.3.2 All Standing Committees and Working Parties of the EREA School Board (other than those formed under 2.3.1) are to be established and operate as an advisory group making recommendations to the EREA School Board, and must operate within written terms of reference, which are to be reviewed annually by the EREA School Board;
- 2.3.3 Each EREA School Board is required to establish a finance committee as a Standing Committee of the EREA School Board;
- 2.3.4 Membership of the EREA School Board Finance Committee must include at least two EREA School Board Members (one of whom is the Committee Chair), Principal, School Business Manager, and others as deemed appropriate by the EREA School Board;
- 2.3.5 Other Standing Committees and Working Parties, established at the discretion of the EREA School Board may include Executive, Governance, Identity, Education, Property, Risk, Marketing, Community and/or Handbook;
- 2.3.6 Non EREA School Board Members with specific skills, including staff and others from the wider community, may be appointed by the EREA School Board as Members of EREA School Board committees and working parties;
- 2.3.7 The EREA School Board Chair and Principal are Ex officio Members of all committees and working parties of the EREA School Board.

2.4 Decision Making

- 2.4.1 The EREA School Board should aim to reach decision by consensus, adopting a shared wisdom approach. If consensus cannot be reached, a simple majority of votes will be required for the acceptance of any recommendation or resolution put to the EREA School Board;
- 2.4.2 Should a tied vote eventuate:
 - 2.4.2.1 the Chair does not have the casting vote
 - 2.4.2.2 the Chair shall provide a process for resolution
 - 2.4.2.3 the Chair shall seek the advice of the EREA Regional Administrator or member of the EREA ExecutiveWhile the matter is being decided the status quo is to prevail;
- 2.4.3 EREA School Board Members, including the Principal as an Ex officio Member, have the same voting rights;
- 2.4.4 Staff requested to attend EREA School Board meetings, or who are present for a specific period during an EREA School Board meeting, are considered ineligible to vote;
- 2.4.5 Absences do not create proxy attendance requirements or voting rights;
- 2.4.6 Decisions by the EREA School Board, under the authorities defined in this DESIGN, shall be implemented by the Principal, excepting if the Principal has the approval of the EREA Executive Director to do otherwise. The EREA Executive Director shall notify all such approvals to the Chair of the EREA Board and the Chair of the EREA School Board.

2.5 Administrative support

- 2.5.1 It is a responsibility of the Principal to provide secretarial assistance and any other administrative support required by the EREA School Board and its committees.

DESIGN Aspect 3

3 Membership

3.1 Size & Composition

- 3.1.1 Each EREA School Board shall have a size which is a minimum of 7 Members, and a maximum of 11 Members. EREA School Boards wishing to extend the total number of Members beyond 11 must have the written approval of the EREA Executive Director;
- 3.1.2 The Principal is an Ex officio, voting member of the EREA School Board and should not hold any other office of the EREA School Board;
- 3.1.3 The Deputy Principal and/or Business Manager may attend meetings if requested but only in a non-voting capacity;
- 3.1.4 EREA School Board membership may include Christian Brothers, parents/caregivers of students enrolled in the School, and others drawn from the local and wider community;
- 3.1.5 Membership is based on skills and knowledge rather than representation from any one group;
- 3.1.6 Visitors to EREA School Board meetings may include School staff, and others, invited to give a presentation to the EREA School Board. Visitors may, from time to time, also include EREA Staff.

3.2 Appointment Process

- 3.2.1 The EREA Board, through delegation to the EREA Executive Director, will approve all appointments to EREA School Boards including EREA School Board Chairs, EREA School Board Deputy Chairs and EREA School Board Members;
- 3.2.2 Prior to commencing appointment, all EREA School Board Members are required to:
 - agree to adopt the EREA School Board Members' Code of Conduct;
 - agree to checks required by law in each respective state;
 - agree to participate in induction and ongoing EREA Formation activities in their new role;
- 3.2.3 Chairs of EREA School Boards are appointed by the EREA Executive Director after appropriate consultation with the local community;
- 3.2.4 The EREA School Board shall provide a recommendation for Deputy Chair from its Members to the EREA Executive Director for approval.

3.3 Legal Status

- 3.3.1 EREA School Board members are volunteers assisting the EREA Board, through the EREA Executive Director, in the stewardship of the School;
- 3.3.2 To the extent that any insurances effected by the OLT are insufficient to meet a personal liability of an EREA School Board Member (herein called the "Member"), the Member shall be indemnified out of assets of the Christian Brothers Oceania Province (CB Province) and EREA Council in respect of any such liability; provided that the Member has acted at all times within the scope of his/her authority for the purposes of the conduct of the EREA School Board and in good faith.

3.4 Selection Criteria

EREA School Board Member (refer to Handbook for desired skills & qualities)

A person appointed to an EREA School Board shall:

- 3.4.1 Demonstrate an understanding of, and a commitment to, the ethos of a Catholic School in the Edmund Rice Tradition;
- 3.4.2 Be willing to support EREA values;
- 3.4.3 Have completed the EREA School Board induction seminars, or agree to do so within an agreed timeframe with EREA Executive Director;
- 3.4.4 Be willing to participate in ongoing EREA School Board Formation seminars.

EREA School Board Chair (refer to Handbook for desired skills & qualities)

In addition to the criteria for EREA School Board Membership, a person appointed to the position of Chair of an EREA School Board shall:

- 3.4.5 Demonstrate an understanding of, and a commitment to, the ethos and values of a Catholic School in the Edmund Rice Tradition;
- 3.4.6 Be willing to participate in the EREA School Board Formation seminar on mission;
- 3.4.7 Be willing to join the EREA Regional School Board Chair Network;
- 3.4.8 Be willing to participate in reflections and reviews as EREA School Board Chair.

3.5 Tenure of Appointment

- 3.5.1 EREA School Board Members may be appointed for a maximum initial term of three (3) years, as per the approved EREA appointment process, and may be appointed for a maximum of two further terms each of a maximum of three (3) years;
- 3.5.2 EREA School Board Deputy Chairs may be appointed for a maximum initial term of three (3) years, as per the approved EREA appointment process and may be appointed for a maximum of two further terms each of a maximum of three (3) years;
- 3.5.3 EREA School Board Chairs may be appointed for a maximum initial term of three (3) years, as per the approved EREA appointment process and may be appointed for a maximum of two further terms each of a maximum of three (3) years;
- 3.5.4 Variances to the above terms of appointment may be considered by the EREA Executive Director after receiving a recommendation from a School Board;
- 3.5.5 Ex officio Members of the EREA School Board are Members for as long as they hold that office in that School.

3.6 Termination of membership

- 3.6.1 If necessary, the EREA Executive Director may recommend to the EREA Board to terminate the membership of an EREA School Board Member. Prior to such action, the EREA Executive Director will consult the EREA School Board and the individual concerned through the EREA Regional Administrator;
- 3.6.2 The EREA Board may for any reason remove any appointee to an EREA School Board.

DESIGN Aspect 4

Code of Conduct

EREA School Board Members' Code of Conduct

Members of EREA School Boards should apply ethical principles and act in good faith, with care and diligence in the interests of EREA and comply with the EREA School Board Members' Code of Conduct. They are therefore expected to:

- 4.1.1 Acknowledge that EREA Schools operate as part of the educational mission of the Catholic Church within the Edmund Rice Tradition and subsequently function within that relationship;
- 4.1.2 Develop a deeper understanding of, and commitment to, the mission of Catholic Education, the Edmund Rice charism and promote it within the relevant community;
- 4.1.3 Develop an understanding of the core EREA documents of Foundations, Charter, Formation and School Renewal;
- 4.1.4 Engage in continuing formation and education about the responsibilities of EREA School Board Members;
- 4.1.5 Exclude themselves from making public statements on any matter which could be perceived as reflecting the position of the EREA School. Such public statements will be made by the Principal or EREA Executive;
- 4.1.6 Undertake the reading and preparation required for each meeting;
- 4.1.7 Undertake EREA School Board committee work as required;
- 4.1.8 Demonstrate EREA School Board solidarity by being loyal to EREA School Board decisions, even if personally opposed to the final recommendations and decisions;
- 4.1.9 Respect the confidentiality of EREA School Board matters, and not misuse information or their position;
- 4.1.10 Keep an open mind and be willing to enter into dialogue through being alert to alternate solutions;
- 4.1.11 Maintain clarity between the role of the EREA School Board, EREA National and Regional Office, and not intrude into the Principal's direct management of the School;
- 4.1.12 Prior to discussion and decision making, declare any perceived conflict of interest and consult with the Chair regarding possible implications;
- 4.1.13 Support colleagues on the EREA School Board through reflection, prayer, courteous and warm relationships, and protection of the good name and reputation of EREA, inclusive of the School Board, the School, and the regional and national staff.

DESIGN ASPECT 5

Handbook

Every EREA School Board is required to ensure that an EREA School Board Handbook is developed (based on the EREA template) and reviewed annually. The EREA School Board Handbook provides information to support and guide the work of the EREA School Board.

Sections of the EREA School Board Handbook include:

- 5.1 Purpose of the Handbook
- 5.2 Annual review process of the Handbook
- 5.3 The story of Edmund Rice
- 5.4 The Charter for a Catholic School in the Edmund Rice Tradition
- 5.5 Most recent Congregation and Oceania Province Chapter statements
- 5.6 History and profile of the School
- 5.7 Current EREA Strategic Directions
- 5.8 Current School Strategic Directions
- 5.9 Current School Budget
- 5.10 Meetings:
 - Schedule for the year
 - Format of minutes
- 5.11 List of EREA School Board Members with a brief biography
- 5.12 Office bearers (Chair, Deputy Chair) and their roles and responsibilities
- 5.13 Standing Committees and Working Parties and their terms of reference
- 5.14 Recruitment processes for new Members
- 5.15 Desired skills, knowledge and qualities of the EREA School Board Chair
- 5.16 Desired skills, knowledge and qualities of an EREA School Board Member
- 5.17 Induction process for new EREA School Board Members
- 5.18 Annual EREA School Board Formation Plan
- 5.19 Process for annual reflection and review of EREA School Board performance
- 5.20 School Policy Schedule
- 5.21 Copy of EREA Policies
- 5.22 Annual EREA School Board Agenda (priorities & forward planning)
- 5.23 Grievance procedures pertaining to intra EREA School Board matters
- 5.24 Copy of the DESIGN for EREA School Boards
- 5.25 Previous Annual EREA School Board Report
- 5.26 Appendices:
 - School Staff organisational structure
 - Sample School Newsletter
 - Annual School Calendar
 - Principal's role description
 - Support provided by EREA Regional Administrator & EREA Manager, Governance