

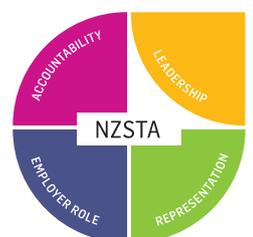
Effective governance

Leading an effective board

Learning objectives

To develop trustees' understanding of effective leadership through understanding:

- Legislative requirements relating to the chair role and meetings
- The importance of an effective chair
- Key elements of an effective board meeting
- The importance of sound processes and documentation to ensure an ongoing focus on student achievement



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The Legislative Framework - Education Act 1989

Governance and Management: one vision, different roles

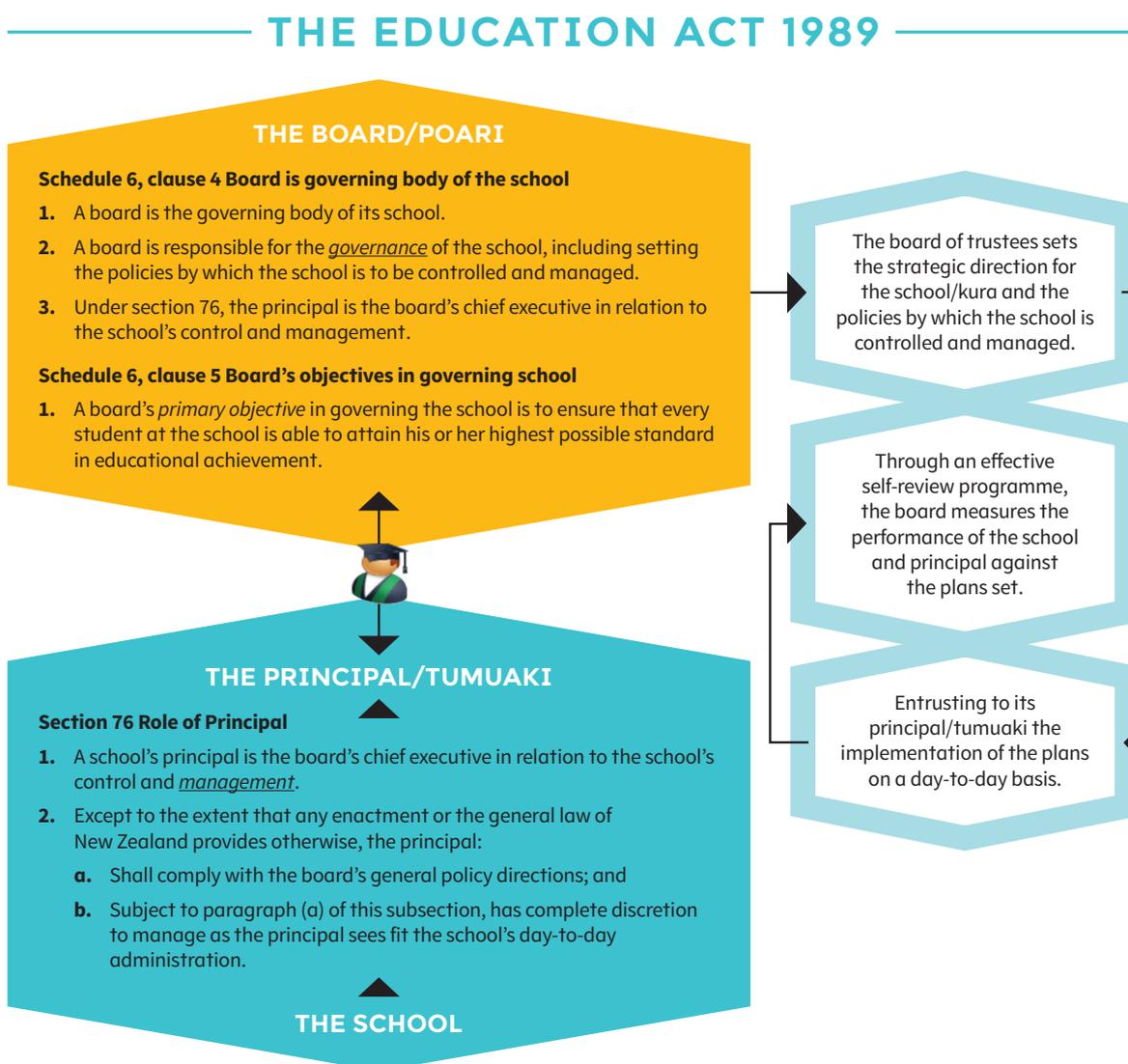
Governance and management is a partnership which may work differently from school to school. The legal responsibility of boards of trustees and principals is outlined in the Education Act 1989, and allows each board to define a model of governance that will best work for their school/kura.

Schedule 6 of the Education Act 1989 sets out, largely in one place, the key legal roles and responsibilities of the board in school governance, whilst those of the principal are set out in Section 76.

It is within these requirements that each board is able to define its own model of governance.

Successful schools are characterised by both the board and principal/tumuaki having a clear understanding of their respective roles and responsibilities whilst working toward a shared vision.

State integrated schools are also subject to the provisions set out in Part 33 of the Education Act 1989.



Legislation

The Sixth Schedule of the Education Act outlines many factors relating to board meetings and their leadership.

Use the information from the excerpt from the Sixth Schedule, plus what you already know, to help you answer the following:

	Clause	
1. Who cannot preside at a board meeting?		
2. When must a board appoint a trustee to preside over meetings of the board?		
3. How often must a board meet?		
4. What length of time is the chair elected for?		
5. What is the quorum for a board meeting?		
6. If the person appointed to preside over board meetings is not present, who can preside over the board meeting?		
7. How must decisions be made at a board meeting?		
8. Does every board member get one vote?		
9. How can decisions be made outside of a board meeting?		
10. When must a trustee be excluded from a board discussion?		

Local Government Official Information and Meetings Act 1987

- 46A. Availability of Agendas and Reports
- 47. Admission of Public to Meetings of Local Authorities
- 48. Right of Local Authorities to Exclude Public
- 49. Provisions Applying when Meeting Open to Public
- 50. Maintenance of Order
- 51. Right of Public to Inspect or Receive Copies of Minutes
- 51A. Public Notification of Resolution at Extraordinary Meeting
- 52. Defamatory Matter in Copy of Agenda or Additional Particulars Supplied to Public or in Minutes of Meeting
- 53. Oral Statements at Local Authority Meetings Privileged

Consider:

- Is your board aware of, and compliant with, the Sixth Schedule?

What is the role of the board chair?

In order to appoint the best chair a board can, the board needs to be clear about the role that they wish the chair to perform on their behalf. The chair can only guide the board with the guidance of the board.

The board chair has three distinct roles:



Role	Documentation required
Managing key internal relationships	
Ensuring board process is in place and adhered to	
Ensuring the work of the board is done	



Role of the board chair

Not all chairs are effective but every successful board has one. It is up to the board to ensure that it develops a clear policy for the role of the chair. This should not only act as a role description, but set expectations and limitations and allow for accountability measurement.

Chair's Role Description Policy

Outcomes Statement

The board is effectively led.

Scoping

The chair is the leader of the board and works on behalf of the board on a day to day basis with the principal.

The chair establishes and nurtures a positive professional working relationship with the principal.

The chair represents the board of trustees to the broader community and works in partnership with the principal to safeguard the integrity of the board's processes

The chair often represents the board to the school and wider community, agencies such as the Ministry of Education and the Education Review Office, and carries a responsibility to safeguard the integrity of the board.

The chair presides over board meetings and ensures that each trustee has a full and fair opportunity to be heard and understood by the other members of the board and that decisions which are in the best interest of the school, its students and staff are reached.

Delegations

The board delegates management of the relationship between the board and the principal to the chair.

Board to enter any other delegations to the chair.

Expectations & Limitations:

The Chair:

1. Is appointed by election at the first board meeting of the year except in a triennial trustee election year where it shall be at the first meeting of the board
2. Acts within board policy and delegations at all times and not independently of the board
3. Leads the board members and develops them as a cohesive and effective team.
4. Welcomes new members, ensures that disclosure of any conflicts of interest is made, the code of behaviour is understood (and signed), and leads new trustee induction
5. Assists board members' understanding of their role, responsibilities and accountability including the need to comply with the Trustees' Code of Behaviour policy
6. Ensures the work of the board is completed
7. Sets the board's agenda and ensures that all board members have the required information for informed discussion of the agenda items
8. Ensures the meeting agenda content is only about those issues which according to board policy clearly belong to the board to decide
9. Effectively organises and presides over board meetings ensuring that such meetings are conducted in accordance with the Education Act 1989, the relevant sections of the Local Government Official Information and Meetings Act 1987 and any board protocols and policies
10. Ensures interactive participation by all board members
11. Represents the board to external parties as an official spokesperson for the school except for those matters where this has been delegated to another person/s
12. Is the official signatory for the board, including for annual accounts
13. Is responsible for promoting effective communication between the board and wider community including communicating appropriate board decisions
14. Establishes and maintains a productive working relationship with the principal
15. Ensures the principal's performance agreement and review are completed on an annual basis
16. Ensures concerns and complaints are dealt with according to the school's concerns and complaints procedures
17. Ensures any potential or real risk to the school or its name is communicated to the board. This includes any concern or complaint

1. What process does your board use to elect/re-elect the chairperson each year?

2. Why is it suggested that this policy be reviewed annually in November?

3. What process does your board have in place to give feedback to the chairperson regarding their performance?

4. What should the board do if they are unhappy with the chairperson's performance?

There is no more significant factor in determining effective board governance than the leadership qualities of the chair.

What are the key skills, experiences, attitudes and qualities you believe a board chair should have?

Experience	Skills	Attitudes	Qualities
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Person Specification <i>(example)</i>
<p>Relevant leadership experience</p> <ul style="list-style-type: none"> Experience of organising and prioritising workloads Experience of leading a group Experience of chairing meetings Ability to make effective decisions within a policy framework
<p>Skills</p> <ul style="list-style-type: none"> Ability to communicate effectively both orally and written Ability to ensure that legislative requirements are met Ability to chair meetings Good organisational skills
<p>Knowledge</p> <ul style="list-style-type: none"> Knowledge of our school community Knowledge of the education environment
<p>Attitude</p> <ul style="list-style-type: none"> Commitment to the school's aims Positive outlook

Discuss:

- "The chair guides the board with the guidance of the board."

Consider:

- Have you considered these aspects of your role and the activities involved?

Managing board relationships

The board may have a code of behaviour which sets down the expected behaviour of trustees but recognition also needs to be given to the other important relationships within the board. The chair is responsible for ensuring that these internal relationships are maintained according to the expectations set down by the board.

The Relationship between the Chair and the Principal Policy

Outcomes Statement

The relationship between the chair and the principal is based on trust, integrity and mutual respect.

Scoping

A positive, productive working relationship between the principal and the chair is both central and vital to the school.

The chair and principal should act as sounding boards, both supporting and challenging in order to hold the school to account for achieving the goals and targets that have been set.

The chair has no authority except that granted by the board. The chair does not act independently of the board.

Expectations & Limitations

- The two must work as a team and there should be no surprises.
- The relationship must be professional.
- Each must be able to counsel the other on performance concerns.
- The chair supports the principal and vice versa as appropriate.
- Each agree not to undermine the other's authority.
- There is agreement to be honest with each other.
- Each agree and accept the need to follow policy and procedures.
- Neither party will deliberately hold back important information.
- Neither party will knowingly misinform the other.

The board's key internal relationships

Internal relationship	Documentation
Trustee – Trustee	Code of conduct Role and responsibility of the board policy Governance policies
Board – Chair	Role of the chair policy Delegations to the chair
Board – Principal	Relationship policy Operational policies
Chair – Principal	Relationship policy Memo of understanding
Board – Committee	Delegations Terms of reference

The above relationship principles are to be read in conjunction with the following:

- The board's agreed governance and management definitions
- The board's roles & responsibilities policy
- Any delegations to the principal
- The role of the chair policy
- The trustees' code of behaviour
- The relationship between the board and the principal policy.

Consider:

- Has your board these documents in place and are they adhered to and reviewed?

Memorandum of understanding



If either the chair or the principal is new to the partnership, if the relationship needs to be established or re-established, then at the next one on one meeting the principal and chair may wish to draw up a Memorandum of Understanding.

	Chair	Principal
What responsibilities do I have to work, family, sport etc.?		
When can I and can't I be contacted? How? Phone, email, meeting etc. What is a meeting? eg. face to face When are our formal/informal meetings? When would you like to be contacted? When must you be contacted?		
What do you see as your role?		
What is your understanding of the vision of the school?		
What are your expectations of me?		
Are we each other's critical support person? What does this mean?		
We agree to no surprises at board meetings. What does this mean?		
What is the process for opening and distributing mail?		
Where do we go for advice and support?		
What is the internal discipline process for the board?		

Consider:

- It is vital that the principal and chair form a united front at board meetings.

Meetings

Checklist for the Chairperson by Nathan Garber

The chair can make the difference between a successful, productive, stimulating meeting and a frustrating, disappointing, waste of time.

Identify the most frustrating things about board meetings:	Strategies for overcoming these:	List five conditions that contribute to a productive meeting:
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.

Before the meeting:

- Ensure decisions to be made are written as motions
- Plan the agenda to ensure that the most important and most time critical decisions are made first
- Ensure policy references are included for items to be decided or discussed
- Make sure that reports and information necessary to make needed decisions are sent with the agenda in sufficient time for them to be read
- Contact individuals scheduled to talk to a report and make sure they will be present or will appoint someone else to give the report
- Note when someone comes unprepared to the meeting. Call them in advance of the next meeting with a reminder to read and think about the agenda items before the meeting
- The board can be severely compromised when members are absent. If you have reason to think that any member is not making a serious effort to attend all meetings, call them to find out why

At the meeting:

- Use a "consent agenda" to dispense quickly with routine and noncontroversial agenda items
- Meeting process is important to ensure that decisions are made fairly
- Start and finish meetings on time
- Encourage the quiet ones

- Keep the meeting discussion focussed
- Be alert to nonverbal behaviours signifying dissent. Ask the dissenter to comment
- Watch for signs that the debate has run its course. Then summarise the discussion and ask for a vote or expression of consensus
- Ask the secretary to read all motions and amendments to be sure that they are clear and correct
- Conduct a meeting evaluation

After the meeting:

- Review the previous meeting to identify problems so that they can be addressed before the next meeting
- Review the annual agenda to see what is coming up in the months ahead. Update the annual agenda if necessary
- Consider what you might do to assist new members, deal with absenteeism, or remediate poor performance

Be the conductor/facilitator/coach/referee

Consider:

- Agenda reflects board work not management.

Checklist for all trustees

Rights

- To an opinion
- To disagree
- To challenge
- To respect

Responsibilities

- Speak for yourself [use “I”]
- Only give specific advice when it is requested
- Contribute
- Be sensitive to others way of contributing
- Keep confidentiality about people sensitive issues
- Stick to the agenda
- Keep perspective [and sense of humour?]

Adapted from Jenny Mosley

Conduct

- Act professionally
- Declare conflicts of interest
- Ensure confidentiality where required
- Accept collective responsibility

What expectations does the board have of the chair regarding meetings?

- Setting the agenda?
- Keeping to time?
- Ensuring everyone acts appropriately?
- Ensuring meeting process and procedures are followed?
- What discretion have you given to the chair when determining information being put before the board?
- Have you recorded these expectations?
- Do you review performance against these expectations?
- Where should these expectations be recorded?

Meeting procedures

Consider issues around:

- Timing
- Frequency
- Quorum
- Public participation
- Exclusion of the public
- Special meetings
- Motions, amendments
- Decision making process
- Suspension of meeting procedures
- Agenda
- Minutes
- Minute taker
- Venue/environment
- Refreshments



At meetings

Meetings are open to the public

Board meetings are open to the public, but are not public meetings. This means that members of the public may attend to observe the meeting but may not participate in any discussion unless granted speaking rights by the board.

Public Excluded Business

There are occasions when a board needs to exclude the public from a meeting. For example, when it needs to protect the privacy of an individual or discuss sensitive issues such as tender documents. The board should pass a motion to exclude the public. Part 7 of the Local Government Official Information and Meetings Act 1987 Section 48 applies. Excluding the public is sometimes referred to as being "in committee".

Public excluded meeting minutes are treated as confidential but can be the subject of a request under the Privacy Act 1993 or the Official Information Act 1982.

Meeting Minutes

Minutes should be a factual and accurate record of a meeting. They should include which trustees were present at the meeting, what motions were put forward, who moved them, who seconded them, any amendments to the motion, and what happened to those amendments and whether the motion was carried or lost. In addition, minutes should record when and where the next board meeting will be held. If the public has been excluded from any part of the meeting, the minutes for that part of the meeting are separate and confidential.

Minutes of the previous meeting are reviewed and confirmed at the beginning of the following meeting. Until confirmed as a true and accurate record, minutes should have "unconfirmed" stamped across them.

Trustees behaving badly

The chair should deal with bad behaviour at board meetings promptly. Policy, including a trustee code of behaviour, should be in place.

For advice please contact the NZSTA Governance Advisory & Support Centre on **0800 782 435 (0800 STA HELP)** Option 1, or email govadvice@nzsta.org.nz.

The board meeting agenda

A well planned board meeting agenda provides all the trustees with a 'map' not only outlining the business to attend to and decisions to be made, but also a solid tool for preparation, policy reference and efficient timing of the meetings.

The meeting agenda

Board of Trustees Meeting Agenda – date			
	Policy Reference:	Led by:	Time:
1. Administration 1.1 Present 1.2 Apologies 1.3 Declaration of interests			5 mins
2. Strategic Decisions 2.1 Strategic decisions made if required	Operational / Governance Policy xxxx		30-45 mins
3. Monitoring 3.1 Ongoing summary of progress to date in relation to annual plan 3.2 Expert presentation 3.3 Data analysis 3.4 Exploration of key result area eg goals 3.5 Finance and Audit Report			45-60 mins
4. Strategic Discussions 4.1 Exploration of special issue or project eg budget, principal performance agreement/appraisal, delegations 4.2 Education Gazette			30-45 mins
5. Identify Agenda Items for Next Meeting			5-15 mins
6. Administration 6.1 Confirmation of minutes 6.2 Correspondence			5-15 mins
7. Meeting Closure 7.1 Comments on meeting procedures and outcomes 7.2 Preparation for next meeting			5-15 mins
Note 1: Correspondence is listed on the back of the agenda Note 2: List of current delegations attached to agenda			

Meeting assessment

Effective boards commit to ongoing review. Reviewing the effectiveness of board meetings is one part of this.

Board meeting evaluation <i>[example]</i> Use during the meeting so you can see what's happening and make corrections immediately	
Pre-meeting materials were concise and helpful	No 1 2 3 4 5 Yes
Everyone arrived well prepared	No 1 2 3 4 5 Yes
The meeting agenda was well prepared	No 1 2 3 4 5 Yes
The issues covered today were	Trivial 1 2 3 4 5 Important
Today's discussions concerned primarily	Operations 1 2 3 4 5 Policy and Strategy
We stay focused and on the subject	No 1 2 3 4 5 Yes
In this meeting we are largely proactive rather than reactive	No 1 2 3 4 5 Yes
What or who hindered this meeting from going well?	
Date	Name

Other measures you could evaluate are:

- Board members speak up and speak out.
- There is mutual respect between board members.
- We are willing to explore new ideas and changes.
- We use a clear process for making decisions.
- The meeting finished on time.
- The meeting environment was comfortable and professional.
- The food and drink provided met our needs.

Evaluation of meeting on [date] chaired by [name]	
1. How well did we accomplish the results we expected from this meeting based on the set agenda?	Not at all 1 2 3 4 5 Very well
Comment:	
2. How satisfied are you with how the group worked as a team?	Not at all 1 2 3 4 5 Very well
Comment:	
3. How satisfied are you with your participation and contribution as an individual?	Not at all 1 2 3 4 5 Very well
Comment:	
4. Is there anything that you believe would improve our meeting process?	
Comment:	
Name: (Optional) _____	
Review schedule: As required	

Sources of support and information



NZSTA

www.nzsta.org.nz

0800 782 435

Advisory & Support Centre, Governance

govadvice@nzsta.org.nz

Advisory & Support Centre, Employment

eradvice@nzsta.org.nz

Govtalks

<http://www.govtalks.co.nz>

Governance Framework 2018

Ministry of Education

www.minedu.govt.nz

Search: Regional Office contacts for details of your local Ministry of Education office

The National Education Profile downloadable at

<http://www.minedu.govt.nz/theMinistry/PublicationsAndResources/NZEducationProfile.aspx>

Information requests: information.officer@minedu.govt.nz

Te Kete Ipurangi (TKI)

www.tki.org.nz

Provides educational material for teachers, school managers and the wider community.

Education Counts

<http://www.educationcounts.govt.nz/topics/pai-pipeline>

For all the information about our students, schools and education system that is in the public domain including national, regional, territorial authority and iwi rohe education profiles.

Education Gazette

www.edgazette.govt.nz

For Principal and Board alerts, articles, features and details of teaching vacancies.

Education Review Office

www.ero.govt.nz

For early childhood centre and school reports, national evaluation reports and information about review processes and indicators.