



NZSTA
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Role of the staff representative

After attending this workshop participants will have an understanding of:

- Governance responsibilities of the board and the management responsibilities of the principal, and working in partnership
- The composition of the board, and why there is a staff representative
- Trustee responsibilities and accountabilities, and working as a team
- Some key board responsibilities and accountabilities
- Issues that may arise for the staff representative; and strategies for managing them



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Membership of the board | poari

Each trustee | kaitiaki has **equal** standing, voice, accountability and vote, regardless of their position on the board | poari.

The Education Act 1989 specifies the makeup of the board but provides some discretion for the board in determining its total size. This flexibility helps the board ensure its membership reflects the diversity of the community and the skills required for effective governance. There are a number of ways diversity can be reflected.

	Position on board poari	School kura type	Term of office	# on your board poari
Non-school based trustees kaitiaki	Parent representative ¹	State, including designated character ² , and state integrated	3 years maximum ³	
	Co-opted trustee	State, including designated character, and state integrated ⁴	3 years maximum or a lesser term, as specified by board	
	Proprietor's appointee ⁵	State integrated	3 years maximum or a lesser term, as determined by proprietor	
	Chair	State, including designated character, and state integrated	1 year	1
School kura based trustees kaitiaki	Principal tumuaki	State, including designated character, and state integrated	N/A	1
	Staff kaimahi representative	State, including designated character, and state integrated	3 years ³	1
	Student ākonga representative	State, including designated character, and state integrated, with students above Year 9	1 year	1

¹ Exact number depends on constitution of the board.

² Designated character includes kura who are designated kura kaupapa Māori.

³ Depending on date of election, by-election or selection.

⁴ State integrated schools have the ability to co-opt, but only if the proprietor agree to reduce the number of proprietor's appointees.

⁵ There must be 4 proprietor's appointees as a state integrated school board, unless the proprietor agrees to reduce the number of appointees.

- Regardless of their role, each trustee has equal standing, voice, accountability and vote.
- The board is a body corporate, a Crown entity and a local authority.
- Trustees are not personally liable for the decisions that a board does, or does not make, as long as they act in good faith and not independently of the board.

Consider:

- Who sits around your board table and why?
- What does 'representative' mean for the three types of elected trustees on the board?
- Does your board have a trustee register?
- The board as an entity can be held liable – do you know what insurance cover your board has?

The legislative framework – Education Act 1989

Governance and management: one vision, different roles

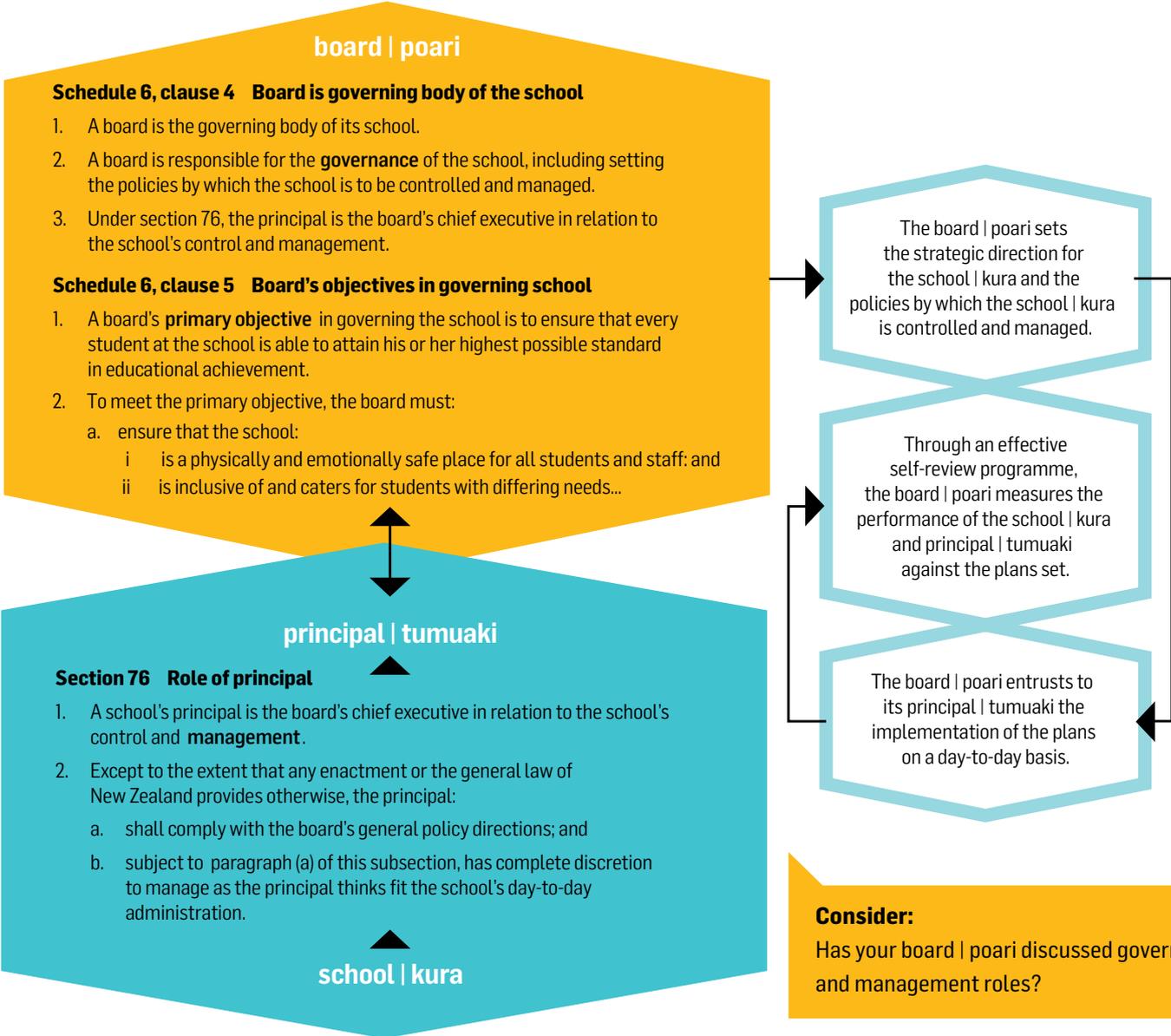
Governance and management is a partnership which may work differently from school | kura to school | kura. The legal responsibility of boards | poari and principals | tumuaki is outlined in the Education Act 1989, and allows each board | poari to define a model of governance that will best work for their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

Schedule 6 of the Education Act 1989 sets out, largely in one place, the key legal roles and responsibilities of the board | poari

in school | kura governance, whilst those of the principal | tumuaki are set out in Section 76. It is within these requirements, that each board | poari is able to define its own model of governance.

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

The Education Act 1989



Who has leadership responsibilities in a school?



Boards | poari provide strategic leadership and direction to schools | kura. This is done through the charter/strategic plan and governance framework which, together with the annual implementation plan, give direction to guide all school | kura activities and decisions.

Leadership involves setting vision, direction and strategy to ensure that every student | ākonga achieves their highest possible educational potential.

Leadership roles The 'who'	
Board poari	The 'what' and the 'why'
All trustees kaitiaki	Strategic direction <ul style="list-style-type: none"> • • Policies <ul style="list-style-type: none"> • • Monitoring and measurement of performance <ul style="list-style-type: none"> • •
Chair	Guiding board poari operations <ul style="list-style-type: none"> • • Managing board poari relationships <ul style="list-style-type: none"> • • Ensuring the work of the board poari is done <ul style="list-style-type: none"> • • Relationship with the principal tumuaki <ul style="list-style-type: none"> • •
Principal tumuaki	The 'how'
	The board's poari chief executive in relation to the school's kura control and management <ul style="list-style-type: none"> • • Professional leadership of teaching and learning <ul style="list-style-type: none"> • •

Consider: Are these roles clearly defined and evident in your school | kura?

A framework for effective governance



Part A: Annually updated policies

1. Trustee register
2. Board workplan
3. Charter / strategic plan
4. Board delegations list

Part B: Governance policies

1. Board roles and responsibilities policy
2. Trustee code of behaviour policy
3. Trustee remuneration and expenses policy
4. Conflict of interest policy
5. Chair role description policy
6. Staff and student representative role description policy
7. Relationship between chair and principal policy
8. Principal performance management policy

Part C: Processes and procedures

1. Meeting protocols
2. Public attending board meetings
3. Meeting agenda
4. Meeting checklist
5. Evaluation of meeting
6. Committee principles
7. Review committee terms of reference
8. Student behaviour management committee terms of reference
9. Finance committee terms of reference and annual calendar
10. Trustee induction process
11. Concerns and complaints process
12. Board complaints checklist
13. Internal evaluation process
14. Triennial review programme

Part D: Operational policies

1. Responsibilities of the principal policy
2. Curriculum delivery policy
3. Personnel policy
4. Appointments policy
5. Financial planning policy
6. Financial condition policy
7. Asset protection policy
8. Protection and sharing of intellectual property (Creative commons) policy
9. Health and safety policy
10. Child protection policy
11. Managing challenging behaviour and physical restraint policy

Trustee responsibilities and accountabilities



The trustee code of behaviour is an important way to ensure that board business is conducted in an ethical and respectful manner, in accordance with legislation and board policy. Every board needs to ensure there are opportunities to discuss its expectations of trustee conduct. It is suggested every board member is given their signed copy of the code.

Example trustee code of behaviour policy

Expectations and limitations

As members of an effective governance team, each member of the board of trustees shall:

1. ensure the needs of all students and their achievement is paramount
2. be loyal to the school and its mission
3. maintain and understand the values and goals of the school
4. protect the special character of the school
5. publicly represent the school in a positive manner
6. respect the integrity of the principal and staff
7. observe the confidentiality of non-public information acquired in their role as a trustee and not disclose to any other persons such information that might be harmful to the school
8. be diligent and attend board meetings prepared for full and appropriate participation in decision making
9. ensure that individual trustees do not act independently of the board's decisions
10. speak with one voice through board policies and ensure that any disagreements with the board's stance are resolved within the board
11. in the course of board meetings, disclose any interests in a transaction or decision where they, their family and/or partner, employer or close associate will receive a benefit or gain and leave the meeting for the duration of discussion and/or voting in relation to the matter
12. recognise the lack of authority in any individual trustee or committee/working party of the board in any interaction with the principal or staff
13. recognise that only the chair (working within the board's agreed chair role description or delegation) or a delegate working under written delegation can speak for the board
14. continually self-monitor their individual performance as trustees against policies and any other current board evaluation tools
15. be available to undertake appropriate professional development.

Adapted from NZSTA Governance Framework 2018.

Staff representative – roles and responsibilities

Section 94(1)(c) of the Education Act 1989 requires that except where the principal is the only member of the school staff every school must have a staff representative on its board of trustees. The staff representative is elected by their peers to serve the interests of the school at governance level, but are not required to be an advocate for staff interests. Rather, the staff representative brings a staff perspective to board discussion and decision making.

- As a staff representative you are first and foremost a trustee, making decisions on behalf of all stakeholders of the school. You were elected by your colleagues to bring a staff perspective to the board in the same way that parent elected trustees bring a parent/ community view. You are bound by the same roles, responsibilities and codes of behaviour as other trustees.
- Knowledge of the school, and expertise in education if you are a teacher, mean you can make a significant contribution to the board as a team, but may create situations where there is tension between your role as an employee of the school and your role on the body that is the employer.
- Board documentation can help clarify expectations of internal board relationships, but at the end of the day it is about understanding your role and building good working relationships.

Expectations and limitations

Staff representative accountability		Standard
1. To work within the board's charter/strategic plan.	1.1	The charter/strategic plan is obviously considered in board decisions.
2. To abide by the board's governance and operational policies.	2.1	The staff trustee has a copy of the governance manual and is familiar with all board policies.
3. The staff trustee is first and foremost a trustee and must act in the best interests of the staff at the school at all times.	3.1	The staff trustee is not a staff advocate.
	3.2	The staff trustee does not bring staff concerns to the board.
4. The staff trustee is bound by the trustee code of behaviour.	4.1	The staff trustee acts within the code of behaviour.
5. It is not necessary for the staff trustee to prepare a verbal or written report for the board unless specifically requested to by the board.	5.1	No regular reports are received unless a request has been made by the board on a specific topic.

Adapted from NZSTA Governance Framework 2018.

Consider:

- Does your board have a policy for the staff representative?
- Does this example policy align with your understanding of the role?
- What could you do to increase board and staff understanding of the staff representative's role?

The staff representative has equal voice, vote, standing and accountability to any other board member.

Key board relationships - internal



Consider:

What can the staff representative do to help build effective working relationships with:

The principal | tumuaki?

Board chair

Other board members | kaitiaki?

Fellow staff | kaimahi?

The National Administration Guidelines



Boards of trustees are ultimately responsible and accountable to the Crown and community for everything that happens within their schools, but their primary focus is to ensure that the school continuously improves student progress and achievement outcomes.

The National Administration Guidelines (NAGs) are legislated statements of board of trustees' responsibilities covering all areas of school operations. NAG1 and 2 relate to curriculum and assessment, planning, review and reporting including in relation to National Standards which are used in schools with students in Years 1 – 8.

NAG 1

Each board of trustees is required to foster student achievement by providing teaching and learning programmes which incorporate The National Curriculum as expressed in The New Zealand Curriculum 2007 or Te Marautanga o Aotearoa.

Each board, through the principal and staff, is required to:

- a. develop and implement teaching and learning programmes:
 - i. to provide all students in years 1-10 with opportunities to progress and achieve for success in all areas of the National Curriculum;
 - ii. giving priority to student progress and achievement in literacy and numeracy and/or te reo matatini and pāngarau, especially in years 1-8;
 - iii. giving priority to regular quality physical activity that develops movement skills for all students, especially in years 1-6;
- b. through the analysis of good quality assessment information, evaluate the progress and achievement of students, giving priority first to:
 - i. student progress and achievement in literacy and numeracy, and/or te reo matatini and pāngarau, especially in years 1-8; and then to
 - ii. breadth and depth of learning related to the needs, abilities and interests of students, the nature of the school's curriculum, and the scope of The National Curriculum as expressed in The New Zealand Curriculum or Te Marautanga o Aotearoa;
- c. through the analysis of good quality assessment information, identify students and groups of students:
 - i. who are not progressing and/or achieving;
 - ii. who are at risk of not progressing and/or achieving;
 - iii. who have special needs (including gifted and talented students); and
 - iv. aspects of the curriculum which require particular attention;
- d. develop and implement teaching and learning strategies to address the needs of students and aspects of the curriculum identified in (c) above;

- e. in consultation with the school's Māori community, develop and make known to the school's community policies, plans and targets for improving the achievement of Māori students; and
- f. provide appropriate career education and guidance for all students in year 7 and above, with a particular emphasis on specific career guidance for those students who have been identified by the school as being at risk of leaving school unprepared for the transition to the workplace or further education/training.

NAG 2

Each board of trustees, with the principal and teaching staff, is required to:

- a. develop a strategic plan which documents how they are giving effect to the National Education Guidelines through their policies, plans and programmes, including those for curriculum, aromatawai and/or assessment, and staff professional development;
- b. maintain an on-going programme of self-review in relation to the above policies, plans and programmes, including good quality assessment information on student progress and achievement; and
- c. on the basis of good quality assessment information* report to students and their parents on progress and achievement of individual students:
 - i. in plain language, in writing, and at least twice a year; and
 - ii. across The National Curriculum, as expressed in The New Zealand Curriculum 2007 or Te Marautanga o Aotearoa, including in mathematics and literacy, and/or te reo matatini and pāngarau;
- d. on the basis of good quality assessment information*, report to the school's community on the progress and achievement of students as a whole and of groups (identified through National Administration Guideline 1(c) above) including the progress and achievement of Māori students against the plans and targets referred to in National Administration Guideline 1(e) above.

* Good quality assessment information draws on a range of evidence to evaluate the progress and achievement of students and build a comprehensive picture of student learning across the curriculum.

National Administration Guidelines continued

NAGs 3 to 8 relate to the board's employer responsibilities, finance, property, health and safety, administration and timeframes for updating and reporting against the school's charter.

NAG 3

According to the legislation on employment and personnel matters, each board of trustees is required in particular to:

- a) develop and implement personnel and industrial policies, within policy and procedural frameworks set by the Government from time to time, which promote high levels of staff performance, use educational resources effectively and recognise the needs of students; and
- b) be a good employer as defined in the State Sector Act 1988 and comply with the conditions contained in employment contracts applying to teaching and non-teaching staff.

NAG 4

According to legislation on financial and property matters, each board of trustees is also required in particular to:

- a) allocate funds to reflect the school's priorities as stated in the charter;
- b) monitor and control school expenditure, and ensure that annual accounts are prepared and audited as required by the Public Finance Act 1989 and the Education Act 1989; and
- c) comply with the negotiated conditions of any current asset management agreement, and implement a maintenance programme to ensure that the school's buildings and facilities provide a safe, healthy learning environment for students.

NAG 5

Each board of trustees is also required to:

- a) provide a safe physical and emotional environment for students;
- b) promote health food and nutrition for all students; and
- c) comply in full with any legislation currently in force or that may be developed to ensure the safety of students and employees.

NAG 6

Each board of trustees is also expected to comply with all general legislation concerning requirements such as attendance, the length of the school day, and the length of the school year.

NAG 7

Each board of trustees is required to complete an annual update of the school charter for each school it administers, and provide the Secretary for Education with a copy of the updated school charter before 1 March of the relevant year.

NAG 8

Each board of trustees is required to provide a statement providing an analysis of any variance between the school's performance and the relevant aims, objectives, directions, priorities, or targets set out in the school charter at the same time as the updated school charter provided to the Secretary for Education under National Administration Guideline 7.

Consider:

- How does the board meet the requirements of these guidelines?
- What part does the staff representative play?

Meeting terminology



1. Notice of meeting	
2. Agenda	
3. Open to the public	
4. Quorum	
5. Apologies	
6. Conflict of interest	
7. Pecuniary interest	
8. Minutes	
9. Matters arising	
10. Moving a motion	
11. Seconding a motion	
12. Deliberative vote	
13. Casting vote	
14. Resolution	
15. In committee/Public excluded	
16. Trustee honorarium	

Sample meeting agenda

A typical agenda will be as follows:

Board of trustees meeting agenda – date			
	Policy reference	Led by	Time
1. Administration			5 mins
1.1 Present			
1.2 Apologies			
1.3 Declaration of interests			
2. Strategic decisions			30–45 mins
2.1 Strategic decisions made if required	Operational/ governance policy xxxx		
3. Monitoring			45–60 mins
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 (goals)			
3.5 Finance and audit report			
4. Strategic discussions			30–45 mins
4.1 Exploration of special issue or project (e.g. budget, principal performance agreement/appraisal, delegations)			
5. Identify agenda items for next meeting			5–15 mins
6. Administration			5–15 mins
6.1 Confirmation of minutes			
6.2 Correspondence			
7. Meeting closure			5–15 mins
7.1 Comments on meeting procedures and outcomes			
7.2 Preparation for next meeting			

Notes:

- Correspondence is listed on the back of the agenda.
- List of current delegations is attached to the agenda.

Adapted from NZSTA Governance Framework 2018.

Conflict of interest policy

Outcome statement

The board effectively manages actual, potential and perceived conflicts of interest ensuring the integrity of board decisions and reputation of board members.

Scoping

The board shall create a register of all board members detailing any interests, relationships or holdings that could potentially result in a conflict of interest. This register shall be updated whenever a board member's circumstances change or a new member joins the board. It should be reviewed at the start of each school year and following trustee elections.

Board members who have a conflict of interest shall be excluded from relevant board meetings (or relevant parts of board meetings).

Expectations and limitations

All staff and board members will effectively manage conflicts of interest between the interests of the school on one hand and personal, professional and business interests on the other. This includes managing potential and actual conflicts of interest as well as perceptions of conflicts of interest.

Any trustee who has a pecuniary interest or any other interest that may influence them in carrying out their duties and responsibilities as a trustee must be excluded from any meeting while the board discusses, considers, considers anything relating to or decides on the matter.

Any trustee who is a member of the board's staff must be excluded from any meeting while the board discusses, considers, considers anything relating to or decides on any matter relating to their own employment or a complaint received against them.

Any trustee who is a student enrolled at the school must be excluded from any meeting while the board discusses, considers, considers anything relating to or decides on any matter relating to them as an individual student.

In the course of board meetings, board members will disclose any interests in a transaction or decision where their family and/or partner, employer or close associate will receive a benefit or gain. After disclosure, the person making the disclosure will be asked to leave the meeting for the discussion and will not be permitted to vote on the question.

Procedures/supporting documentation

Disclosure of interest statements

Monitoring

Board to enter own monitoring and reporting procedures.

Legislative compliance

Reviewed:	Next review:
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Consider:

What sort of things might be a conflict of interest for the staff representative?

Adapted from NZSTA Governance Framework 2018.

Financial budgets

The role of the board is to identify the school's education priorities to develop a budget that allocates resources to these priorities, and to monitor and report on this expenditure.

Allocation decisions must consider:

- Strategic and annual implementation plans, goals and targets
- Asset management and property obligations.

Approving and monitoring the budget are responsibilities of the board that cannot be delegated (except in a committee of the board). Collectively, all members of a board are accountable for the funding and other resources allocated to the board.

Financial cycle



- Review outcome; will income cover expenditure?
- Are the budgets for all categories, including separate budgets for local funds income and local funds expenses?
- Do we have a capital (asset) budget?
- Review key assumptions in January/ February e.g. starting roll size – is adjustment needed?
- Have we considered cash implications e.g. seasonality?
- Include lease payments, cyclical maintenance and depreciation.

Financial reporting



Regular financial reports should assure the board | poari that:

- income and expenditure is within budget for the year to date – or reasons for major variations are supplied;
- income and expenditure for the rest of the year is forecast to be on track – or what action is being taken to mitigate identified issues and risks e.g. the forecast has been adjusted if the roll has changed significantly;
- the school | kura has set aside enough money for long-term commitments e.g. asset replacement, external painting;
- all funds held on trust are kept separate and managed appropriately;
- any financial issues are being managed e.g. recommendations from the auditors;
- the school | kura is operating within the policies approved by the board | poari e.g. there has been no unauthorised expenditure and all spending is within delegations.

The operating statement shows	The balance sheet shows
<ul style="list-style-type: none">• Budgeted income• Budgeted expenses• Budgeted surplus/deficit• Actual income and expenditure to date• Progress against budget	<ul style="list-style-type: none">• A snapshot of the financial position at a specific point in time• What the board poari owns• What the board poari owes• The difference between what is owned and what is owed

Scenarios

These are some situations that staff representatives have encountered	Consider: <ul style="list-style-type: none"> What would you do?
1. A couple of staff in senior roles have talked to you about the Chair undertaking the principal's performance review. They don't feel they can speak openly and want you to push for an external appraiser.	
2. A friend who has a student at your kura is unhappy with their child's kaiako. They are considering changing schools and tell you there are others in their whānau who feel the same.	
3. You've become the school's "go to" person for data analysis and now you are the staff representative the principal is asking you to take on student achievement reporting to the board.	
4. Roll drop means the College is facing a significant financial deficit. From the board meeting papers you see that the budget for the curriculum area you are responsible for is being slashed.	
5. The school has had a complaint against the leader of your syndicate/faculty. The board is going to move to go into public excluded business. The Chair asks you to leave.	
6. You are leaving the school at the end of term 3. The principal tells you he has asked the DP to take over as staff representative until next year's triennial elections.	

Consider:
What makes an effective staff representative?

Support and resources



New Zealand School Trustees Association
Te Whakaroputanga Kaitiaki Kura o Aotearoa
www.nzsta.org.nz

0800 782 435

NZSTA Advisory and Support Centre, Governance
govadvice@nzsta.org.nz

NZSTA Advisory and Support Centre, Employment
eradvice@nzsta.org.nz

NZSTA Professional Development
pdadvice@nzsta.org.nz

NZSTA Governance Framework
www.nzsta.org.nz/governance-framework-2018

Trustee election website
www.trustee-election.co.nz

Ministry of Education
Te Tāhuhu o te Mātauranga
www.education.govt.nz

Te Kete Ipurangi (TKI)
www.tki.org.nz

Education Review Office
Te Tara Arotake Matāuranga
www.ero.govt.nz

Education Act 1989
<http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.html>