

New Madinah College

GOVERNANCE POLICY





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SCHOOL GOVERNANCE NSW EDUCATION STANDARDS AUTHORITY REQUIREMENTS

New Madinah College (the College), as a registered non-government school, meets the requirements of the *Education Act 1990* to:

- have as its major activity the provision of education, either primary or secondary, as prescribed by Regulations;
- be responsible for an educational program based on the NESA's curriculum and assessment requirements for registration and accreditation, and
- have a Principal responsible for its day-to-day operation.

THE CHAIRPERSON AND BOARD OF GOVERNANCE

The College management body comprises of at least five (5) Directors headed by the Chairperson of the governing body. The directors including the chairperson cannot be comprised of more than one third closely related members. A closely related member is taken to be a spouse, parent, sibling or child. The **Chairperson** is responsible for the appropriate background checks to ensure that nominated members are a fit and proper person and considered a 'responsible person' as defined by the Act. The Chairperson will ensure that all board members are aware of the Governance Policy and that each member signs the Statutory Declaration for a Responsible Person for a NSW non-government school to be Fit and Proper (**Appendix-1**). The directors once nominated are informed of their legal responsibilities and are issued with a copy of the Registered and Accredited Individual Non-Government Schools (NSW) Manual. The Chairperson and/or Principal is responsible for the appropriate (NESA approved) induction and training for new 'responsible persons' prior to taking up the role of 'responsible persons' or within three months of becoming a 'responsible person' of the College.

The Chairperson of the Board of Directors of the College will provide and document the processes for providing a return to the NSW Education Standards Authority when changes occur as outlined in the *Registered and Accredited Individual Non-Government Schools (NSW) Manual*.

ROLES AND RESPONSIBILITIES

The role of the governing body is primarily concerned with the governance of the College, including such matters as long-term financial planning, administrative policies and accountability. The College's management body ('responsible persons') comprises of at least five (5) Directors headed by the Chairperson. In addition to the normal statutory duties of being a company director, the role and responsibilities of each of the 'responsible persons' is set by the Australian Charities and Not-for-profits Commission. These include:

- Establish vision, mission and values;
- Set strategy and structure;
- Act with reasonable care and diligence;
- Act honestly in the best interests of the charity and for its charitable purposes
- Not to misuse their position as a responsible person;
- Not to misuse information they gain in their role as a responsible, fit and proper person;
- To disclose conflicts of interest;
- To ensure that the financial affairs of the charity are managed responsibly;
- Not to allow the charity to operate while it is insolvent.

The role of the principal is delegated by the governing body. The principal is responsible for the management, day-to-day functioning and routine operations of the College. The principal's responsibilities also include such aspects as the College's operation, curriculum implementation, teaching and learning programs, assessment, health and safety, student welfare, staff selection, supervision and professional development, registers of enrolment and daily attendance, maintenance of buildings, and management of facilities, resources and equipment.

The respective authority within the governance structure is the Chairperson, the Secretary and the Principal. The process for withdrawing a delegated authority is a majority vote by the board of directors.

In order to satisfy its legal obligations, manage risk, provide strategic guidance and monitor performance, the following procedures are in place:

❖ **The Chairperson of the board will be responsible for reporting every twelve (12) months on the performance of the board which will be judged on the following:**

- Maintaining audit and financial compliance standards (generally through auditor reports)
- Minimising risks to the College;
- Setting and maintaining school strategic direction and the regular refreshment of school plans for the future;
- Communication with the College stakeholders and regulatory authorities.

❖ **The Secretary's performance will be judged on the following achievements:**

- The Key Performance Indicators (KPI) for the College financials including planning for the strategic growth of the College;
- Support to the education management of the College;
- Consistent high-quality reporting to the board;

- Maintenance of the coordination and administration of the board including preparation of board papers and reports and the recording of meetings decisions and actions made by the College's 'responsible persons' and retain such records (on and from 1st September 2014) for a minimum period of seven (7) years before archiving;
- Maintenance of the integrity of the College's procurement system and its compliance with standards;
- Preparation and maintenance of the College budgets and its control.

❖ **The Principal's performance will be judged on the following achievements:**

- The KPI for education set by the board through the College plan and as recorded in the comparative external results testing (NAPLAN);
- A safe, secure, healthy learning environment that promotes and nurtures a sense of self-worth, discipline, encourages continuing growth within Islamic values and demonstrates care and compassion, doing your best, fair go, honesty and trustworthiness, integrity, respect, responsibility, understanding, tolerance and inclusion;
- Consistent and high-quality reporting to the board;
- Maintenance of the quality of school teaching staff including its continuing training, learning and growth.

❖ **A code of conduct for the College's 'responsible persons' where each person is to:**

- Act honestly, in good faith and in the best interest of the College;
- Conduct business with a duty of care and due diligence;
- Use the powers of their office for the proper purpose of the College;
- Recognise their primary responsibility is to the College guarantors, teachers, students and support staff;
- Make proper use of acquired information;
- Take proper action in regards to the advantage of their position;
- Ensure they do not allow personal interests, or interests of associated persons, to conflict with the interest of the College and where a conflict of interest exists or is perceived, they ensure it is declared (see section on 'Conflict of Interest');
- Act independently in their judgment and take all reasonable steps to be satisfied with the soundness of their decisions;
- Treat confidential information received in the course of exercising their duties with care so that its nature remains the property of the person or company from which it came, unless that disclosure has been authorized by the person or company or is required by law;
- Ensure their conduct is not likely to bring discredit on the College;
- Maintain confidentiality and sign a Confidentiality Agreement (**Appendix-2**) at their first Board meeting or when becoming a member of the board.

❖ **Risk Management**

Whilst the College board does not have a responsibility to identify School risks, this is the responsibility of the Principal in their respective roles, the board needs to determine the College tolerance to those risks and to ensure that an effective framework is in place to manage the risks. The Chairperson has the responsibility to monitor School risks and in particular:

- Strategic risk (population, location, project completion etc);
- Regulatory and reporting risk (government grants, studies requirements, education reforms etc);
- Financial risk (liquidity, interest rates, investments, creditors and debtors);
- Legal risk (project contracts, due diligence, duty of care);
- Operation risk (people occupational health, safety, security, processes, infrastructure, technology, systems);
- Major project risk;
- Performance risk;
- Reputation risk.

❖ **The Chairperson is responsible and required to:**

- Enquire of management and the external auditors about their risk identification and management strategies and understand the risks and exposures and assess the steps taken to minimize such risks;
- Formulate an appropriate Risk Management Framework (**Appendix-3**) to address the identified risks where not covered by the Principal's risk management plans;
- Formulate an appropriate Legal Compliance Framework (**Appendix-4**) in order to reduce any risk of non-compliance;
- Consider and review:
 - a) The adequacy of management internal controls;
 - b) Any significant findings of management and the external auditors on the control of risks;
 - c) Monitor and review annually and report the effectiveness of the risk management plans and adjust policy as necessary;
 - d) Review the scope of any internal auditing team conducting independent audits of the risks to the College.

MANAGEMENT AND OPERATION OF THE COLLEGE

The requirements are set out in the Registered and Accredited Individual Non-Government Schools (NSW) Manual.

Similar functions in relation to the College • () v μ v CE š Z š • Z CE • % } v •] o % CE • } v [U v v Q
d Z š () v % } v Z] CE • % CE • } v [• W

™ the proprietor of the College and, if the proprietor is a corporation, each director or person concerned in the management of the College or

™ a member of the governing body of the College or

™ the principal of the College

EVIDENCE OF COMPLIANCE

The College has in place processes of notification and disclosure by which it can provide assurance to the NESAs Z š Z % CE • } v () v μ v CE š Z š • Z CE • % } v •] o % CE • } v
having similar functions in relation to the management or operation of the College as those of a Z CE • % } v •] o fit and proper [U] •

The Chairperson and/or the Principal is responsible for the appropriate background checks to ensure that nominated members are of good character and considered a responsible and proper person as defined by the Act. The chairperson will notify the NESAs if a nominated member is found not to be a responsible fit and proper person as defined by the Act or a current member ceases to be a responsible fit and proper person as defined by the Act

o o v } u] v š u u CE • Á] o o Statutory Declaration for a responsible person to be fit and proper by the end of February. Additionally, the Chairperson will ask all members and the Principal of the College whether they have anything to declare as a responsible person of the College in relation to the Required Matters.

THE NESAS MUST BE NOTIFIED OF CERTAIN MATTERS

1. d Z š CE (μ] CE • š Z š v Ç % CE • } v fit and proper % CE • } v [μ] v •] CE o š Z š (and any other person or body exercising similar functions in relation to the management and operation of the College) be fit and proper and be able to carry out their responsibilities in relation to the operation of the College. Specifically, the Act requires that the NESAs be notified if a person () v • Z CE • % } v •] o % t. CE • } v [μ v CE š Z

™ ever been convicted of an offence against a law of an Australian state or territory or the Commonwealth of Australia;

™ ever become bankrupt, insolvent or placed under external administration;

RELATED PARTY TRANSACTIONS REGISTER (EMPLOYEES)

New Madinah College

Related Party Transactions Register

Date of Transaction	Name of Transacting Parties	Relationship of Transacting Parties	Description of Transaction	Amount of Transaction	Invoice Number	Transaction Approved By

If there are no related party transactions, please tick the box to indicate "nil return"

Register Approved By: _____

Signature: _____

RESPONSIBLE PERSONS REGISTER

New Madinah College Responsible Persons Register

YEAR 20		DECLARATIONS			
Name	1. Responsible Persons	2. Conflict of Interest	3. Related Parties	4. Professional Learning	5. Induction

-
- ¹ Confirmation that annual declaration of responsible persons' required matters has been received
 - ² Confirmation that annual conflicts of interest disclosure statement has been received
 - ³ Confirmations that register of related parties has been updated to reflect annual conflicts of interest disclosure statement
 - ⁴ Confirmations that register of professional learning has been updated to reflect annual disclosure statement
 - ⁵ Confirmation that new responsible person (if applicable) induction has been completed.