

## RESPONSIBLE PERSON POLICY

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### 1. Rationale

This policy outlines the legal requirements and liabilities of each *Responsible Person* for Mumbulla School. A key objective of this policy is to ensure that legal requirements and liabilities are clearly defined and understood by each *Responsible Person*.

For the purposes of this policy, a '*Responsible Person*' is defined as a Director on the Board of Mumbulla School.

### 2. Procedures

At the Annual General Meeting each school year, the Board Secretary will ensure that a declaration is signed by all '*Responsible Persons*'. This is in accordance with the *Education Act 1990* (NSW) as amended by the *Education Amendment (Non-Government Schools Registration) Act 2004* (NSW). (See Attachment A: *Declaration for Responsible Persons*.)

This declaration will ensure that:

- a) they are not a 'disqualified person' who is no longer permitted to act as Director;
- b) they are not bankrupt or insolvent;
- c) any refusal to register, or cancellation of registration of the School or any other school, during the previous five years, has not been largely attributable to their actions;
- d) they have not been convicted of an offense that is punishable by imprisonment for 12 months or more;
- e) they have not been prohibited by the *Child Protection (Prohibited Employment) Act 1998* from seeking, undertaking or remaining in child related employment; and
- f) they will declare any personal interest or conflict of interest in relation to their position as a responsible person for the school.

### 3. Board Meetings

The Chair will ask all Board Directors at the beginning of each Board meeting whether they have anything to declare as a '*Responsible Person*' for the School in relation to the '*Required Matters*'. A list of the *Required Matters* is in Attachment B: *Declaration of 'Required Matters' for each Meeting*. In accordance with the *Education Act 1990* (NSW) as amended by the *Education Amendment (non-Government Schools Registration) Act 2004* (NSW), the '*Responsible Person*' must notify the Chair of the Board of Directors if there is a breach in the '*Required Matters*'.

### 4. Notification to the Board of Studies

- The Chair of the Board will notify the Board of Studies of any breaches.
- The Chair is responsible for notifying the Board of Studies if the school moves or is sold at least three (3) months before re-location.

## **5. Code of Conduct**

*Responsible Persons* must agree and comply to a Code of Conduct.

Directors of the Board must:

1. Act honestly, in good faith and in the best interests of the school.
2. Use care, skill and diligence in fulfilling their duties.
3. Use the power of their position for a proper purpose.
4. Not make improper use of information acquired by their position.
5. Not allow personal interest or those of associates, to conflict with interest of the school.
6. Exercise independent judgement in decision making
7. Maintain confidentiality.

## **7. Further Responsibilities of Chair**

The Chair of the Board of Directors is responsible for providing the following information at an inspection visit:

- a) what persons are specifically identified as coming under the terms of the requirement of *Responsible Person*;
- b) when and how each of these persons were informed of his/her responsibilities;
- c) what processes are used for informing new Board Directors of their responsibilities; and
- d) who is responsible for ensuring that processes for notification and disclosure regarding *Responsible Persons* are in place and followed.

**ATTACHMENT A****DIRECTOR'S DECLARATION**

In accordance with the Education Act 1990 (NSW) as amended by the Education Amendment (non-Government Schools Registration) Act 2004 (NSW), I declare that:

1. I am not a "disqualified person" who is no longer permitted to act as a Director;
2. I am not bankrupt or insolvent;
3. any refusal to register, or cancellation of registration of the school or any other school, during the previous five years, has not been largely attributable to my actions;
4. I have not been convicted of an offence that is punishable by imprisonment for 12 months or more;
5. I have not been prohibited by the Child Protection (Prohibited Employment) Act 1998 from seeking, undertaking or remaining in child related employment;
6. I will declare any personal interest or conflict of interest in relation to my position as a responsible person for the School;
7. I have read and understood Mumbulla School's *Code of Conduct* and agree to abide by the rights and responsibilities as outlined in the *Code*.
8. Subject to 9, below, I shall keep confidential all Confidential Information.
9. I will:
  - (a) use confidential information solely for the purpose of performing my role as a member of an advisory committee to the School; and
  - (b) disclose Confidential information only:
    - (i) to persons who are aware and agree that the Confidential Information must be kept confidential or have signed a Confidentiality Agreement with the school and either
      - have a need to know (and only to the extent to which each has a need to know); or
      - have been approved by the school; or
    - (ii) that I am required by law to disclose.
10. I shall immediately notify the school of any suspected or actual unauthorised use, copying or disclosure of Confidential Information.
11. I shall provide assistance reasonably requested by the school in relation to any proceedings the school may take against any person for unauthorised use, copying or disclosure of Confidential Information.

Signed: \_\_\_\_\_

Name in Full: \_\_\_\_\_

Date: \_\_\_\_\_

## ATTACHMENT B

### **Declaration of 'Required Matters' for Each Meeting**

At the beginning of each meeting any Board member as a '*Responsible Person*' must notify the Chair of the Board of Directors if any of the following has occurred:

- a) they are a 'disqualified person' who is no longer permitted to act as a member of the board;
- b) they are bankrupt or insolvent;
- c) any refusal to register, or cancellation of registration of the School or any other school, during the previous five years, has been largely attributable to their actions;
- d) they have been convicted of an offence that is punishable by imprisonment for 12 months or more;
- e) they have been prohibited by the *Child Protection (Prohibited Employment) Act 1998* from seeking, undertaking or remaining in child related employment; or
- f) they have any personal interest or conflict of interest in relation to any item on the agenda.