

HORIZONS COLLEGE – POLICY & PROCEDURE

SUITABILITY OF GOVERNING BODY



Purpose: The purpose of this policy and procedure is to provide an outline for the Horizons College Governing Body regarding changes in circumstances.

Scope: The Horizons College Governing Body

References:

- Education (Accreditation of Non-State Schools) Act 2017

Policy Name:	Suitability of Governing Body	Version 202110_01	
Policy Type:	Governance		
Supersedes:	Suitability of Governing Body - Version 202109_01		
Authorised by:	Board Chair	Date of Authorisation:	October 2022
Review Date:	Annually	Next Review Date:	October 2023
Policy Owner:	School Board		

Note: Policy types marked with asterisks as follows are:

* published on school website

** only mandatory for schools incorporated through the *Corporations Act 2001* (Cth)

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The Horizons College Board acknowledges the following requirements under the Education (Accreditation of Non-State Schools) Act 2017.

All Horizons College Board members agree, as members of the Board, to abide by the sections below, including to notify the Chairperson, School Principal or Financial Resources Manager immediately if any of the following situations arise in relation to themselves.

The Board Chairperson, Principal or Financial Resources Manager will notify the Office of Non-State Schools within the prescribed timelines. Following the resignation or addition of a Board member, the Principal or Financial Resources Manager (or their delegate) will ensure that the Office of Non-State Schools is notified accordingly, within the stipulated timelines.

Notification of Change of Circumstances

- (1) The governing body of an accredited school must, within 7 days after the happening of each of the following events, give the board notice of the event.
 - a) The closure of the school;
 - b) The school stops offering a year of schooling for which it is accredited;
 - c) The governing body is affected by control action under the Corporations Act;
 - d) The school starts to be operated for profit;
 - e) Any other change in the governing body's, or school's, circumstances prescribed by regulation.
- (2) In relation to 1(c) above, the governing body is affected by control action under the Corporations Act if the governing body:
 - a) has executed a deed of company arrangement under the law; or
 - b) is the subject of a winding-up (whether voluntarily or under a court order) under the Act; or
 - c) is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under the Act.
- (3) The governing body must, within 28 days after a person becomes a director, other than a declared director, of the governing body, give the board a notice
 - a) stating –
 - (i) The name of the person; and
 - (ii) The date the person was appointed as a director; and
 - b) Accompanied by a copy of a current positive notice or current positive exemption notice for the person.
- (4) The governing body must, within 28 days after a person ceases to be a director, give the board a notice stating:
 - a) the name of the person; and
 - b) the date the person ceased to be a director.

Disclosure of details of indictable offence

- (1) This applies to a person who:
 - a) becomes a director of the governing body of an accredited school; and
 - b) has a criminal history.
- (2) The person must, within 7 days after becoming a director of the governing body, give the board a notice stating:
 - a) The name, address and date of birth of the person; and
 - b) details of any indictable offence included in the criminal history.

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- (3) This section applies if a director of the governing body of an accredited school is convicted of an indictable offence.
- (4) This section also applies if:
 - a) an application is made to the board for the accreditation of a school and the application has not been decided; and
 - b) a director of the school's governing body is convicted of an indictable offence.
- (5) This section also applies if:
 - (a) an application is made to the board for a change in an accredited school's governing body and the application has not been decided; and
 - (b) a director of the proposed governing body of the school is convicted of an indictable offence.
- (6) The director must, within 7 days after the conviction, give the board a notice stating details of the indictable offence.
- (7) The board must ensure the notice and any other document or information given to the board under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

('convicted', of an offence, means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction is recorded. 'Indictable offence' includes an indictable offence dealt with summarily.)