

# GOVERNANCE GUIDELINES FOR THE COUNCIL FOR JEWISH EDUCATION IN SCHOOLS

## **Background**

1. The New South Wales Jewish Board of Deputies ("**Board**"), in conjunction with the Executive Council of Australian Jewry ("**ECAJ**"), adopts the following guidelines for admission to the Council for Jewish Education In Schools ("**Council**") set out in paragraphs 5 and following of this document and as a precondition for the grant of authorisation to operate an account under the authorisation of the Council and thereby have the benefit of **the Council's tax deductible status**.
2. This document should be read in conjunction with
  - 2.1. Constitution of the Council as amended 4/12/77
  - 2.2. Scheme of Operation for the NSW Division of Council for Jewish Education in Schools ("**Scheme of Operation**")
  - 2.3. Council for Jewish Education in Schools (New South Wales) Deed of Appointment and Indemnity
  - 2.4. Attachment 1, Change of Scheme of Operation

## **EXISTING RESPONSIBILITIES OF THE EDUCATION SUB-COMMITTEE OF THE BOARD IN RELATION TO (I) APPLICATION FOR "APPROVED ORGANISATION" STATUS; (II) ONGOING STATUS.**

3. The Constitution provides that the Council shall act through the medium of the Board, and as further provided in the Constitution the Board has elected to operate through the **Council for Jewish Education Sub Committee ("Education Committee")**. The Education Committee of the Board is to be the Education Committee from the date of adoption of these Governance Guidelines.
4. Pursuant to the Scheme, the Education Committee of the Board has the delegated authority for:
  - 4.1. approval of the application of an organisation
  - 4.2. **request for information from "Approved Organisations" in order to review compliance with the rules and regulations governing continuing approval of the Council. Such review to occur at least bi-annually.**
  - 4.3. request for information from applicant organisations in relation to compliance requirements
  - 4.4. **refusal, non-renewal or cancellation of "Approved Organisation" status.**
  - 4.5. consideration of an appeal against a decision or recommendation from an approved or applicant organisations
  - 4.6. **setting out of procedures for applying for "Approved Organisation" status**
  - 4.7. **setting out procedures for refusal, non-renewal or cancellation of "Approved Organisation" status**
  - 4.8. setting out procedures for evidence of compliance

- 4.9. the preparation of consolidated, audited accounts annually
- 4.10. determining level of affiliation fees (which recovers all the costs incurred by the Board) including the cost of auditing the consolidated accounts
- 4.11. requesting the office of the Board to maintain files and data relating to the Council .

***RESPONSIBILITIES OF ORGANISATIONS THAT WISH TO BENEFIT FROM THE COUNCIL FOR JEWISH EDUCATION IN SCHOOLS***

- 5. In accepting "Approved Organisation" status, the organisation agrees to
  - 5.1. be and continue to meet all criteria to be a constituent of the NSW Jewish Board of Deputies
  - 5.2. undertake to comply with these Guidelines
  - 5.3. certify upon request, in a form and in substance satisfactory to the Board , that no funds have been raised in breach of these guidelines, and that no donor of funds has been given an expectation of tax deductibility in circumstances where at the time the donation was made it was not tax deductible.
  - 5.4. provide audited accounts annually not later than 30 November each calendar year for those with a year ended June 30 (or the equivalent, those with a different financial year end) with an audit certificate in a form and in substance satisfactory to the Board certifying that all funds received were duly receipted and utilised only for an approved purpose.
  - 5.5. pay an affiliation fee, which recovers the costs incurred by the Board (including a reasonable overhead allocation).
  - 5.6. provide upon request, in a form and in substance satisfactory to the Board, requested information to demonstrate compliance with the requirements of "Approved Organisations" (including numbered receipts identifying donor, date and amount donated)
  - 5.7. notify the Board in writing if the organisation is or is about to become insolvent as that terms is understood under the Corporations Act
  - 5.8. notify the Board in writing, if the organisation intends to change its name or membership structure, at least one month prior to the change taking effect.

**ANY APPROVED ORGANISATION MUST MEET THE FOLLOWING REQUIREMENTS WITH RESPECT TO THE DELIVERY OF EDUCATION<sup>1</sup>:**

- 6. **Corporate governance-** "Approved Organisations"/schools must be constituted as or conducted by legal entities that are accountable for their contractual obligations and must be a non-profit organisation allowing for membership. The management of the organisation should be elected by and from its membership or otherwise selected by a method approved by the Board.

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<sup>1</sup> These requirements and guidelines are based on the *Registered and Accredited Individual Non-government Schools (NSW) Manual*, Board of Studies NSW, 2004

7. **Teaching standards-** “Approved Organisations” should have the capacity to deliver the courses of study in the education in the Jewish religion of Jewish children with a high standard of teaching, including standards of teacher qualifications.
8. **Educational programs-** “Approved Organisations” are required to develop a sustained, comprehensive curriculum with objectives, teaching/learning activities, assessable outcomes and reporting to their communities (compatible with their individual philosophy ethos and practice): such curriculum to be consistent with the “Objects” of the Council for Jewish Education in Schools.
9. **Educational context-** “Approved Organisations” are required to demonstrate ability to deliver the curriculum in a safe and secure environment.

**“Approved Organisations” must meet the following requirements and provide the accompanying evidence of compliance:**

***Corporate Governance***

10. The legal entity is an organisation that is legally permitted to enter into a contract and be accountable for its contractual obligations. The legal entity is designated in **the organisation/school’s certificate of registration. The legal entity is primarily concerned with the governance of the school, including such matters as financial planning and accountability.**

***Evidence of compliance***

11. The “Approved Organisation” must maintain documentary:
  - 11.1. the legal entity: for example, a memorandum, a constitution or other articles of association that establish the entity, a trust deed or incorporation documents;
  - 11.2. its management is elected by and from its membership or otherwise selected by a method approved by the Board; and
  - 11.3. it complies with all criteria to be a constituent of the Board.

***Staff***

12. The teaching staff of an “Approved Organisation”/school must satisfy the requirements in one of the following ways:
  - 12.1. Teachers delivering the curriculum in the education in the Jewish religion of Jewish children
    - (a) have teaching qualifications in the education in the Jewish religion of Jewish children from a higher education institution within Australia or as recognised within the National office of Overseas Skills Recognition (AEI-NOOSR) guidelines, or
    - (b) have qualifications as a graduate from a higher education institution compatible with their individual philosophy, ethos and practice but lacking formal teacher qualifications, for example, a seminary, or yeshiva
    - (c) not having qualifications as described in (i) and (ii) but having at least 5 years relevant successful teaching experience or appropriate knowledge relevant to the teaching context.

- 12.2. Teachers in category (c) are required to be:
- (a) undertaking programs of professional development which will further the **teacher's professional competence, and**
  - (b) under the direct supervision of staff who hold teacher qualifications or have qualifications as a graduate from a higher education institution compatible with their individual philosophy, ethos and practice.

***Evidence of compliance***

**13. The "Approved Organisation" must document:**

- 13.1. copies of qualifications used to determine the suitability of each teacher it has employed
- 13.2. the program of professional development undertaken by teachers in category 11.1(c) and the qualifications of the supervising teacher(s).

***Curriculum***

**14. The "Approved Organisation" will have:**

- 14.1. an overview of the organisation's educational program indicating a range of courses of study for Jewish children in the Jewish religion compatible with the religious outlook of the school
- 14.2. an overview of the program including the duration and sustained nature of the program which should demonstrate that expected outcomes can be achieved within that timeframe.
- 14.3. courses of study/teaching programs and expected outcomes for each year level
- 14.4. processes for reporting student achievement.

***Evidence of compliance***

**15. The "Approved Organisation" will maintain documentation for each year that includes:**

- 15.1. an overview of the educational program indicating courses of study for Jewish children in the Jewish religion compatible with the Jewish outlook of the school
- 15.2. a timeframe indicating the duration and sustained nature of the program together with measurable and achievable outcomes
- 15.3. an assessment plan that shows how student performance is assessed, monitored and recorded
- 15.4. an overview of the process for reporting student achievement.

***Distance Education – Curriculum***

**16. In addition an "Approved Organisation" delivering a significant part of the courses of study by means of distance education will maintain documentation for each year that includes:**

- 16.1. policies for authenticating student work

- 16.2. guidelines for community members who act as on-site supervisors
  - 16.3. **policies for providing "residential school" sessions (as appropriate)**
  - 16.4. the mechanisms by which each student is able to interact with relevant teachers each week
17. **If an "Approved Organisation" intends to deliver all or a significant part of its students' courses of study by means of Distance Education, the school must notify the Chairperson of the Education Committee of the Board.**

### ***Facilities***

18. **The "Approved Organisation" must have educational facilities adequate for the course of study provided.**

### ***Evidence of Compliance***

19. **The "Approved Organisation" will take into account all relevant legislation including the Occupational Health and Safety Act 2000.**

### ***Safe and Supportive Environment***

20. **The "Approved Organisation" must have in place policies and procedures to ensure that it meets its legislative obligations in terms of child protection.**
21. A number of Acts relate to child protection in NSW.
- 21.1. The Ombudsman Amendment Act (Child Protection and Community Services) Act 1998 which added Part 3A to the Ombudsman Act 1974
  - 21.2. The Commission for Children and Young People Act 1998 which established the Commission for Young People and made the Commission responsible for employment screening for people in child related employment.
  - 21.3. The Child Protection (Prohibited Employment) Act 1998 which sets out procedures to ensure that persons convicted of specified criminal offence are not able to gain or remain in child related employment.
  - 21.4. The Children and Young Persons (Care and Protection) Act 1998 which sets out responsibilities of the Department of Community Services (DoCS) with regard to child protection.

### ***Evidence of Compliance***

22. **The "Approved Organisation" must have policies and procedures in place to:**
- 22.1. ensure that staff who have direct contact with students are informed of the legal responsibilities related to child protection, mandatory reporting and other relevant school expectations
  - 22.2. ensure that requirements to notify and investigate allegations of reportable conduct in compliance with the *Ombudsman Act 1974* are known and observed
  - 22.3. ensure that the organisation meets the employment screening and notification requirements of the *Commission for Children and Young People Act 1998*

- 22.4. respond to reportable matters in accordance with legislative requirements
- 22.5. ensure that all staff who are mandatory reporters under the Children and Young Persons (Care and Protection) Act 1998 are informed of their obligations and the process that the organisation has in place in relation to mandatory reporting.

### ***Secure Environment***

- 23. The "Approved Organisation" must have processes in place to ensure that the risk of harm including attacks of violence and racial vilification against students and teachers are minimised.

### ***Evidence of Compliance***

- 24. The "Approved Organisation" must have in place procedures in relation to security with specific reference to:
  - 24.1. students
  - 24.2. buildings and facilities
  - 24.3. evacuation procedures
- 25. While the scope of policies in relation to the above will vary between organisations, each of the above areas must be addressed within the totality of the organisation's procedures.

### ***Attendance***

- 26. The "Approved Organisation" must keep a register of enrolments and daily or session attendances of all enrolled students.

### ***Evidence of compliance***

- 27. The "Approved Organisation" must maintain a register of enrolments that includes information for each students
  - 27.1. name, age and address
  - 27.2. date of enrolment and where appropriate date of leaving the school.

### ***Presumptions***

- 28. It is presumed, absent evidence to the contrary, that the following entities meet the foregoing criteria:
  - 28.1. Jewish Day Schools which are eligible to be registered as schools in New South Wales and which are constituents of the Jewish Communal Appeal;
  - 28.2. the New South Wales Board of Jewish Education (Academy BJE); and
  - 28.3. the Board of Progressive Jewish Education.

### ***LACK OF COMPLIANCE WITH THESE GUIDELINES.***

- 29. Whenever the Education Committee of the Board determines that there are concerns that the "Approved" or applicant Organisation may not comply with the requirements, the Chair of the Committee will report the concerns to the Executive of the Board.

30. **The Executive may call for evidence of compliance from the "Approved" or applicant Organisation and may warn the "Approved Organisation" that its membership of the Council may be cancelled.**
31. The Organisation will have the opportunity to provide evidence of compliance and to make written comment to the Executive of the Board.
32. The Executive of the Board shall retain the right in its absolute and unfettered discretion to accept or reject any recommendations from the Council, to withdraw any authorisation or membership or rights previously granted or otherwise to act in what it, the Board, sees as the best interests of the community.
33. The Board reserves the right to conduct or allow the conduct of the Council to support the activities of any one or more of those organisations within the community that are authorised to conduct accounts and, if appropriate, to expend monies for it.
34. These guidelines may be altered by the Executive of the Board at any time.

Adopted: \_\_\_\_\_, September 2005.