Policy Development

Part 1: The Role of Policy

Introduction
Government legislation and accountability requirements across a spectrum of areas (e.g. linked to the receipt of Commonwealth government funds) have created a more regulatory environment in which schools now operate. This has led to increased pressure on schools to develop policy. For example, it is a requirement for registration by the South Australian Non-Government Schools Registration Board (NGSRB) that South Australian Independent schools have in place a number of policies and procedures, including child protection and behaviour management (See attachment at the end of this article).

Governance arrangements in most Independent schools emphasise the role of Boards in developing, monitoring and reviewing policies. Under these approaches to governance, school boards have a responsibility to ensure that the required policies are consistent with the school ethos, they (individual policies) have a sufficient level of detail to meet accountability requirements and they are implemented and monitored by management.

What is Policy?
Policies are a key area in which organisational values are reflected. In simple terms policy:
- is a statement of broad principles
- is an indication of the position of an organisation on a key policy area
- is a guide and direction for decision making
- assigns accountability and responsibility
- outlines key procedures.

Policies can be developed for a range of reasons including to enable the implementation of a particular goal, promote standardisation and consistency in the application of procedures and to ensure compliance. Policies can also incorporate legislative, regulatory and or legal requirements.

In a number of texts there is a differentiation between policy and procedures. Procedures generally reflect ‘operational standards’, provide a ‘specific guide to decision-making’ and ‘explain how policies are put into effect’. Recently, ‘policy’ and ‘procedures’ have been linked and described as policy in accountability frameworks. For instance, there is an expectation by the NGSRB that some policies, such as child protection, will encompass a clear articulation of relevant procedures.

Who Sets Policy?
Policy development can occur at different levels, for example:

(a) institutional level policies such as mission and vision statements
(b) Board governance policies relating to the operations (or means) of the Board
(c) school management policies relating to the operation of the school such as staff related policies
(d) school management policies relating to curriculum, teaching and learning.

The division – that Boards set policy and staff implement policy – is a simplification of the actual arrangements across schools. There is no ‘one fits all approach’ to this key responsibility. The level of involvement of school Boards in the development and approval of operational policies is dependent on the governance/management model selected by the school, the skills of the Board and the management of the school. As the compliance requirements and overall risk management strategies
are implemented across organisations the role of Boards and management have tended to become blurred in some areas. The school Board should decide what it will delegate to the management (through the Principal) of the school. These delegations may also change over time or as a result of particular incidents associated with the school.

In some governance models school Boards focus on ‘broad institutional policies’ while policies and procedures dealing with operational matters are delegated to the school principal. Board generated policies can predominantly focus on furthering ‘the schools mission’ and reducing risk to the school and the school community and on the operations of the Board.

Boards in some schools determine they will approve policies relating to the operation of the school such as staffing policies, financial policies, student expulsion and suspension policies, to ensure that these policies are consistent with the overall strategic directions, institution values and the broader policies of the Board. The Board can also establish a regular review cycle of all policies associated with the governance and management of the school.

Hundley Dekuyper provides some examples of the responsibilities for developing particular types of policies. She argues that typical Board developed policies relating to the governance of the organisation and the operations of the Board include mission statements, codes of conduct and conflict of interest policies. Other Board generated policies relating to governance include:

- Roles and responsibilities of the Board
- Board delegation of authority
- Board induction and training
- Board committees
- Board meeting procedures, including record keeping
- Risk management
- Board indemnity
- Other governance policies relating to CEO/Board links and internal reporting
- Monitoring and review of policies and management
- Communication strategy with the media
- Investment guidelines
- Annual Budget
- Board evaluation.

Many of these policies cover legal and legislative/regulatory requirements and also provide a framework for a culture of good governance.

Hundley Dekuyper identifies two further areas of responsibility – Board and Head/Principal promulgated policies and Principal/Head promulgated policies.

Typical Board and Head promulgated policies and procedures include:

- ‘Authorisation, or delegation of authority, by the board to head and by head to staff
- Critical Incident Management plans
- Financial Procedures, especially checks and balances
- Admissions and enrolment
- Employment terms
- Sexual harassment
- Safety and security of the school
- Buildings and grounds
- Evaluation of the Head by the Board
- HIV/ AIDS policy…’
Policies and procedures typically ‘promulgated by the Principal and administration’ include areas such as:

- ‘Admission’ (i.e. Application processes)
- Administrative Staffing’ (i.e. job descriptions and evaluation)
- Students’ (i.e. code of conduct, discipline procedures)
- Program’ (i.e. curriculum development and extra curricular activities)
- Systems’ (i.e. Admin procedures).’

In regard to determining delegation over the responsibilities for policy development and approval, open discussion and setting clear guidelines are of crucial importance in resolving any debate about demarcation. The role of staff in the development of policy is a decision, which should in general be delegated to the Principal. In some instances it may be appropriate to involve the wider school community in the development of some school policies.

Key Considerations

Policies are commitments that can be enforceable and, as a result, can carry potential legal implications and liabilities for schools. It is advisable that the Board establish criteria to determine what areas require the development of policies (including procedures). A key question for school Boards is whether the development of policy will enhance the operations of the school. To a large extent this will be guided by the legal, legislative and regulatory environment and approach to risk management.

Other relevant factors may include the benefits of clarifying for all members of the school community the expectations of the school across a range of areas (e.g. behaviour management) and whether the development of policies may assist in promoting the benefits of the school.

Prior to the development of any policy it is useful to question whether a policy is actually required. Every document prepared by a school is not a policy. A comprehensive re-statement of the law is not a policy; however, key elements of it may be appropriate to include as an integral element of a policy statement. In making these decisions Boards should be aware of their legal requirements and risks and government accountability requirements.

Consideration should be given as to whether a document is more appropriately defined as administrative guidelines or instructions rather than a policy.

If a policy goes beyond the legal and regulatory requirements the Board ought to be aware of the potential implications that may arise and the ability of the school to meet these obligations and procedures.

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2 Ibid.
4 Ibid.