

**1:1 THE ST. MICHAEL'S CHURCH SCHOOL STATUTE**

Enacted 1998  
**A STATUTE**

TO REPEAL "THE PRIMARY DAY SCHOOLS' STATUTE" AND TO ENACT "THE ST MICHAEL'S CHURCH SCHOOL STATUTE"

WHEREAS St. Michael's Church School is the only remaining Day School in the Diocese;

AND WHEREAS The Vicar, Churchwardens and Vestry of the Parish of Christchurch, St. Michael and All Angels, in consultation with the School Committee of St. Michael's Church School, desire to establish a School Board of Governors to administer the School's activities and to define the membership, constitution and duties of the School Board;

AND WHEREAS the Vicar, Churchwardens and Vestry of the Parish of Christchurch, St. Michael and All Angels desire to establish a Trust Board to act for the proprietors of the School in relation to monies generated by the School and to develop the buildings and facilities of the Parish used by the School;

AND WHEREAS any required amendments to achieve this within "The Primary Day Schools' Statute" would leave only an historic document;

BE IT THEREFORE ENACTED by the Bishop, Clergy and Laity of the Diocese of Christchurch in Synod assembled as follows:

1. THE short title of this Statute shall be "The St. Michael's Church School Statute 1998".
2. THIS Statute shall come into force on the date on which the trust deed establishing the Trust is executed or the 31 December 1998, whichever is the earlier.
3. "THE Primary Day Schools' Statute" is hereby repealed.
4. THE following is enacted:

**"THE ST MICHAEL'S CHURCH SCHOOL STATUE**

**CONSTITUTION FOR ST. MICHAEL'S CHURCH SCHOOL**

**1. DEFINITIONS:**

In this Constitution, unless the context otherwise requires:

"Board" - means the School Board of Governors.

"Governors" - means the members of the St. Michael's Church School Board of Governors.

"Parish"- means the Parish of Christchurch, St. Michael and All Angels.

- “PTFA” - means the St. Michael’s Church School Parent, Teacher and Friends Association.
- “Principal” - means the Principal for the time being of the School, and includes the Deputy Principal whenever the person occupying that position is exercising the powers and/or fulfilling the duties of the Principal.
- “Proprietors” - means the Vestry of the Parish of Christchurch, St. Michael and All Angels.
- “School” - means the St. Michael's Church School.
- “Trust Board” - means the Christchurch, St. Michael and All Angels Parish Trust Board.
- “Trustees” - means the Trustee members of the Christchurch, St. Michael and All Angels Parish Trust Board.
- “Vestry” - means the Vestry of the Parish of Christchurch, St. Michael and All Angels.
- “Vicar”- means the Vicar for the time being of the Parish of Christchurch, St. Michael and All Angels.
- “Warden” - means the Bishop of Christchurch for the time being.

## **2. OBJECTIVES**

- 2.1 To be a community of worship, learning, and ministry, within the Catholic tradition of Anglicanism, in which the Christian faith as proclaimed in and through the Anglican Church of Aotearoa, New Zealand and Polynesia, may be nurtured.
- 2.2 To provide an environment in which true Christian values are sought and fostered, and taken into account in decisions, actions and methods.
- 2.3 To provide education in a school of special character, which welcomes, and is open to, a wide range of pupils from all social, economic, religious, ethnic and cultural backgrounds within the community.
- 2.4 To provide educational experiences of high quality which will develop the spiritual, intellectual, cultural and physical needs of each child in a well-balanced programme.

## **3. BOARD OF GOVERNORS**

### **3.1 Membership**

- 3.1.1 The School Board of Governors shall consist of:  
The Warden, The Vicar of the Parish, The Principal of the School, One person appointed by the Diocesan Synod, Three persons appointed by the Vestry of the Parish, Two persons appointed by the PTFA, One staff member appointed by the members of the School staff, One person appointed by the other members of the School Board, Up to three non-voting members who may be co-opted from time to time by the other members of the School Board.

### **3.1.2 Tenure and Resignation**

- 3.1.2.1 Each member shall be appointed for a term of three years and shall be eligible to be reappointed.
- 3.1.2.2 Each voting member shall hold office until such time as a successor is appointed.
- 3.1.2.3 Each co-opted member shall hold office until the next election of a Chairperson of the Board after that member's co-option.
- 3.1.2.4 Board members may resign their appointment at any time by communicating this in writing to the Chairperson who shall immediately notify the appointing body of the resignation.

### **3.2 Responsibilities of the School Board**

- 3.2.1 The achievement of the Objectives of the School.
- 3.2.2 The governance of the school, the maintenance of the ethos of the School, and the supervision of the management of the School.
- 3.2.3 The maintenance and protection of the School's property.
- 3.2.4 The payment of such rents and levies to the Trust Board as shall be determined from time to time by the Trust Board.

### **3.3 Powers of the School Board**

The Board is empowered by the Vestry to operate the School for the Parish and to forward the Objectives as the Board sees fit. Specifically, the Board is empowered to:

- 3.3.1 Develop and maintain rules for the conduct of the School, subject to general approval by the Vestry.
- 3.3.2 Exercise the right of resolving budget obligations of the School.
- 3.3.3 Determine staffing, roll size, and the classes within the School.
- 3.3.4 Enter into contracts with teaching and non-teaching staff and any commercial vendors.
- 3.3.5 Appoint a Principal of the School who shall either be a member of the Anglican Church in Aotearoa, New Zealand and Polynesia, or a member of the Church of any other Christian denomination approved for that purpose by the Standing Committee of the Synod of the Diocese.
- 3.3.6 Co-opt members who may speak, but not vote, at Board meetings (any such co-option shall be advised to the Vestry by the Board no later than the Vestry meeting following the cooption).

### **3.4 Chairperson**

- 3.4.1 The Warden shall preside at meetings of the Board, if the Warden desires.
- 3.4.2 The Board shall elect annually a Chairperson from its members. No staff members shall be eligible.
- 3.4.3 The election shall take place at the meeting following the annual appointment of members by the Vestry and shall take effect from the end of that meeting.
- 3.4.4 If the Chairperson is not available then the Board shall elect a Chairperson for that meeting from the members present.

### **3.5 Accountability**

3.5.1 The Board is accountable to the Vestry of the Parish.

3.5.2 The Board shall submit annually to the Vestry prior to the Annual Meeting of Parishioners, a Board's Activity Report, an audited Statement of Accounts, a Principal's Report, including a Religious Education Report.

### **4. RESPONSIBILITY OF THE PRINCIPAL**

The Principal shall be responsible to the Board for ensuring that the School pursues the Objectives set down in this Constitution and for meeting the terms of the current Principal's individual employment contract and job description.

### **5. RULES OF THE BOARD**

The rules governing the School Board are as follows:

#### **5.1 Chairperson**

The Board shall elect a Chairperson in accordance with Clause 3.4.

#### **5.2 Executive**

There shall be elected by the Board a standing committee to be known as the Executive, which shall, in addition to its powers conferred by these Rules, have such additional powers of the Board, as the Board may from time to time delegate to it. The Executive shall consist of the Chairperson, the Principal and one other member of the Board, provided that one member of the Executive shall be one of the members appointed by the Vestry.

#### **5.3 Officers of the Board**

The Board may appoint such other officers as it shall determine from time to time. These officers may include a Deputy Chairperson, Secretary, and Treasurer. With the exception of the Deputy Chairperson, such officers need not be members of the Board. The positions of Secretary and Treasurer may be combined.

#### **5.4 Appointment of Committees**

5.4.1 The Board may appoint committees or individuals to various duties from time to time, for such purposes and duration as shall be determined by the Board.

5.4.2 The Board shall be able to revoke the appointment of such committees at will, and no delegation to a committee will prevent the exercise of any power or the performance of any duty by the Board.

#### **5.5 Removal from Office**

Any officer of the Board, including the Chairperson, may be removed from office at any time by a resolution passed by a majority of a duly constituted meeting of the Board, for which notice of such proposed removal has been given. In the event of a Chairperson being removed under this rule, a new Chairperson shall be elected at the same meeting.

#### **5.6 Election of Representatives of the PTFA**

The manner of election of Board Members by the PTFA as provided by Clause 3.1.1 of the Constitution shall be as set out in the Constitution of the PTFA.

## **5.7 Absence from Board**

5.7.1 If a member is absent for three consecutive meetings of the Board without good cause or explanation, the Board shall be entitled to presume the member has resigned and shall advise the nominating organisation accordingly.

## **5.7.2 Vacancies in the Board**

In the event of any vacancy or vacancies on the Board for any cause:

5.7.2.1 member(s) appointed by the Vestry shall be replaced by new appointment(s) made by the Vestry.

5.7.2.2 a member appointed by the Synod shall be replaced by a new appointment made by Synod or the Standing Committee.

5.7.2.3 member(s) appointed by the PTFA shall be replaced by the PTFA.

5.7.3 Member(s) so appointed shall hold office for the remainder of the term of the member(s) whose place they are taking.

## **5.8 Board Meetings**

5.8.1 Meetings of the Board shall be held at least six times a year and at least once in every school term, at such places, dates, and times as may be appointed by the Chairperson. At least three clear days' notice of a meeting shall be given to each member of the Board.

5.8.2 The Chairperson may, and shall at the request of any member of the Executive, convene an **emergency** meeting of the Board, on giving such notice thereof as shall be practicable having regard to the exigencies of the occasion.

5.8.3 The Warden may convene a **special** meeting of the Board. At least three clear days notice shall be given of any such meeting.

5.8.4 The Chairperson shall at the request of no fewer than four members of the Board convene a **special** meeting of the Board.

5.8.5 At any meeting of the Board, five members shall form a **quorum**, such quorum to include in each case at least one member of the Executive and at least one of the following: the Vicar, the member appointed by Synod, or one of the members appointed by the Vestry. No business shall be transacted at any Board meeting unless such a quorum is present, except as provided in rule 5.9.6.

5.8.6 Voting procedure. Decisions will, if possible, be by consensus.

5.8.6.1 In the event that a consensus cannot be reached, a decision will be made by a majority vote by show of hands, unless otherwise determined by the Board. At all meetings of the Board, each voting member present shall have one vote in all matters

5.8.6.2 In the case of an equality of votes, at the request of three members of the Board the matter shall be referred to a joint meeting of the Board and the Vestry, to be presided over by the Vicar, or if the Vicar wishes,

by a representative of the Bishop of the Diocese. This joint meeting shall determine the matter referred to it, and in the case of an equality of votes the chairperson of that meeting shall have a casting vote.

5.8.6.3 If the matter is not so referred to a joint meeting, the Chairperson shall have a casting vote .

5.8.6.4 The Chairperson's casting vote shall in all cases be in addition to his or her deliberative vote.

#### **5.8.7 Casual Vacancies**

The Board may continue to act notwithstanding any vacancy, provided a quorum as specified in 5.9.5 of these rules is present; but if the number of members is reduced so that no quorum can be obtained, the continuing Board members may act for the purpose of informing the appointing bodies, and for no other purpose.

#### **5.8.8 Declaration of Interest**

5.8.8.1 Members of the Board who have any interest, financial or otherwise, direct or indirect, in any matter before the Board, shall declare that interest.

5.8.8.2 Such declarations shall be recorded in the Minutes of the Board.

5.8.8.3 No member of the Board, or any person associated with a member, shall be involved in any decision made by the Board in respect of any payment to or benefit for that member or associate.

#### **5.8.9 Minutes**

The Secretary shall ensure that a Minute Book is maintained and made available to any member of the Board. The Minutes of each meeting of the Board shall record:

5.8.9.1 the place, date and time of each meeting;

5.8.9.2 the names of those present;

5.8.9.3 all decisions which are required by these rules to be made by the Board;

5.8.9.4 any other matters decided at the meeting; and

5.8.9.5 any other matters discussed at the meeting that the Board may decide shall be recorded.

### **5.9 Financial Powers and Duties of the Board**

#### **5.9.1 Borrowing Monies**

The Board shall have the power to borrow monies, but such power shall only be exercised with the prior approval of, and subject to such conditions as may be imposed by, the Vestry and the Trust Board.

#### **5.9.2 Raising Funds**

The Board may raise or authorise the raising of additional funds (otherwise than by borrowing) should it so desire, provided that the method of raising such funds shall be first approved by the Vestry.

#### **5.9.3 Expenditure of Monies**

The Board shall have the power to enter into commitments to spend monies and may expend monies on School business. No party, other than the Board, not holding a specific, delegated authority from the Board, may impose a financial obligation upon the School, and no monies belonging to the School shall be expended without the sanction of the Board, other than in the terms of such specific delegated authority.

#### 5.9.4 **Investment of Funds**

Any funds not required for ordinary School purposes may be invested at the request of the Board by the Trustees in such manner as the Trustees think fit, and such investments shall be made and recorded separately in the books of the Trustees. The Board shall ensure that no funds beyond those needed for immediate requirements shall be retained at the end of each financial year.

#### 5.9.5 **Professional Services**

The Board shall have power to employ a professional accountant, secretary, or solicitor to undertake any such accounting, secretarial, or legal work or other duties as it may decide, and shall have power to fill any casual vacancies in such offices, and to pay such fees and other remunerations for any professional services as it shall approve.

#### 5.9.6 **Auditor**

The Board shall appoint an Auditor, who shall be a member of the New Zealand Society of Accountants and not a member of the Board, nor a parishioner. The Auditor shall supply to the Board an annual report on the financial affairs of the School.

#### 5.9.7 **Budget**

The Board shall, no later than 31 October in each year, prepare an **annual** budget for the following year, and shall determine amongst other things tuition fees payable. The Board shall be empowered to alter fees payable from time to time, notwithstanding proposals contained in the Budget.

#### 5.9.8 **Bank Accounts**

All monies received from whatsoever source shall be banked in a single account at a bank approved by the Board, and all outgoings shall be signed by two persons authorised by the Board, one of whom shall be a member of the Board.

#### 5.9.9 **Annual Accounts and Reports**

The Board shall submit annually to the Vestry, and in time for the Parish Annual General Meeting, a duly audited Statement of Receipts and Payments and Income and Expenditure of the School, made up to 31 December, together with a report of activities of the School during the period, and the Annual Report of the Principal.

#### 5.9.10 **Other Financial Statements**

The Board shall supply such additional financial statements, estimates, details of expenditure incurred, and other information relating to the School as may be required from time to time by the Vestry.

### 5.10 **Parish Property**

#### 5.10.1 **Use of Parish Property**

The land, buildings, furniture, and equipment of the Parish shall be available to the Board at the pleasure of the Vestry and Vicar as provided in The Diocesan Local Ministry and Mission Units Statute, and subject to such terms and conditions and subject also to payment of such sums, insurances, maintenances, depreciations, and other outgoings as the Vestry shall from time to time determine. It shall be the duty of the Board to make all such payments as and when required.

#### **5.10.2 Alterations and Additions to Parish Property**

No alterations or additions to the present buildings, or to new buildings, being the property of the Parish, and no alterations to the layout of the Parish grounds, shall be made without the prior consent of the Vestry.

### **5.11 Amendments To These Rules**

5.11.1 The Board may from time to time make recommendations to the Vestry regarding the amendment, revocation, or variation of these rules or additions thereto.

5.11.2 The Vestry shall consider such recommendations as soon as possible and, if it approves, prepare an amending statute for presentation to the next session of the Diocesan Synod.

## **6. RESPONSIBILITIES OF VESTRY**

6.1 The Vestry shall ensure that the School and its responsible authorities act in accord with this Constitution and in the spirit of the Objectives of the School.

6.2 The Vestry shall appoint annually, at its first meeting following the Annual Meeting of Parishioners, its representatives on the Board.

6.2.1 The Vestry shall appoint three members of the Board in total, each for a term of three years, which term is renewable.

6.2.2 The Vestry shall ensure that at least one of its appointments shall be a serving member of the Vestry.

6.3 The Vestry shall submit an annual report on the School to the Synod of the Diocese of Christchurch, following its presentation to the Annual Meeting of Parishioners.

## **7. RESPONSIBILITIES OF THE VICAR**

7.1 As Parish Priest, the Vicar shall have the responsibilities laid down in the Diocesan Local Ministry and Mission Units Statute, in addition to those stated in this Constitution.

7.2 The Vicar shall have direction and control of the religious teaching and spiritual care given in the School, under such provisions as shall be agreed with the Principal. This work may, however, be undertaken by others with the Vicar's approval and/or through a Chaplain licensed to the Vicar by the Bishop of Christchurch.

## **8. RESPONSIBILITIES OF THE TRUSTEES**

The Trustees, as agents for the Vestry (as the Proprietors) and on behalf of the Parish, shall:

- 8.1 Be responsible for the provision and replacement of the buildings for the School, subject to the approval of the Vestry.
- 8.2 Be responsible for capital and/or structural alterations to existing buildings of the School, subject to the approval of the Vestry.
- 8.3 Undertake an annual survey of its property in the School and submit a report to the Vestry and to the Board no later than 31 December each year.
- 8.4 Receive from the Board all rents and levies, and use them for designated purposes or to carry out the general purposes of the Trust.
- 8.5 Receive and invest through the School Reserve Account all bequests and all donations in excess of \$500 made to the School, and also those bequests and donations where the capital is to be invested and the annual interest to be used by the School for a specified purpose.
- 8.6 The Trustees shall in all matters act according to the Regulations of the Diocese for Trustees, and in appropriate co-operation with the Church Property Trustees.

## **9. TRANSITIONAL PROVISIONS**

### **9.1 Notification of Execution of Trust Deed**

The Vicar shall notify the Diocesan Manager when the deed setting up the Trust Board has been executed.

### **9.2 First Appointments to the Board**

At the first meeting after the coming into force of this Statute, members of the Board shall be appointed as follows:

9.2.1 Standing Committee shall appoint one member to hold office until the Diocesan Synod held in the year 2001.

9.2.2 The Vestry shall appoint three members to hold office as follows:

9.2.2.1 One to hold office until the Annual Meeting of Parishioners held in the year 2000;

9.2.2.2 One to hold office until the Annual Meeting of Parishioners held in the year 2001;

9.2.2.3 One to hold office until the Annual Meeting of Parishioners held in the year 2002.

9.2.3 The PTFA shall appoint two members as follows:

9.2.3.1 One to hold office until the first PTFA committee meeting after its Annual Meeting in the year 2001;

9.2.3.2 One to hold office until the first PTFA committee meeting after its Annual Meeting in the year 2002;

9.2.4 Appointing bodies shall notify the Vicar as soon as possible of the names of the members appointed and their respective terms of office.

### **9.3. First Meeting of the Board**

9.3.1 As soon as all the appointments have been completed, the Vicar

shall call an inaugural meeting of the Board, at which the Vicar shall preside for the purpose of electing a Chairperson, who shall immediately take office.

9.3.2 The Board shall immediately proceed to appoint its Officers.

#### **10. DISTRIBUTION**

A copy of this statute and any amendments thereto shall be made available to The Warden, The Vicar, The Principal, all members of the Vestry, all Governors, any member of the Parish on request.”

October 1998