



The Ministry of Education

National Guidelines for Board of Governors for Secondary Schools in Malawi

2022

Table of Contents

FOREWORD	3
PREFACE	5
ACKNOWLEDGEMENTS	6
PART I-PRELIMINARY	8
1.Citation.....	8
2.Interpretation.....	8
PART II- THE BOARD OF GOVERNORS	8
1.Organogram	8
2.Establishment and Name of a Board of Governors	9
3.Composition.....	9
4.Qualification of a member	10
5.Nomination of a member	11
6.Tenure of office.....	11
7.Vacation of office of a member	12
8.Removal of a member at the instance of the Board of Governors.....	12
9.Filling of vacancies	12
10.Liability of members.....	12
11.Situation of the Board	12
12.Meetings of the Board.....	13
13.Powers of the Board	13
14.Duties and Functions of the Board.....	15
15.Duties of the Head Teacher.....	16
Part III - Additional Roles and Responsibilities	17
1.Notwithstanding any provision in the Act, regulations and these Guidelines, the Board shall have the following roles and responsibilities-.....	17
2.Chairperson	19
3.Secretary	19
Part IV- Miscellaneous Provisions.....	20
1.Induction	20
2.Amendments	20
3.Dissolution	20

FOREWORD

The National Guidelines for Board of Governors for Secondary Schools in Malawi, 2022 are a reflection of the Ministry of Education (MoE)'s determination to strengthen the governance and management capacity and enhance community participation in secondary school management in the country.

The aim of these Guidelines, to facilitate the process of setting up and operationalizing the Board of Governors in schools in line with the Education Act which provides for a Board of Governors to exercise the duty of management of a secondary school.

These Guidelines are also intended to strengthen secondary school governance structures by making the role of communities clearer and build their capacities so that they have knowledge, skills and confidence to play their roles effectively in Malawi's democratic society as supported by National Educational Standard No. 17, which mandates community structures to be directly involved in the school governance to increase ownership of these schools.

These Guidelines are a result of a vibrant consultative process conducted between 2017 and mid- 2021. These discussions and debates involved people from all walks of life, including leadership at all levels in local communities, government, academia and civil society.

It is important to emphasize the point that these guidelines are not only for public schools but private and grant-aided secondary schools too. The National Guidelines for Board of Governors for Secondary Schools are a shared purpose for all Malawians. We need to constantly remind ourselves how our work in our individual capacities, communities, and business and public institutions-contribute towards realizing the objectives of these guidelines. Like all achieving societies whose success is generally inspired by a shared purpose, the National Guidelines constitute a determination to have well governed secondary schools.

I am certain that the National Guidelines for Board of Governors for Secondary Schools will inspire communities to take ownership of secondary schools in their localities. This will set in motion community-based school developments that will last a lifetime! I thank all stakeholders who will play their part in making this possible.

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Minister of Education

PREFACE

The Ministry of Education (MoE) aims to strengthen governance and management of primary and secondary schools as well as teacher training colleges by establishing board of governors as one of the key reform areas. In its desire to pursue this agenda particularly on secondary education, the Ministry has developed the National Guidelines for the Board of Governors for Secondary Schools in Malawi. The guidelines are meant to provide general rules and principles which guide secondary schools in the process of constituting and operationalizing of the Boards. The guidelines are further meant to communicate the commitment by the Ministry of Education through the Directorate of Secondary Education to push the agenda forward and support all public secondary schools in Malawi to achieve high levels of school effectiveness.

The guidelines have been developed by drawing lessons from projects implemented by the Ministry of Education with technical and financial support from partners like the European Union and CRECCOM and as well as from operations of Grant-Aided secondary schools countrywide. As such, the standardized guidelines define basic operational principles and regulatory frameworks like composition, roles and objectives as well as powers and limitations of the board.

It is therefore, expected that the guidelines will facilitate and enhance accountability, transparency, and local ownership of public secondary schools in Malawi leading to school effectiveness and high standards of students' outcomes. The board of governors is a critical and legal governing structure with a goal to provide a platform for holistic participation in school governance and ensure oversight and ownership of the schools by other stakeholders.

To realize this agenda, all key stakeholders, including education managers, teachers and non-teaching staff, parents, students, community leaders, non-governmental organisations as well as development partners are called upon and encouraged to adopt and use the guidelines in setting up a Board of Governors in all secondary schools in Malawi.

Signed

Secretary for Education

ACKNOWLEDGEMENTS

Ministry of Education has the mandate to ensure provision of quality education to its citizens of school going age. This quality education can only be realized when the government through Ministry of Education implements interventions targeting all the three education thematic areas of access and equity, quality and relevance and governance and management. However, as per provisions in the Education act number 21 of 2013, the Ministry saw a need to fill gaps in line with policy provisions especially on school governance and management with support from its partners.

The Ministry, therefore, recognizes the efforts made by grant aided schools, the Improving Secondary Education in Malawi (ISEM I) Project; and Creative Centre for Community Mobilization (CRECCOM) through Improving Education Quality in Community Day Secondary School (IEQ-CDSS) Project for piloting Boards in selected secondary schools. The afore-mentioned institutions and projects provided financial, material and technical support in order to come up with ground-based learning experiences which later informed decisions around the implementation of BOG concept in Malawian secondary schools.

The Ministry further recognizes the good guidance and oversight role provided by its lead staff and supporting stakeholders who were key in BoG concept ideation, designing and development of these guidelines which has necessitated smooth and effective implementation of board of governors in secondary schools in Malawi. In addition, the ministry would also like to thank a team of education stakeholders from the Directorate of Quality Assurance (DQAS), Directorate of Secondary Education, Division Offices, District Education Offices as well as public and Grant Aided secondary schools for their expert input during the review and validation process of the guidelines.

In a special way, the Ministry acknowledges contributions and roles played by the following individuals in developing these National Guidelines for Board of Governors for Secondary schools in Malawi:

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NATIONAL GUIDELINES FOR BOARD OF GOVERNORS FOR SECONDARY SCHOOLS IN MALAWI

PART I-PRELIMINARY

1.Citation

The National Guidelines for establishing and management of Board of Governors for Secondary schools in Malawi may be cited as “National Guidelines for Board of Governors for Secondary Schools in Malawi”.

2.Interpretation

(1) In these Guidelines, unless the context otherwise requires-

“Act” means the Education Act;

“Board” means the Board of Governors established under the Education (Board of Governors for Public Secondary Schools and Colleges) Order, 2017;

“Chairperson” means a person elected as such by the Board of Governors to hold such office in the Board;

“HT” means Head Teacher of a school;

“MG” means Mother Group;

“MoE” means Ministry of Education; and

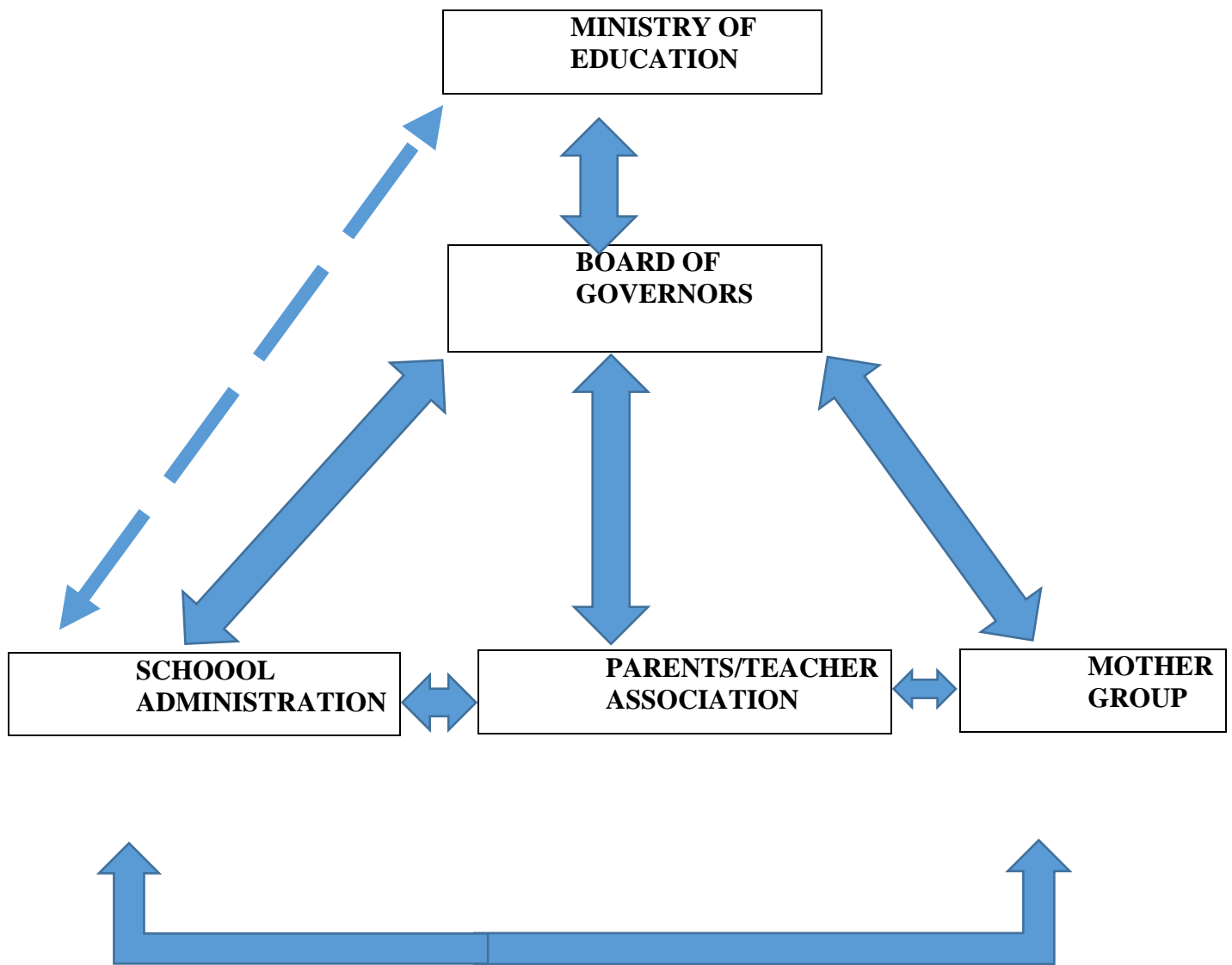
“school structures” mean entities such as PTA, MG, and other entities established for assistance in the management of a school.

(2) Headings are inserted for convenience of reference only and shall not affect the construction of the guidelines.

PART II- THE BOARD OF GOVERNORS

1.Organogram

The position of the Board within the secondary school set up shall be represented in the organogram below:



2. Establishment and Name of a Board of Governors

(1) Every secondary school shall have a Board of Governors which shall not—

- (a) have perpetual succession;
- (b) sue or be sued in its name; and
- (c) have power to enter into contracts or own land.

(2) A Board shall be named after the name of the secondary school, or a group of schools or the proprietor for which the Board is elected to serve.

3. Composition

(1) A Board of Governors for secondary schools shall be composed of the following members appointed by the Minister-

- (a) the Chairperson who shall be elected by the members at its first meeting convened by the Minister;

- b. five (5) other persons with technical qualifications and experience in matters of education, finance and administration: Provided that not less than two (2) and not more four (4) of the persons so appointed shall be of same sex; and
- c. the following ex officio members—
 - (i) one parent representative identified by Parents-Teachers Association;
 - (ii) one representative of the community identified by a committee of local leaders;
 - (iii) the District Education Manager or his representative, conversant with education matters;
 - (iv) the Chairperson of District Education Committee or his representative who shall be a member of the Education Committee; and
 - (v) the District Commissioner or his representative, conversant with education matters.
 - (vi) a member of Mother Support Group
 - (vii) a teacher representative who is not in the school management team (preferably Chairperson for Social Welfare Committee)

(2) A Board of Governors may co-opt a member for the reasons of fulfilling a specific issue under consideration.

4. Qualification of a member

- (1) A person shall only be eligible to be appointed as a member of a Board of Governors if he or she holds a minimum of a diploma in any field from a recognized or accredited education institution.
- (2) Save for ex officio members, a person shall not serve as a member of a Board of Governors for more than two schools.
- (3) An appointed person shall not proceed to be a member of the Board until he or she has signed a declaration in the minute book of the Board to the effect that he or she accepts the appointment and is willing to act as Board member.
- (4) Board members shall render their services on voluntary basis and will not receive remuneration for such services. Where possible, schools may provide refreshments and transport reimbursements at reasonable rates.

- (5) In addition to subparagraph (1), a person shall not qualify for Board membership unless the person has -
- (a) high interest in education matters, especially at a school level;
 - (b) a track record of active participation in community-based events/institutions;
 - and
 - (c) history of impartiality, fairness and ability to respect others.

5. Nomination of a member

- (1) The following procedures shall be followed in appointing members into the Board-
- (a) the Minister shall call for a meeting at a school or cluster;
 - (b) a notice of the meeting shall be advertised to resident and non-resident members of the community through letters, community radios, churches and mosques announcements, the School or Area notice board and by word of mouth at least a week before the day of the meeting;
 - (c) the Minister shall explain the role of Board of Governors and the requirements as described in these guidelines before the election process, and the criteria needed for one to be a board member;
 - (d) potential Board members will be nominated and elected in an open forum;
 - (e) each voting member shall indicate their preferred nominee for the position on paper or by raising a hand or any other method practiced in the community; and
 - (f) the Minister shall announce the election results to the members.
- (3) The elected governors shall immediately form a Board and elect a chairperson and his vice from among themselves.
- (4) For assisted (Grant Aided) Secondary Schools, the proprietor may appoint governors in consultation with the Ministry of Education.

6. Tenure of office

A member of a Board of Governors, other than an ex officio member, shall serve for a period of three years or until such earlier date as may, at the time of appointment, be determined by the Minister and may be eligible for reappointment for one more final term.

7. Vacation of office of a member

(1) The office of a member of a Board of Governors, other than an ex officio member, shall become vacant—

- (a) if he resigns upon giving a notice to the Chairperson of not less than twenty-one days;
- (b) upon his death;
- (c) (c) if he has been absent from two consecutive meetings of the Board of Governors, of which he has had prior notice, without a reasonable cause; or
- (d) if he is convicted of acts of misconduct.

8. Removal of a member at the instance of the Board of Governors

A Board of Governors may, through a simple majority resolution, recommend to the Minister the removal from membership of the Board any member based on reasonable grounds of which the member has written notice of at least twenty-one days.

9. Filling of vacancies

A vacancy on the membership of a Board of Governors shall be filled by the appointment of a new member by the Minister in accordance Clause 6.

10. Liability of members

- (1) A member of the Board shall not be personally liable for an act or omission done in good faith in the execution of his or her duties unless the act or omission is as a result of fraud or gross negligence.
- (2) Individual governors, groups of governors or committees shall not have power to act on behalf of the entire Board, except where the Board at a meeting, has expressly agreed to delegate a specific function to an individual, group of governors or committee

11. Situation of the Board

- (1) A Board of Governors for a secondary school shall situate at school or a group of schools.
- (2) Each school or group of schools shall have at least one school Board as the situation determines.
- (3) Members of a Board of Governors for a secondary school shall come from within or without the locality.

12.Meetings of the Board

- (1) A Board of Governors shall hold its ordinary meeting at least once every year, at such places and times as the Chairperson may determine.
- (2) The meeting referred to in (1) above shall be convened to-
 - (a) discuss matters pertaining to the management of the schools or colleges including approval of budget annual budget estimates;
 - (b) receive and approve progress reports; and
 - (c) review school or college performance against set improvement plans.
- (3) The Board shall hold termly meetings at the beginning of each term where the Board shall receive and approve progress reports from the School Administration (HT) and other stakeholders.
- (4) The Board may hold an extraordinary meeting at the requisition of the Chairperson, or at least four members of the Board, to dispose of any urgent matter requiring the attention of the Board.
- (5) The quorum for any meeting of a Board of Governors shall be two thirds of the members.
- (6) The Board shall make its decisions at its meetings by a simple majority of the votes of the members and voting.
- (7) The head teacher shall act as secretary to the Board and may deliberate on the agenda items but shall not be entitled to vote.
- (8) The Board may establish such committees as it may consider necessary to perform such functions and responsibilities as it may determine.

13.Powers of the Board

- (1) A Board shall have power to manage and govern a secondary school or group of secondary schools under its mandate.
- (2) Notwithstanding the generality of subparagraph (1), a Board of Governors shall-
 - (a) receive subventions or sums of money as Parliament may appropriate for the purpose of secondary education;

- (b) seek and receive, with the approval of the grants in-aid from public or private, funds for the school;
- (c) allocate funds for the establishment and maintenance of secondary schools, education services related to secondary or college education, physical training and recreation at secondary schools and other expenses of secondary or college education in its area;
- (d) approve the implementation of school plans;
- (e) have oversight on identification of bursary beneficiaries and disbursement of funds;
- (f) require a head teacher or proprietor of any secondary school in its area to provide such information regarding the staff, students, classes and equipment of such school, the fees payable and received for boarding, hall and property rentals, and development fund, the funds available for maintenance and expansion of such schools and all such other information as it may require for the purpose of the preparation of the development plans;
- (g) allocate, in accordance with regulations made under the Act, funds provided by the Ministry responsible for education for secondary schools in its area;
- (h) maintain secondary schools in its area, education services related to secondary education, physical training and recreation;
- (i) where it is justifiable, withhold any grant in aid to any assisted secondary schools;
- (j) inspect buildings, furniture and equipment and records, books and accounts kept at all secondary schools in its area, report to the Minister the result of such inspections, and take steps to remedy any faults found;
- (k) ensure that all schools have appropriate buildings and infrastructure and teaching and learning materials and that they are in good state of repair and use;
- (l) approve budgets for all school development plans, incomes and expenditures and ensure that all financial expenditure is properly accounted for;

- (m) monitor the management of schools in the implementation of laws, policies and regulations in schools or colleges under its jurisdiction as issued from time to time by the Ministry responsible for education and other relevant legal bodies;
 - (n) receive and approve performance reports submitted by the head teacher(s) and principal(s) of their schools (learning performance, teacher and school or college performance);
 - (o) handle discipline matters and submit recommendations to appropriate commissions through the Ministry;
 - (p) determine disciplinary action on students in schools other than dismissal from school in accordance with set rules and regulations;
 - (q) review and approve school rules and regulations under its jurisdiction; and
 - (r) monitor teaching and learning in the schools under their jurisdiction to ensure that they follow prescribed or approved curriculum, syllabuses, academic calendar and national education standards as prescribed under the Act.
- (3) A Board of Governors may, subject to approval by the Minister, delegate the exercise of its powers as the Board may determine, to its head teachers.
- (4) A Board of Governors shall seek and conform to the policy directions provided by the Minister when exercising its powers under this Order.
- (5) A Board of Governors shall conform to the laws, policies and regulations approved by Government when exercising its powers under these Guidelines.

14. Duties and Functions of the Board

A Board of Governors shall—

- (a) implement the National Educational Policy;
- (b) consider immediate and prospective needs of its school or group of schools and the financial and other resources required for the effective and efficient running of the schools;

- (c) prepare and submit to a proprietor development plans within such time and in such form as proprietor may direct, showing costed action plans for furthering secondary education in the area and submit to the proprietor from time to time whenever required by the proprietor;
- (d) provide such funds as are available to it for the establishment and maintenance of a secondary school or group of secondary schools, education services related to secondary education, physical training and recreation at secondary schools and other expenses of secondary education in its area in accordance with secondary or college development plan for its area as the Board shall publish from time to time;
- (e) exercise control, in accordance with the Act and any subsidiary legislation made under the Act, over a secondary school or group of secondary schools in its area, to allocate funds provided for such schools and to control expenditure in accordance with estimates approved under any written law applicable to the Board, and in particular to ensure that money provided by or through such Board for particular purpose at any school so used or is refunded;
- (f) prepare and submit to the proprietor annual estimates of revenue and expenditure in respect of matters relating to secondary education in its area in such a form as the proprietor may by rule prescribe;
- (g) compile financial records and keep such financial books and other documents, and make such returns in respect of financial and other matters relating to secondary education as the proprietor may prescribe;
- (h) comply with all policies adopted and guidelines issued by the proprietor in accordance with powers conferred on him by the Act; and
- (i) make recommendations to the Minister with respect to the ownership, management and registration of private secondary schools.

15. Duties of the Head Teacher

- (1) A head teacher shall prepare for the approval of the Board—
 - (a) draft annual estimates of revenue and expenditure in respect of matters relating to the secondary school;
 - (b) draft development plans; or

- (c) draft school improvement plans in relation to the approved curriculum and syllabus through teaching and learning activities and national education standards.
- (2) A head teacher shall—
- (a) undertake the preparation of the work of the Board and reports;
 - (b) implement actions as the Board may lawfully direct;
 - (c) interpret government education policy to the Board, school or college staff, students, parents and the community;
 - (d) collect revenue and carry out expenditures as approved by the Board, the Ministry responsible for education and in line with the government financial regulations; and
 - (e) prescribe school rules, regulations, rewards and sanctions.

Part III - Additional Roles and Responsibilities

1. Notwithstanding any provision in the Act, regulations and these Guidelines, the Board shall have the following roles and responsibilities-

- (a) policy and strategic direction-
 - (i) exercise control over secondary schools in accordance with the Act;
 - (ii) set the strategic direction and priorities for the school;
 - (iii) create and maintain an enabling environment for achieving school effectiveness by all stakeholders consistent with the National Education Standards;
 - (iv) set school education development programs and standards of achievement in consultation with the school's teaching staff and in line with relevant laws, policies, strategies, and guidelines; and
 - (v) conduct systematic evaluation of all programs and developments taking place at a school to assess their effectiveness in substantiating the school's strategic plan, mission, vision and core values.

(b) oversight-

- (i) approve the purchase of additional textbooks and other supplies, for example, computers;
- (ii) approve and guide implementation of school's strategic and operational plans aimed at translating the school's mission, vision and core values into tangible development outcomes;
- (iii) receive audit reports and advise school administration on issues raised in the reports;
- (iv) approve audit reports;
- (v) approve funds and budgets for different school programs and activities; and
- (vi) approve by-laws and enforce school rules and regulations.

(c) resource mobilization and financial control role-

- (i) ensure that fees are paid on time; and
- (ii) facilitate mobilization of financial and material resources for addressing various school development needs such as scholarships and bursaries, accommodation and transport for students consistent with current Education Act and policies through identification of influential individuals and organizations resident or non-resident in the community to support the school;
- (iii) institute mechanisms and policies for ensuring procurement and disposal of property, equipment and services of the school that gives value for money, including hiring temporary and auxiliary support staff;
- (iv) set up systems for maintaining control of school finances, ensuring that finances of the school are well managed and used effectively. This includes commissioning financial audits, organizing meetings to deliberate on budget and audit reports.

(d) asset management and control-

- (i) ensure that the school has appropriate buildings and infrastructure and teaching and learning materials that support general hygiene and health, environmental protection and student outcomes; and

- (ii) take stock and monitor school assets by commissioning audit reports, checking inventory records or asset register and physical checking using checklists.
- (e) administration and management monitoring-
- (i) receive and approve reports from the HT and all relevant school stakeholders;
 - (ii) promote mechanisms to encourage parental and community participation in their children's education;
 - (iii) establish subcommittees to undertake assigned tasks, the totality of which shall contribute to the overall effectiveness of the Board;
 - (iv) submit recommendations on teacher discipline matters to employing authority for action;
 - (v) receive disciplinary action reports; and
 - (vi) monitor teaching and learning in schools as per approved curriculum syllabuses, academic calendar and national education standards through reports presented to the Board.

2. Chairperson

The Chairperson shall have the following roles and responsibilities-

- (a) planning and conducting board meetings;
- (b) presiding over meetings of the board;
- (c) setting board meeting agenda in conjunction with the Secretary of the Board;
- (d) managing and providing leadership to the Board;
- (e) acting as direct liaison between the Board and school administration; and
- (f) ensuring active participation by all Board members.

3. Secretary

(1) The Secretary to the Board shall be the HT of the school and he/she shall be the central administrative authority managing day to day activities of the affairs of the school on behalf of the Board.

(2) The secretary shall be responsible for-

- (a) ensuring that Board meetings are administered appropriately;
- (b) keeping Minutes of Board meetings; and
- (c) implementing the resolutions of the Board.

Part IV- Miscellaneous Provisions

1.Induction

There may be formal training to familiarize elected board members with the school's operations, school administration and its operating environment, and to introduce them to their fiduciary duties and responsibilities.

2.Amendments

The Minister may, after consultation with stakeholders, amend these Guidelines.

3.Dissolution

The Minister may dissolve a Board if deemed convenient to do so provided that the outgoing members shall be accorded an opportunity to be heard.