



Springwood and District Preschool Kindergarten

Governance & Management Committee Members Roles and Responsibilities

Legislation:

Education and Care Services National Law Act

Education and Care Services National Regulation 2018

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP

7.1	Governance	<i>Governance supports the operation of a quality service.</i>
7.1.2	Management Systems	<i>Systems are in place to manage risk and enable the effective management and operation of a quality service.</i>
7.1.3	Roles and Responsibilities	<i>Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the service.</i>
7.2	Leadership	<i>Effective leadership builds and promotes a positive organisational culture and professional learning community.</i>
7.2.1	Continuous improvement	<i>There is an effective self-assessment and quality improvement process in place.</i>
7.2.2	Educational leadership	<i>The educational leader is supported and leads the development and implementation of the educational program and assessment and planning cycle.</i>
7.2.3	Development of professionals	<i>Educators, co-ordinations and staff members performance is regularly evaluated and individual plans are in place to support learning and development.</i>

EDUCATION AND CARE SERVICES NATIONAL LAW AND REGULATIONS

Sec. 13	<i>Matters to be taken into account in assessing whether fit and proper person</i>
Sec. 14	<i>Regulatory Authority may seek further information</i>
Sec. 21	<i>Reassessment of fitness and propriety</i>



Sec. 51	<i>Conditions on service approval</i>
Sec. 162	<i>Offence to operate education and care service unless responsible person is present</i>
Sec.172	<i>Offence to fail to display prescribed information</i>
Sec. 173	<i>Offence to fail to notify certain circumstances to Regulatory Authority</i>
Sec. 174	<i>Offence to fail to notify certain information to Regulatory Authority</i>
Sec. 175	<i>Offence relating to requirement to keep enrolment and other documents</i>
Sec.188	<i>Offence to engage person to whom prohibition notice applies</i>
29	<i>Condition on service approval-insurance</i>
31	<i>Condition on service approval-quality improvement plan</i>
55	<i>Quality improvement plan</i>
56	<i>Review and revision of quality improvement plans</i>
73	<i>Educational program</i>
74	<i>Record of child assessments or evaluations for delivery of educational program</i>
84	<i>Awareness of child protection law</i>
85	<i>Incident, injury, trauma and illness policies and procedures</i>
117B	<i>Minimum requirements for person in day-to-day charge</i>
157	<i>Access for parents</i>
158	<i>Children's attendance record to kept by approved provider</i>
161	<i>Authorisations to be kept in enrolment record</i>
162	<i>Health information to be kept in enrolment record</i>
167	<i>Record of service's compliance</i>
168	<i>Education and care services must have policies and procedures</i>
170	<i>Policies and procedures to be followed</i>
171	<i>Policies and procedures to be kept available</i>
172	<i>Notification of change to policies and procedures</i>
173	<i>Prescribed information to be displayed</i>
176	<i>Time to notify certain information to Regulatory Authority</i>
177	<i>Prescribed enrolment and other documents to be kept by approved provider</i>
180	<i>Evidence of prescribed insurance</i>
181	<i>Confidentiality of records kept by approved provider</i>
181-184	<i>Confidentiality and storage of records</i>
185	<i>Law and regulations to be available</i>



Introduction

Governance is the system or process by which organisations are directed, controlled and held accountable to ensure that the right decisions are made. Our education and care service recognises the importance of having a framework of rules, relationships, systems and processes within and by which authority is exercised and controlled in the organisation. We view good governance and management as essential to our provision of quality education and care in a responsible manner.

Rationale:

Springwood and District Preschool Kindergarten acknowledges the importance of understanding the legislation required in order to manage a children's service. Springwood and District Preschool Kindergarten is managed by a Management Committee comprising of interested parents. The Management Committee is the Approved Provider under the current Education and Care Services [National Law Act 2010 and Regulations 2018](#). The Management Committee is responsible for the direction of the preschool and its effectiveness and works to ensure the preschool is conducted within all relevant legal requirements. It is important for the legal and effective functioning of the preschool that Management Committee understand their role/s and are aware of their responsibilities.

Aims:

- To adhere to all current legislative and legal obligations in regards to Approved Providers
- To ensure this information is communicated to all stakeholders of Springwood and District Preschool Kindergarten in a suitable and efficient way

Procedure:

Being a Management Committee member means accepting a range of responsibilities, including legal and ethical matters, to ensure preschool functions effectively and professionally. The Management Committee is accountable through various legislative requirements but is also accountable to the families who use preschool. Persons wishing to become Management Committee members need to be fully aware of the roles and responsibilities attached to these positions. Families using preschool should also be made aware of the management structures and processes in operation at preschool.

Management Committee Powers

The Management Committee sets the strategic direction and monitors performance of the organisation. The Management Committee will provide effective governance to ensure excellent overall management of the organisation's business and financial objectives. In addition, the Management Committee members may delegate any of their powers (with the exception of the power of delegation and responsibilities as Approved Provider) to a committee of Nominated Supervisor s, a Nominated Supervisor , an employee or any other person.

THE APPROVED (The Management Committee is Legally RESPONSIBLE FOR:

- ensuring compliance with the Education and Care Services National Law and Education and Care Services National Regulations



- ensuring compliance by all employees and educators with the Education and Care Services National Law and Education and Care Services National Regulations
- complying with Family Assistance Law
- appointing a suitably qualified Nominated Supervisor & Educational Leader
- supporting the Nominated Supervisor and management in their role, providing adequate resources to ensure effective administration of preschool
- notifying the regulatory authority of any changes to the Nominated Supervisor at least 7 days prior to the appointment (or as soon as possible, but no more than 14 days after commencement)
- notifying the regulatory authority within 14 days of any changes to Persons with management or control
- displaying the prescribed information as listed in Regulation 173 including the current rating levels for each quality area stated in the National Quality Standard
- ensuring background checks, including criminal history and Working With Children Checks/ Clearance, are completed for all staff and educators in NSW
- determining whether or not a person working in preschool is a 'fit and proper person' (as per National Quality Framework and Family Assistance Law requirements)
- provide information to the regulatory authority upon request in relation to being a 'fit and proper person'
- implementing a probation and induction orientation program to ensure employees are aware of their roles and responsibilities, understanding of the values and organisational culture of preschool, policies and procedures, child protection law and other legislation
- developing a clear and agreed philosophy, which guides business decisions and the work of management and staff
- acting honestly and with due diligence
- ensuring that families of enrolled children have access to enter the premises (regulation 157)
- ensuring there is a sound foundation of policies and procedures that complies with all legislative and regulatory requirements, and that enables the daily operation of preschool to be in line with preschool's philosophy and goals
- maintaining up to date and current policies and procedures for compliance by all educators
- ensuring the health, safety and wellbeing of children and taking every reasonable precaution to protect children from harm or hazard
- ensuring policies and procedures are followed in the event that a child is injured, becomes ill or suffers a trauma (Reg.85)
- confirming incident, injury, illness or trauma records are stored in a safe and secure place until the child is 25 years of age. In the event of a death of child while being cared for by preschool or may have occurred as a result of an incident, the records must be kept until 7 (seven) years after the death
- being an employer, including all legal and ethical responsibilities that this entails
- appointing staff and monitoring their performance
- ensuring educator qualification requirements are current
- ensuring all educators and staff have a clear understanding of the hierarchy of management
- providing clear and direct written and verbal feedback and instruction that is suitable and appropriate to the task
- ensuring preschool remains financially viable and can meet its debts and other obligations as they fall due
- ensuring preschool holds a current insurance policy for public liability with a minimum cover of \$10, 000, 000 [or public liability provided by the Government of a State or Territory in



respect for an education and care service]

- managing control and accountability systems
- reviewing preschool 's budget and monitoring financial performance and management to ensure preschool is solvent at all times and has sound financial strength
- approving annual financial statements and providing required reports to government bodies and maintaining appropriate delegations and internal controls
- complying with funding agreements where appropriate
- reviewing the work process regularly
- completing a Quality Improvement Plan (QIP) for preschool and updating it at least annually
- ensuring the QIP is updated upon request by the regulatory authority and submitted to the regulatory authority upon request (Reg. 31, 56)
- developing coherent aims and goals that reflect the interests, values and beliefs of all stakeholders of preschool
- establishing clearly defined roles and responsibilities for the members of the Management Committee and staff, individually and as a collective, and clearly articulating the relationship between all stakeholders
- evaluating and improving the performance of the Management Committee.
- ensuring the educational program is based on an approved learning framework (EYLF) and contributes to each child's sense of identity and wellbeing
- complying with all other NSW and Australian governments' legislation that impacts upon the management and operations of a Service
- ensuring all notification and reporting requirements are met regarding the National Quality Framework and other legislation
- ensuring a copy of the Education and Care Services National Regulations and National Law is available at all times at preschool for use by educators, staff, families and visitors (Reg. 185)
- ensuring that requirements relating to the physical environment, space, equipment and facilities are met
- notifying the regulatory authority if transportation is provided by preschool for the first time or if transportation ceases to be provided by preschool (reg 175)
- notifying families at least 14 days before changes to policy or procedures that:
 - affect the fees charged or the way they are collected
 - significantly impact preschool 's education and care of children, or
 - significantly impact the family's ability to utilise preschool .

THE NOMINATED SUPERVISOR IS RESPONSIBLE FOR:

- adhering to the Education and Care Services National Law and National Regulations
- developing ethical standards and a code of conduct which guide actions and decisions in a way that is consistent and reflective of the preschool's expectations
- undertaking periodical planning and risk assessments and having appropriate risk management strategies in place to manage risks faced by preschool
- ensuring that actions taken, and decisions made are clear and consistent and will help build confidence in all stakeholders
- the day-to-day management of the preschool
- ensuring all notification and reporting requirements are met regarding the National Quality Framework and other legislation
- the effectiveness of preschool 's well-defined partnership between the Management Committee and the Nominated Supervisor. The partnership requires clear understanding of roles and responsibilities, and regular and open communication



- producing outcomes together with educators and staff. Educators must agree on their responsibilities and work according to current policies and procedures
- providing educators with training, resources and support
- identifying and reporting if something significant occurs (for example: Work Health and Safety; Fraud Prevention; Complaint handling)
- identifying work required for completion and delegate to the appropriate educator/staff
- ensuring educators and staff do not delegate responsibilities for which they are accountable for or have been delegated to them by Management
- delegate all tasks in writing with a clear due date
- ensuring educators are adhering to service policies and procedures.

CONFIDENTIALITY

All members of the Management Committee along with the Nominated Supervisor, Responsible Person, educators, and staff who gain access to confidential information, whether in the course of their work or otherwise, shall not disclose information to anyone unless the disclosure of such information is required by law and will respect the confidentiality of all documents and meetings that occur. Child Information Sharing may be mandated to promote children's wellbeing and safety under NSW legislation.

This also includes:

- using information acquired for their personal or financial benefit, or for the benefit of any other person.
- permitting any unauthorised person to inspect or have access to any confidential documents or other information.
- any information received or transmitted via mobile telephone (including text/SMS) or any other electronic device (e.g., email) shall be treated with the same confidentiality as any other written form of communication and must be stored confidentially.

This obligation, placed on a member of the Committee of Management, Nominated Supervisor, Responsible Person, educator, and staff shall continue even after the individual has completed their term and is no longer on the Management Committee or employed by preschool. The obligation to maintain confidentiality also applies to any person who is invited to any meetings of the Management Committee.

ETHICAL DECISION-MAKING

Our preschool will make decisions which are consistent with our policies and procedures and that work in conjunction with the Education and Care Services National Law and National Regulations, our approved learning framework (EYLF), and the ethical standards within the ECA Code of Ethics.

Review and evaluation of preschool

- Ongoing review and evaluation will support the continuing development of preschool. We will ensure that the evaluation involves all stakeholders.
- The development of a Quality Improvement Plan (QIP) will form part of the reflection procedure. Reflection on what works within preschool and what needs additional development will be included in the QIP.

Maintenance of records

- Preschool will adhere to record keeping requirements outlined in the National Regulations (177)



- Preschool will adhere to the storage of confidential records outlined in the National Regulations (181-184)
- Preschool has a responsibility to keep sufficient records about staff, families, and children in order to operate dependably and lawfully
- Preschool will safeguard the interests of all children, their families, and the staff, using procedures to ensure appropriate privacy and confidentiality practices are upheld
- The Approved Provider assists in determining the process, storage location, and timeline for storage of records, using the National Regulations as a minimum standard
- Preschool 's orientation and induction processes will include the provision of significant information to managers, educators, children, and families to comply with National Regulations and Standards
- The Approved Provider will ensure that the record retention procedure meets the requirements of the following government departments and laws:
 - Australian Tax Office (ATO)
 - National Law and Regulations

MANAGING CONFLICTS OF INTEREST

- Conflict of interest, whether actual, potential or perceived, must be declared by all members of the Management Committee, Persons with Management or Control Nominated Supervisor, Senior Staff and managed effectively to ensure integrity.
- Every stakeholder that is in a position of management has a responsibility to ensure their transactions, external business interests and relationships will not cause potential conflicts and to make such disclosures in a timely manner as they arise.
- The following process will be followed to manage any conflicts of interest:
 1. Whenever there is a conflict of interest, the member concerned must notify the Approved Provider about the conflict.
 2. The member with a conflict of interest must not be present during the meeting of the Management Committee or Management meeting where the matter is being discussed, or participate in any decisions made on that matter. The member concerned must provide the committee with any and all relevant information they possess on the particular matter.
 3. The minutes of the meeting must reflect that the conflict of interest was disclosed and appropriate processes followed to manage the conflict.
 4. A Conflict of interest disclosure statement must be completed by each member of the Management Committee / Staff member upon his or her appointment and annually thereafter. If the information in this statement changes during the year, the member shall disclose the change to the Approved Provider/ and revise the disclosure statement accordingly.

Risk Management

Management Committee will:

- Ensure the organisation operates with and to a valid Constitution/ articles of Association and that all governance and management practices of the Management Committee and staff align with the Constitution/Articles of Association;
- Demonstrate achievement of this through accessible meeting minutes and Management Committee self-assessments; and
- Assist Board members to receive ongoing support and professional development in the implementation of effective and evidence based governance practice.



Code of Conduct

Management Committee members will:

- Commit themselves members to ethical, businesslike, and lawful conduct, including proper use of authority and professional decorum when acting as Management Committee members;
- Demonstrate un-conflicted loyalty to the interests of the organisation when acting as a Management Committee member;
- Avoid conflicts of interest with respect to their role;
- Annually disclose their involvement with other organisations or companies that currently do business or may do business with the organisation;
- Immediately disclose to the Board/Management Committee any and all impending conflicts of interest. That member shall absent herself or himself without comment from both the deliberation and final decision-making;
- Not use information exclusive to Management Committee members for personal gain and will respect the confidentiality of all information obtained during meetings or through their role; and
- Respect the confidentiality appropriate to issues of a sensitive nature.

The following is an overview of the general roles/responsibilities of all Committee members and those of the key office bearers.

President:

- The President's appointment is drawn from the membership of the preschool and is elected by members at the Annual General Meeting (AGM).
- The term of appointment is according to the rules of the Constitution
- Roles and responsibilities:
 - To lead the preschool and be responsible for the integrity of Management Committee processes and decisions, including effectiveness of meetings and Management Committee governance
 - Be the Management Committee's delegated authority as Approved Provider of preschool
 - Lead the preschool's vision and mission and achievement of organisational goals
 - Chair Management Committee and General Meetings of the preschool
 - Act as spokesperson for the preschool to media, government and other agencies
 - Work in partnership with the preschool Nominated Supervisor to ensure Board decisions are carried out
 - Lead recruitment and orientation processes of new committee members and preschool Nominated Supervisor
 - Ensure the preschool's compliance with all statutory requirements

Treasurer:

- The Treasurer's appointment is drawn from the membership of the preschool and is elected by members at the Annual General Meeting (AGM).
- The term of appointment is according to the rules of the Constitution
- Roles and responsibilities:
 - To oversee the preschool's financial reporting and budgetary control processes to ensure the viability of the preschool



- Lead the Management Committee's review of and action related to the Management Committee's financial responsibilities
- Provide or work with the preschool Nominated Supervisor and any contracted finance personnel to ensure that monthly financial reports are made available to the Management Committee on a timely basis
- Work with the Nominated Supervisor and the contracted finance personnel to prepare the annual budget and present the budget to the Management Committee for approval
- Monitor the budget throughout the year and provide advice to the Management Committee of any significant implications
- Ensure that appropriate internal financial controls are in place and operate effectively

Vice President:

- The Vice President's appointment is drawn from the membership of the preschool and is elected by members at the Annual General Meeting (AGM).
- The term of appointment is according to the rules of the Constitution
- Roles and responsibilities:
 - To support and substitute for the President in his/her absence
 - Act as President in the President's absence
 - Assist President in recruitment and orientation processes of new Management Committee members and Nominated Supervisor
 - Carry out specific tasks as requested by the President

All Committee members

- Committee members appointment is drawn from the membership of the preschool and is elected by members at the Annual General Meeting (AGM).
- The term of appointment is according to the rules of the Constitution
- Roles and responsibilities:
 - Actively support the vision, mission and goals of the preschool
 - Prepare for meetings, regularly attend and actively engage in meetings
 - Actively support the decisions of the Committee
 - Be an active member on any relevant Sub-Committee/s
 - Support and regularly attend preschool functions
 - Maintain confidentiality and privacy requirements at all times

Code of Conduct

- Each committee member understands and agrees to uphold the following standards of behaviour. Committee members should –
 - Behave ethically and professionally in all matters relating to the management of the preschool
 - Actively seek knowledge and current, accurate information about the operations of the preschool
 - Delineate and state any matters involving a conflict of interest on any preschool matter to better enable the Committee to make informed decisions
 - Put the needs and interests of the preschool ahead of personal perspectives
 - Perform the tasks/assignments delegated within the Committee
 - Provide strong support for the agreed strategies/decisions of the Committee
 - Attend meetings on a regular basis



- Sufficiently prepare for meetings to enable informed debate and decision-making
- Understand and have empathy with the preschool's history and current operations
- Uphold high ethical standards at meetings and in decision making
- Work impartially, collaboratively and harmoniously with other Committee members, preschool Nominated Supervisor, staff and families
- Tender a resignation if unable to consistently uphold any of the above standards of behaviour within the Code of Conduct

Staff Communication Processes

- The Committee (and each individual member) formally communicates with the staff of the preschool through the Nominated Supervisor. However, the preschool Nominated Supervisor may delegate another staff member to deal with or assist the Committee, its Sub-Committee or individual members, either generally or on particular matters. Notwithstanding such delegation, the preschool Nominated Supervisor remains responsible for the actions and performance of all staff members.
- Mutual respect should exist at all times between Committee members and staff, and recognition be given of the complementary roles of each. The Committee should seek and respect the advice of staff members, but must at all times make its own considered decisions upon the issue.
- Any Committee or individual member's complaint regarding any staff member must be directed through the preschool Nominated Supervisor.

Links to Quality Areas and Standards:	
4.2 Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1 Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2 Professional standards	Professional standards guide practice, interactions and relationships
Quality Area 6	Collaborative partnerships with families and communities
6.1 Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.1 Engagement with preschool	Families are supported from enrolment to be involved in preschool and contribute to service decisions.
6.1.2 Parent views are respected	The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing.
6.1.3 Families are supported	Current information is available to families about preschool and relevant community services and resources to support parenting and family wellbeing.
Quality Area 7	Governance and Leadership
7.1 Governance	Governance supports the operation of a quality service.



7.1.1 Service philosophy and purpose	A statement of philosophy guides all aspects of preschool 's operations.
7.1.2 Management systems	<i>Systems are in place to manage risk and enable the effective management and operation of a quality service.</i>
7.1.3 Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of preschool .

Source:

Because It Matters P/L

Early Childhood Australia (2006). *Code of Ethics*. Canberra, ACT. Early Childhood Australia.

Department of Education, Employment and Workplace Relations (DEEWR) (2011) *Education and Care Services National Regulation*

Department of Education, Employment and Workplace Relations (DEEWR) (2009) *National Quality Standard for Early Education and Care and School Aged Children* Canberra:DEEWR

Policy Reviewed by: _____ Approved by: _____

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