



BOURKE AND DISTRICT CHILDREN'S SERVICES

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP

POLICY NAME: GOVERNANCE AND MANAGEMENT OF THE SERVICE

POLICY STATEMENT

Our service aims to ensure all legal and financial requirements are implemented and recognised through appropriate governance practices, providing quality education and care, meeting the principles, practices and elements of the Early Years Learning Framework and the National Quality Standard.

Our Service is managed and governed by a Management Committee and they oversee all aspects of the operation of the service. The Committee are the legal entity and take on the role of employer and all responsibilities of the Approved Provider under the Education and Care Services National Law 2010, Education and Care Services National Regulations 2010 and all other relevant legislation. The Committee appoints a General Manager to be responsible for the day to day operations of the organisation and ensuring an appropriate Nominated Supervisor is appointed for each service. The Committee, General manager and Nominated Supervisors all accept the legal responsibilities associated with establishing, administering, and maintaining the services.

BACKGROUND

Under the Education and Care Services National Regulations, the Approved Provider must ensure that policies and procedures are in place in relation to the governance and management of the service. Governance is the process that directs and controls our service, ensuring accountability, and supporting decision making. Good governance and management are essential to our provision of high-quality education and care in a responsible manner.

Our service embeds the National Child Safe Principles into our organisational leadership, governance and culture. We implement a child safe culture and are committed to child safety and wellbeing.

OVERALL STRATEGIES / HOW WILL IT BE DONE?

COMMITTEE

The Committee sets the strategic direction and monitors the performance of the service. The Committee has overall responsibility for the sustainability and relevance of the service and provides effective governance to support the operation of the service. All ideas and concerns will be recognised and addressed in a professional and timely manner. In carrying out its responsibilities the Committee will undertake to maximise the value and contribution of the organisation to the community. Both the Committee and General Manager are responsible for guiding the direction of the service and ensuring that its goals and objectives are met in line with the service philosophy.

The Committee will carry out its duties in a manner that is:

- Professional, ethical and lawful.
- Loyal to the interests of the service.
- Free of undisclosed conflict of interest.
- Respectful of the confidential nature of information that members are privy to as a result of their role on the committee.

The Committee is elected each year at our Annual General Meeting (AGM). All interested parties including family members of children who attend the service and local community members, are invited to join the Committee. All members of the Committee, including general members and executive team members have equal decision-making powers and contribute to all decisions.

Our service operates under the Constitution which guides the governance and functioning of the organisation and Committee. The Constitution guides governance rules while providing direction and purpose of the organisation's decision-making processes. The Committee will ensure the Constitution is reviewed periodically. Executive team Committee members will be elected as per the Constitution.

FUNCTIONS OF THE COMMITTEE

Essentially, the Committee has five vital functions and Committee members contribute to one or more of these functions, depending on their interests, experience and skills:



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- **Finance:** Administration issues, budgeting, financial statements, legal requirements, reporting requirements, etc.
- **Communication:** Publicity and public relations, keeping the service's community informed of Committee decisions, policy updates, events, etc.
- **Future planning:** Setting the strategic direction and goals for the organisation, Professional Development plan for staff, ensuring continual improvement, etc.
- **Policy development:** In conjunction with the General Manager, Nominated Supervisors, staff, and families; formulating, reviewing, updating and approval of the Service's policies, procedures, and philosophy as required under the Education and Care Services regulations and ensuring that these policies comply with relevant legislation.
- **Recruitment:** Appointing a General Manager to oversee day to day operations of the service.

COMMITTEE POWERS

The 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 Directors, a Director, an employee or any other person. The Committee delegates the responsibility of implementing the strategic plan and day-to-day management of the organisation to the service's General Manager. In discharging its powers, each Committee member will be bound by the Associations Act/Corporations Act, the Constitution and all policies of the service.

The Committee authority includes:

- Overseeing the organisation including its control and accountability systems.
- Appointing and removing the General Manager.
- Developing organisational strategies and performance objectives.
- Monitoring and ratifying systems of risk management and internal control, codes of conduct and compliance.
- Monitoring the General Manager's and Nominated Supervisors performance.
- Approving and monitoring financial and other reporting.
- Ensuring appropriate resources are available to carry out all functions of the organisation.
- Approving and monitoring capital expenditure.
- Authorising appropriate delegations within the organisation.

RISK MANAGEMENT - THE COMMITTEE WILL:

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

NEW COMMITTEE MEMBERS

- All new Committee members will complete a Declaration of Fitness and Propriety form (PA02), which is submitted to the Australian Children's Education & Care Quality Authority (ACECQA) to provide evidence they are deemed a fit and proper person as per the Education and Care Services National Law Act 2010 Section 12.
- All Committee members are to hold a valid Working with Children Check which has been verified.
- The Regulatory Authority will be notified within 14 days of any changes to the executive Committee or Persons with Management or Control via the [NQA-ITS](#).

AUTHORISED PERSONNEL

The Committee will ensure all executive members who identify as Persons with Management and Control of the Provider (as per National Quality Framework and Child Care Subsidy (CCS) requirements) undertake fit and proper check as per National Regulations and Family Assistance Law requirements. A Declaration of Fitness and Propriety form must be submitted for all Committee members and Committee members must ensure they remain fit and proper while engaged with the committee, including holding a Working with Children Check. All Persons with Management and Control are required to register with PRODA and have their identity verified and background checks conducted.

Fit and Proper checks for Persons with Management and Control include:

- Australian National Police Criminal History Check (performed within the last 6 months).



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- Working With Children Check.
- National Personal Insolvency Index check.
- Current and Historical personal name extract search (performed within the last 6 months).
- ASIC Search, evidence the person does not appear on the Banned and Disqualified register (performed within the last 3 months).

The Committee will ensure all members registered with PRODA remain fit and proper in accordance with Section 55 of the Child Care Subsidy Minister's Rules 2017.

NOTIFICATIONS OF CHANGES TO MANAGEMENT

The Committee will ensure any changes, including the appointment or removal of committee members, to the Committee or Persons with Management or Control, are reported to the Regulatory Authority within 14 days via the [NQA-ITS](#). If a Person with Management or Control or executive Committee member is no longer deemed fit and proper the service will notify the Regulatory Authority within 7 days via the [NQA-ITS](#). The Committee will notify the Department of Education of changes within the Committee or Persons with Management or Control, as per obligations within the required timeframe as outlined within the Childcare Provider Handbook.

DECISION MAKING

The service Constitution sets out the requirements regarding how decisions are made, the Constitution will advise the structure and positions that must be held within the Committee. The service Constitution provides guidance on the number of members required to be present for each meeting to go ahead, a quorum is required to determine the number of voting members who are to be present when business decisions are made during the meeting. Committee members are required to disclose any conflicts of interest, whether actual, potential or perceived when voting on business decisions.

COMPLAINT MANAGEMENT

The Committee members will follow the services Complaints Handling Policy. The Committee will ensure staff, families, visitors or community members are encouraged to follow the Complaints Handling Policy in the event they are notified of a complaint or grievance. Any complaint that alleges a breach of the National Law and National Regulations, National Quality Standard or alleges that the health, safety or wellbeing of a child at the service may have been compromised, must be reported by to the Regulatory Authority within 24 hours of the complaint being made, via the [NQA-ITS](#).

CODE OF CONDUCT

Our Code of Conduct Policy sets out the behaviours that are expected by all members of the Committee, staff members and educators to make personal and ethical decisions related to confidentiality, recruitment, duty of care, record keeping, professional relationships and appropriate use of resources within the service.

In addition, Committee members will:

- Commit themselves members to ethical, businesslike, and lawful conduct, including proper use of authority and professional decorum when acting as Committee members.
- Demonstrate un-conflicted loyalty to the interests of the organisation.
- Disclose their involvement with other organisations or companies that currently do business or may do business with the organisation.
- Not use information exclusive to Committee members for personal gain.

CONFIDENTIALITY

- All members of the Committee, General Manager, 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.



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- Any information received or transmitted via mobile telephone (including text) or any other electronic device (email) shall be treated with the same confidentiality as any other written form of communication and must be stored confidentially.
- This obligation shall continue even after the individual has completed their term and is no longer on the Committee or employed by the service. The obligation to maintain confidentiality also applies to any person who is invited to any meetings of the Committee.

PHILOSOPHY AND POLICIES

- The development and review of the philosophy and policies will be a continuous process on an annual basis or when required.
- The philosophy reinforces all other documentation and the practices of the service as well as reflecting the principles of the approved national framework "Belonging, Being and Becoming: The Early Years Learning Framework for Australia".
- There will be a collaborative and consultative process to support the development and maintenance of the philosophy and policies that will include children, parents and educators.
- All policies will be dated and include nominated review dates.

ETHICAL DECISION-MAKING

Our service 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.

RECRUITMENT

- On behalf of the Committee, the General Manager is responsible for the recruitment of all employees.
- The General Manager will ensure a suitably qualified and experienced Nominated Supervisor oversees the day to day running of each service.
- In regards to the Nominated Supervisor, the General Manager will:
 - Delegate responsibilities to the Nominated Supervisor as per the Job Description for the position.
 - Be responsible for ensuring the Nominated Supervisor meets the responsibilities for the role and position.
 - Initiate Performance Management as required following any concerns regarding performance of the Nominated Supervisor.
 - Ensure a thorough Probation, Induction and Orientation process for new Nominated Supervisors as per the services policy.
- Whilst the Nominated Supervisor is responsible for the day to day running of the service, it is to be in accordance with the decisions of the General Manager and Committee providing they comply with all regulations and standards.
- Our service is committed to be a child safe Education and Care Service and embeds the National Child Safe Principles as recommended by the National Office for Child Safety. Our robust recruitment processes play a vital role in protecting children from harm.

REVIEW AND EVALUATION OF THE SERVICE

- Ongoing review and evaluation will support the continuing development of the service. 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 the service and what needs additional development will be included in the QIP.

MANAGING CONFLICTS OF INTEREST

- Conflict of interest, whether actual, potential or perceived, must be declared by all members of the Committee, Persons with Management or Control and Nominated Supervisor 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:



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- Whenever there is a conflict of interest, the member concerned must notify the General Manager or Committee about the conflict.
- The Committee will consider the nature of the conflict and may require the member with a conflict of interest to not be present during the part of the meeting where the matter is being discussed, or participate in any decisions made on that matter.
- The minutes of the meeting must reflect that the conflict of interest was disclosed for the relevant part of the meeting and appropriate processes followed to manage the conflict.

ROLES AND RESPONSIBILITIES

THE APPROVED PROVIDER 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.
- Ensuring educators (including casual staff) receive information and induction training to fulfil their roles effectively, including being made aware of the Governance and Management of the Service policy and any changes that are made over time.
- Ensuring students, visitors and volunteers have knowledge of and adhere to this policy.
- Ensuring all notifications are made to the Department, in writing, within the specified timeframes as outlined with the NQF and FAL.
- Complying with Family Assistance Law.
- Appointing a suitably qualified Nominated Supervisor/Director and Educational Leader and Director for the service.
- Supporting the Nominated Supervisor and management in their role.
- Notifying the regulatory authority, via the [NQA-ITS](#) 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).
 - Any changes to Persons with management or control, within 14 days.
 - Any change to the ages of children being educated and cared for by the service; and any change to the nature of education and care offered by the service.
- 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 are completed for all staff and educators.
- Determining whether or not a person working in the service is a 'fit and proper person' (as per National Quality Framework and Family Assistance Law requirements).
- 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 the service, 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.
- 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 the service to be in line with the service's philosophy and goals.
- Maintaining up to date and current policies and procedures for compliance by all staff members.
- Acting honestly and with due diligence.
- Ensuring the health, safety and wellbeing of children and taking every reasonable precaution to protect children from harm or hazard.
- Ensuring record keeping requirements and the storage of confidential records as outlined in the National Regulations are met.
- Being an employer, including all legal and ethical responsibilities that this entails.



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- 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.
- Ensuring the service remains financially viable and can meet its debts and other obligations as they fall due.
- Ensuring the service holds a current insurance policy for public liability with a minimum cover of \$10, 000, 000. Or public liability provided by the Government of NSW in respect for an education and care service.
- Reviewing the service's budget and monitoring financial performance and management to ensure the service 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.
- Completing a Quality Improvement Plan (QIP)/Self Assessment, for the service and updating it at least annually or upon request by the Regulatory Authority and submitted to the regulatory authority upon request.
- Developing coherent aims and goals that reflect the interests, values and beliefs of all stakeholders of the service.
- Establishing clearly defined roles and responsibilities for the members of the Committee and staff, individually and as a collective, and clearly articulating the relationship between all stakeholders.
- Ensuring the educational program is based on an approved learning framework 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 the service for use by educators, staff, families and visitors.
- Ensuring that requirements relating to the physical environment, space, equipment and facilities are met.
- Developing a code of conduct which guide actions and decisions in a way that is consistent and reflective of the Service's expectations.
- Notifying the Regulatory Authority if transportation is provided by the service for the first time or if transportation ceases to be provided by the service.
- 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 the service's education and care of children.
 - Significantly impact the family's ability to utilise the service.

THE NOMINATED SUPERVISORS ARE RESPONSIBLE FOR:

- Adhering to the Education and Care Services National Law and National Regulations.
- The day-to-day management of the service.
- Undertaking periodical planning and risk assessments and having appropriate risk management strategies in place to manage risks faced by the service.
- Ensuring that actions taken, and decisions made are clear and consistent and will help build confidence in all stakeholders.
- Ensuring all notification and reporting requirements are met regarding the National Quality Framework and other legislation.
- The effectiveness of the service's well-defined partnership between the 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).



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- Identifying work required for completion and delegate to the appropriate staff member.
- Ensuring educators are adhering to service policies and procedures.

CONTINUOUS IMPROVEMENT/REFLECTION

Our Governance and Management of the Service Policy will be reviewed on an annual basis in consultation with children, families, staff, educators, and management.

CHILD SAFE STANDARDS

Standard 1	Child safety is embedded in organisational leadership, governance and culture
Standard 3	Families and communities are informed and involved
Standard 5	People working with children are suitable and supported
Standard 7	Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
Standard 10	Policies and procedures document how the organisation is child safe.

NATIONAL QUALITY STANDARD (NQS)

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

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS AND NATIONAL LAW

Part 2.1	Provider approvals
Sec. 13	Matters to be taken into account in assessing whether fit and proper person
Sec. 14	Regulatory Authority may seek further information
Sec. 21	Reassessment of fitness and propriety
Sec. 51	Conditions on service approval
Sec. 162	Offence to operate education and care service unless responsible person is present
Sec. 165	Offence to inadequately supervise children
Sec. 172	Offence to fail to display prescribed information
Sec. 173	Offence to fail to notify certain circumstances to Regulatory Authority
Sec. 174	Offence to fail to notify certain information to Regulatory Authority
Sec. 175	Offence relating to requirement to keep enrolment and other documents
Sec. 188	Offence to engage person to whom prohibition notice applies
29	Condition on service approval-insurance
31	Condition on service approval-quality improvement plan
55	Quality improvement plan
56	Review and revision of quality improvement plans
73	Educational program
74	Record of child assessments or evaluations for delivery of educational program
84	Awareness of child protection law



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85	Incident, injury, trauma and illness policies and procedures
136(3)	First Aid qualifications
117(b)	Minimum requirements for person in day-to-day charge
157	Access for parents
158	Children's attendance record to kept by approved provider
161	Authorisations to be kept in enrolment record
162	Health information to be kept in enrolment record
167	Record of service's compliance
168	Education and care services must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies and procedures
173	Prescribed information to be displayed
175	Prescribed information to be notified to the Regulatory Authority
176	Time to notify certain information to Regulatory Authority
177	Prescribed enrolment and other documents to be kept by approved provider
180	Evidence of prescribed insurance
181	Confidentiality of records kept by approved provider
181-184	Confidentiality and storage of records
185	Law and regulations to be available

STATUTORY LEGISLATION & CONSIDERATIONS

[A New Tax System \(Family Assistance\) Act 1999](#)
[Child Care Subsidy Secretary's Rules 2017](#)
[Education and Care Services National Law Act 2010 \(Amended 2023\)](#)
[Education and Care Services National Regulations \(Amended 2023\)](#)
[Family Assistance Law 2018](#)
[Family Law Act 1975](#)
[Work Health and Safety Act 2011](#)

SOURCES

Acknowledgement to Community Early Learning Australia and Childcare Centre Desktop.
 Australian Children's Education & Care Quality Authority. (2014).
 Australian Children's Education & Care Quality Authority. (2023). [Guide to the National Quality Framework.](#)
 Australian Children's Education & Care Quality Authority. (2023). [Governance and Management. Policy Guidelines.](#)
 Australian Children's Education & Care Quality Authority. (2023). [Identifying persons with management or control of a service from 1 July 2023 – Existing Providers - Information sheet.](#)
 Australian Government Department of Education. (2022). [Belonging, Being and Becoming: The Early Years Learning Framework for Australia.V2.0, 2022.](#)
 Australian Government. Department of Education. Child Care Provider Handbook. (2023) <https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>
 Australian Government Department of Education. (2023). [Persons with management or control obligations.](#)
 Australian Human Rights Commission (2020). Child Safe Organisations. <https://childsafe.humanrights.gov.au/>.
 Early Childhood Australia Code of Ethics. (2016).
 Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).
 Revised National Quality Standard. (Amended 2023).
 NSW Department of Education. Roles and responsibilities, Your responsibilities as a person with Management or control <https://education.nsw.gov.au/content/dam/main-education/en/home/early-childhood-education/operating-an-early-childhood-education-service0/Your-Responsibilities-as-a-Person-with-Management-or-Control.PDF>.



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NSW Department of Fair Trading. Management committee meetings. <https://www.fairtrading.nsw.gov.au/associations-and-co-operatives/associations/running-an-association/management-committee/management-committee-meetings>.

RELATED POLICIES

- Acceptance and Refusal of Authorisation Policy
- Administration of First Aid Policy
- Arrival and Departure Policy
- Child Safe Environment Policy
- Child Protection Policy
- Code of Conduct Policy
- Complaints Handling Policy
- Dealing with Infectious Diseases Policy
- Emergency and Evacuation Policy
- Enrolment and Orientation Policy
- Family Participation and Communication Policy
- Fees Policy
- Induction of Staff, Volunteers and Students
- Interactions with Children Policy
- Medical Conditions Policy
- Nutrition and Food Safety Policy
- Privacy and Confidentiality Policy
- Probation, Induction and Orientation Policy
- Record Keeping and Retention Policy
- Safe Arrival of Children Policy
- Safe Transportation Policy
- Sleep and Rest Policy
- Sun Safety Policy
- Water Safety Policy

RELATED DOCUMENTS

POLICY AUTHORISED BY	Prue Ritchie	POLICY REVIEWED	June 2024
NEXT REVIEW DATE	June 2025		
MODIFICATIONS	<ul style="list-style-type: none"> • New policy format • Update of related legislation (if applicable) • Child Safe Standards added and updated with links • Extra information added including: <ul style="list-style-type: none"> ○ More details regarding Management Committee 		
PREVIOUS REVIEW			
POLICY AUTHORISED BY	Prue Ritchie	DATE	January 2021