

Governance Policy

Scope

This policy applies to children, families, staff, management, approved provider, nominated supervisor, students, volunteers and visitors of the Service.

Within the overall framework for the governance of Willoughby Community Preschool provided by:

- the Rules of Willoughby Community Preschool Inc (an incorporated association constituted under the *Associations Incorporation Act 2009* (NSW)) as well as the requirements of that Act; and
- the National Law and Regulations,

This policy provides guidance on governance of the service.

In the event of any inconsistency between the Rules of the Preschool and this policy, the Rules will prevail to the extent of the inconsistency.

This Policy should be read in conjunction with the following:

- *Willoughby Community Preschool Inc. Roles & Responsibilities, Policies for Office Bearers of the Management Committee*
- *Rules of Willoughby Community Preschool Inc.*
- *Model Constitution*
- *Management Committee Policy*

Statement

The Governance Policy provides the overall direction, effectiveness, supervision and accountability of a Service. The Approved Provider and management is responsible for guiding the direction of the service, ensuring that its goals and objectives are met in line with the philosophy, and all legal and regulatory requirements governing the operation of the service.

Legislative Requirements

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service.
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 LAW AND REGULATIONS	
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
85	Incident, injury, trauma and illness policies and procedures
136 (3)	First Aid qualifications
117B	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

Related Policies

Acceptance and Refusal Authorisation Policy Administration of First Aid Policy CCS Governance Policy Code of Conduct Policy Child Protection Policy Child Safe Environment Policy Dealing with Infectious Diseases Policy Dealing with Complaints Policy Delivery of Children to, and collection from EEC Service Policy Emergency and Evacuation Policy Enrolment Policy	Interactions with Children, Staff and Families Policy Medical Conditions Policy Nutrition Food Safety Policy Payment of Fees Policy Privacy and Confidentiality Policy Record Keeping and Retention Policy Safe Arrival of Children Policy Safe Transportation Policy Rest, Relaxation and Sleep Policy Student, Volunteer and Visitor Policy UV Sun Safety Policy Water Safety Policy
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Related Legislation

Family Assistance Law – Incorporating all related legislation as identified within the Child Care Provider Handbook
<https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>

Purpose

Our Preschool 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.

Strategies

All strategies detailed below will be implemented to the extent reasonably practicable.

Implementation

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 (regulation 168) and that they take reasonable steps to ensure those policies and procedures are followed (regulation 170). ACECQA 2021

Governance is the process that directs and controls our Service, ensuring accountability, and supporting decision making. The Approved Provider and Nominated Supervisor of the Service accept the legal responsibilities associated with establishing, administering, and maintaining the Service. Management

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may include Persons with management or control of the service (PMC) as defined by ACECQA. Persons with management or control may *participate in executive or financial decision-making or have authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service* (ACECQA 2023).

Members of Willoughby Community Preschool Inc

Subject to the Rules and the requirements of the *Associations Incorporation Act 2009* (NSW), the membership of Willoughby Community Preschool Inc comprises persons who are parents or guardians of children enrolled to attend the Preschool during the relevant financial year, who have been nominated for membership and their membership has been approved in accordance with the Rules (see rule 2). Ultimate responsibility for the operation of the Preschool is vested in the members.

Willoughby Community Preschool Inc is the employer of all staff of the Preschool and is the Approved Provider of education and care under the *Children (Education and Care Services National Law Application) Act 2010* (NSW) and the *Education and Care Services National Regulations 2011*.

Willoughby Community Preschool Management

The management of the Preschool is overseen by the Management Committee. The members of the Committee are elected annually by the members of Willoughby Community Preschool Inc, in accordance with the Rules, and the Committee is accountable to the members of Willoughby Community Preschool Inc for:

- the ongoing sustainability and continuing relevance of the Preschool; and
- the ongoing operation and performance of the Preschool.

The Management Committee will direct its activities towards achieving the Preschool's goals and implementing the Quality Improvement Plan (QIP) or Self-Assessment Tool (SAT) as required by the Early Childhood Education Directorate (ECED) by guiding and monitoring the Preschool's business and affairs in line with the objects set out in the Rules and also in accordance with the Preschool's philosophy.

In carrying out its responsibilities, the Management Committee undertakes to maximise the value and contribution of the Preschool to the local community, and to serve the interests of the Preschool's members, employees and families and children attending the Preschool. In serving these interests there

is an implicit understanding that the rights of the child are of fundamental importance in all decision making.

Preschool Rules

Willoughby Community Preschool Management will:

- Ensure that, in carrying out the Committee's functions, the Rules of Willoughby Community Preschool Inc, and applicable requirements specified in the *Associations Incorporation Act 2009* (NSW), are followed at all times
- Ensure that the Rules are reviewed annually by the Secretary, and updated as necessary
- Ensure that a copy of the Rules is made available to any member of Willoughby Community Preschool Inc upon request.

Policies

Willoughby Community Preschool Management will:

Ensure that a comprehensive set of policies is in place, as required under the *Education and Care Service Regulations* and other applicable regulations and laws that the Preschool must comply with. Policies are to be developed and then approved by the Management Committee, either at a Committee meeting or by emailed circular resolution. The same process applies for updates to policies.

Ensure that an up to date, complete set, of Preschool policies is maintained by the Director, and that the Director makes these policies available as required to Willoughby Community Preschool Inc. members.

Ensure that the management and operation of the Preschool occurs generally in accordance with these Preschool's suite of policies, except to the extent that the Committee determines otherwise (on a case by case basis).

Ensure that these policies are regularly reviewed and updated, including to ensure that they comply with applicable changes in laws and any changes to the Preschool's circumstances. The Preschool subscribes annually to Childcare Centre Desktop for their annually reviewed and updated policies. The Committee will endeavour to ensure that the Preschool's suite of policies are reviewed and updated in accordance with the Preschool's Process for Reviewing Policies.

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, or
- significantly impact the family's ability to utilise the service.

In the event of an urgent situation (e.g. regulatory change/ directive issued by government department etc) the above notice period will not apply.

Ensure that mechanisms and plans are in place to monitor whether the Preschool's policies are being complied with, with a view to ensuring that any:

- proposed departures from the Preschool's policies of potentially material impact; or
- circumstance where there a material departure from the Preschool's policies actually occurs (for example, an inadvertent departure),are detected and referred to the Committee for consideration and discussion.

Where appropriate will provide incoming Committee members with information about their roles and responsibilities and will consider providing training to Committee members as necessary from time to time.

Strategic Planning

Willoughby Community Preschool Management will:

Actively plan for the future long-term operation of the Preschool, including where practicable:

- developing long term plans, strategies and financial forecasts; and
- periodically reviewing and updating these plans, forecasts etc.

Management Committee Powers and Delegations

Willoughby Community Preschool Management

The Management Committee sets the strategic direction and monitors performance of the Preschool. The Management Committee will provide effective governance to ensure excellent overall management of the Preschool's business and financial objectives.

The Management Committee has the powers and functions as set out in the Rules and the *Associations Incorporation Act 2009* (NSW), together with such other powers and functions as may be delegated to the

Committee by the members of the Preschool (i.e. the members of Willoughby Community Preschool Inc), from time to time. In discharging Committee powers and functions, each member of the Committee are bound by the *Associations Incorporation Act 2009* (NSW).

The Management Committee's powers and functions include:

- overseeing the operation of the Preschool including its control and accountability systems;
- appointing and removing the Preschool Director;
- ratifying the appointment of permanent staff members;
- developing organisational strategy and performance objectives;
- reviewing, ratifying and monitoring systems of risk management and internal control, codes of conduct and legal compliance;
- monitoring and assessing the Preschool Director's performance and implementation of strategy;
- approving and monitoring financial and other reporting;
- authorising appropriate delegations within the organisation (subject to this Policy and the Rules);
- ensuring that appropriate resources are available to carry out the Preschool's functions; and
- approving and monitoring the progress of major capital expenditure, and other financial matters as set out in *Willoughby Community Preschool Inc – Accounting and Administrative Policies and Procedures* (March 2018) (as may be amended from time to time by the Committee).

The Committee may in turn delegate any of its powers and functions, from time to time, to any of the following:

- a sub-committee of the Committee (comprising two or more members of the Committee);
- a member of the Committee;
- a member of Willoughby Community Preschool Inc;
- the Preschool Director; or
- a Nominated Supervisor employed by the Preschool,

with the exception of:

- any powers of the Committee which the Rules specifically reserve to the Committee only;
- making and amending Preschool policies (as referred to above);
- the power of delegation itself;
- financial matters specifically reserved to the Committee, including where stated in *Willoughby Community Preschool Inc – Accounting and Administrative Policies and Procedures* (March 2018) (as may be amended from time to time by the Committee); and
- responsibilities as Approved Provider, and any other responsibilities under applicable laws which those laws state may not be delegated.

The Management Committee delegates the responsibility of implementing the Preschool’s strategic plan and day-to-day management of the Preschool to the Preschool Director.

Applicable delegations should be recorded in writing (for example, in the minutes of a Management Committee meeting at which a particular delegation was agreed), and where appropriate any delegation should be periodically reviewed to confirm ongoing relevance, or only applicable for a defined period of time (e.g. a specified period of months, or until the conclusion of a particular Preschool activity).

Further detail on the Committee’s current delegations is set out in the Annexure.

Management Committee Powers and Delegations

Willoughby Community Preschool Management will:

Ensure that the Preschool operates with and to a valid set of Rules made pursuant to the *Associations Incorporation Act 2009* (NSW) (or its predecessor), and that all governance and management practices of the Committee and staff align with the Rules.

Will demonstrate achievement of the above through accessible meeting minutes, records of delegations, and Management Committee self-assessments from time to time.

Will assist Committee members to receive ongoing support and training on applicable governance matters, where considered necessary.

Code of Conduct

Willoughby Community Preschool Management Committee members will:

Ensure that they commit themselves to ethical, businesslike and lawful conduct, including proper use of authority and professional decorum when acting in their capacity as members of the Committee;

Demonstrate un-conflicted loyalty to the interests of the Preschool when acting in their capacity as members of the Committee;

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 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 the Committee members for personal gain, and respect the confidentiality of all information obtained during meetings or otherwise obtained when acting in their capacity as members of the Committee; and

Respect the level of confidentiality appropriate to issues of a sensitive nature.

In all other respects, will comply with the Preschool's *Code of Conduct Policy* and other relevant Policies when acting in their capacity as members of the Committee (to the extent those Policies are relevant to their role).

Service Philosophy

- The development and review of the philosophy and policies will be a continuous process on an annual basis or when required.
- The philosophy and associated statement of purpose will reinforce all other documentation and the practices of the Service. The philosophy will reflect the principles of the approved national framework

“Belonging, Being and Becoming: The Early Years Learning Framework for Australia” and *“My Time, Our Place: Framework for School Age Care in Australia”* [if OSHC is provided in your Service]

- There will be a collaborative and consultative process to support the development and maintenance of the philosophy that will include children, parents and educators.
- All documents will be dated and include nominated review dates.

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 the Service. The obligation to maintain confidentiality also applies to any person who is invited to any meetings of the Management Committee.

Maintenance of Records

- The Service will adhere to record keeping requirements outlined in the National Regulations (177)
- The Service will adhere to the storage of confidential records outlined in the National Regulations (181-184)

- The Service has a responsibility to keep sufficient records about staff, families, and children in order to operate dependably and lawfully
- The Service 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
- The Service'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)
 - Family Assistance Office (FAO)
 - Family Assistance Law
 - 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 / Licensee 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.

Continuous Improvement/Reflection

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

Sources

Australian Children’s Education & Care Quality Authority. (2014).
 ACECQA. (2023). Policy and procedure guidelines. [Governance and Management Guidelines](#).
 Australian Government. Department of Education. *Child Care Provider Handbook*. (2023)
<https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>
 Early Childhood Australia Code of Ethics. (2016).
 Education and Care Services National Law Act 2010. (Amended 2023).
[Education and Care Services National Regulations](#). (2011). (Amended 2023).
 Guide to the National Quality Framework. (2017). (Amended 2023).
 Revised National Quality Standard. (2018).
[Western Australian Education and Care Services National Regulations](#)
Work Health and Safety Act 2011 (Cth).

Review

POLICY REVIEWED	DECEMBER 2023	NEXT REVIEW DATE	NOVEMBER 2024
VERSION NUMBER	V11.11.23		

MODIFICATIONS	NOVEMBER <ul style="list-style-type: none"> • annual policy review • Title change from Governance and Management to Governance Policy • new regulation added re: notification to Reg. Authority • Child Care Centre Desktop resources added 	
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE
JUNE 2023	<ul style="list-style-type: none"> • Policy reviewed to included clearer definitions of Persons with Management or control • Added Family Assistance Law legislation • Sources checked 	NOVEMBER 2023
FEBRUARY 2023	<ul style="list-style-type: none"> • Annual policy maintenance • Additional information added regarding Regulation 31/56/185 • minor formatting edits within text • hyperlinks checked and repaired as required • continuous improvement/reflection section added 	NOVEMBER 2023
NOVEMBER 2021	<ul style="list-style-type: none"> • Additional law/regulations added- ACECQA Guidelines to Policy and Procedure document (August 2021) • Related policies added • Further roles/responsibilities for Approved Provider included • Sources checked for currency 	NOVEMBER 2022
NOVEMBER 2020	<ul style="list-style-type: none"> • fit and proper person checks added • record keeping information added • sources checked for currency 	NOVEMBER 2021
NOVEMBER 2019	<ul style="list-style-type: none"> • Sources checked for currency • Additional roles for Approved Provider added • Code of conduct information included 	NOVEMBER 2020
NOVEMBER 2018	<ul style="list-style-type: none"> • Regulation numbers added. • Grammar, punctuation and spelling edited. • Sources/references alphabetised. • Additional information added to points. • Rearranged the order of points for better flow 	NOVEMBER 2019
AUGUST 2017	Terminology improvements made to support clearer understanding and implementation	NOVEMBER 2018
OCTOBER 2017	Updated references to comply with the revised National Quality Standard Adopted CCCDT policy template	NOVEMBER 2018

