GOVERNANCE POLICY

The Governance Policy provides the overall direction, effectiveness, supervision and accountability of a Service. The approved provider and management are 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.

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 NATIONAL REGULATIONS	
S. 13	Matters to be taken into account in assessing whether fit and proper person
S. 14	Regulatory Authority may seek further information
S. 21	Reassessment of fitness and propriety
S. 51	Conditions on service approval

S. 162	Offence to operate education and care service unless responsible person is present
s. 165	Offence to inadequately supervise children
S. 172	Offence to fail to display prescribed information
S. 173	Offence to fail to notify certain circumstances to Regulatory Authority
S. 174	Offence to fail to notify certain information to Regulatory Authority
S. 175	Offence relating to requirement to keep enrolment and other documents
S. 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
117A	Placing a person in day-to-day charge
117B	Minimum requirements for person in day-to-day charge
117C	Minimum requirements for a nominated supervisor
136 (3)	First Aid qualifications
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

174	Time to notify certain circumstances to Regulatory Authority
175	Prescribed information to be notified to the 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
183	Storage of records and other documents
184	Storage of records after service approval transferred
185	Law and regulations to be available

RELATED POLICIES

Acceptance and Refusal Authorisation Policy Administration of First Aid 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 Sleep and Rest Policy Staffing Arrangements Policy Student, Volunteer and Visitor's Policy Sun Safety Policy Water Safety Policy

PURPOSE

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.

SCOPE

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

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 (Reg.

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 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). Our Service has the following established positions:

Approved Provider	Jennifer French
Nominated Supervisor	Jennifer French & Kristy Hurley
Educational Leader	Kristy Hurley
Responsible Persons	Kristy Hurley, Madalyn French, Caeron Bennett, Alicia Camilleri, Shanae Standley, Paige Jessett
Lead Educators	Asta Gageler, Kristy Hurley, Caeron Bennett

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, staff, students and volunteers have knowledge of and adhere to this policy
- ensuring families are aware of this *Governance Policy*
- ensuring all notifications are made to the Department, in writing, within the specified timeframes as outlines with the NQF and FAL
- complying with Family Assistance Law
- appointing a suitably qualified nominated supervisor, educational leader and Director/coordinator for the Service
- supporting the nominated supervisor and management in their role, providing adequate resources to ensure effective administration of the Service
- 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

- notifying the regulatory authority of 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 (Reg 175 (2)(a)
- displaying the prescribed information as listed in Reg. 173 including the current rating levels for each quality area stated in the National Quality Standard
- ensuring background checks, including 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)
- 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 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
- acting honestly and with due diligence
- ensuring that families of enrolled children have access to enter the premises (Reg. 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 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 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 kept 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 the service 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 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 a State or Territory in respect for an education and care service]
- managing control and accountability systems
- 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
- reviewing the work process regularly
- completing a Quality Improvement Plan (QIP) for the Service 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 the Service
- 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 (Busy Kids Broken Hill), SA (Busy Kids Streaky Bay) 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 (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 the service for the first time or if transportation ceases to be provided by the Service [Reg. 175 (2)(f)]
- 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.

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 Service's expectations

- 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
- the day-to-day management of the Service
- 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 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.

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*
- 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.

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CODE OF CONDUCT

The standards of behaviour outlined in our *Code of Conduct Policy* provide guidance for all staff 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.

CONFIDENTIALITY

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 state/territory 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 the nominated supervisor, responsible person, educator, and staff shall continue even after the individual has completed their term and is no longer employed by the Service. The obligation to maintain confidentiality also applies to any person who is invited to any meetings held by or at the Service.

ETHICAL DECISION-MAKING

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

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 Self Assessment Tool will form part of the reflection procedure. Reflection on what works within the Service and what needs additional development will be included in the Self Assessment Tool.

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 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 where the matter is being discussed, or participate in any decisions made on that matter. The member concerned must provide the Nominated Supervisor 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 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

SOURCE:

Australian Children's Education & Care Quality Authority. (2024). Guide to the National Quality Framework
Australian Children's Education & Care Quality Authority. (2023). Policy and procedure guidelines. Governance and Management Guidelines.
Australian Government. Department of Education. Child Care Provider Handbook. (2024)
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).
Western Australian Legislation Education and Care Services National Law (WA) Act 2012
Western Australian Legislation Education and Care Services National Regulations (WA) Act 2012
Work Health and Safety Act 2011 (Cth).

REVIEW

POLICY DEVELOPED BY	JENNIFER FRENCH	DIRECTOR	MAY 2023
POLICY REVIEWED	JULY 2025	NEXT REVIEW DATE	JANUARY 2026
VERSION	V30.07.25		
MODIFICATIONS	• annual policy maintenance • new regulations added re: storage of records • minor formatting changes • sources updated as required		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE
MAY 2024	• policy reviewed to included clearer definitions of persons with management or control • added Family Assistance Law legislation		MAY 2025

Signature of Director: ________________________

Busy Kids Child Care

CONFLICT OF INTEREST DECLARATION:

Name (in full):	
Postal address:	
Position on Management or Staffing Team	

I hereby declare the following conflict of interest: (Note: tick all applicable boxes)

☐ ACTUAL ☐ POTENTIAL ☐ PERCEIVED

Please provide a brief outline of the nature of the conflict (details may be included in a separate confidential envelope, if appropriate).

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Please detail the arrangements proposed to resolve/manage the conflict (details may be included in a separate confidential envelope, if appropriate).

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I, (insert name in full) ____ hereby agree to:

- Update this disclosure throughout the period of my employment period at the Service
- Participate as a member of staff under the guidelines as stated in the Service's Policy Manual.
- Comply with any conditions or restrictions imposed by the Nominated Supervisor/Approved Provider to manage, mitigate or eliminate any actual, potential or perceived conflict of interest.

Signed: _______________________________ Date: _______________