

Governance and Management



Review Date: 25/06/2020

Introduction

Governance is the system or process by which organisations are directed, controlled and held accountable to ensure that the right decisions are made.

Evans Head Preschool Association Inc. 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.

Goals – What are we going to do?

Our education and care service is committed to ensuring good governance and accountability to its stakeholders by:

- ▶ Conducting our affairs legally, ethically and with integrity, ensuring compliance with our Constitution and all funding, regulatory and legislative requirements placed on the organisation.
- ▶ Remaining solvent and complying with our financial obligations.
- ▶ Identifying organisational risks and legal obligations and managing these.
- ▶ Ensuring mechanisms are in place for fair and transparent governance.

Strategies – How will it be done?

ROLES AND RESPONSIBILITIES

Management

The management of Evans Head Preschool Association Inc. is overseen by a Management Committee.

The Management Committee is accountable to members for the performance of the organisation.

Management Committee Role

The Management Committee has overall responsibility to members for the sustainability and relevance of the service. The Management Committee will direct its activities towards achieving the organisation's goals and implementing the organisation's Quality Improvement Plan by guiding and monitoring the organisation's business and affairs in line with the objects as set out in the organisation's constitution and in line with the organisation's mission statement and philosophy.

In carrying out its responsibilities, the Management Committee undertakes to maximise the value and contribution of the organisation to the community, and to serve the interests of the organisation's members, employees and families and children using the service. In serving these interests, there is an implicit understanding that the rights of the child are paramount in all decision making.

The Management Committee is the employer and is responsible for the management and control of the organisation as the Approved Provider of education and care under the *Children Education and Care Services National Law 2010* and the *Education and Care Services National Regulations 2011*.

Policies

The Management Committee will:

- ▶ Ensure that a comprehensive set of policies are in place as required under Education and Care Service Regulations and other Regulations and laws that the service must comply with;
- ▶ Ensure that these policies comply with relevant legislation;
- ▶ Update these policies on a regular basis;
- ▶ In accordance with R.172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

Compliance Measures

The Management Committee will:

- ▶ Ensure that the organisation's constitution is followed at all times;
- ▶ Ensure that the constitution and NSW Association Incorporation Act 2009 is reviewed at least every three years;
- ▶ Ensure that each new member of the Management Committee is provided with a copy of the organisation's constitution and Quality Improvement Plan on their appointment to the Management Committee.

Management Committee Responsibilities

The Management Committee oversees 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 director, an employee or other person.

The Management Committee delegates the responsibility of implementing the strategic plan and day-to-day management of the organisation to the service's Director.

In discharging its powers, each Management Committee member will be bound by the Constitution and all policies of the organisation.

The Management Committee's authority includes:

- ▶ Overseeing the organisation including its control and accountability systems;
- ▶ Appointing or replacing the Director;
- ▶ Ratifying the appointment of all staff members;
- ▶ Developing organisational strategy and performance objectives;
- ▶ Reviewing, ratifying and monitoring systems or risk management and internal control, codes of conduct, and legal compliance;
- ▶ Monitoring the Director's performance and implementation of strategy;
- ▶ Approving and monitoring financial and other reporting;
- ▶ Authorising appropriate delegations within the organisation;
- ▶ Ensuring appropriate resources are available to carry out the organisation's functions; and
- ▶ Approving and monitoring the progress of major capital expenditure.

RISK MANAGEMENT

The Management Committee will:

- ▶ Ensure the organisation operates with and to a valid Constitution/Association Incorporation Act and that all governance and management practices of the Management Committee and staff align with the Constitution/Association Incorporation Act.
- ▶ Demonstrate achievement of this through accessible meeting minutes.
- ▶ Make provision for committee members to receive ongoing support and professional development in the implementation of effective and evidence based governance practice.

Related Legislation

Education and Care Services
National Law Act 2010

Education and Care Services
National Regulations 2011:
Regulations 168(2)

NSW Association Incorporation
Act 2009

Related guidelines, standards and frameworks

National Quality Standard,
Quality Area 7: Leadership and
Service Management –
Standards 7.1.1, 7.1.2, 7.1.3,
7.2.1, 7.2.3.

Related Policies

- Mission Statement
- Service Philosophy
- Employee Orientations
- Determining the Responsible Person
- Family Participation and Communication
- Equal Employment Opportunity
- Priority of Access
- Payment of Fees
- Complaints and Feedback
- Privacy
- Risk Management and Financial Procedures
- Correspondence Procedure

CODE OF CONDUCT

The Management Committee members will:

- ▶ Commit themselves as 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 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;
- ▶ Respect the confidentiality appropriate to issues of a sensitive nature;
- ▶ Work in partnership with the service Director to make decisions whilst respecting his/her boundaries and professional role within the organisation.
- ▶ Ensure that families and staff, as essential stakeholders in the policy review process, are given opportunity and encouragement to be actively involved.

Adopted by the Management Committee

Signed by: Belinda Fayle, President

Date Signed: 25/06/2018

REVIEW DATE: 25/06/2020

Governance

The National Quality Framework (NQF)

All preschools in Australia operate under an Australian Governmental Quality Framework called the “*National Quality Framework*” (NQF).

The Law

The foremost component of the NQF is the National Law called “*Children (Education and Care Services National Law Application) Act 2010*”. This Law regulates education and care services for children.

The Regulations

The way that this law is applied is detailed through the “*Education and Care Services Regulations*”. These regulations are the practical details and rules under the law (A Really Simple guide to The New Regulations. Community Childcare Cooperative 2011:3). Amongst other things, the Regulations set out the minimum operational requirements of an Early Education and Care Service.

The National Quality Standards (NQS)

The NQS is a schedule to the National Regulations (The Guide to the National Quality Framework, ACECQA:9). The NQS is part of the Regulations.

The Learning Framework

NQS 1.1 prescribes that the educational program and practice i.e. curriculum decision making must be based upon the approved learning framework. The approved learning framework for preschools in NSW is the Early Years Learning Framework called “*Belonging, Being & Becoming*” (DEEWR, 2009). This document is generally referred to as the “*EYLF*”.

The aim of the ELYF is to extend and enrich children’s learning from birth to 5 years and through the transition to school. It assists services to provide young children with opportunities to maximise their potential and develop a foundation for future success in learning (Guide to the NQF, ACECQA, 2011:10).

The Australian Children’s Education and Care Quality Authority (ACECQA)

ACECQA is the national body jointly governed by the Australian Government and state and territory governments to oversee the NQF system.

NSW Department of Education (DoE)

Under the NQF, each state and territory has its own *Regulatory Authority* that has primary responsibility for the approval, monitoring and quality assessment of services in their jurisdiction in accordance with the national legislative framework and in relation to the NQS (Guide to the NQF, ACECQA, 2018). In NSW, the Department of Education is the *Regulatory Authority*.

Approved Provider

Our preschool operates under a community-based not-for-profit model of management. This means that we have a Management Committee (comprised of parents of enrolled pre-school children and other community members) and, any profits made by the preschool are fed back into the service. The management committee of the preschool is referred to as the “*Approved Provider*” under the Regulations. Our preschool is an Incorporated Association. This is the pre-school’s business structure.

Management Committee

The *Approved Provider* or the Management committee is responsible for the overall performance of the organisation. They determine the service’s mission and purpose, set the strategic directions of the organisation, that is, develop the service’s strategic plan, appoint and monitor the performance of the director/nominated supervisor, ensure staff are employed in accordance with industrial obligations, ensure compliance with legal obligations, ensure the ongoing financial sustainability of the service, monitor and evaluate the service’s performance against the strategic plan (including the committee’s own performance), enhance the profile of the service in the community and recruit and orient new committee members. (*Community Connections Solutions Australia Fact Sheet, “Roles and Responsibilities of the Committee/Board”*).

The Management Committee operates under the NSW Associations Incorporation Act 2009, and our Constitution. Therefore, we have Executive committee member roles of President, Vice President, Treasurer and Secretary, as well as 3 ordinary committee members. These positions are annually elected and filled at each Annual General Meeting (AGM) during March.

Pre-School Director

While the Director fills the role of Public Officer, he/she does not have voting rights at committee meetings, however, he/she forms an integral part of the management team. In children’s services, the Director is employed to:

- manage the day to day operations of the service including supervising other staff;
- provide relevant and up-to-date information to the committee to assist with their decision-making;
- work in partnership with the committee to achieve the service’s mission and purpose;
- and report to the committee on progress against the service’s strategic plan.

The Director of the preschool is the expert in regards to the pedagogy of the centre and informs the Management Committee through knowledge.

Responsible Person

The National Law requires service providers to ensure that at all times the service is educating and caring for children, there is a *responsible person* present at a centre-based service. A Responsible Person is either:

- The *Approved Provider*
- The *Nominated Supervisor*
- The *person placed in day-to-day charge*.

Nominated Supervisor

The committee nominates an educational staff member (usually the director) to be the Nominated Supervisor of the service. They are responsible for the operation of the service along with the approved provider and for ensuring it is following the Law and Regulations. (Community Childcare Cooperative, Really Simple Guide the New Regulations, 2011:7).

A person placed in day-to-day charge of the service

Appointing a person in day-to-day charge enables there to be a responsible person at the centre-based service at all times the service is educating and caring for children. For example, they can be a point of contact for parents and staff in the absence of the Nominated Supervisor.

The person must give consent.

They must meet minimum requirements to be appointed to the role. Being in day-to-day charge of a service does not place any additional legal responsibilities on a person under the National Law. The responsibilities relevant to educators under the National Law continue to apply.

An Approved Provider does not have to appoint a person in day-to-day charge if a Nominated Supervisor or Approved Provider is to be the Responsible Person.

A person in day-to-day charge must be 18 years or older. The Approved Provider or the Nominated Supervisor must take reasonable steps to ensure the person:

- has adequate knowledge and understanding of the provision of education and care to children;
- has an ability to effectively supervise and manage an education and care service;

The Approved Provider or the Nominated Supervisor must have regard to:

- The person's history of compliance with the National Law and other relevant laws;
- Any decision under the Law to refuse, suspend, refuse to renew, or cancel a licence, approval, registration, certification or other authorisation granted to the person under the National Law and other relevant laws.

A person who previously consented to be in day-to-day charge of the service will not need to provide consent again from 1 October 2017.

(National Quality Agenda Review/ Responsible Person requirements for Approved Providers, ACECQA, 30 August 2017).

Educational Leader

Under the National Law: Section 169 and the National Regulations: Regulations 118, 148 the Approved Provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, coordinator or other individual as *Educational Leader* at the service, to lead the development and implementation of educational programs in the service.

According to Community Childcare Co-operatives Educational Leader fact sheet; an educational leader, through a collaborative process with educators, families and the community will guide the development of the program of learning and education for children. They will also assist with educator growth in reflection and the understanding of children's learning and development. This role is key to sound practice in the education and care of children – it is a role of great significance and importance.

Early Childhood Australia Association (ECA) Code of Ethics

A Code of Ethics is a set of statements about appropriate and expected behaviour of members of a professional group and, as such, reflects its values.

The Early Childhood Australia *Code of Ethics* was first developed in 1990 by a national working party, with considerable input from the early childhood field. The 2003-06 Code of Ethics Agenda resulted in a *Code of Ethics*, which was endorsed at Early Childhood Australia's National Council meeting in September 2006. The current version of the ECA Code of Ethics was published in 2016.

The *Code of Ethics* is owned by the field, rather than imposed upon it.

(Source: http://www.earlychildhoodaustralia.org.au/code_of_ethics)

You will find a copy of the ECA Code of Ethics displayed in the service. It is expected that at all times you will uphold the principles and values within it.