

GOVERNANCE AND MANAGEMENT POLICY

AIM:

Clarence Family Day Care will provide a quality education and care service and will operate according to all legal requirements. It will make every effort to reflect the special nature of the community and will encourage family input and take into account family, children's, educators and staff needs in the operation of the service. The approved provider will ensure that decisions are made in a legitimate way and in the best interest of the service.

RATIONALE:

Clarence Family Day Care understands the legal responsibilities associated with setting up and operating a service. The Approved Provider has a legal responsibility to:-

- comply with Family Assistance Law and Education and Care Services National Law;
- account for Australian Government funds;
- ensure the fitness and propriety of all people who represent the scheme, including management committee members, staff and any nominated or certified supervisor in day to day charge of the service;
- comply with any Australian Government funding agreements; and
- ensure the service remains financially viable.

The service also understands its responsibility to maintain appropriate governance arrangements for the service that reflect the legal status and authority to hold a provider approval and service approval, and to effectively manage the service.

It is a general requirement of the Australian Government that education and care services meet one of the following organisational types:

- community based organisations incorporated under the relevant state legislation;
- companies formed under corporations law;
- sole proprietor and owner operators with ABN and registered business name;
- partnerships or trusts which are required to provide evidence of Agreements or Deeds.

National Quality Framework

Education and Care Services National Law 2010 - the following sections of the Law are relevant to governance and management of the service: Provider Approval; Service Approval; Supervisor Certificates; Operating an Education and Care Service; Compliance with this Law; Monitoring and Enforcement

Education and Care Services National Regulation 2011 - Sections on: Provider Approval; Service Approvals; Supervisor Certificates; and also Regulations: 75 (a) (b); Part 4.7 - Leadership and Service Management;

National Quality Standard for Early Childhood Education and Care and School Age Care 2010
Standard 7.1; Standard 7.2; Standard 7.3

Early Years Learning Framework for Australia

Framework for School Age Care in Australia

Procedures

- The approved provider will ensure that the organisation is properly set up and operates in accordance with relevant legislation and in a financially responsible manner.
- The approved provider will ensure all members of the management team are oriented into the roles and responsibilities of maintaining the legal operation of the service.
- Families will be actively encouraged to participate in the management of the service through:
 - participation in committees and advisory groups;
 - providing feedback through surveys, and other communication strategies;
 - involvement in service activities and community events.
- The Approved Provider is responsible to the regulatory authority for ensuring that the service operates in accordance with the conditions of approval. This includes ensuring that a Nominated Supervisor or certified person in day to day charge of the service is available to support educators; the design, safety and maintenance of the coordination unit premises; that educators, coordinators, administration staff and other persons who have contact with children are fit and proper; that appropriate policies, procedures and records are in place.
- The Approved Provider is responsible to notify the regulatory authority of those circumstances set down within the Education and Care Services National Law in relation to changes that may require amendments to provider approval, service approval, supervisor certificates or nominated supervisor status.
- The Approved Provider is responsible for ensuring that effective strategies and resources are in place to allow the nominated supervisor to realistically achieve his/her role as required by the Education and Care Services National Regulations. This will include:
 - facilitating effective communication between the nominated supervisor and the approved provider;
 - the availability of adequate human and physical resources to meet the provisions of the regulations such as effective policies and procedures;
 - the availability of adequate financial resources to meet the provisions of the regulations;
 - the performance management and professional development of the nominated supervisor.
- The Nominated Supervisor is the person who is present at the service to:
 - effectively communicate with the approved provider about any matters that may affect the approved provider's ability to comply with the regulations;
 - oversee effective excursion plans to ensure the safety of children attending;
 - report allegations of abuse, injury or illness to the relevant child protection authority as required by the regulations.
- The Scheme Manager is the person responsible for the effective supervision and control of the education and care service, and takes responsibility for:
 - professional development, supervision and performance management of educators/staff,
 - facilitating the development and implementation of appropriate learning and development programs for the children attending the service;
 - maintaining up to date policies and procedures as required by the regulations;
 - ensuring at least the minimum educator to child ratios as required by the regulation;
 - facilitating communication between educators and families;
 - ensuring children's records such as enrolments, emergency contacts, medical and development progress, are kept up to date;

- The Approved Provider will ensure the philosophy or statement of principles reflects the needs and values of those people for whom the service exists eg. children, families, educators, staff and the community. This will be done by evaluating the statement at least annually. The Approved Provider will also ensure the operation of the service is consistent with the philosophy of the service.
- Policies and procedures will be regularly updated to ensure they meet current needs. Adopted policies and procedures will be followed by everyone within the service.
- Decisions about the overall management of the service will be made in consultation with stakeholders. This will be achieved through surveys, discussions with individuals and at advisory group meetings, involvement in policy review and evaluation of quality improvement plans. The best interests of the service will always take priority in determining decisions.
- A process of appeal will be included in parent and educator handbooks should anyone wish to question a decision of the approved provider.
- Responsibility for the day to day management of the service is delegated to the Scheme Manager, the Nominated Supervisor and or other certified person/s placed in day-to-day charge of the service. Any matters that are determined to be of a significant nature will be brought to the attention of the Approved Provider for discussion as soon as practicable. Where urgent decisions need to be made at short notice an agreed procedure for dealing with urgent business will be followed.
- Communication between the Management Committee and staff in relation to their work or the operation of the service will be via the scheme manager/nominated supervisor, or a staff liaison officer (nominated from the management committee). Individual committee members, when they are at the service, will not have direct authority over staff members.
- Committee members will have due regard for the harmonious operation of the service when requesting access to the service's resources, records etc. for the purpose of fulfilling their committee responsibilities. All requests for access will be made through the scheme manager or nominated supervisor, who will determine a mutually convenient time. The service policy on Confidentiality and Privacy will be strictly observed.
- Confidentiality will be maintained at all levels by all committee members.
- Committee meetings will be conducted in accordance with the Law, and in line with the Association's Rules/Constitution. All members of the Association are welcome to attend General Meetings which will be held on a regular basis. If an ordinary Association member, who is not on the Management Committee, wishes to attend a Management Committee meeting to raise an issue for discussion, they must write to the Management Committee to ask that their issue be included on the agenda. They will then be invited to attend the meeting to speak to their agenda item only. As much of the work of the Management Committee is of a confidential nature the ordinary Association Member may not be permitted to stay for the remainder of the meeting. The Management Committee will make decisions regarding who may be present at the meeting during potentially confidential discussions.
- Association Members must declare a conflict of interest where one exists. Declared conflicts of interests will be documented by the Secretary of the Association.

- The minutes of all meetings are available to members of the Association and will be posted on the noticeboard in the scheme office.
- Association members may call a special General Meeting in accordance with the Association's Constitution to address specific issues or grievances.
- Some of the work of the committee will be achieved through sub-committees. Membership of certain sub-committees may be open to all members of the Association and/or other invited professionals. Families will be actively encouraged to participate. Sub-committees must present their recommendations to the management committee for endorsement prior to any action. Sub-committees cannot make decisions or act on behalf of the service without management committee endorsement.
- Management committee members will be asked to identify their training needs and encouraged to attend relevant training to enhance their skills and participation in committee tasks. The management committee will ensure provisions for committee member training and development is included in the annual budget. These provisions will include reimbursement for childcare fees, travel, phone etc.
- All management committee members should be aware of the scheme's grievance procedure and should conflict arise the grievance procedure should be set in place and all steps adhered to. Where parties cannot resolve issues a mediator may be contracted to assist in resolving the conflict.

Key Resources: *PSC National Alliance Policy Template 2012.*

Relevant Legislation and Government Requirements:

Privacy Act 1988

Family Assistance Law

Corporations and Associations Law

Fair Work Act 2009

Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011