

# Governance and Management of Service

## QUALITY AREA 7: GOVERNANCE AND LEADERSHIP

### Introduction

Governance is the system or process by which Preschools are directed, controlled and held accountable to ensure that the right decisions are made. Nimbin Community Preschool recognises the importance of having a framework of rules, relationships, systems and processes within and by which authority is exercised and controlled in the Preschool. We view good governance and management as essential to our provision of quality education and care in a responsible manner.

### Goals

To ensure our Preschool has good governance and accountability to those who rely on us we will:

- Conduct our affairs legally, ethically and with integrity, ensuring compliance with all funding, regulatory and legislative requirements;
- Remaining solvent and complying with all our financial obligations;
- Identify organisational risks and legal obligations and manage these through policies and relevant processes;
- Ensure that mechanisms are in place for fair and transparent governance; and
- Ensuring that safety, health and wellbeing of children remains paramount

### Strategies / How will it be done?

#### Management

##### *Management Committee Role*

Our preschool is managed by a Management Committee (Board) made up of community members, most of whom are parents. The membership elects the management committee and the committee is accountable to the membership.

It has a constitution that specifies objectives (aims) and rules. The management committee employs a director or coordinator who is responsible for day-to-day issues and decision making including the supervision of staff.

The Management Committee has overall responsibility to members for the sustainability and relevance of the service. The Management will direct its activities towards achieving the Preschool's goals and implementing the Self assessment by guiding and monitoring the Preschool's business and affairs in line with the objects as set out in the Preschool's constitution, policies and philosophy.

In carrying out its responsibilities, the Management Committee undertakes to maximise the value and contribution of the Preschool to the community, and to serve the interests of the Preschool'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.

As an incorporated association, the Management Committee is the employer of all staff of the Preschool and are responsible for the management and control of the Preschool 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 policies and procedures enhance children's safety.
- Ensure that these policies comply with relevant legislation; and
- Update these policies on a regular basis to ensure legislative requirements.

### *Compliance Measures*

The Management Committee will:

- Ensure that mechanisms are in place, such as compliance tools and a compliance calendar, to assist them in assessing that the organisation's policies are implemented

### *Constitution*

The Management Committee of the Association will:

- Ensure that the Preschool's constitution/articles of association is/are followed at all times;
- Ensure that the constitution/ articles of association are reviewed at least every three years; and
- Ensure that each new member of the Management Committee is provided with a copy of the Preschool's constitution and delegations policy on their appointment to the Management Committee.

### *Management Committee Powers*

The Management Committee sets the strategic direction and monitors the performance of the Preschool. The Management Committee will provide effective governance to ensure excellent overall management of the Preschool'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 any other person.

The Management Committee delegates the responsibility of implementing the Quality Improvement Plan and day-to-day management of the Preschool to the Director/Nominated Supervisor.

In discharging its powers, each Management Committee member will be bound by the Associations Act/Corporations Act, the Constitution and all policies of the Preschool.

### The Management Committee's authority includes:

- Overseeing the Preschool including its control and accountability systems;
- Appointing and removing the Director / Nominated Supervisor
- Ratifying the appointment of all staff members;
- Developing Preschool strategy and performance objectives;
- Reviewing, ratifying and monitoring systems of risk management and internal control, codes of conduct, and legal compliance;
- Ensuring the Director's performance is monitored
- Approving and monitoring financial and other reporting;

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- Authorising appropriate delegations within the Preschool;
- Ensuring appropriate resources are available to carry out the Preschool's functions; and
- Approving and monitoring the progress of major capital expenditure.

### *Approved provider responsibilities*

- Adopt quality governance and management processes, procedures and practices, in line with the National Quality Standard, especially Quality Area 7 – Governance and leadership.
- Ensure that obligations under the Education and Care Services National Law and National Regulations are met, as well as all other laws relevant to governance and management of the service.
- Ensure that all reporting and reporting requirements are met regarding the National Quality Framework, family assistance, taxation, child protection, and other relevant laws.
- Notify the regulatory authority about the approved provider and operational changes, and changes in relation to the nominated supervisor.
- Notify the regulatory authority about changes to the 'fit and proper' status of the approved provider.
- Notify any serious incidents, and complaints relating to a serious incident or that the Law has been contravened.

### *Risk Management*

#### The Management Committee will:

- Ensure the Preschool operates with and to a valid Constitution and that all governance and management practices of the Management Committee and staff align with the Constitution; and
- Demonstrate achievement of this through accessible meeting minutes and Management Committee self-assessments.
- Assist Board members to receive ongoing support and professional development in the implementation of effective and evidence-based governance practice.
- Ensure systems and processes promote a child safe culture and include preventative and protective actions to support child safeguarding. Establish systems of risk management, financial and internal control, and performance reporting.
- Monitor management and financial performance to ensure the solvency, financial strength and good performance of the service.

### *Code of Conduct*

#### Management Committee members will:

- Commit themselves 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 Preschool when acting as a Management Committee member;
- Avoid conflicts of interest with respect to their role;
- Annually disclose their involvement with other Preschools or companies that currently do business or may do business with the Preschool;

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- 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; and
- Respect the confidentiality appropriate to issues of a sensitive nature.

## Schedule of delegation

FINANCIAL MANAGEMENT			
FUNCTION	RESPONSIBILITY	PROCESS	APPROVAL
Annual Audit Report	Director/ Administrator	Director and Administrator liaise with Auditor	Management Committee
Acquittals	Director/ Administrator	Management Committee, Director and Administrator	Management Committee
Annual Budget	Director/ Administrator	Prepared by Director, submitted to the Management Committee for approval at the beginning of the Preschool FY	Management Committee
Bad Debt Write-off	Administrator	As recommended by Auditor/Administration Officer. Report to Management Committee	Management Committee
Client Fee Schedule	Director/ Administrator	Fee Schedules developed by Director and Administrator	Management Committee
Funding Applications	Director	Director to prepare applications, Administrator/Committee to assist in identifying funding where possible	Management Committee
Funding Agreements & Variations	Management Board	Reviewed by Director	Management Committee
Monthly Financial Reports	Administrator	Reviewed and presented by Treasurer to Management Board meeting	Management Committee
Opening/closing of bank accounts	Accounts signatories	Management Committee, Director and Administrator	Management Committee
Payroll Approval & Payment	Administrator	Pay run generated by Administrator and approved by Director via on-line banking	Director
Superannuation Approval & Payment	Administrator	Generated by Administrator and approved by Director via on-line banking	Director
Insurance Premiums	Administrator	Policy renewals reviewed by Director	Director
Purchase Approvals up to \$1000	Administrator	Purchases by employees discussed and budgeted. Approved by Director	Director
Purchase Approvals over	Administrator	Purchases to be discussed with Management board	Management Committee

<b>FINANCIAL MANAGEMENT</b>			
<b>FUNCTION</b>	<b>RESPONSIBILITY</b>	<b>PROCESS</b>	<b>APPROVAL</b>
\$3000		<p>To follow the below approvals with signoff by management committee</p> <ul style="list-style-type: none"> <li>• Purchases over \$3000 to have one quote</li> <li>• Purchases over \$5000 to have one quote</li> <li>• Purchase over \$10 000 to have two quotes</li> </ul> <p>All purchases over \$1000 must be presented to the management committee at a scheduled meeting with appropriate documentation and details.</p>	

<b>PLANNING AND REPORTING</b>			
<b>FUNCTION</b>	<b>PREPARATION</b>	<b>PROCESS</b>	<b>APPROVAL</b>
Monthly Report to Management Committee	Director	Director provides monthly report summarising key activities of Pre-school	Management Committee
Management Committee Meeting Agendas	President	Developed in consultation with Director & submitted to the Management Committee prior to meeting	Management Committee
Staff Meetings	Director	Director prepares agenda and facilitates staff meetings. A summary of key issues presented to the Management Committee via the Director's report	Director
Management Committee Meeting Minutes	Administrator/ Secretary	Recorded and distributed digitally by Secretary or Administrator within 1 week of meeting. Accessible hard copy kept on file in office.	Management Committee
Incidents	Employees	In accordance with Incident reporting policy. Director to report summary to the Management Committee as required	Management Committee
Complaints	Director	In accordance with Complaints Policy. Director to report summary including resolution to the Management Committee as required	Management Committee

<b>PLANNING AND REPORTING</b>			
<b>FUNCTION</b>	<b>PREPARATION</b>	<b>PROCESS</b>	<b>APPROVAL</b>
Policies and Procedures	Director	Director prepares and reviews policy and procedure in consultation with Management Committee, Policy, Register and Regulations	Management Committee
Quality Improvement Planning	Director	Director to prepare in consultation with Employees, families, and Management Committee. Director to submit draft of QIP to Management Committee.	Management Committee

<b>LEGAL RESPONSIBILITIES</b>			
<b>FUNCTION</b>	<b>PREPARATION</b>	<b>PROCESS</b>	<b>APPROVAL</b>
Amendments to organisation rules	Management Committee, Secretary	Discussed and recommended at Management Committee meeting	Members
Annual General Meetings, General Meetings and Special Resolutions	Management Committee, Secretary	Discussed and recommended at Management Committee meeting	Members
Annual Returns	Administration Assistant & Director	Submitted following external Audit to Treasurer for appropriate signatures	Management Committee
Management Committee and Executive Minutes	Secretary	Director and Administration Assistant to assist where required	Management Committee
Approved provider	Director, Administration assistant	Management committee complete Approved Provider application forms including Working with Children checks	DEC
Nominated Supervisor, Certified Supervisor, Educational Advisor	Management Committee	Management Committee to nominate Nominated Supervisor, the Certified Supervisor (s) and the Educational Advisor	DEC

<b>EMPLOYMENT &amp; HUMAN RESOURCES</b>			
<b>FUNCTION</b>	<b>PREPARATION</b>	<b>PROCESS</b>	<b>APPROVAL</b>
Contract of Employment – Other than Director	Director	Director to draft all employment contracts to be presented to the management committee	Management committee
Variations to contracts including hours, pay – other than Director	Director	Director to present any proposed changes to the management committee including budget implications	Management Committee
Variations to contracts including hours, pay – Director	President	President to present any proposed changes to the management committee including budget implications	
Employment Contracts – Director	President/ Administration Officer	In consultation with Management Committee	Management Committee
Job Descriptions – Other than Director	Director	In consultation with Director	Director
Job Descriptions – Director	President/ Administration Officer	In consultation with Management Committee	Management Committee
Leave approvals < 2 Weeks	Employee	Verbal request to Director	Director
Leave approvals > 2 weeks	Employee	Submitted in writing/ email to Director	Director
Recruitment of staff – other than Director	Director	Per Recruitment Policies and Procedures	Selection Panel
Recruitment of staff – Director	Selection Panel of committee/community members	Per Recruitment Policies and Procedures	Selection Panel
Salary Negotiations	Employees	Work agreement re-negotiated every 3 years. All employees to have input into awards and conditions.	Management Committee
Supervision & Performance Reviews of staff	Director	Annually, using format in policy. Summary report to the Management Committee when completed	Director.
Supervision & Performance Reviews of Director	Management Committee and/or external appointment	Annually, using format designed in Consultation with the Management Committee	Management Committee

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<b>CONTRACTUAL OBLIGATIONS</b>			
<b>FUNCTION</b>	<b>PREPARATION</b>	<b>PROCESS</b>	<b>APPROVAL</b>
Equipment / Maintenance	Director	As per financial delegations for purchase approvals	Director or Management Committee
Funding Agreements & variations	Director/ Administration Assistant	Budgets reviewed by Treasurer, Director and administration assistant	Management Committee
Leases	Director	Director makes recommendation to the Management Committee	Management Committee

<b>EXTERNAL RELATIONS</b>	
<b>FUNCTION</b>	<b>DELEGATION</b>
Media Liaison	Director or President
DECS or other regulatory liaison – Day-to-day service matters	Director
ACECQA – National Quality Standards (Australian Children’s Education and Care Quality Authority)	Director
Representing organisation in public meetings and forums	Director or President

As the Approved Provider of the Preschool Service, the Management Committee has legal responsibilities. Below is summary of the offences under the National Law and National Regulations and how they apply to the Approved Provider. (Source: Guide to the Education and Care Services National Law and the Education and Care Services National Regulations 2001 ACECQA).

### Summary of offences under the National Law

Offence	Reference	Approved Provider	Nominated Supervisor	Family Day Care Educator	Staff member	Infringement Notices
Provide an education and care service without service approval	Section 103	✓				
Advertise a service without service approval	Section 104	✓				
Claim to be a Certified Supervisor without a Supervisor Certificate	Section 132		✓		✓	
Operate a service without Nominated Supervisor	Section 161	✓				
Operate a service without responsible person present (Centre-based service only)	Section 162	✓				
Fail to employ or engage at least one family day care co-ordinator (Family day care service only)	Section 163	✓				
Fail to provide support to family day care educators	Section 164	✓				
Inadequate supervision	Section 165	✓	✓	✓		
Inappropriate discipline	Section 166	✓	✓	✓	✓	
Fail to protect children from harm and hazards	Section 167	✓	✓	✓		
Fail to provide required program	Section 168	✓	✓			
Fail to meet minimum staffing requirements, including ratios and qualifications	Section 169	✓	✓	✓		
Allow unauthorised person to remain on premises	Section 170	✓	✓	✓		
Fail to comply with direction to exclude inappropriate person	Section 171	✓	✓	✓		
Fail to display prescribed information	Section 172	✓				✓
Fail to notify circumstances to the Regulatory Authority	Section 173	✓				✓

Offence	Reference	Approved Provider	Nominated Supervisor	Family Day Care Educator	Staff member	Infringement Notices
Fail to notify information to the Regulatory Authority	Section 174	✓				
Fail to keep enrolment and other documents	Section 175	✓		✓		
Compliance Directions	Section 176	✓				✓
Engage person to whom prohibition notice applies	Section 188	✓				
Obstruct an authorised officer	Section 207	Any or all persons				
Fail to assist an authorised officer	Section 208	Any or all persons				
Destroy or damage notices or documents	Section 209	Any or all persons				
Impersonate an authorised officer	Section 210	Any or all persons				
Fail to comply with notice or requirement	Section 217	Any or all persons				
Hinder or obstruct Regulatory Authority	Section 218	Any or all persons				

### Summary of offences under the National Regulations

Offence	Approved Provider	Nominated Supervisor	Family Day Care Educator	Infringement Notice	Compliance Direction	Max Penalty
Quality Improvement Plans (Regulation 55)	✓				✓	
Offences in relation to giving false or misleading statements about ratings (Regulation 72)	✓				✓	\$2000
Record of child assessments or evaluations for delivery of education program (Regulation 74)	✓				✓	
Information about education program to be kept available (Regulation 75)	✓				✓	
Health and hygiene practices and safe food practices (Regulation 77)	✓	✓	✓	✓	✓	\$2000
Access to safe drinking water and regular food and beverages (Regulation 78)	✓	✓	✓		✓	\$2000
Service providing food and beverages (Regulation 79)	✓	✓	✓		✓	\$2000
Weekly menu (Regulation 80)	✓	✓	✓	✓	✓	\$1000
Sleep and rest (Regulation 81)	✓	✓	✓		✓	\$1000

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Offence	Approved Provider	Nominated Supervisor	Family Day Care Educator	Infringement Notice	Compliance Direction	Max Penalty
Tobacco, drug and alcohol free environment (Regulation 82)	✓		✓		✓	\$2000
Staff members not to be affected by alcohol or drugs (Regulation 83)	✓	✓	✓	✓	✓	\$2000
Awareness of child protection law (Regulation 84)	✓				✓	\$1000
Notification to parents of incident, injury, trauma and illness (Regulation 86)	✓			✓		\$2000
Infectious diseases (Regulation 88)	✓			✓		\$2000
First aid kits (Regulation 89)	✓		✓	✓	✓	\$2000
Medical conditions policy to be provided to parents (Regulation 91)	✓				✓	
Administration of medication (Regulation 93)	✓	✓	✓			\$2000
Emergency and evacuation procedures (Regulation 97)	✓			✓	✓	\$2000
Telephone or other communication equipment (Regulation 98)	✓			✓	✓	\$1000
Children leaving the education and care service premises (Regulation 99)	✓	✓	✓			\$2000

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Offence	Approved Provider	Nominated Supervisor	Family Day Care Educator	Infringement Notice	Compliance Direction	Max Penalty
Risk assessment must be conducted before excursion (Regulation 100)	✓	✓	✓			\$2000
Authorisation for excursions (Regulation 102)	✓	✓	✓			\$1000
Premises, furniture and equipment to be safe, clean and in good repair (Regulation 103)	✓				✓	\$2000
Fencing and security (Regulation 104)	✓			✓	✓	\$2000
Access to sufficient furniture, materials and developmentally appropriate equipment (Regulation 105)	✓				✓	
Laundry and hygiene facilities (Regulation 106)	✓				✓	
Space requirements- indoors (Regulation 107)	✓				✓	\$2000
Space requirements- outdoor space (Regulation 108)	✓				✓	\$2000
Ventilation and natural light (Regulation 110)	✓				✓	\$2000
Administrative space (Regulation 111)	✓				✓	
Nappy change facilities (Regulation 112)	✓			✓	✓	\$1000

Offence	Approved Provider	Nominated Supervisor	Family Day Care Educator	Infringement Notice	Compliance Direction	Max Penalty
Outdoor space-natural environment (Regulation 113)	✓				✓	
Outdoor space-shade (Regulation 114)	✓				✓	\$1000
Premises designed to facilitate supervision (Regulation 115)	✓				✓	
Assessments of family day care residences and approved venues (Regulation 116)	✓				✓	\$2000
Glass (Regulation 117)	✓				✓	
Educational leader (Regulation 118)	✓				✓	
Family day care educator to be at least 18 years old (Regulation 119)	✓				✓	\$1000
Educators who are under 18 to be supervised (Regulation 120)	✓				✓	\$1000
Relationships in groups (Regulation 156)	✓				✓	
Access for parents (Regulation 157)	✓	✓	✓		✓	\$1000
Residents at family day care residence and family day care educator assistants to be fit and proper persons (Regulation 163)	✓				✓	\$2000

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Offence	Approved Provider	Nominated Supervisor	Family Day Care Educator	Infringement Notice	Compliance Direction	Max Penalty
Requirement for notice of new persons at residence (Regulation 164)	✓				✓	\$2000
Children not to be alone with visitors (Regulation 166)	✓		✓			\$2000
Policies and procedures in place (Regulation 168)	✓				✓	\$1000
Additional policies and procedures for family day care (Regulation 169)	✓				✓	\$1000
Policies and procedures to be followed (Regulation 170)	✓				✓	\$1000
Policies and procedures to be available (Regulation 171)	✓				✓	\$1000
Notification of change to policies and procedures (Regulation 172)	✓				✓	
Prescribed enrolment and other documents to be kept by approved provider (Regulation 177)	✓			✓	✓	\$2000
Prescribed enrolment and other records to be kept by family day care educator (Regulation 178)			✓	✓		\$2000

Offence	Approved Provider	Nominated Supervisor	Family Day Care Educator	Infringement Notice	Compliance Direction	Max Penalty
Confidentiality of records kept by approved provider (Regulation 181)	✓					\$2000
Confidentiality of records kept by family day care educator (Regulation 182)			✓			\$2000
Storage of records and other documents (Regulation 183)	✓				✓	
Law and regulations to be available (Regulation 185)	✓				✓	
Prescribed form of identity card (Regulation 187)	Applies to an authorised officer					\$1000
False or misleading documents (Regulation 191)	Applies to an authorised officer					\$2000

## Mentoring, Evaluation and Review

The Preschool is recognised for effective governance management practices. The Preschool’s philosophy is adhered to, its goals are reached and it continues its quality improvement journey. Preschool risks and legal obligations are identified and managed through policies and relevant processes.

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every two years.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

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.

This policy links to Privacy and Confidentiality policy and our Privacy Collection statement.

## Related Legislation

- Education and Care National Law Act 2010
- Education and Care National Regulations: 168 (2)(1)
- Family Law Act 1975

- Privacy Act 1988 (Privacy Act)

## Related Guidelines, Standards, Frameworks

- National Quality Standard, Quality Area 7: Governance and Leadership – Standards 7.1

## Sources

- ACECQA Guide to the National Quality Framework - [www.acecqa.gov.au/nqf/about/guide](http://www.acecqa.gov.au/nqf/about/guide)
- ACECQA 4 tips for clear service roles and responsibilities - <https://www.acecqa.gov.au/latest-news/blog/4-tips-clear-service-roles-and-responsibilities>
- ACECQA Governance and management Policy Guidelines: <https://www.acecqa.gov.au/sites/default/files/2021-08/GovernanceAndManagementGuidelines.pdf>
- ACECQA Child Safety Culture Guide- <https://www.acecqa.gov.au/nqf-child-safe-culture-guide>

Last review date	Changes made	Next review date	
2023	Review policy		committee
2024	Policy reviewed by current committee	2025	committee
3/9/25	Staff review	2026	staff

Susie reviewed november 2025 – added correct name of privacy and confidentiality policy and statement

Next Review date

November 2027