

GOVERNANCE AND MANAGEMENT OF THE SERVICE POLICY

Mandatory – Quality Area 7

PURPOSE

This policy outlines the duties, roles and responsibilities of the Committee of Management¹ of North Brighton Kindergarten.

POLICY STATEMENT

1. VALUES

North Brighton Kindergarten is committed to ensuring that there are appropriate systems and processes in place to enable:

- good governance and management of the organisation
- accountability to its stakeholders
- compliance with all regulatory and legislative requirements placed on the organisation
- the organisation to remain solvent and comply with all its financial obligations.

2. SCOPE

This policy applies to the Approved Provider, the Committee of Management of North Brighton Kindergarten and all subcommittees of the Committee of Management.

3. BACKGROUND AND LEGISLATION

Background

The governance of an organisation is concerned with the systems and processes that ensure the overall direction, effectiveness, supervision and accountability of a service. Members of the Committee of Management are responsible for setting the directions for the service and ensuring that its goals and objectives are met in line with its constitution, and all legal and regulatory requirements governing the operation of the business are met.

Under the National Law and National Regulations, early childhood services are required to have policies and procedures in place relating to the governance and management of the service, including confidentiality of records (refer to *Privacy and Confidentiality Policy*).

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Associations Incorporation Reform Act 2012 (Vic)*, as applicable to the service
- *Corporations Act 2001*, as applicable to the service
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*: Regulation 168(2)(l)
- *National Quality Standard*, Quality Area 7: Leadership and Service Management
 - Standard 7.3: Administrative systems enable the effective management of a quality service

The most current amendments to listed legislation can be found at:

Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au/>

Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

¹ Also known in some services as Board of Directors or Board of Management etc.

4. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

Actual conflict of interest: One where there is a real conflict between a Committee of Management member's responsibilities and their private interests.

Conflict of interest: An interest that may affect, or may appear reasonably likely to affect, the judgement or conduct of a member (or members) of the Committee of Management or subcommittee, or may impair their independence or loyalty to the service. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage, whether financial or otherwise, and may not only involve the member of the Committee of Management or subcommittee, but also their relatives, friends or business associates.

Ethical practice: A standard of behaviour that the service deems acceptable in providing their services.

Governance: The process by which organisations are directed, controlled and held to account. It encompasses authority, accountability, stewardship, leadership, direction and control exercised in the organisation (Australian National Audit Office, 1999).

Interest: Anything that can have an impact on an individual or a group.

Perceived conflict of interest: Arises where a third party could form the view that a Committee of Management member's private interests could improperly influence the performance of their duties on the Committee of Management, now or in the future.

Potential conflict of interest: Arises where a Committee of Management member has private interests that could conflict with their responsibilities.

Private interests: Includes not only a Committee of Management member's own personal, professional or business interests, but also those of their relatives, friends or business associates.

5. SOURCES AND RELATED POLICIES

Sources

- ELAA *Early Childhood Management Manual, Version 2 2013*
- Our Community: www.ourcommunity.com.au
- Justice Connect: <http://www.justiceconnect.org.au/>

Service policies

- *Code of Conduct Policy*
- *Complaints and Grievances Policy*
- *Privacy and Confidentiality Policy*

PROCEDURES

The Approved Provider is responsible for:

- ensuring that the service has appropriate systems and policies in place for the effective governance and management of the service.

CORE ELEMENTS OF THE GOVERNANCE MODEL

Core structural elements of the Governance model is outlined in Attachment 2.

The following are the core elements of the governance systems at North Brighton Kindergarten for which the Committee of Management is responsible:

Stewardship/custodianship

Ensure:

- the service pursues its stated purpose and remains viable
- budget and financial accountability to enable ongoing viability and making best use of the service's resources
- the service manages risks appropriately.

Leadership, forward planning and guidance

Provide leadership, forward planning and guidance to the service, particularly in relation to developing a strategic culture and directions.

Authority, accountability, and control

- Monitor and oversee management including ensuring that good management practices and appropriate checks and balances are in place.
- Be accountable to members of the service.
- Maintain focus, integrity and quality of service.
- Oversee legal functions and responsibilities.
- Declare any actual, potential or perceived conflicts of interest (refer to *Definitions* and Attachment 1 – Sample *Conflict of interest disclosure statement*).

LEGAL LIABILITIES OF MEMBERS OF THE COMMITTEE OF MANAGEMENT/BOARD

The Committee of Management at North Brighton Kindergarten is responsible under the constitution to take all reasonable steps to ensure that the laws and regulations relating to the operation of the service are observed. Members of the Committee of Management are responsible for ensuring that:

- adequate policies and procedures are in place to comply with the legislative and regulatory requirements placed on the service
- appropriate systems are in place to monitor compliance
- reasonable care and skill is exercised in fulfilling their roles as part of the governing body of the service
- they act honestly, and with due care and diligence
- they do not use information they have access to, by virtue of being on the Committee of Management improperly
- they do not use their position on the Committee of Management for personal gain or put individual interests ahead of responsibilities.

RESPONSIBILITIES OF THE COMMITTEE OF MANAGEMENT/BOARD

The Committee of Management of North Brighton Kindergarten is responsible for:

- developing coherent aims and goals that reflect the interests, values and beliefs of the members and staff, and the stated aims of the service, and have a clear and agreed philosophy which guides business decisions and the work of the Committee of Management and staff
- ensuring there is a sound framework of policies and procedures that complies with all legislative and regulatory requirements, and that enables the daily operation of the service to be geared towards the achievement of the service's vision and mission
- establishing clearly defined roles and responsibilities for the members of the Committee of Management/Board, individually and as a collective, management and staff, and clearly articulate the relationship between the Committee of Management/Board, staff and members of the service
- developing ethical standards and a code of conduct (refer to *Code of Conduct Policy*) which guide actions and decisions in a way that is transparent and consistent with the goals, values and beliefs of the service

- undertaking strategic planning and risk assessment on a regular basis and having appropriate risk management strategies in place to manage risks faced by the service
- ensuring that the actions of and decisions made by the Committee of Management are transparent and will help build confidence among members and stakeholders
- reviewing the service's budget and monitoring financial performance and management to ensure the service is solvent at all times, and has good financial strength
- approving annual financial statements and providing required reports to government
- setting and maintaining appropriate delegations and internal controls
- appointing senior staff (e.g. the CEO or Director, if the service is large) or all staff (if the service is small), and monitoring their performance
- evaluating and improving the performance of the Committee of Management
- focusing on the strategic directions of the organisation and avoiding involvement in day-to-day operational decisions, particularly where the authority is delegated to senior management staff within the service.

CONFIDENTIALITY

All members of the Committee of Management and subcommittees who gain access to confidential, commercially-sensitive and other information of a similar nature, whether in the course of their work or otherwise, shall not disclose that information to anyone unless the disclosure of such information is required by law (refer to *Privacy and Confidentiality Policy*).

Members of the Committee of Management and subcommittees shall respect the confidentiality of those documents and deliberations at Committee of Management or subcommittee meetings, and shall not:

- disclose to anyone the confidential information acquired by virtue of their position on the Committee of Management or subcommittee
- use any information so acquired for their personal or financial benefit, or for the benefit of any other person
- permit any unauthorised person to inspect, or have access to, any confidential documents or other information.

This obligation, placed on a member of the Committee of Management or subcommittee, shall continue even after the individual has completed their term and is no longer on the Committee of Management or subcommittee.

The obligation to maintain confidentiality also applies to any person who is invited to any meetings of the Committee of Management or subcommittee as an observer or in any other capacity.

ETHICAL PRACTICE

The following principles will provide the ethical framework to guide the delivery of services at North Brighton Kindergarten:

- treating colleagues, parents/guardians, children, suppliers, public and other stakeholders respectfully and professionally at all times
- dealing courteously with those who hold differing opinions
- respecting cultural differences and diversity within the service, and making every effort to encourage and include all children and families in the community
- having an open and transparent relationship with government, supporters and other funders
- operating with honesty and integrity in all work
- being open and transparent in making decisions and undertaking activities, and if that is not possible, explaining why
- working to the standards set under the *National Quality Framework* and all applicable legislation as a minimum, and striving to continually improve the quality of the services delivered to the community

- disclosing conflicts of interest as soon as they arise and effectively managing them (refer to Attachment 1 – Sample *Conflict of interest disclosure statement*)
- recognising the support and operational contributions of others in an appropriate manner
- assessing and minimising the adverse impacts of decisions and activities on the natural environment.

MANAGING CONFLICTS OF INTEREST

Conflicts of interest, whether actual, potential or perceived (refer to *Definitions*), must be declared by all members of the Committee of Management or subcommittee, and managed effectively to ensure integrity and transparency (refer to Attachment 1 – Sample *Conflict of interest disclosure statement*).

Every member of the Committee of Management or subcommittee has a continuing responsibility to scrutinise their transactions, external business interests and relationships for 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:

- whenever there is a conflict of interest, as defined in this policy, the member concerned must notify the President of such conflict, as soon as possible after identifying the conflict
- the member who is conflicted must not be present during the meeting of the Committee of Management or subcommittee where the matter is being discussed, or participate in any decisions made on that matter. The member concerned must provide the Board or committee with any and all relevant information they possess on the particular matter
- the minutes of the meeting must reflect that the conflict of interest was disclosed and appropriate processes followed to manage the conflict.

A *Conflict of interest disclosure statement* (refer to Attachment 1) must be completed by each member of the Committee of Management and subcommittee 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 President, and revise the disclosure statement accordingly.

All violations of the requirement to disclose and manage conflicts shall be dealt with in accordance with the constitution of North Brighton Kindergarten.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Committee of Management will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

ATTACHMENTS

- Attachment 1: Sample *Conflict of interest disclosure statement*
- Attachment 2: Structural elements of the NBK Governance Model
- Attachment 3: NBK Organisational structure

AUTHORISATION

This policy was adopted by the Approved Provider of North Brighton Kindergarten on Monday 4th Dec, 2017.



REVIEW DATE: OCTOBER 2019



ATTACHMENT 1
Sample Conflict of interest disclosure statement

Name (in full):	
Postal address:	
Position on Committee of Management or subcommittee	

Declaration:

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).

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

I, (insert name in full)

hereby agree to:

- update this disclosure throughout the period of my tenure on the Committee of Management or subcommittee of North Brighton Kindergarten.
- co-operate in the formulation of a *Conflict of interest management plan*, as required.
- comply with any conditions or restrictions imposed by the Committee of Management or subcommittee to manage, mitigate or eliminate any actual, potential or perceived conflict of interest.

Signed

Date

ATTACHMENT 2

Structural elements of the NBK Governance Model

The NBK Constitution (Rules of Association) is the core governance document, defining the purpose and rules, who can be a member of the association and outlining procedures for managing disciplinary actions and responding to the grievances.

The Rules establish the Committee of Management (COM), defining its powers, position tenure and duties of members.

In 2015, the Rules were amended to reduce the membership of the COM to 10. The NBK Parent Committee was established to provide a meeting point for all other committee positions outside of the COM and as a forum for broader discussion.

The Committee of Management

The Committee of Management (COM) manages the business and affairs of the association. The COM does this within the legal requirements of the *Associations Incorporation Reform Act 2012*, *Associations Incorporation Reform Regulations 2012*, and the association's Rules.

The Rules define the composition of the COM to include:

- The Executive
 - President*
 - Vice President*
 - Secretary*
 - Treasurer*
- and up to 6 General Members (including enrolment officers, either one for 3yo and 4yo or just one role for both)

**requires a fit and proper person check*

The kindergarten employs:

- a Bookkeeper who works closely with the Treasurer.
- a HR and administrative officer who supports the COM meet its responsibilities.

The Nominated Supervisor also attends Executive Committee meetings.

Delegation of authority

The Rules set out the authority of the COM for decision making. In special urgent circumstances where a decision cannot wait for the whole COM to meet or have input out of session, the following procedure is in place to allow decision to be made on behalf of the COM:

- *Critically urgent decisions* – authority is delegated to the President, Vice President, or Nominated Supervisor or to the Certified Supervisor in that order. Examples include those that affect the immediate well-being of children, staff or volunteers in attendance,
- *Urgent decisions for attention between COM meetings* – authority is delegated to the Executive of the COM. (examples include managing staffing issues, determining agenda etc)

Delegation of authority is temporary until the matter can be dealt with fully by the COM. The Delegated individual or group must report back to the COM at the earliest convenience or at the latest, at the next meeting of the COM.

Parent Committee

The Parent Committee's principle role is to guide and inform fundraising and social and working bees. The Committee is an important forum for discussing important significant issues facing the kindergarten. Sharing a large number of smaller roles keeps the administrative costs down for the kindergarten and shares the load amongst all parents.

As the Parent Committee is not defined in the Rules, its constitution can continue to evolve depending on the range of skills available and number of volunteers. The roles can include:

- Banking Officer*
- Fundraising officers* (ideally at least 2 people)
- Grants Officer
- Legal Officer
- Mail Secretary*
- Maintenance Officer* (ideally 2 people)
- Parent survey officer*
- Purchasing Officer

- Year level Parent Representatives* (ideally at least two from each 3 and each 4 year old group)

*Denotes essential positions.

The other non-essential positions are filled according to expertise/interest of parent group. Positions can be combined. One person can hold multiple positions.

COMMITTEE ROLE DESCRIPTIONS

President

- Lead strategy and planning of the association
- Chair committee meetings (Refer to constitution)
- Provide leadership and modelling of appropriate behaviour
- Protect reputation of the Association
- Chair COM meetings, AGM and any other general meetings;
- Act as official spokesperson for the Association;
- Have working knowledge of the current legal documents that govern the operation of the service (Ref constitution, Governance folder)
- Coordinate activities of the Committee of Management
- Ensure that Committee members fulfil their roles
- Present the annual report of the COM on the activities of the Association during the last financial year to the members at the Annual General Meeting and
- Guide activities of the Parent Committee
- Complete forms / reporting requirements as requested by DET, ELAA and council.
- Coordinate updating of information booklet, enrolment forms, committee nomination forms etc
- Attend meetings held by DET, City of Bayside or ELAA as required (these are usually held quarterly in the evening, ELAA annually)
- Take part in sub-committees and working groups
- Be involved in any discussions with staff regarding conditions, grievances, performance etc.
- Strive to improve the quality of the service through improved administration
- Deal with any enquiries from parents or potential users of the service if an awkward or difficult situation arises
- Be responsible for dissipating results of the completed Parent survey to Director and relevant committee members
- Provide written reports for kindergarten newsletter
- Be involved in Committee matters

Vice President

- Support and share responsibilities with the President as detailed above
- Take over the role of President, in their absence
- Be involved in Committee matters
- Take part in sub-committees and working groups
- Support all teaching staff as required
- Assist the President with written reports
- Assist the Secretary in the preparation of the agenda for general and executive committee meetings
- Follow up and support individual committee members re tasks
- Update kindergarten policies as required
- Be responsible for associations Quality Improvement Plan
- Oversee Committee handovers

Treasurer

- Ensure that the finances of the Association are controlled and managed in accordance with Rules 64, 65, 66 and 67 of the Constitution
- Oversee any other person appointed by the committee to be responsible for the management of the finances of the Association
- Keep in his or her custody, or under his or her control:
 - The financial records for the current financial year; and
 - Any other financial records as authorised by the Committee
- Ensure compliance with regulatory financial and funding requirements including:
 - Prepare (in conjunction with the Bookkeeper) all documents for the annual audit, financial report and present the audited documents at the AGM
 - File annual financial statements with the Australian Charities and Not-for-Profits Commission
- Prepare monthly review of income and expenditure to ensure it is tracking against budget, including preparation of a monthly finance report for the Committee
- Prepare and present a viable budget for the forthcoming year to the COM for approval in October – this budget must include an adequate surplus to be carried over determined by the outgoing treasurer and the COM
- Attend meetings as required by DET and ELAA
- Ensure insurance is paid and reviewed (in conjunction with the COM) when necessary

Secretary

- Maintain the register of members of the Association
- Keep custody of the common seal maintain all books, documents, and securities of the Association
- Subject to the Constitution and the Act, provide members with access to the register of members, minutes of meetings and other books and documents
- Prepare relevant documentation prior to the committee meetings, develop the agenda with the president, and circulate the minutes of the last meeting with action table promptly
- Ensure members of the association are kept informed about the business and activities of the Association
- Accurately record the minutes of all meetings and related actions, and maintain these appropriately.
- Follow up on action items to ensure they are actioned.
- Manage all outgoing and incoming correspondence, and ensure correspondence is filed
- File all correspondence and minutes once the appropriate procedures have been completed.
- Manage records in accordance with any legal or procedural requirements
- Maintain files and records for the service including the constitution, incorporation rules, policy files, minutes, notices, membership records, copies of all correspondence
- Prepare reports as required, usually in consultation with other members of the Executive
- Attend other relevant meetings as required eg. Bayside Kindergarten Association, ELAA, DET
- Be involved in Committee matters
- Update and maintain committee contact list
- Update handover files for new committee
- Fulfil the responsibilities required of them by the *Associations Incorporation Reform Act 2012*, including submitting annual returns of the association to Consumer Affairs Victoria.
- Return all documents to the committee, when they are no longer the secretary, within 28 days.

Enrolment officers - 3 year old and 4 year old (can be two positions)

- Answer any enquiries from potential users of the service
- Allocate kindergarten places in accordance with centre policy
- Maintain parent contact lists in accordance with privacy policy

- Be responsible for all forms relating to enrolments that are sent to us by the council
- Keep records of numbers enrolled for each year, those that have withdrawn or transferred
- Liaise with the council regarding enrolment procedures and make offers as instructed by the council. The letter of offer should clearly state that if an acceptance is not received by the due date that the place would not be held. Two days before the closing date of each offer anyone who has not responded should be contacted by the telephone to ascertain whether they received the offer and that they understand the conditions
- Attend meetings at the council as required
- Keep the committee informed of the state of enrolments, offer suggestions as to how the procedure may be improved and present feedback on any aspects of the enrolment process
- Market kinder through post-it boards, ads in local school newsletters and other if enrolments are not full

General Member

- Participate in monthly meetings
- Assists other members of the executive as required
- Participate in sub-committees (Grievance Sub-committee, fundraising)
- Assist with policy updates

Banking Officer

- Collection of fee monies and issuing of receipts for credit card payments
- Banking of all money
- Keep a detailed record of a breakdown of all money deposited
- Assist Treasurer as required
- Communicate with the Bookkeeper

Fundraising and social Officers (can be four positions)

- Initiate and organise (with assistance from Parent Reps and in consultation with Director) calendar of social and fundraising events for year and make available ASAP in kinder year.. Ideally, whole kinder events should occur once a term. We should aim for one major fundraiser in the year (eg auction night).
- Organise and run all social and fundraising activities with the help of Parent Reps.
- Be responsible for handing over monies to the Treasurer
- Keep records of all functions held including money raised less outgoing, details of contacts/suppliers, general level of participation/success for future use.
- Provide Social report at each Committee meeting and for publication in newsletter
- Fundraising could provide a service to families (i.e.: book fairs, adhesive labels, tea towels with children, closet clean-out)

Grants Officer

- Consult with teachers and committee in identifying priorities for specific projects
- To apply for community grants in order to fund identified projects
- Establish & work with a sub-committee & teaching staff to implement any new projects
- Network with representative bodies such as ELAA, Bayside Kinder network and Bayside council

IT Liaison

- Assist in any IT matters as required, including the updating of computer systems

Legal Officer

- Liaise between the Committee and legal representatives as and when required
- Assist with policies and contracts as required

Maintenance Officer

- Where possible attend to any maintenance problems that are the kindergarten's responsibility
- Liaise with Bayside Council with maintenance issues that are their responsibility
- Be responsible for coordinating and managing working bees

Mail Secretary

- Collect mail at kinder during the holidays
- Pass all mail to Administration Officer at kindergarten
- communicate with Book keeper if there are any urgent matters that arise

Outdoor projects officer

- Liaise with teachers and Committee to identify outdoor projects.
- Work with Maintenance officer to coordinate and manage working bees

Parent Survey officer

- Be responsible for modifying (where deemed necessary by the committee) current survey
- Advertise and distribute survey to all families (through Parent Paperwork), aiming for a minimum of 50% response
- Be responsible for collating results and handing summary tabled figures and forms over to the Executive Committee. The summary should include tabled figures by group and overall results as well as a comparative list to previous year and a collated list of parent comments
- This is a position that requires a particular commitment to confidentiality

Purchasing Officer

- Arrange purchase of all major kindergarten items (and quotes where necessary)
- Monitor compliance with purchasing policy

Year Parent Representatives (two from each group)

- Initiate and organise own group social events (e.g. per term) such as mums' coffee, parents' nights out, kids play in the park etc.
- Collate information and circulate parent contact information for group early in term 1 and update changes as necessary (in accordance with privacy policy)
- Actively assist with whole kinder social/fundraising activities
- Act as an information source and liaison person between parents and kinder teachers as need arises and at teachers' requests (esp. ensuring rosters are filled at beginning of each term)
- Act as an information source and liaison person between parents and committee
- Be aware of teachers' and assistants' birthdays and purchase flowers and communicate with group families

ATTACHMENT 3

North Brighton Kindergarten Organisational Structure

Figure 1. The NBK Organisational Structure 1.