



# GOVERNANCE AND MANAGEMENT OF THE SERVICE POLICY

Mandatory – Quality Area 7

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## PURPOSE

This policy outlines the duties, roles and responsibilities of the Board of Management (the Board) of Northern Schools Early Years Cluster Inc.

## POLICY STATEMENT

### 1. VALUES

Northern Schools Early Years Cluster Inc. 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 Board of Northern Schools Early Years Cluster Inc. and all subcommittees of the Board.

### 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 Board 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*
- *Victorian Children's Services Assessment of a fit and proper person*

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/>

#### 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/Board 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/Board 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/Board 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.

**Executive:** A group made up of Principals on the sites of the kindergartens that meet prior to the Board.

**Fit and proper person:** A person who is fit and proper to manage or control the children's service in the absence of the licensee.

**Governance:** The process by which organisations are directed, controlled and held to account. It encompasses authority, accountability, stewardship, leadership, directions 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/Board member's private interests could improperly influence the performance of their duties on the Committee of Management/Board, now or in the future.

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

**Private interests:** Includes not only a Board 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*
- Our Community: [www.ourcommunity.com.au](http://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

The following are the core elements of the governance systems at Northern Schools Early Years Cluster Inc. for which the Board 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 Board at Northern Schools Early Years Cluster Inc. is responsible under the to take all reasonable steps to ensure that the laws and regulations relating to the operation of the service are observed. Members of the Board 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 Board improperly
- they do not use their position on the Board for personal gain or put individual interests ahead of responsibilities.

## RESPONSIBILITIES OF THE BOARD

The Board of Northern Schools Early Years Cluster Inc. is responsible for:

- developing coherent strategic 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 Board 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 Board, individually and as a collective, management and staff, and clearly articulate the relationship between the 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 Board 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 the CEO and monitoring their performance
- evaluating and improving the performance of the Board
- focusing on the strategic directions of the organisation and avoiding involvement in day-to-day operational decisions, particularly where the authority is delegated to the CEO.

## CONFIDENTIALITY

All members of the Board 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 Board and subcommittees shall respect the confidentiality of those documents and deliberations at Board or subcommittee meetings, and shall not:

- disclose to anyone the confidential information acquired by virtue of their position on the Board 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 Board or subcommittee, shall continue even after the individual has completed their term and is no longer on the Board or subcommittee.

The obligation to maintain confidentiality also applies to any person who is invited to any meetings of the Board 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 Northern Schools Early Years Cluster Inc.:

- 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 Board, and managed effectively to ensure integrity and transparency (refer to Attachment 1 – Sample *Conflict of interest disclosure statement*).

Every member of the Board 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 Chair 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 Board 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 Board 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 Chair, 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 Northern Schools Early Years Cluster Inc.

## FIT AND PROPER CHECKS

Fit and proper checks are conducted, incorporating Service contact and identifying all mandatory documents:

- The Chair manages fit and proper check for board members and the CEO.
- The CEO manages fit and proper checks for management, administration staff and teaching staff.
- All new staff with day to day control complete the following
  - a compliance history statement
  - a national criminal history check

- a working with children clearance (currency checked online at time of employment and twice a year by the CEO )
- The Board members and the CEO, as listed as the person with management and control, undertakes the following checks to be added to this role
  - Working with Children clearance
  - National criminal history check
  - Extract from the National Personal Insolvency Index Bankruptcy Search (AFSA),
  - a Current and Historical personal name extract search,
  - Evidence that the person does not appear on the banned and disqualified register held by the Australian Securities and Investments Commission (ASIC).

The CEO is the first point of contact for the organisation as the delegated approved provider.

Refer to Attachment 2, *Application for Determination of Fit and Proper Person*.

## EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Board 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: *Conflict of interest disclosure statement*
- Attachment 2: *Application for Determination of Fit and Proper Person*

## AUTHORISATION



SIGNED

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Name: Sigrid Hyett, CEO, Northern Schools Early Years Cluster Inc.

DET Approved Provider appointed person with management and control NSEYC

<b>DOCUMENT CONTROL TABLE</b>	
<b>ACTION</b>	<b>DATE</b>
Adopted	1 August 2013
Reviewed	13 August 2019
Reviewed	1 March 2021
Next Review Date	1 September 2023

**ATTACHMENT 1**  
***Conflict of interest disclosure statement***

Name (in full):	
Postal address:	
Position on Board 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).

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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 tenure on the Board or subcommittee of Northern Schools Early Years Cluster Inc.
- co-operate in the formulation of a *Conflict of interest management plan*, as required.
- comply with any conditions or restrictions imposed by the Board or subcommittee to manage, mitigate or eliminate any actual, potential or perceived conflict of interest.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date



# ATTACHMENT 1

## Conflict of interest disclosure statement



# Application for Determination of Fit and Proper Person

Children's Services Act 1996, Children's Services Regulations 2009

### About this form

- The *Children's Services Act 1996* requires that persons are fit and proper to exercise management or control over the operation of a children's service.
- This form should be used as part of a licence application or as an ongoing requirement to determine fit and proper persons.
- This form should be completed by the following persons and submitted as part of a licence application, if within the last 5 years any such persons have not been approved as a fit and proper person by the Secretary or Delegate of the Department of Education and Training:
  - All individual persons applying for a licence.
  - All directors or officers of a body corporate (company, incorporated association, cooperative, partnership, corporation/Government School Council) that will or may exercise management or control over the children's service.
  - All persons who have been nominated as a primary nominee or approved nominee to manage or control the children's service in the licensee's absence.

### Documents you must include with this form

- An original copy of a National Criminal History Notification (police check) not more than 6 months old.
- A copy of any relevant children's services qualifications or certificates of completed training.
- A copy of a current assessment notice or a copy of a current Victorian Institute of Teaching certificate of registration.

### Further information

- Further information about fit and proper persons is available at [www.education.vic.gov.au](http://www.education.vic.gov.au) or by contact with the Service Administration and Support Unit by email: [licensed.childrens.services@edumail.vic.gov.au](mailto:licensed.childrens.services@edumail.vic.gov.au) or by telephone 1300 307 415.

### Details of children's service

1. Name of children's service (if known)
2. Name of licensee or licence applicant

### Details of person being determined as fit and proper

3. 

Title (Mr, Mrs, etc)	Family Name	Given names	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Date of birth	Email address	Daytime telephone number	Fax number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Residential address			
Unit, floor, street number and street name		Suburb/Town	State      Postcode
<input type="text"/>		<input type="text"/>	<input type="text"/> <input type="text"/>
Postal address    Same as residential address <input type="checkbox"/> or different address specified below			
Unit, floor, street number and street name		Suburb/Town	State      Postcode
<input type="text"/>		<input type="text"/>	<input type="text"/> <input type="text"/>
4. **Have you ever been known by a different name (including maiden name, married names)?**  
No -7 Go to question 5.  
Yes -7 List all names previously known by (if more than 2 names, attach a separate sheet titled 'Previous names')

Title	Family Name	Given names
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Privacy** The Secretary to the Department of Education and Training is committed to responsible and fair handling of personal information, consistent with the *Information Privacy Act 2001 (Vic)*, the *Health Records Act 2001 (Vic)* and other statutory obligations including obligations under the *Children's Services Act 1996 (Vic)*. The Department of Education and Training may need to disclose your personal information to other State and Commonwealth agencies to check or confirm the information you have provided. You can request access to or update your personal information by contacting us. Our information privacy policy is available at [www.education.vic.gov.au](http://www.education.vic.gov.au).

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Version  
(01/11/11)

## Declaration and statements by person being determined as fit and proper

### Financial declaration

5. Are you currently or have you ever been insolvent or bankrupt or had your estate assigned for the benefit of creditors?

No -7 Go to question 6.

Yes -7 Provide details below. Include dates, what the circumstances were that led up to the event and the outcome.

6. Are you currently or have you ever been a secretary or director or a public officer of a company placed under a receiver or official manager?

No -7 Go to question 7.

Yes -7 Provide details below. Include dates, what the circumstances were that led up to the event and the outcome.

7. Are you currently or have you ever been a secretary or director or a public officer of a company which has been wound up or a company which has entered into a compromise or scheme or arrangement with creditors at the time of winding up?

No -7 Go to question 8.

Yes -7 Provide details below. Include dates, what the circumstances were that led up to the event and the outcome.

### Charges and conviction declaration

8. In Australia or elsewhere have you ever been charged with and found guilty of an offence or do you have any charges pending against you? (excludes parking fines)

No -7 Go to question 9.

Yes -7 Please provide details of the charges and any findings of guilt. Include dates, whether the charge has been tried or determined, the circumstances that led up to the event and the outcome.

### Health declaration

9. Do you currently, or have you ever suffered from, any mental or physical condition that may impair your ability to exercise control over or manage a children's service?

No -7 Go to question 10.

Yes -7 Please provide details of the mental or physical condition and what the impairment may be.

## Summary of experience and qualifications

### 10. Do you have any formal qualifications or work experience relevant to a children's service?

No  -7 Go to question 11.

Yes  -7 Please provide details

#### Formal qualifications (if more than 5, attach a separate sheet titled 'Formal Qualifications')

Name of qualification	Name of educational institution	Date awarded
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

#### Work experience (if more than 5, attach a separate sheet titled 'Work Experience')

Name of employer	Position held	Employment dates (from -to)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

## Previous fit and proper approval

### 11. Have you previously been approved as fit and proper by the Secretary or Delegate of the Department of Education and Training?

No  -7 Go to question 12.

Yes  -7 Go to question 14. You do not need to provide referees or an identity statement again.

## Referees

### 12. You must provide the name and contact details of 2 referees. Your referees will be contacted to attest to your character, financial reputation and ability to be involved in a children's service. These referees must be independent and not related by birth, family or relationship or a fellow director or officer, business partner, current employer or current employee.

#### Referee 1

Title (Mr, Mrs, etc)	Family Name	Given names	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Postal address			
Building name (if applicable)			
<input type="text"/>			
Unit, floor, street number and street name or PO box	Suburb/Town	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Email address	Daytime telephone number	Fax number	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

#### Referee 2

Title (Mr, Mrs, etc)	Family Name	Given names	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Postal address			
Building name (if applicable)			
<input type="text"/>			
Unit, floor, street number and street name or PO box	Suburb/Town	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Email address	Daytime telephone number	Fax number	
<input type="text"/>	<input type="text"/>	<input type="text"/>	



## Identity statement and confirmation

13. You must have your identity verified by an independent witness who does not have an interest in the children's service. To do this you must provide your witness with a copy of at least one primary document and one secondary document listed below. They must complete this section by indicating which documents they have sighted and sign to confirm your identity.

I certify I have seen an original or certified copy of both a:

Primary Document	
Birth certificate	<input type="checkbox"/>
Extract of entry	<input type="checkbox"/>
Citizenship certificate	<input type="checkbox"/>
Current passport	<input type="checkbox"/>
Passport that has expired no more than two years ago	<input type="checkbox"/>

AND

Secondary Document	
Driver's licence	<input type="checkbox"/>
Marriage certificate	<input type="checkbox"/>
Deed poll notice	<input type="checkbox"/>
Current bill (eg rates/utility)	<input type="checkbox"/>

Signature of person confirming identity

X

Printed name

Date

## Criminal history checks

14. You are required to attach to this application a National Criminal History Notification (police check) not more than 6 months old and either a copy of a current assessment notice or a copy of a current Victorian Institute of Teaching certificate of registration. Please provide the following details regarding the documents you are submitting.

National Criminal History Notification reference number

Date of issue

Victorian Institute of Teaching registration number, if applicable

Date of expiry

Current Assessment Notice (Working with Children) number, if applicable

Date of expiry

## Declaration and signature of person being determined as fit and proper

15. I declare the information provided in this form and any attachments is true and correct.

Signature

X

Date

## Document checklist

You must attach the following documents to this form.

- An original copy of a National Criminal History Notification (police check) not more than 6 months old.
- A copy of any relevant children's services qualifications or certificates of completed training not previously provided to the Department of Education and Training.
- Either a copy of a current assessment notice or a copy of a current Victorian Institute of Teaching certificate of registration.

## What to do next

- Make sure you have attached all documents specified in the document checklist or the application/determination will be delayed.
- If this form has been completed as part of a licence application, include and lodge this form with the licence application.

## What happens then

- The information you provide will be used to determine your fit and proper status. You may need to provide references or reports and undertake tests or examinations.
- If you are deemed fit and proper you will receive written confirmation of your Fit and Proper status which is valid for 5 years, unless revoked sooner, and can be used to work in any children's service.
- If any change occurs in the information you have provided in this form or while deemed fit and proper, you must notify the Department of Education and Training as soon as possible.