

Greenbrook Kindergarten Governance & Management of the Service Policy



Authorisation – This policy was adopted by the Approved Provider of Greenbrook Kindergarten on 12th April 2021

Review Date – April 2023

Purpose of policy

This policy outlines the duties, roles and responsibilities of the Greenbrook Kindergarten Committee of Management

Introduction

VALUES

Greenbrook 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.

SCOPE

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

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: Governance and Leadership

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/>

Responsibilities

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.

The following are the core elements of the governance systems at Greenbrook 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 2 – Sample *Conflict of interest disclosure statement*).

LEGAL LIABILITIES OF MEMBERS OF THE COMMITTEE OF MANAGEMENT

The Committee of Management at Greenbrook 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

The Committee of Management of Greenbrook 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, individually and as a collective, management and staff, and clearly articulate the relationship between the Committee of Management, 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 all staff 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/Board 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.

Refer to Attachment 3 for Samples of Committee members code of conduct, Child Safe code of conduct and committee member declaration which all members must agree to and sign.

ETHICAL PRACTICE

The following principles will provide the ethical framework to guide the delivery of services at Greenbrook 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 2 – 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 2 - 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 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 2) 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 Greenbrook Kindergarten.

Reportable Conduct Scheme

The Reportable Conduct Scheme requires organisations such as committees of management in kindergartens to respond to allegations of child abuse, (and other child-related misconduct) made against their workers and volunteers, and to notify The Commission for Children and Young People (CCYP) of any allegations. The Head of Organisation (President) usually holds this position.

There are five types of 'reportable conduct':

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

Importantly, the scheme requires heads to:

- respond to a reportable allegation made against a worker or volunteer from their organisation, by ensuring that allegations are appropriately investigated
- report allegations which may involve criminal conduct to the police
- notify CCYP of allegations within three business days after becoming aware of the allegation
- give CCYP certain detailed information about the allegation within 30 days after becoming aware of the allegation
- after the investigation has concluded, give CCYP certain information including a copy of the findings of the investigation
- ensure that their organisation has systems in place to:
 - prevent reportable conduct from being committed by a worker or volunteer within the course of their employment
 - enable any person to notify the head of a reportable allegation
 - enable any person to notify us of a reportable allegation involving the head
 - investigate and respond to a reportable allegation against a worker or volunteer from that organisation.

See attachment 4 Responsibilities of the Head of an organisation

Further Information can be found in the Reportable Conduct folder at the kindergarten, in the Child Safe Environment Policy or online:

www.ccyp.vic.gov.au

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: Definitions and Source Documents
- Attachment 2: Sample *Conflict of interest disclosure statement*
- Attachment 3. Sample Committee member code of conduct, child safe code of conduct and committee member declaration
- Attachment 4: Responsibilities of the Head of an organisation

Attachment 1

Definitions & Source Documents

1. Definitions

The terms defined in this section relate specifically to this policy.

Actual conflict of interest:	One where there is a real conflict between a Committee of Management'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, 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 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.

2. Sources

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

3. Service policies

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

Attachment 2

Conflict of interest disclosure statement

Name (in full):	
Postal address:	
Position on Committee of Management/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).

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/Board or subcommittee of [Service Name].
- 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/Board or subcommittee to manage, mitigate or eliminate any actual, potential or perceived conflict of interest.

Signed

Date

Attachment 3

Code of Conduct for committee of management

CODE OF CONDUCT FOR MEMBERS OF THE COMMITTEE OF MANAGEMENT OF GREENBROOK KINDERGARTEN

This code of conduct has been drawn up to outline the standard of conduct expected of members of the committee of management of *Greenbrook Kindergarten*. The fundamental principles outlined in this code of conduct are intended to guide the members of the committee of management to act in a fair and ethical manner for the benefit of *Greenbrook Kindergarten* and its members.

Greenbrook Kindergarten is committed to the following values underpinning the interactions that members of the committee of management have with one another and when they are representing the service.

*** trustworthiness * respect * responsibility * fairness * courtesy**

All committee of management members will:

- strive to achieve *Greenbrook Kindergarten* vision and mission of the organisation and uphold its core values
- ensure all *Greenbrook Kindergarten* activities and decisions are in compliance with relevant legislation, and in line with the constitution, by-laws and policies of *Greenbrook Kindergarten*
- promote the work of *Greenbrook Kindergarten* and keep informed about its programs and activities
- ensure that the activities of *Greenbrook Kindergarten* are responsive to the needs and interests of members
- acknowledge that the organisation is funded by public money and ensure that decisions are made appropriately, and are open to public scrutiny (while recognising the need to be confidential and comply with the kindergarten's privacy policy when individual users and staff are under discussion)
- ensure accountability to the members by documenting and communicating actions and decisions, as appropriate
- apply the principles of equality and diversity, and ensure that the organisation is fair and open in all of its activities
- actively seek input from and communicate with members
- act with honesty, fairness and openness in all dealings as representatives of *Greenbrook Kindergarten*
- uphold and assist others within the organisation to uphold the highest standard of professional conduct
- conduct themselves in a manner which does not undermine the reputation of *Greenbrook Kindergarten* or its staff
- exercise the powers vested in them in whatever capacity for the good of all members of *Greenbrook Kindergarten* and not secure any benefit or advantage for themselves
- disclose any real, potential or perceived conflicts of interest promptly and comply with agreed processes for the management of such conflicts
- respect the confidentiality of all information, papers, discussions, and decisions and use information gained in their roles appropriately
- act prudently and with probity to protect all financial assets and resources of *Greenbrook Kindergarten* and ensure that they are used to deliver the service's objectives

- Committee members must ensure that the committee performs effectively by:
 - ensuring cooperation of all committee members to manage the committee's operations
 - striving to attend all committee meetings and contribute productively to meetings
 - acknowledging and respecting diverse views on the committee and amongst members
- accept collective responsibility for the decisions of the committee
- utilise their individual skills, personal qualities and knowledge for the benefit of the organisation.

Child Safety code of conduct

CHILD SAFETY CODE OF CONDUCT GREENBROOK KINDERGARTEN

STATEMENT OF COMMITMENT

Greenbrook kindergarten is committed to the safety and wellbeing of children and young people as outlined in Greenbrook Kindergarten's Statement of Commitment to Child Safety and Greenbrook Kindergarten's Child Safe Environment Policy.

PURPOSE

This Code of Conduct aims to protect children, reduce any opportunities for child abuse or harm to occur and to ensure a response where there are concerns about abuse or harm. It also assists in understanding how to avoid or better manage risky behaviours and situations.

DEFINITIONS

- Child means a person under the age of 18 years (Children Safety and Wellbeing Act 2005).

RESPONSIBILITIES

- The Committee of Management and staff at Greenbrook kindergarten have a leadership role in ensuring safe, supportive and enriching environments which respect and foster the dignity and self-esteem of children and enable them to thrive in their learning and development.
- Members of the Committee and staff are required to have a Working with Children Check or to be registered by the Victorian Institute of Teaching.
- As part of Greenbrook kindergarten's plan for the implementation of Child Safe Standards, the Committee will support the implementation and monitoring of this Child Safety Code of Conduct.
- All Committee members and staff are required to comply with this Child Safety Code of Conduct by observing expectations for appropriate behaviour as outlined below.

ACCEPTABLE BEHAVIOURS

Committee members and staff are responsible for actively supporting and promoting the safety of children by:

- upholding Greenbrook kindergarten's Child Safe Environment Policy

- taking all reasonable steps to protect children from abuse
- treating everyone with respect, including listening to and valuing the ideas and opinions of all who come into contact with Greenbrook kindergarten
- listening to children and responding to them appropriately, particularly if they are telling you that they or another child has been abused or that they are worried about their safety/the safety of another child
- welcoming all children who come into contact with Greenbrook Kindergarten, their families and carers and being inclusive
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children
- respecting cultural, religious and political differences and acting in a culturally sensitive way
- promoting the safety and participation of children with a disability
- complying with this code of conduct and Greenbrook kindergarten's Child Safe Environment Policy when in contact with children including physical and other forms of contact, ensuring that where contact occurs with children, that this happens in an open and transparent way – so other adults know what you are doing with children
- understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse.
- ensuring as quickly as possible, if child abuse is suspected, that the child(ren) is/are safe and protected from harm
- reporting and acting on any breaches of this Code of Conduct, complaints or concerns
- reporting allegations of child abuse or other child safety concerns to the kindergarten's Child Safety Officer (President or Nominated Supervisor)
- respecting the privacy of children and their families, and only disclosing information to people who have a need to know.
- treating children and their families with respect both in relation to Greenbrook kindergarten's activities and outside of Greenbrook kindergarten as part of normal social and community activities

UNACCEPTABLE BEHAVIOURS

Committee members and staff must NOT:

- ignore or disregard any concerns, suspicions or disclosures of child abuse
- seek to use children in any way to meet the needs of adults
- develop a relationship with any child that could be seen as favouritism or amount to 'grooming' behaviour (for example, offering gifts or inappropriate attention)
- ignore behaviours by other adults towards children when they appear to be overly familiar or inappropriate
- ignore or disregard any concerns, suspicions or disclosures of child abuse
- treat a child unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality or ethnicity
- exchange personal contact details such as phone number, social networking site or email addresses with children who you come into contact with through your role at Greenbrook Kindergarten
- have unauthorised contact with children and young people who you come into contact with through your role at Greenbrook kindergarten online or by phone
- photograph or video a child who you come into contact with through your role at Greenbrook kindergarten except in accordance with Greenbrook kindergarten policies.

Committee Member Declaration

GREENBROOK KINDERGARTEN COMMITTEE MEMBER DECLARATION

I, ,
undertake to:

- abide by the values and principles of the Code of Conduct for committee members and the Greenbrook Kindergarten Child Safety Code of Conduct

- carry out the role of committee member to the best of my ability

- disclose all actual, potential and perceived conflict of interest immediately and abide by the processes to manage the conflict

- treat all information I receive as a committee member in utmost confidence unless otherwise specified by the committee

- comply with Greenbrook Kindergarten's privacy policy.

Signed:

.....
...

Date:

.....
.....

Attachment 4

Responsibilities of the Head of an organisation

1. WHO IS THE 'HEAD OF AN ORGANISATION'?

The head of an organisation is the person who is primarily responsible for an organisation's compliance with the Reportable Conduct Scheme. Depending on the particular structure or type of organisation, the head of the organisation may be:

- the Chief Executive Officer (CEO), principal officer or equivalent
- the Secretary of a Victorian Government department.

Determining who is the principal officer depends on each organisation's structure, governance arrangements and legal obligations. Some organisations may wish to obtain legal advice to identify their principal officer to ensure they fulfil their obligations under the scheme.

If the organisation does not have a CEO, principal officer or equivalent, they can nominate one. This can be done through a form available on our website. <https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations/#TOC-1>

While heads of organisations are responsible for ensuring their organisations comply with the Scheme, the Commission does not expect heads to carry out their responsibilities alone. Heads of organisations can get help from other people within their organisation to fulfil their obligations under the Scheme. This may include creating and developing systems, sending approved notifications to the Commission, and conducting investigations on their behalf. While heads of organisations can seek internal support and assistance from within their organisations, it is ultimately their responsibility to ensure the Commission is notified of any reportable allegations they become aware of.

2. WHAT DOES THE HEAD OF AN ORGANISATION NEED TO HAVE IN PLACE?

Section 16K of the *Children Wellbeing and Safety Act 2005* requires the head of an organisation to:

- **Take a preventative approach to keeping children safe**

This includes acknowledging children are vulnerable to abuse and taking steps to reduce this risk in their organisation.

An organisation's response to meeting their obligations under Child Safe Standards will help the organisation take a preventative approach to child safety.

- **Have systems in place to enable anyone to notify their concern or allegation that conduct in line with reportable conduct may have occurred**

This includes having clear and well communicated systems to facilitate and support the reporting of concerns.

Your organisation's work to meet [Child Safe Standard 5 – Processes for responding to and reporting suspected child abuse](#) will mean you will have internal reporting processes in place to notify allegations.

- **Have systems in place to allow other people to report to the Commission if the reportable allegation concerns the head of the organisation**

As there may be instances in which the actions of concern are alleged to have been taken by the head of your organisation, organisations must have policies and systems that enable other people in your organisation to notify the Commission of alleged reportable conduct.

- **Have investigation processes clearly defined and developed**

Once an allegation has been made, organisations must have processes in place to investigate the matter.

In meeting [Child Safe Standard 5 – Processes for responding to and reporting suspected child abuse](#), your organisation should have developed systems and processes to respond to allegations and report the matter internally, to Victoria Police and other relevant authorities as required.

3. WHAT THE HEAD OF AN ORGANISATION MUST REPORT TO THE COMMISSION

Section 16M requires the head of an organisation to initially notify the Commission of a reportable allegation within three business days and update the Commission of progress within 30 calendar days. They must also investigate the reportable allegation and provide the findings of the investigation to the Commission. The Commission will seek the following information at various milestones.

Three business day notification	30 calendar day update	Advice on investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none"> • Name of the worker or volunteer • Date of birth • Police report • Organisation contact details • Head of organisation's name • Initial advice on the nature of the allegation 	<ul style="list-style-type: none"> • Details of the allegation • Details of your response to the allegation • Details about any disciplinary or other action proposed • Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other 	<ul style="list-style-type: none"> • Name of investigator • Contact details • As soon as practicable 	<ul style="list-style-type: none"> • Copy of findings and reasons for the findings • Details about any disciplinary or other action proposed • Reasons for taking or not taking action • As soon as practicable 	<ul style="list-style-type: none"> • The Commission may request further documents from the head of the organisation

The Commission will also publish *Investigation Standards* to help guide the approach of organisations. An



It is an offence to fail to notify and update the Commission about reportable allegations.

organisation's regulator or government funder may also have investigation requirements and supports. The head of the organisation must provide information to the Commission about any of these systems described above, if the Commission requests this in writing. The Commission may make recommendations to the organisation to improve their practices and processes.

4. WHERE TO GET HELP

Organisations covered by the Scheme should contact the Commission for clarification and guidance, and to talk through any issues of concern.

- Telephone: 8601 5281
- Email: childsafestandards@ccyp.vic.gov.au

Further information is also available on the Commission for Children and Young People's website at www.ccyp.vic.gov.au