

GOVERNANCE AND MANAGEMENT OF THE SERVICE

QUALITY AREA 7 | VERSION 1.4



AUTHORISATION

This policy was adopted by the approved provider of Greenbrook Kindergarten on 23rd June 2026

REVIEW DATE: June 2029



PURPOSE

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



POLICY STATEMENT

The safety, health, wellbeing, rights and best interests of every child are the paramount consideration and must guide all decisions, actions and practices of educators within the education and care service.

VALUES

Greenbrook Kindergarten is committed to good governance and management to deliver high quality outcomes:

- robust and effective governance and management policies and procedures
- accountability to its stakeholders
- effective systems of risk management, financial and internal control, and performance reporting
- compliance with all regulatory and legislative requirements placed on the organisation, including space, equipment and facilities, confidentiality of records and notifications and reporting
- the organisation to remain solvent and comply with all its financial obligations.
- the ongoing cycle of self-assessment, planning and review, embedding a culture of quality improvement

SCOPE

This policy applies to the approved provider, the Committee of Management/Board of Greenbrook Kindergarten and all subcommittees of the Committee of Management/Board.

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	Early childhood teacher, educators and all other staff	Parents/guardians	Contractors, volunteers and students
	R indicates legislation requirement, and should not be deleted				
1. Ensuring that obligations under the <i>Education and Care Services National Law and National Regulations</i> are met, as well as all other laws relevant to governance and management of the service	R	√			
2. Ensuring all governance decisions, risk management processes and responses to concerns or complaints are guided by the paramount consideration of the safety, rights and best interests of the child.	R	√			
3. Ensuring governance and leadership practices actively promote culturally safe environments for Aboriginal children, including acknowledging historical and systemic factors, addressing racism, and supporting children's cultural rights	R	√			
4. Embedding a culture of continuous improvement, including everyone at the service (involving staff, children, families and communities) in continuous improvement practices.	R	√			
5. Displaying the prescribed information in <i>National Law: Section 172 (Regulation 173)</i>	R	√			
6. Providing information to the regulatory authority upon request in relation to being a fit and proper person (<i>National Law: Sections 13, 14, 21</i>)	R				
7. Ensuring that the service is insured and keep evidence of this (<i>National Law: Section 51; Regulations 29, 180</i>)	R				
8. Ensuring that the number of children at the service does not exceed the maximum in the service approval (<i>National Law: Section 51</i>)	R	√			
9. Ensuring that the family of a child at the service is allowed to enter the premises (<i>Regulation 157</i>)	R	√			
10. Adopting quality governance and management processes, procedures and practices, in line with the <i>National Quality Standard</i> , especially Quality Area 7 – Governance and leadership	R	√			
11. Establishing systems of risk management, financial and internal control, and performance reporting. Monitor management and financial performance to	R	√			

ensure the solvency, financial strength and good performance of the service					
12. Developing, review and approve the service philosophy and purpose, strategic direction and initiatives	R	√			
13. Taking reasonable steps to ensure that nominated supervisors, educators, staff and volunteers follow the <i>Governance and Management policy</i> and procedures	R				
14. Ensuring that copies of the policy and procedures are readily accessible to nominated supervisors, co-ordinators, educators, staff, volunteers and families, and available for inspection	R				
15. Notifying families at least 14 days before changing the policy or procedures if the changes will: - affect the fees charged or the way they are collected or - significantly impact the service's education and care of children or - significantly impact the family's ability to utilise the service.	R				
Notifications and reporting					
16. Ensuring that all reporting and reporting requirements are met regarding the <i>National Quality Framework</i> , family assistance, taxation, Occupational Health and Safety, child protection, and other relevant laws	R	√			
17. Notifying the regulatory authority about the approved provider and operational changes, and changes in relation to the nominated supervisor, as detailed in <i>National Law: Section 173 (Regulations 174, 174A)</i>	R	√			
18. Notifying the regulatory authority about changes to the 'fit and proper' status of the approved provider, any serious incidents, and complaints relating to a serious incident or that the Law has been contravened (<i>National Law: section 174; Regulations 175, 176, 176A</i>)	R	√			
Health, safety and wellbeing					
19. Ensuring the health, safety and wellbeing of children in the service and take every reasonable precaution to protect children from harm and hazard (<i>National Law: Section 51</i>)	R	√	√		√
Quality Improvement Plan (QIP)					
20. Ensuring there is an effective self-assessment and quality improvement process in place, including a QIP (<i>refer to Definitions</i>) that is kept at the premises or and is made available for inspection and to families (<i>Regulations 31, 55</i>)	R	√	√		

21. Ensuring that the QIP (<i>refer to Definitions</i>) is reviewed at least annually (<i>Regulation 56</i>)	R	√	√		
Space, equipment, facilities					
22. Ensuring that requirements relating to the physical environment, space, equipment and facilities are met, including <i>Regulations 104, 106, 107, 108, 109, 110, 116, 117</i>	R	√	√		√
Educational needs and program					
23. Ensuring that children's educational and developmental needs are met (<i>National Law: Section 51</i>)	R	√	√		
Early childhood teachers, educators and staff					
24. Ensuring that requirements relating to staffing are met, including implementing the <i>Staffing policy</i> and procedures (<i>Regulation 84</i>)	R	√			
25. Ensuring that roles and responsibilities are clearly defined, understood, and support effective decision making and operation of the service	R	√			
26. Ensuring that the performance of educators, staff and co-ordinators is regularly evaluated, and individual plans are in place to support learning and development	R	√			
27. Ensuring that a nominated supervisor, educators, staff, volunteers and contractors to whom a prohibition notice applies are not engaged by the service (<i>National Law: Section 188</i>)	R				
28. Ensuring the educational leader is supported to lead the development and implementation of the educational program and assessment and planning cycle	R	√			
Nominated supervisors and responsible person					
29. Ensuring that requirements relating to the nominated supervisor and responsible person are met, including implementing the <i>Staffing policy</i> and procedures (<i>National Law: Section 162, 162A; Regulation 117B</i>)	R				
Records and confidentiality					
30. Keeping a record of the service's compliance with the information listed in <i>Regulation 167</i>	R	√			
31. Keeping a record of enrolment and other documents listed in <i>National Law: Section 175</i> at the service and be available for inspection by an authorised officer	R	√			
32. Ensuring that records are kept confidential and not divulged except as permitted under <i>Regulations 181 and 182</i>	R	√			
33. Ensuring that records are stored safely and securely for the period set out in <i>Regulation 183</i>	R	√			
34. Keeping enrolment and attendance records (<i>Regulations 158, 159, 160, 161, 162</i>) and other	R	√			

documents listed in <i>Regulations 160, 177 and 178</i> , ensure they are accurate and available to families on request (<i>National Law: section 175</i>). If a service approval is transferred, the documents must be transferred to the receiving approved provider (<i>Regulation 184</i>).					
Child Safe Standards					
35. Creating an environment where all staff feel supported and encouraged to raise concerns. Establishing practices that normalise and support the reporting of issues and allegations	R	√			
36. Ensuring governance and decision-making processes actively promote culturally safe environments, including acknowledging and addressing systemic racism and supporting the cultural rights of Aboriginal and Torres Strait Islander children	R	R			
37. Completing and maintaining the National Educator Register (refer to Sources) in the National Quality Agenda IT System for all educators, volunteers and students, non-educator staff, teachers (regardless of whether or not they are registered or accredited with a teacher registration body), nominated supervisors and directors/co-ordinators.	R	R			
38. Ensuring all staff, volunteers and relevant personnel complete mandatory child safety and child protection training as required and that records of completion are maintained and reviewed	R	R	R		R
39. Promoting the importance of child safety at the service and demonstrating what it looks like, including through discussing and promoting child safe pedagogical practice.	R	√			
40. Facilitating the implementation of the <i>Child Safe Environment and Wellbeing Policy</i> at all levels	R	√			
41. Communicating the Code of Conduct Policy to all staff, volunteers and leaders and hold them to account to comply with it	R	√			
42. Leading by example and implementing risk management strategies that focus on preventing, identifying and mitigating risks to children	R	√			
43. Ensuring children's views are considered, where appropriate, in governance decisions that affect their safety, wellbeing and participation in the service	R	√			
44. Ensuring that child-friendly, accessible and culturally safe complaints and reporting pathways are established, supported and promoted, so children feel safe, listened to and encouraged to raise concerns. This includes ensuring complaints about child safety or wellbeing can be raised verbally or non-verbally, are taken seriously, and are responded to promptly and appropriately in accordance with the <i>Compliments and Complaints Policy</i> and <i>Child Safe Environment and Wellbeing Policy</i>	R	√			

45. Taking child safety issues seriously, responding quickly, and ensuring all staff and volunteers have the resources they need	R	√			
46. Ensuring that staff and volunteers understand their obligations on information sharing and record keeping.	R	√			
47. Providing professional development opportunities for all staff at the service to understand and implement child safe practices	R	√			
48. Using the child safe self-assessment and risk assessment tool (<i>refer to Sources</i>) to review the service's child safe culture and identify areas where are doing well, potential risks and areas for improvement	R	√			
49. Regularly reviewing the organisation's performance in delivering child safety and wellbeing	R	√			
50. Ensuring risk assessment and management within the service is properly focused on identifying, preventing and reducing risks of child abuse and harm	R	√			
51. Understanding that staff may have trauma related to child safety and abuse. Ensuring they are supported, in line with employer obligations under the <i>OHS Act 2004</i> to protect psychological health	R	√			



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. Approved provider must ensure that there are effective systems, procedures and processes in place to support the service to operate effectively and ethically, and all legal and regulatory requirements governing the operation of the business are met.

Under the *Education and Care Services National Law Act 2010 and Education and Care Services National Regulations 2011*, 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
- National Quality Standard, Quality Area 7: Governance and Leadership



DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to the Definitions file of the PolicyWorks catalogue.

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.

Continuous improvement: Ongoing improvement in the provision of quality education and care services. The National Quality Framework aims to raise quality and drive continuous improvement through the National Quality Standard and quality rating processes. Quality rating encourages continuous improvement and engages the approved provider and their services teams in self-assessment and documenting their performance against the National Quality Standard. Providers of high-quality services regularly monitor and review their performance to guide planning and make improvements.

Development of professionals: A system of regular performance review, individual learning and development plans for educators, staff and co-ordinators. Performance planning and review ensures that the knowledge, skills and practices of educators and other staff members are current, and that areas requiring further development are addressed.

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

Fit and proper person: The regulatory authority assesses whether an approved provider or a person with management or control of a service is a fit and proper person to be involved in the provision of an education and care service.

In determining whether they are a fit and proper person, the regulatory authority will consider:

- the person's history of compliance with any education and care services, children's services or education law, and any decision under one of those laws to refuse, refuse to renew, suspend or cancel a licence, approval, registration or certification issued to the person under that law
- their criminal history, to the extent that it may affect their suitability for the role of provider (including working with children clearance, such as a WWCC, or teacher registration details, jurisdiction dependant)
- whether they are bankrupt or insolvent
- whether they have the financial circumstances to enable them to sustain ongoing operation of a service
- whether they have a medical condition that may cause them to be incapable of being responsible for the service
- whether they have the management capability to operate a service
- actions taken under Commonwealth Family Assistance Law, including sanctions and suspensions.

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.

Management system: A system to manage organisational risks and enable the effective management and operation of a quality service

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 Committee of Management/Board member has private interests that could conflict with their responsibilities.

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

Quality Improvement Plan (QIP): A document created by an approved provider to help self-assess service performance in delivering quality education and care and to plan future improvements.

Regulatory authorities consider the service's QIP as part of the quality assessment and rating process. The QIP does not have to be provided in any specific format, but must include:

1. an assessment of the quality of service practices against the National Quality Standard and the National Regulations
2. identified areas for improvement
3. a statement of the service's philosophy

Service philosophy: A statement the approved provider must develop and include in their QIP that outlines the purpose and principles under which the service operates. It:

- underpins the decisions, policies and daily practices of the service
- reflects a shared understanding of the role of the service among staff, children, families and the community
- guides educators' pedagogy, planning and practice when delivering the educational program.

SOURCES AND RELATED POLICIES



SOURCES

- ACECQA - NQF Child Safe Culture Guide self-assessment and risk assessment: www.acecqa.gov.au
- ACECQA - New national educator register
- ACECQA – Occasional Paper 5: Quality Area 7: Leadership and management in education and care services [acecqa.gov.au/media/25871](http://www.acecqa.gov.au/media/25871)
- ACECQA – Quality Area 7 resources <https://www.acecqa.gov.au/nqf/national-quality-standard/quality-area-7-governance-and-leadership>
- Australian Government – My business health asbfeo.gov.au/my-business-health/home
- ELAA EYM Governance Support Manual: <https://elaa.org.au/resources/free-resources/eym-governance-support-manual/>
- Justice Connect: <http://www.justiceconnect.org.au/>
- Our Community: www.ourcommunity.com.au

RELATED POLICIES

- Child Safe Environment and Wellbeing
- Code of Conduct
- Compliments and Complaints
- Enrolment and Orientation
- Privacy and Confidentiality
- Staffing

EVALUATION



In order to assess whether the values and purposes of the policy have been achieved, the approved provider 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
 - notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk ([Regulation 172 \(2\)](#)).
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ATTACHMENTS

- Attachment 1: Core elements of the governance model
- Attachment 2: Sample Conflict of interest disclosure statement
- Attachment 3: Code of conduct, child safety code of conduct and committee member declaration
- Attachment 4: About the Victorian Reportable Conduct Scheme
- Attachment 5: Responsibilities of the Head of Organisation

ATTACHMENT 1. CORE ELEMENTS OF THE GOVERNANCE MODEL

The following are the core elements of the governance systems at Greenbrook Kindergarten for which a Committee of Management/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 2*).

LEGAL LIABILITIES OF MEMBERS OF THE COMMITTEE OF MANAGEMENT/BOARD

The Committee of Management/Board 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/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 Committee of Management/Board improperly
- they do not use their position on the Committee of Management/Board for personal gain or put individual interests ahead of responsibilities.

RESPONSIBILITIES OF THE COMMITTEE OF MANAGEMENT/BOARD

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

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

The obligation to maintain confidentiality also applies to any person who is invited to any meetings of the Committee of Management/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 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*)
- 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/Board or subcommittee, and managed effectively to ensure integrity and transparency (*refer to Attachment 2*).

Every member of the Committee of Management/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 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/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 2*) must be completed by each member of the Committee of Management/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 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.

ATTACHMENT 2. SAMPLE CONFLICT OF INTEREST DISCLOSURE STATEMENT

Name (in full):	
Email address:	
Mobile Number:	
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, CHILD SAFETY CODE OF CONDUCT & COMMITTEE MEMBER DECLARATION

CHILD SAFETY CODE OF CONDUCT

GREENBROOK KINDERGARTEN

All paid and unpaid staff, including volunteers, students, trainees and committee members of Greenbrook Kindergarten, are responsible for the safety and wellbeing of children and young people who engage with our service. All paid and unpaid staff are expected to act in accordance with this Code of Conduct in their physical and online interactions with children and young people under the age of 18 years.

STATEMENT OF COMMITMENT

Greenbrook kindergarten is committed to upholding the safety, wellbeing, rights and best interests of all children as per our legal obligation under the National Law (The "Paramount Consideration" (S2A) , as outlined in Greenbrook Kindergarten's Statement of Commitment to Child Safety and Greenbrook Kindergarten's Child Safe Environment & Wellbeing Policy. All children's safety, wellbeing, rights and best interests are to be the paramount consideration for all individuals involved in the operation and delivery of children's education and care.

As well as adhering to National Law, Greenbrook Kindergarten follows practices aligned with the Statement of Regulatory Expectations – National Model Code. In doing so, we are taking steps towards enhancing a child safe environment around the use of personal devices. (This includes the taking, use, storage and destruction of images and videos of children) This will help manage risks to child safety that continue to evolve alongside technology advancements. It also supports educators to adopt child safe practices when taking, sharing and storing images of children. More information can be found here: Statement of Regulatory Expectations – National Model Code or within our Safe Use of Digital Technologies and Online Environments Policy.

PURPOSE

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

From 27 February 2026, new provisions in the National Law introduce offences in relation to inappropriate conduct (section 166A). These changes make clear the expectation that no child in education and care services should ever be subjected to inappropriate conduct. They signal that regulatory authorities will take action to address the behaviours when they occur.

DEFINITIONS

- Child means a person under the age of 18 years (Children Safety and Wellbeing Act 2005).
- Inappropriate conduct is conduct that a reasonable person would consider inappropriate in an education and care service, taking into account any of the following circumstances:
 - Whether the conduct aligns with generally accepted education and care practice.
 - The child's age and developmental stage.
 - Whether the conduct is likely to cause or result in harm (including emotional, psychological or physical harm) or injury to a child or children.
 - Whether the conduct is sexual, aggressive or violent.

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.
- All Committee and staff are required to comply with the National Model Code procedures as outlined in the National Model Code attachment within the Code of Conduct and Safe Use of Digital Technologies and Online Environments policies, including:
 - only service-issued electronic devices are used when taking images or videos of children
 - personal electronic devices that can take images or videos, and personal storage and file transfer media, are not in the possession of any person while providing education and care and working with children, **except for limited essential purposes**
 - strict controls in place for the appropriate storage and retention of images and videos of children
 - awareness of service policies and procedures required under regulation 168 of the Education and Care Services National Regulations (National Regulations) and regulation 112 of the Children's Services Regulations

ACCEPTABLE BEHAVIOURS

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

- Upholding / acting in accordance with Greenbrook kindergarten's Child Safe Environment & Wellbeing and Safe Use of Digital Technologies and Online Environments Policies and procedures at all times
- Contributing, where appropriate, to Greenbrook Kindergarten's policies, discussions, learning and reviews about child safety and wellbeing.
- Identifying and mitigating risks to children's safety and wellbeing as required by Greenbrook Kindergarten's risk assessment and management processes for both online and physical environments.
- Understanding and complying with all reporting or disclosure obligations (including mandatory reporting) as they relate to protecting children from harm or abuse.
- Taking all reasonable steps to protect children from abuse
- Responding to any concerns or complaints of child harm, neglect or abuse promptly and in line with policy and procedure for receiving and responding to complaints.
- Ensuring as quickly as possible, if child abuse is suspected, that the child(ren) is/are safe and protected from harm
- Reporting all suspected or disclosed child harm, neglect or abuse as required.
- Complying with policies and procedures on record keeping and information sharing.
- Complying with protocols for communicating with children.

- Demonstrating appropriate personal and professional boundaries.
- Welcoming all children who come into contact with Greenbrook Kindergarten, their families and carers and being inclusive
- Behaving respectfully, courteously and ethically towards children and their families and towards other staff., including listening to and valuing the ideas and opinions of all who come into contact with Greenbrook kindergarten
- Promoting human rights, safety and wellbeing of all children.
- Listening to children and responding to views and concerns, particularly if they communicate (verbally or non-verbally) that they do not feel well / that they or another child has been abused / neglected / that they are worried about their safety or the safety of another child
- Creating an environment that promotes and enables children's participation and is welcoming, culturally safe and inclusive for all children and their families, respecting their diverse backgrounds and needs.
- Involving children in making decisions about activities, policies and processes that concern them wherever possible.
- Promoting a culturally safe environment where all children can participate, feel safe and their voices are heard. This includes cultural safety of Aboriginal and Torres Strait Islander children, children from culturally or linguistically diverse backgrounds, children in out of home care, children with a disability and gender diverse children.
- Respecting cultural, religious and political differences and acting in a culturally sensitive way
- Complying with this code of conduct and Greenbrook kindergarten's Child Safe Environment & Wellbeing Policy and Safe Use of Digital Technologies and Online Environments Policy when in contact with children in both physical and online environments, 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
- 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.
- Not subjecting a child being educated or cared for by the service to conduct that a reasonable person would consider to be inappropriate in an education and care service. (Reg S166A)

APPROPRIATE PHYSICAL CONTACT

Examples of appropriate physical contact with a child include:

- Placing a hand or gently patting a child on the back or shoulder to comfort or reassure them
- Holding a child's hand while crossing the yard, during group transitions and crossing a road/carpark
- Sitting a child on your lap if they are upset and seeking comfort; only when initiated by the child and in view of others, and until the child is no longer distressed
- Helping a child blow their nose, clean up, or change clothes when needed, using respectful hygiene

practices

- Administering first aid with care and sensitivity when a child is injured
- Offering a side hug or placing a supportive hand on a child's shoulder (if welcomed by the child), and reciprocating affection from the child in an appropriate and respectful manner.

UNACCEPTABLE BEHAVIOURS

Committee members and staff **must NOT**:

- Engage in any unlawful activity with or in relation to a child.
- seek to use children in any way to meet the needs of adults.
- Engage in any activity that is likely to physically, sexually or emotionally harm a child.
- Unlawfully discriminate against any child or their family members.
- treat a child unfavourably because of their disability, age, gender, race, culture, vulnerability, sexuality or ethnicity
- Be alone with a child unnecessarily.
- have unauthorised contact with children and young people who you come into contact with through your role at Greenbrook kindergarten online or by phone
- Arrange personal contact, including online contact, with children / families for a purpose unrelated to Greenbrook Kindergarten's activities.
- develop a relationship with any child that could be seen as favouritism or amount to 'grooming' behaviour (for example, offering gifts or inappropriate attention)
- 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
- ignore behaviours by other adults towards children when they appear to be overly familiar or inappropriate
- Disclose personal or sensitive information about a child, including images of a child, unless the child and their parent or legal guardian consent or unless I am required to do so by [Greenbrook Kindergarten's] policy and procedure on reporting.
- Use inappropriate language in the presence of children or show or provide children with access to inappropriate images or material.
- Work with children while under the influence of alcohol or prohibited drugs
- ignore or disregard any concerns, suspicions or disclosures of child harm or abuse
- photograph or video a child who you meet through your role at Greenbrook kindergarten except in accordance with Greenbrook kindergarten policies and procedures as outlined in the National Model Code Attachment / Safe Use of Digital Technologies and Online Environments Policy
- Use their personal devices / phone while in the presence of children as outlined in the National Model Code Attachment / Safe Use of Digital Technologies and Online Environments Policy

INAPPROPRIATE CONDUCT

Under section 166A of the National Law, a child at an education and care service must not be subjected to conduct that a reasonable person would consider inappropriate at an education and care service.

Some examples of inappropriate conduct towards or in the presence of children and young people may include:

- Humiliating and threatening children and young people
- Using physical contact that could be construed as sexualised or intrusive

- Making physical threats
- Engaging in and using any touching that is intimate, sexualised or overly personal
- Initiating, requesting or encouraging kissing
- Using retaliatory, insulting or humiliating remarks (which could include shouting or yelling in a hostile tone)
- Force-feeding
- Photographing and recording children in a state of undress or during toileting and hygiene care routines
- Discussing children and young people in a derogatory manner
- Talking disrespectfully about children's and young people's families, culture or home environments
- Talking about or initiating experiences that are inappropriate for children's age and development, and may negatively shape thoughts and behaviour.
- Using disrespectful language and behaviours between adults, for example yelling and shouting in a hostile tone

If I think this Code of Conduct has been breached by another person within Greenbrook Kindergarten I will:

- Act to prioritise the best interests of children.
- Take actions promptly to ensure that children are safe.
- Promptly report any concerns to the Child Safety Officer or Head of Organisation.
- Follow policies and procedures for receiving and responding to complaints and concerns and procedures on internal and external reporting.

If I am found to have breached this Code of Conduct / have used ICT devices for unlawful purposes, I understand that:

- As per the child safe environment and wellbeing policy, the kindergarten will contact the President, Victoria Police, the Quality assessment and regulation division and the Social Services Regulator
- As per the Safe Use of Digital Technologies and Online Environments Policy I may be liable to criminal or civil legal action. This could result in serious consequences such as fine, damages and / or costs being awarded against me, or imprisonment.
- As a staff member I may be liable to counselling, disciplinary action or dismissal or have my access to the services ICT facilities restricted / denied.

During my employment / volunteer period / student placement / time on the committee of management with Greenbrook Kindergarten, I agree to abide by this Code of Conduct including:

- the procedures and processes outlined in the Child Safe Environment & Wellbeing Policy and Safe Use of Digital Technologies and Online Environments Policy and The National Model Code processes and procedures.
- I understand that breaches of this Code of Conduct may lead to disciplinary action / legal action / termination of my role as volunteer / student on placement / committee position / employment with Greenbrook Kindergarten as outlined above.

Signed _____ **Date** _____

GREENBROOK COMMITTEE CODE OF CONDUCT

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.

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. ABOUT THE VICTORIAN REPORTABLE CONDUCT SCHEME

Refer to attachment

- [About the Reportable Conduct Scheme \(Word, 166kb\)](#)

ATTACHMENT 5. RESPONSIBILITIES OF THE HEAD OF ORGANISATION

REFER TO ATTACHMENT

- [Responsibilities of the head of an organisation \(Word, 160kb\)](#)