

Governance and Management Policy and Procedure

Quality Area 7



Purpose

Melbourne Archdiocese Catholic Schools Early Years Education (MACSEYE) is committed to providing quality education and care services by operating according to all legal requirements and recognised best practices in service management. As the approved provider, MACSEYE ensures that each individual service has appropriate policies and governance arrangements in place to meet the specific needs of their communities.

Scope

This policy applies to the approved provider, staff, MACSEYE Board and all subcommittees of the Committee of Board.

Background

MACSEYE strives to meet the National Quality Standards for Early Childhood Education and Care and the requirements for Approved Providers of education and care services under the Education and Care Services National Law Act and Regulations in such a way as to best fulfil its ability to care for children and to carry out the agreed policies and procedures of its services.

Principles

MACSEYE is committed to:

- Effective leadership which builds and promotes a positive organisational culture and professional learning community.
- Ensuring systems are in place to manage risk and enable the effective management and operations of quality services.
- Ensuring records are kept in accordance with state and National Regulations and striving to maintain the rights, privacy and confidentiality of information shared.

Quality Operation

- The Service has developed and will continue to develop, regularly review and update its Policies and Procedures for the conduct of its services.
- The Service requires all educators and other relevant staff to be inducted in the prescribed policies and procedures set out in Regulation 168 within 3 months of commencing employment.
- MACSEYE monitors changes in the National Quality Framework including the Education and Care National Law Act, Education and Care Services National Regulations and the Family Assistance Law which may affect or require a change to any of policies and procedures.
- The Nominated Supervisor, educators, teachers and MACSEYE Support Office are responsible for continuous monitoring and responding to breaches of compliance.

Philosophy and Policies and Procedures

- The service Philosophy and Quality Improvement Plan are displayed in a clearly visible location within each service. The development and review of the Service philosophy and MACSEYE policies will be an ongoing process driven through collaborative and consultative relationships.
- The Service philosophy will underpin all other documentation and the practices of the service and will reflect the principles of the National Quality Framework. There will be a collaborative and consultative process to support the development of the philosophy that will include children, families and educators.
- The statement of philosophy will be included in the Quality Improvement Plan for each service.

- Policies and Procedures will provide clear guidance of requirements, roles and responsibilities and define agreed and consistent ways of doing things to achieve quality outcomes.
- All documents will be dated and prescribed Policies and Procedures will include nominated review dates.
- The Service philosophy and all prescribed policies and procedures will be available for all stakeholders on the Service website and hard copies will be available at each service.

Confidentiality of Records

Confidentiality of records kept by the approved provider

- Information kept in a record must not be divulged or communicated, directly or indirectly, to another person other than:
 - Where necessary for emergency medical treatment of a child
 - To a parent of a child
 - To the regulatory authority or authorised officer
 - Expressly authorised, permitted or required under any Act or law
 - With the written consent of the person who provided the information.
- The Service respects the privacy of all individuals and seeks only information that it needs for these purposes and handles that information with confidentiality and sensitivity and in keeping with legal requirements.
- Services will obtain the written consent of persons to use information held by the service in connection with providing education and care and delivering an educational program. The service may seek permission to share relevant information as required by law. This is done through the enrolment and other related forms as new information is received.
- Services will protect the rights of the individual's privacy by ensuring that information collected is stored securely.
- Records held at each service are only to be accessed by persons who need them for a reason for which the person giving the information has consented to it being used or, strictly in the case of emergency, to fulfil the service's Duty of Care and responsibilities to the children.
- All records pertaining to any child incident, illness, injury or trauma will be kept until the child reaches the age of 25 years old.
- All other records required under the regulations will be kept for the prescribed time. In the case of information required under Family Assistance Law records will be kept for at least 7 years.

Service compliance records

- Records of each service's compliance history will be stored at each service and made available upon the request of an Authorised Officer.
- The prescribed enrolment and other documents, relevant to centre-based services will be securely stored at each service and made available upon the request of an Authorised Officer.

Storage of records after service approval transferred

- Documents relating to children currently enrolled with the service must be transferred to the incoming Approved Provider.
- Documents cannot be transferred unless a parent of the child has first consented to that transfer.

Notification Types and Timeframes

The Approved Provider has a requirement to notify the Regulatory Authority about incidents, complaints and changes to information. The timeframes are outlined below:

Change to information about approved provider		
Section 173(1)(a)	Notice of change in name of approved provider	Within 14 days
Section 174(1)(b) Regulation 175(1)(a)	Change to address, principal office or contact details of approved provider	Within 7 days
Section 174(1)(a)	Any change relevant to the approved provider's fitness and propriety	Within 7 days
Section 173(1)(b)	Notice of any appointment or removal of a person with management or control of service	Within 14 days
Section 174(1)(b) Regulation 175(1)(b)	The appointment of receivers or liquidators to the approved provider or any matters that affect the	Within 7 days

Change to information about approved provider

	financial viability and ongoing operation of the service	
Section 39(2)	Death of approved provider	Within 7 days of the death

Change to information about education and care service

Section 173(1)(c)	A failure to commence operating within 6 months (or within the time agreed with the regulatory authority) of being granted a service approval	Within 14 days
Section 173(2)(a) Regulation 174(1)	Suspension or cancellation of a working with children card or teacher registration of a nominated supervisor, or disciplinary proceedings of a nominated supervisor under an education law	Within 14 days
Section 174(2)(c) Regulation 175(2)(a)	Any change to the hours and days of operation of the service	Within 7 days
Section 56	Adding nominated supervisor(s)	At least 7 days prior to commencement (or as soon as practicable but no more than 14 days after commencement)
Section 173(2)(b)	A nominated supervisor is no longer employed at the service, is removed from the role or withdraws consent to the nomination	Within 7 days
Section 173(2)(c)	Any proposed change to the premises (other than a family day care residence)	Within 7 days
Section 59 Regulations 36 and 37	Intention to transfer service approval	At least 42 days before transfer
Section 173(2)(d)	Ceasing to operate the education and care service	Within 7 days

Incidents and Complaints

Section 174(2)(a) Regulation 12 Regulation 176(2)(a)(i)	Serious incident - Death of a child	As soon as practicable, but within 24 hours
Section 174(2)(a) Regulation 12	Serious incident - Any incident involving serious illness of a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital	Within 24 hours of the incident
Section 174(2)(a) Regulation 12	Serious incident - Any incident involving serious injury or trauma to a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital, or a reasonable person would consider that the child would require urgent attention from a registered medical practitioner	Within 24 hours of the incident
Section 174(2)(a) Regulation 12	Serious incident - Any emergency for which emergency services attended	Within 24 hours of the incident
Section 174(2)(a) Regulation 12	Serious incident - A child is missing or cannot be accounted for or appears to have been removed from the premises by a person not authorised by a parent	Within 24 hours of the incident
Section 174(2)(a) Regulation 12	Serious incident - A child is mistakenly locked in or out of the premises or any part of the premises	Within 24 hours of the incident

Incidents and Complaints		
Section 174(2)(b) Regulation 12	Any complaint alleging that a serious incident has occurred or is occurring at an education and care service, or the National Law has been contravened (refer to Serious Incidents outlined in table above)	Within 24 hours of the complaint
Section 174(2)(c) Regulation 175(2)(b)	Any incident that requires the approved provider to close, or reduce the number of children attending the service for a period	Within 24 hours of the incident
Section 174(2)(c) Regulation 175(2)(c)	Any circumstance at the service that poses a risk to the health, safety or wellbeing of a child attending the service	Within 7 days
Section 174(2)(c) Regulation 175(2)(d)	Any incident where the approved provider reasonably believes that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service	Within 7 days
Section 174(2)(c) Regulation 175(2)(e)	Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service	Within 7 days
Section 174(2)(c) Regulation 175(2)(ca)	The centre-based service is educating and caring for extra child/ren due to an emergency	Within 24 hours

Notification to parents		
Regulation 172	Policies: parents of children enrolled at the service are notified before making any change to a policy or procedure that may have a significant impact on the service's provision of education and care to any child enrolled at the service; the family's ability to utilise the service; any change that will affect the fees charged or the way in which fees are collected.	At least 14 days prior unless a lesser period is necessary because of a risk
Section 37(3)	Voluntary suspension of provider approval: approved provider must notify the parents of children enrolled at the services operated by the approved provider.	At least 14 days prior to application for suspension
Regulation 86	A parent of a child being educated and cared for by the service is to be notified if the child is involved in any incident, injury, trauma or illness while at the service.	As soon as practicable, no more than 24 hours

Fraud Management

- Adherence to the Family Law Act and other relevant legislation, particularly regarding the handling of sensitive family-related information and the provision of childcare services will be maintained at all times.
- We will foster a culture of openness and integrity by promoting transparent practices in all financial and operational activities.
- Robust reporting mechanisms are implemented to allow for the timely detection and reporting of fraudulent activities or suspicious behaviour.
- Regular training sessions will be conducted to educate staff on the importance of fraud prevention, the signs of fraudulent activities, and the proper procedures for reporting suspected fraud.
- Regular risk assessments will be performed to identify potential areas of vulnerability to fraud within the organisation.
- Strong internal controls are in place, including segregation of duties, thorough documentation, and regular audits, to deter and detect fraudulent activities.
- Secure and confidential channels are provided for staff and stakeholders to report suspected fraud without fear of retaliation.
- All reports of fraud are investigated promptly and thoroughly, and appropriate actions are taken to address and prevent recurrence.

Roles and responsibilities

The Approved Provider will:

- accept that the responsibilities of the Approved Provider cannot be delegated to any other person or body including:
 - Compliance monitoring – ensuring compliance with the objects, purposes and values of the service, and within the Service.
 - Organisational governance – setting or approving policies, plans and budgets to achieve these objectives, and monitoring performance against them.
 - Strategic planning – reviewing and approving strategic direction and initiatives.
 - Regulatory monitoring – ensuring that the service complies with all relevant laws, regulations and regulatory requirements.
 - Financial monitoring – establishing and maintaining systems of financial control, internal control, and performance reporting; reviewing the service’s budget; monitoring management and financial performance to ensure the solvency, financial strength and good performance of the service.
 - Financial reporting – considering and approving annual financial statements and required reports to the government.
 - Organisational structure – setting and maintaining a framework of delegation and internal controls.
 - Staff selection and monitoring – selecting, evaluating the performance of, rewarding and, if necessary, dismissing the staff following appropriate Human Resources processes. Identifying specified personnel; including Persons with Management or Control, Persons with Day-to-Day Operation and Service Contacts
 - Ensuring all specified personnel are “fit and proper” and remain fit and proper in accordance with conditions described within the Childcare Provider Handbook
 - Ensuring specified personnel have completed all required background checks as per PRODA registration and Family Assistance Law requirements
 - Risk management – reviewing and monitoring the effectiveness of risk management and compliance in the service; agreeing or ratifying all policies and decisions on matters that might create significant risk to the service, financial or otherwise.
 - Dispute management – dealing with and managing conflicts that may arise within the organisation, including conflicts arising between committee members, staff, members or volunteers.
- ensure that Regulation 184 is abided by in the event of a service transfer for documents referred to in Regulation 177. Consent of the transfer must be obtained from families
- ensure that all obligations under the Family Assistance Law are met at all times.

Area Manager will:

- seek advice from the Administration Team Leader and/or Head of Operations when advised of communication being received by a service from the Regulatory Authority or in relation to the delivery of CCS
- follow up, seek advice from the Compliance Officer and/or Head of Operations and coordinate a response with the Nominated Supervisor to any correspondence received
- work with the Nominated Supervisor to ensure timeframes for notifications are met.

Workplace Safety Manager will:

- provide guidance and mentoring and conduct scheduled, independent reviews in order to ensure compliance with physical environment and equipment standards, as well as safety and hygiene across all the Service Services.

Nominated Supervisors will:

- positively and clearly communicate all aspects of the policy and take a zero-tolerance approach to non-compliance
- understand and comply with all aspects of this policy and related legislation and support educators and other staff to do the same
- lead a culture of safety and compliance with relevant laws and regulations in the operation of an education and care service
- lead a culture of reflection and regular review of policies, seeking feedback from educators, families, children and other community agencies and professionals as appropriate
- immediately advise the Support Office of any correspondence through email or letter from the Regulatory Authority of Government Officials

- ensure all correspondence received from the Regulatory Authority or related to the delivery of CCS is saved in line with the Record Keeping Policy
- where advice or requests are provided verbally by the Regulatory Authority, request the information is provided in writing or, in conjunction with the Area Manager, summarise the information in writing back to the Regulatory Authority to ensure confirmation
- provide educators with an induction that contains relevant information necessary to enable them to abide by service policies and procedures
- in conjunction with the management of the Service, be responsible for conducting regular informal assessments, and formal annual performance reviews, of all staff' adherence to policies and procedures and to take immediate appropriate steps to address non-compliances
- take responsibility for the day-to-day management of the service and address operational issues under the direction of the Approved Provider or Business Operations Consultant and in accordance with service policies and procedures including:
 - Developing and implementing operational strategies and making recommendations to the Approved Provider on strategic initiatives.
 - Making recommendations for the appointment of educators and other staff, evaluating performance, and developing and maintaining succession plans for educators and other staff.
 - Having input into the annual budget and managing day-to-day operations within the budget.
 - Maintaining an effective risk management framework.
 - Keeping the Approved Provider and the Area Manager informed about any developments that may impact the organisation's performance.
- ensure the collection of information is fair and transparent and that information is accurate, complete and current.
- limit the use and accessibility of personal information by securely storing documents and information i.e. using lockable filing cabinets and password protection for electronic storage
- ensure timeframes for notifications are met and the required information is compiled to submit to the Regulatory Authority, in consultation with the Area Manager, Compliance Officer and where applicable, Head of Operations.
- maintain a record of non-compliance in the Service Compliance History Log
- ensure that children's records are reviewed and updated at least once per year via the Service re-enrolment form and immediately after receiving a request from a parent/guardian to update any detail in the child's record.

Educators and other team members will:

- be proactive in fulfilling the requirements of this service policy and related legislative requirements.
- seek further guidance where required to fulfil your requirements
- report any concerns or non-compliance immediately to the Nominated Supervisor or Approved Provider
- participate in the review of documents and provide constructive feedback to the Nominated Supervisor or Approved Provider
- provide all qualifications and WWC information prior to commencement and when updated
- ensure WWCC and qualifications do not expire.

Induction and ongoing training

This policy will be accessible by service staff via the intranet and by families via the website. A hard copy of the policy will be available through the Service. Nominated supervisors are responsible for ensuring staff access to the policy and any supporting documents and undertake induction training prior to the policy being implemented. All service staff are responsible for understanding and complying with this policy and ongoing training will be provided using a range of learning platforms.

Monitoring, evaluation and review

Monitoring of compliance with this policy and the related procedure will be overseen by the policy owner. The review process for this policy will begin eight (8) weeks prior to the scheduled review date and include a consultation period with families, educators, compliance team and any other relevant stakeholders and will be facilitated by the Policy Officer.

All service staff will receive communication about any changes in or review of the policy or procedure. Training will be provided where required to ensure an understanding of the changes. Families will be notified of any changes 14 days prior to the implementation. Breaches of this policy will be dealt with in line with the MACSEYE Code of Conduct.

Related documents

Responsible Person Policy
Record Keeping Policy
Child Safety and Wellbeing Policy
Confidentiality and Privacy Policy
Code of Conduct Policy
Responsible Person in Day to Day Charge Register
Determining Responsible Person in Day to Day Charge Consent
NS01 Nominated Supervisor Consent Form
Compliance Service Checklist
Service Compliance History Log
Quality Improvement Plan
Policy Register

Legislative requirements

NATIONAL QUALITY STANDARDS (NQS)

Quality Area 4	Staffing Arrangements
Quality Area 7	Governance and Leadership

EDUCATION AND CARE SERVICES NATIONAL LAW ACT

Section 173	Offence to fail to notify certain circumstances to Regulatory Authority
Section 174	Offence to fail to notify certain information to Regulatory Authority

EDUCATION AND CARE SERVICES NATIONAL LAW REGULATIONS

Regulation 86	Notification of Incidents
Regulation 118	Confidentiality of records kept by approved provider
Regulation 183	Storage of records and other documents
Regulation 168	Education and care service must have policies and procedures
Regulation 170	Policies and procedures to be followed
Regulation 171	Policies and procedures to be kept available
Regulation 172	Notification of change in policies or procedures affecting ability of family to utilise service
Regulation 174	Time to notify certain circumstances to Regulatory Authority
Regulation 175	Prescribed information to be notified to Regulatory Authority
Regulation 176	Time to notify certain information to Regulatory Authority
Regulation 181	Confidentiality of records kept by approved provider
Regulation 183	Storage of records and other documents
Regulation 184	Storage of records after service approval transferred

Definitions

Term	Meaning
Authorised Officer	A person authorised to be an authorised officer under Part 9 (National Law).

Term	Meaning
	Authorised officers are appointed by the regulatory authority under the provisions of the National Law to carry out the functions of monitoring, assessing and rating licensed approved education and care services in their jurisdiction.
Approved Provider	Approved Provider is a person who holds a provider approval. A provider approval authorises a person to apply for one of more service approvals and is valid in all jurisdictions.
Educator	Educator means an individual who provides education and care for children as part of an education and care service.
Families	A reference to 'family' in this document includes the parent, carer, or guardian of a child as well as any other person who has parental responsibility for a child under decision or order of a court. It does not include a person prohibited by a court order from having contact with the child or occasions outside of times agreed in a court order or parenting plan.
MACSEYE	Melbourne Archdiocese Catholic Early Years Education Ltd, a subsidiary of Melbourne Archdiocese Catholic Schools Ltd established to conduct early childhood education and care services.
Nominated Supervisor	Workers who have consented to the nomination by the Approved Provider to take on the responsibility and obligations under the National Law and National Regulations to manage a Kindergarten, Long day care, Outside school hours care Service.
Person in day-to-day charge	In relation to an education and care service, means a person who: <ul style="list-style-type: none"> is nominated by the approved provider of the service under Part 3 to be a nominated supervisor of that service; and unless the individual is the approved provider, has provided written consent to that nomination (National Law).
Person with management or control	In relation to an education and care service, means: <ul style="list-style-type: none"> if the provider or intended provider of the service is a body corporate, an officer of the body corporate within the meaning of the Corporations Act 2001 of the Commonwealth who is responsible for managing the delivery of the education and care service; or if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service; or if the provider of the service is a partnership, each partner who has the responsibility, alone or with others, for managing the delivery of the education and care service; or in any other case, a person who has the responsibility, alone or with others, for managing the delivery of the education and care service (National Law).
Regulatory Authority	A person declared by a law of a participating jurisdiction to be the regulatory authority for that jurisdiction or for a class of education and care services for that jurisdiction (National Law).

Policy information

Policy information			
Policy title:	QA7 Governance and Management Policy	Version:	1.0
Authorised Executive:	Managing Director	Responsible Manager:	Risk and Compliance Lead
Approving authority:	Board	Approval date:	9 August 2024
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Version control		
Version	Date	Changes
1.0	09/08/2024	Policy developed