

Governance Policy

QUALITY AREA 7; LEADERSHIP & MANAGEMENT

Rationale

Governance is the system or process by which organisations are directed, controlled and held accountable to ensure that the right decisions are made.

Konomi Kindergarten recognises the importance of having a framework of rules, relationships, systems and processes within and by which authority is exercised and controlled in the organisation. We view good governance and management as essential to our provision of quality education and care in a responsible manner

As an education and care service, we understand that we are required to meet the requirements of related laws and regulations, which requires a strong professional, social, ethical and financial commitment to stakeholders in the provision of good quality services for children and families.

Konomi kindergarten must operate within a strict legislative framework. Accountability for compliance is the responsibility of the approved provider and the nominated supervisor. Accountability for compliance is also delegated in all employees.

We also aim to meet high standards of ethical conduct in the provision of services to families, children and the community. Konomi Kindergarten aims to create a positive cultural where management and staff work towards a goal of continuous improvement in the provision of quality services to children and their families.

Relevant Legislation:

- *Education and Care Services National Regulations 2011*
- *Education and Care Services National Law Act 2010*
- *Occupational Health and Safety Act 2000 and Regulations 2001 (and Safework Australia) NSW*
- *Public Health Act 2010 NSW*
- *Child Protection Act 2000 No 42, "Keep Them Safe" NSW*
- *Age Discrimination Act 2004*
- *Human Rights and Equal Opportunity Commission Act 1986*
- *Racial Discrimination Act 1975:*
- *Sex Discrimination Act 1984*
- *Disability Discrimination Act 1992*
- *Privacy Act 1988 (Federal) also relevant state/territory legislation*
- *Family Assistance Legislation Amendment (Child Care Management System and Other Measures) Act 2007, Child Care Service- Handbook 2012 "CCMS" NSW*
- *Food Safety . NSW Food Act 2003 and Food Safety Standards and program*
- *Immunisation: [Immunise Australia Program](#), [National Health and Medical Research Council](#)*
- *[Workcover](#) : [Workers Compensation Act 1987](#) , [Work Health and Safety Act 2011](#) , [Workplace Injury Management and Workers Compensation Act 1998](#).*

Other

- *Commission for Children and Young People / Early Childhood Association Code of Ethics*

Aims:

To ensure Konomi Kindergarten has good governance we will:

1. Conduct our affairs legally, ethically and with integrity;
2. Identify organisational risks and legal obligations and manage these through policies and relevant processes; and
3. Ensure that mechanisms are in place for fair and transparent governance.

Governance of Konomi Kindergarten organisation includes, but is not restricted to:

- Compliance with all approved provider obligations as set out in the Education and Care Services National Regulations 2011 and the Education and Care Services National Law Act 2010
- Compliance with the Australian Children’s Education and Care Authority as well as Department of Education and Communities NSW authorities.
- Compliance with the registration of the approved provider as set out in Part 6, Div. 6, 229 of the Education and Care Services National Regulations 2011.
- Compliance with the registration of an approved education and care service as set out in Part 6, Div. 6, 230 of the Education and Care Services National Regulations 2011
- Compliance with all legislative requirements, including record of service compliance as set out in 4.7, Subdivision 3, 167 of the Education and Care Services National Regulations 2011.
- Approving policies and procedures for the operation of the organisation (including the management and retention of records) as set out in Part 4.7, Div. 2, 168 of the Education and Care Services National Regulations 2011. Ensure that these policies comply with relevant legislation; and update these policies on a regular basis
- Financial management, including determination of fees and notification of changes to fees as set out in 4.7, Div. 2, 172 of the Education and Care Services National Regulations 2011.
- Insurance cover as set out in 4.7, Div. 3, 180 of the Education and Care Services National Regulations 2011.
- Approving a service philosophy as set out in 3.1, 55 of the Education and Care Services National Regulations 2011.
- Employment and management of personnel in accordance with regulatory requirements, including the nomination of the certified supervisor (2.3, Div. 4, 54 and section 162(1)(c) or 164(1)(c) of the law) and nomination of the educational leader as set out in 4.4, Div. 1, 118
- Risk management and continuous improvement
- Approving systems for the day-to-day management of the organisation
- Management of facilities, equipment and resources (including consumables)
- Developing positive working relationships with statutory bodies
- Supporting the leader in her/his leadership role and discharge of legislative obligations
- Ensuring socially equitable, ethical and transparent service delivery
- Supporting sustainability
- Management of WHS and children’s health and safety
- Ensure that mechanisms are in place such as compliance tools and a compliance calendar to assist them to assess that the policies are implemented

Strategies and practices conducted by Konomi Kindergarten

The management of Konomi Kindergarten is overseen by the approved provider (Imagawa Gakuen), Kazue Hiwatashi (Delegate) and the Director & Nominated Supervisor and they are accountable for the performance of Konomi Kindergarten Fary Jafari.

The management will direct its activities towards achieving Konomi Kindergarten goals and implementing the organisation’s *Quality Improvement Plan* by guiding and monitoring the organisation’s business and affairs in line with the objects as set out in the organisation’s rules and in line with the organisation’s philosophy.

In carrying out its responsibilities, undertakes to maximise the value and contribution of Konomi Kindergarten to the community, and to serve the interests of the organisation’s members, employees and families and children using the service.

In serving these interests there is an implicit understanding that the rights of the child are paramount in all decision making.

It is understood by Konomi Kindergarten Management although delegating the responsibility of implementing the strategic plan and day-to-day management of Konomi Kindergarten to the service's Director and Supervisor. In discharging its powers, the Chair man of Imagawa Gakuen company will be bound by the Associations Act/Corporations Act, the Constitution and all policies of Konomi Kindergarten

Annual Planning Obligations

Annual planning obligations will be conducted by the approved provider (or delegates) and the approved supervisor (may include staff delegates).

The following planning documents will be developed annually:

- Financial Plan and Budget
- Quality Improvement Plan as set out by the requirements of the Australian National Quality Standards
- Risk Management Plan
- Strategic Management Plan

Planning documents will be reviewed annually, biannually or more frequently if required.

Day-to-Day Service Management

Day-to-day service management is delegated to the nominated supervisor. The approved supervisor ensures that the organisation operated in accordance with the organisation's policies and procedures. The approved supervisor must act at all times in accordance with legislative requirements governing the organisation.

Code of Conduct

The Management will:

1. Commit themselves to ethical, businesslike, and lawful conduct, including proper use of authority and professional decorum in all their actions
2. Demonstrate un-conflicted loyalty to the interests of the organisation
3. Avoid conflicts of interest with respect to their role;
4. Annually disclose their involvement with other organisations or companies that currently do business or may do business with Konomi Kindergarten;
5. Immediately disclose to the Management members any and all impending conflicts of interest. That member shall absent herself or himself without comment from both the deliberation and final decision-making
6. Respect the confidentiality appropriate to issues of a sensitive nature.

Risk Management

The Management will:

- a. Ensure the organisation operates with and to a valid Constitution/Articles of Association and that all governance and management practices of the Management and staff align with the Constitution/Articles of Association;
- b. Demonstrate achievement of this through accessible meeting minutes and Management self- assessments; and
- c. Assist members to receive ongoing support and professional development in the implementation

Constitution

The Board/Management Committee of the Association will:

- Ensure that the organisation's constitution/articles of association is/are followed at all times;
- Ensure that the constitution/ articles of association are reviewed at least every three years; and

- Ensure that each new member of the Management Committee is provided with a copy of the organisation's constitution and *Quality Improvement Plan* on their appointment to the Management Committee.

Evaluation

Konomi Kindergarten is recognised for effective governance management practices. Konomi Kindergarten's philosophy is adhered to, its goals are reached and it continues its quality improvement journey. Organisational risks and legal obligations are identified and managed through policies and relevant processes.

References

Education and Care Services National Regulations 2011

Education and Care Services National Law Act 2010

Resources

Australian Human Rights Commission: <http://www.hreoc.gov.au>

Australian Childhood Immunisation Register: <http://www.medicareaustralia.gov.au/public/services/acir/index.jsp>

Early Childhood Australia: <http://www.earlychildhoodaustralia.org.au/>

Food Safety Standards: <http://www.foodstandards.gov.au/foodstandards/foodsafetystandardsaustraliaonly/>

Fairwork: <http://www.fairwork.gov.au/Pages/default.aspx>

Privacy Act: <http://www.privacy.gov.au/law/act>

Safework Australia: <http://safeworkaustralia.gov.au/Pages/default.aspx>

The Australian Children's Education & Care Quality Authority: <http://www.acecqa.gov.au/>

Care Services National Law Act 2010

Education and Care Services National Regulations 2011

Guide to National Quality Standards 2011

Child Care Service Handbook 2012-2013

NSW Department of Education & Communities

The policy will be reviewed annually. Review will be conducted by management, employees, Education and parents and any interested parties.

Reviewed: July 2014

Date for next review: July 2015