



GOVERNANCE AND MANAGEMENT POLICY P4.0323.3

GOVERNANCE AND MANAGEMENT POLICY

DIVISION: Sport, Community and Activation

BRANCH: Community Outcomes - Family Day Care

CATEGORY: 3

PART 1 – INTRODUCTION

1. BACKGROUND

- 1.1 Camden Council is committed to overseeing the provision of high-quality Family Day Care (FDC) services for children and families within the local community and act in accordance with all relevant legislation including the Education and Care Services National Quality Framework.
- 1.2 The *Education and Care Services National Regulations* (the Regulations) require Approved Providers to have policies and procedures in place for the governance and management of services.

2. OBJECTIVE

- 2.1 We are committed to implementing good governance and management systems to guide our decisions and processes and ensure our FDC education and care services are safe and of a high standard.
- 2.2 We aim to ensure we are fulfilling the obligation of Council as the Approved Provider, meeting all legislative and statutory requirements, and implementing best practice recommendations, to ensure positive outcomes for all stakeholders.

3. SCOPE

- 3.1 This policy applies to:
 - Camden Council FDC Service.
 - Camden Council FDC staff employed by Camden Council.
 - Educators (including educator assistants and relief educators) registered with the service as agents of the Approved Provider- Camden Council.
 - Adult household family members residing at the FDC residence.
 - Children enrolled in the service and their families.
 - Students engaged within Camden FDC services.

4. DEFINITIONS

- 4.1 **Approved Provider** means a person who holds a provider approval *Children (Education and Care Services) National Law (NSW)*. A provider approval authorises a person to apply for one or more education and care service approvals and is valid in all jurisdictions.
- 4.2 **Australian Children's Education and Care Quality Authority (ACECQA)** means the independent national authority that assists governments in administering the National Quality Framework including the provision of guidance, resources, and services to support the sector to improve outcomes for children.
- 4.3 **Authorised Person** means (a) a person who holds a current working with children check (WWCC), or equivalent; or (b) a family member of a child who is being educated and cared for by the service or the FDC educator; or (c) an authorised nominee of a family member of a child who is being educated and cared for by the service or the FDC educator; or (d) in the case of an emergency, medical personnel or emergency service personnel; or (e) a person who is permitted under the jurisdictional working with children law to remain at the service without holding a WWCC, or equivalent.
- 4.4 **Continuous Improvement** means 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 service 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.
- 4.5 **Co-ordination Unit** means the Camden FDC principal office and main faculty for running the Service from which Camden FDC employees work.
- 4.6 **Education and Care Services National Quality Framework (NQF)** means the provision of a national approach to regulation, assessment and quality improvement for early childhood education and care and outside school hours care services across Australia. This encompasses the *Education and Care National Law* and *Regulations*, the National Quality Standards and Curriculum Frameworks for young children and school aged children.
- 4.7 **Educational Leader** means an appropriately qualified and experienced educator, FDC co-ordinator or other individual designated in writing by the approved provider under regulation 118 of the Regulations to lead the development and implementation of educational programs in the service.
- 4.8 **Educational Program** means a program that is based on an approved learning framework and delivered in a manner that accords with the approved learning framework and is based on the developmental needs, interests and experiences of each child, and is designed to take into account the individual differences of each child.
- 4.9 **Educator** means an individual suitably qualified and registered by Camden FDC to provide education and care and can refer to the FDC educator as the business owner, educator assistant or relief educator.

- 4.10 **Family Day Care (FDC)** means a type of education and care service that is run from the educator's own residence or an approved venue for the purpose of educating and caring for small groups of children aged 0-12 years.
- 4.11 **FDC Service** means the FDC education and care business of each individual educator or reference to Camden Council FDC service.
- 4.12 **Fit and Proper Person (to be an approved provider)** means a person with management or control of a service who has been assessed by the regulatory authority as a fit and proper person to be involved in the provision of an education and care service.
- 4.13 **Governance** means the systems in place to support effective management and operation of the service, consistent with the service's statement of philosophy. Good governance requires effective management systems and clearly delineated roles and responsibilities to support the effective operation of a quality service.
- 4.14 **Management System** means a system to manage organisational risks and enable the effective management and operation of a quality service.
- 4.15 **National Quality Framework** means Australia's system for regulating early learning and school age care including legislation and national quality standard, sector profiles and data, and learning frameworks.
- 4.16 **Nominated Supervisor** means a person appointed by the Approved Provider and who has given consent to be appointed to be in day to day charge of a service and must be contactable during the hours FDC Educators are providing education and care.
- 4.17 **Professional Development** means a system of regular performance review, individual learning and development plans for educators, staff and co-ordinator's. 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.
- 4.18 **Quality Improvement Plan (QIP)** means 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 an assessment of the quality-of-service practices against the National Quality Standard and the Regulations and identified areas for improvement and a statement of the service's philosophy.
- 4.19 **Responsible Person** means the Approved Provider or a person with management or control, a nominated supervisor, or a person in day-to-day charge of the service. In a FDC service, the responsible person must be available to provide support to FDC educators. The approved provider is responsible for assessing a person's suitability as responsible person.
- 4.20 **Service Philosophy** means 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 and guides educators' pedagogy, planning and practice when delivering the educational program.

4.21 **Staff** means employees of Camden Council FDC.

4.22 **Working with Children Check (WWCC)** means a notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that the person has been assessed as suitable to work with children; or there has been no information that if the person worked with children the person would pose a risk to the children; or the person is not prohibited from attempting to obtain, undertake or remain in child-related employment.

PART 2 - POLICY STATEMENT

5. PRINCIPLES

5.1 Camden FDC service is committed to ensuring good governance and accountability to its stakeholders by:

- Conducting our affairs legally, ethically and with integrity, ensuring compliance with all funding, regulatory and legislative requirements.
- Remaining solvent and complying with all our financial obligations.
- Identifying service risks and legal obligations and managing these.
- Ensuring mechanisms are in place for fair and transparent governance.

5.2 Our service and the educators connected with our service are accountable and transparent in all that we do. This includes the implementation of robust and effective governance and management policies and procedures.

5.3 We seek to strengthen the service's effective operation through effective systems of risk management, financial and internal control, and performance reporting.

5.4 We value FDC as a unique service type and acknowledge the complexity of the relationship between the Council service and educators as sole traders. We are committed to working together to ensure the needs of the service and educators are met and quality outcomes achieved.

6. CONSIDERATIONS

6.1 Considerations for management and control:

6.1.1 The management of Camden Council FDC is overseen by the Approved Provider (Council).

6.1.2 The Approved Provider will meet with all the associated and relevant requirements under the *Children (Education and Care Services National Law Application) Act 2010* and *Education and Care Services National Regulations 2011*.

6.1.3 The Approved Provider will meet all the associated and relevant requirements under the *Australian Government Department of Education Skills and Employment Child Care Provider Handbook* and associated Funding Agreements.

6.1.4 The Approved Provider has an overall responsibility for the sustainability and relevance of the service. They will direct the service towards achieving goals through the implementation of QIPs that align with Council values and the service philosophy.

6.1.5 In carrying out its responsibilities, the Approved Provider undertakes to maximise the value and contribution of the service to the employees, educators, 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.

6.1.6 Camden Council is the employer of all staff of the service and is responsible for the management and control as the Approved Provider of education and care under the *Children Education and Care Services National Law 2010* and the *Education and Care Services National Regulations 2011*. Educators are Sole Traders (Self-employed) and are contracted by the Approved Provider to provide a service to families and to implement all service policies and procedures and comply with all management decisions as directed to ensure good governance.

6.2 Considerations for policies:

6.2.1 The Approved Provider will:

- Ensure that a comprehensive set of policies are in place as required under the *Education and Care Service Regulations* and other regulations and laws that the service must comply with.
- Ensure that these policies comply with relevant legislation.
- Update these policies on a regular basis.

6.3 Considerations for compliance and measures:

6.3.1 The Approved Provider will:

- Ensure the service has a QIP in place for self-assessment of service performance in delivering quality education and care and to plan future improvements.
- Implement methods for auditing systems/processes and performance for Camden FDC service and each individual FDC service, the staff, and educators.
- Policies and procedures will be reviewed at least every three years or as a need is identified and will involve all stakeholders.

6.4 Considerations for Approved Provider powers:

6.4.1 The Approved Provider sets the strategic direction and monitors performance of the organisation. The Approved Provider will provide effective governance to ensure excellent overall management of the organisation's business and financial objectives.

6.4.2 In addition, the Approved Provider may delegate any of their powers (with the exception of the power of delegation, legal obligations, and responsibilities as Approved Provider) to an employee or any other person.

6.4.3 The Approved Providers authority includes:

- Overseeing the organisation including its control and accountability systems.
- Appointing and removing the Nominated Supervisor.
- Ratifying the appointment of all staff members.
- Developing organisational strategy and performance objectives.
- Reviewing, ratifying, and monitoring systems of risk management and internal control, codes of conduct, and legal compliance.
- Monitoring the Nominated Supervisor's performance and implementation of strategy.
- Approving and monitoring financial and other reporting.
- Authorising appropriate delegations within the organisation.
- Ensuring appropriate resources are available to carry out the organisation's functions.
- Approving and monitoring the progress of major capital expenditure.

6.5 Considerations for risk management:

6.5.1 The Approved provider must develop and maintain policies and procedures which comply with the *Education and Care Services National Law* and associated Regulations.

6.5.2 The Approved Provider will endorse, within the FDC service budgetary constraints, the provision of staff and resources to develop, maintain, implement, and operate the FDC service and related guidelines and operational procedures, in line with all legislative and statutory requirements.

6.5.3 The Approved Provider will ensure clear roles and responsibilities are defined for staff and educators and will require educators to register with the service under a contract agreement.

6.5.4 The Approved provider will ensure staff and educators are fit and proper persons and will ensure procedures are in place for training and induction for new staff and registered educators and ongoing support and professional development in the implementation of service policy and procedures.

7. ROLES AND RESPONSIBILITIES

7.1 Approved Provider

- Ensure that obligations under the *Education and Care Services National Law* and the Regulations are met, as well as all other laws relevant to governance and management of the service.
- Ensure services display the required prescribed information and that information is kept up to date.
- Provide information to the regulatory authority upon request in relation to being a fit and proper person.
- Ensure that the service is insured and keep evidence of this.
- Ensure that the number of children in care with each educator at any one time does not exceed the maximum of seven children; of which no more than four can be preschool age or under.
- Ensure that the service employs an appropriate number of co-ordinators to support the number of educators registered with the service and the number of registered educators does not exceed that as prescribed on the service license.
- Ensure that the family of a child at the service is allowed to enter the premises.
- Adopt quality governance and management processes, procedures, and practices, in line with the National Quality Standard, especially Quality Area 7-Governance and leadership.
- Establish systems of risk management, financial and internal control, and performance reporting. Monitor management and financial performance to ensure the solvency, financial strength, and good performance of the service.
- Ensure all management and staff are oriented into the roles and responsibilities of maintaining the legal operation of the service and that staff and educator professional development is a part of the ongoing cycle of improvement.
- Are responsible to the Regulatory Authority for ensuring that the service operates in accordance with the conditions of approval. This includes:
 - Ensuring that a Nominated Supervisor or person in day-to-day charge of the service is available to support educators.
 - The design, safety and maintenance of the coordination unit premises.
 - That FDC educators, co-ordinator's, service staff and other persons who have contact with children are fit and proper.
 - That appropriate policies, procedures, and records are in place.

- Take reasonable steps to ensure that nominated supervisors, educators, staff, and volunteers follow the *Governance and Management* policy and procedures.
- Ensure that copies of the policy and procedures are readily accessible to nominated supervisors, co-ordinator's, educators, staff, volunteers, and families, and available for inspection.
- Notify families at least 14 days before changing the policy or procedures if the changes will affect the fees and charges and/or significantly impact the service's education and care of children or the family's ability to utilise the service.

Notifications and reporting

- Ensure that all reporting and reporting requirements are met regarding the National Quality Framework, family assistance, taxation, child protection, and other relevant laws.
- Notify the Regulatory Authority about the Approved Provider and operational changes, and changes in relation to the nominated supervisor.
- Notify 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.

Health, safety, and wellbeing

- Ensure the health, safety, and wellbeing of children in the service and take every reasonable precaution to protect children from harm and hazard.

Quality Improvement Plan (QIP)

Ensure there is an effective self-assessment and quality improvement process in place, including a QIP that is kept at the premises or FDC principal office and is made available for inspection and to families.

- Ensure that the QIP is reviewed at least annually.

Space, equipment, facilities

- Ensure that requirements relating to the physical environment, space, equipment, and facilities are met.

Educational needs and program

- Ensure that children's educational and developmental needs are met.
- Ensure an educational leader is appointed for the purpose of guiding, mentoring, and supporting educators with program development and implementation.

Educators and staff

- Ensure that requirements relating to staffing are met, including implementing the *Staffing* policy and procedures.
- Ensure that roles and responsibilities are clearly defined, understood, and support effective decision making and operation of the service.
- Ensure that the performance of educators, staff and co-ordinator's is regularly evaluated, and individual plans are in place to support learning and development.
- Ensure that a Nominated Supervisor, educators, staff, students, and contractors to whom a prohibition notice applies are not engaged by the service.
- Ensure the educational leader is supported to lead the development and implementation of the educational program and assessment and planning cycle.

Nominated supervisors and responsible person

- Ensure that requirements relating to the nominated supervisor and responsible person are met, including implementing the *Staffing* policy and procedures.
- Are responsible for ensuring that effective strategies and resources are in place to allow the Nominated Supervisor to realistically achieve his/her role as required by the *Education and Care Services National Regulations*. This will include:
 - Facilitating effective communication between the Nominated Supervisor and the Approved Provider.
 - The availability of adequate human and physical resources to meet the provisions of the Regulations such as effective policies and procedures.
 - The availability of adequate financial resources to meet the provisions of the Regulations.
 - The performance management and professional development of the Nominated Supervisor.

Records and confidentiality

- Keep a record of the service's compliance as required by the *Education and Care Services National Regulation*.
- Keep a record of enrolment and other required enrolment documents at the service and FDC residence or venue and ensure these are available for inspection by an authorised officer.
- Ensure that records are kept confidential and not divulged except as permitted.

- Ensure that records are stored safely and securely for the prescribed period for each record.
- Keep enrolment and attendance records ensure they are accurate and available to families on request. If a service approval is transferred, the documents must be transferred to the receiving approved provider.

Family Day Care

- Ensure requirements relating to monitoring, support and supervision of educators are met, including implementing the *Monitoring, Support and Supervision of FDC Educator's* policy and procedures.
- Ensure that requirements relating to assessments of FDC residences and approved FDC venues are met, including implementing the *Assessment and Reassessment of Residences and Venues for FDC* policy and procedures.
- Ensure that a record is kept of visitors to Camden FDC service and each educators residence/venue.

Ensure that requirements relating to educators meeting minimum requirements are met, including implementing the *Engagement or registration of FDC educator's* policy and procedures.

- Ensure that requirements relating to staff records are met.
- Ensure that educator documents are provided to the approved provider when the educator ceases to be engaged or registered with the service.
- Take reasonable steps to ensure that nominated supervisors, educators, staff, and students follow the *Governance and Management* policy and procedures.
- Ensure that copies of the policy and procedures are readily accessible to Nominated Supervisors, co-ordinator's, educators, and staff, and are available for inspection.

7.2 Nominated Supervisor/Team Leader

- Ensure that regulatory obligations are met in relation to governance and management.
- Adopt quality governance and management processes, procedures, and practices, in line with the *National Quality Standard*, especially Quality Area 7- Governance and leadership.
- Implement systems of risk management, financial and internal control, and performance reporting. Monitor management and financial performance to ensure the solvency, financial strength, and good performance of the service.
- Develop and review the service philosophy and purpose, strategic direction, and initiatives.

- Ensure the philosophy or statement of principles reflects the needs and values of those people for whom the service exists e.g., children, families, educators, staff, and the community. This will be done by evaluating the statement at least annually. The Approved Provider will also ensure the operation of the service is consistent with the philosophy of the service.
- Ensure that the family of a child at the service can enter the premises when the child is being educated and cared for.
- Is responsible for the effective supervision and control of the education and care service, and takes responsibility for:
 - Professional development, supervision and performance management of educators and staff.
 - Facilitating the development and implementation of appropriate learning and development programs for the children attending the service.
 - Maintaining up to date policies and procedures.
 - Ensuring educator to child ratios are understood and maintained by educators.
 - Facilitating communication between educators and families.
 - Ensuring children's records such as enrolments, emergency contacts, medical and development progress, are kept up to date.
- Review policies and procedures on a regular basis and/or when needed or required by the introduction of a new Regulation or Law.
- Effectively communicate with the approved provider about any matters that may affect the Approved Provider's ability to comply with the Regulations.
- Report allegations of abuse, injury, or illness to the relevant child protection authority.
- Ensure changes within the FDC service are explained to all FDC service staff, educators, and parents/guardians prior to implementation.
- Ensure if a change to a policy/procedure is made, at least 14 days' notice is provided to educators and parents/guardians prior to implementation.

Notifications and reporting

- Ensure that all notification and reporting requirements are met regarding the National Quality Framework and other relevant laws.
- Ensure the health, safety, and wellbeing of children in the service and take every reasonable precaution to protect children from harm and hazard.

Quality Improvement Plan (QIP)

- Ensure there is an effective self-assessment and quality improvement process in place.

Educational needs and program

- Ensure that children's educational and developmental needs are met.

Educators and staff

Ensure that roles and responsibilities are clearly defined, understood, and support effective decision making and operation of the service.

- Ensure that the performance of educators, staff and co-ordinators is regularly evaluated, and individual plans are in place to support learning and development.
- Ensure that requirements relating to staffing are met, including implementing the *Staffing* policy and procedures.
- Ensure that the educational leader is supported to lead the development and implementation of the educational program and assessment and planning cycle.
- Provide all educators with a copy of the *Early Childhood Australia Code of Ethics*.
- Provide all staff with training at induction in relation to Council's *Code of Conduct*.

Records and confidentiality

- Ensure that requirements relating to records and confidentiality are met.

Family Day Care

- Ensure that requirements relating to monitoring, support and supervision of educators are met, including implementing the *Monitoring, support, and supervision of FDC Educators* policy and procedures.
- Ensure that requirements relating to assessments of FDC residences and approved FDC venues are met, including implementing the *Assessment and reassessment of residences and venues for FDC* policy and procedures.
- Ensure that requirements relating to educators meeting minimum requirements are met, including implementing the *Engagement or registration of FDC educator's* policy and procedures.

7.3 Educator

- Must conduct themselves and their FDC service practices in accordance with all legislative requirements and Camden FDC policy and procedures and as directed by the nominated supervisor.

- Are aware of and understand that in the case of a FDC education and care service the obligation of an Approved Provider is also the obligation of the FDC educator.
- Must be aware of and follow the *Governance and Management* policy and procedures.
- Must be familiar with and implement the service's policies and procedures, philosophy, QIP and Code of Ethics.
- Ensure that requirements relating to reporting, record keeping, and confidentiality are met.
- Must keep a copy of Camden Council FDC policy and procedures manual.
- Have a working knowledge of the policies and procedures within the Camden Council FDC policies and procedures folder.

7.4 Families

- Be aware of the *Governance and Management* policy and procedures and address any questions to the approved provider or nominated supervisor/responsible person.
- Be encouraged to participate in the management of the service through:
 - Providing feedback through surveys, and other communication strategies.
 - Involvement in service activities and community events.

8. INDUCTION AND ONGOING TRAINING

- 8.1 Induction will be implemented prior to an educator being registered with the service, focusing on information on legal and ethical requirements and this policy and related procedures.
- 8.2 A review of service environments and practices will occur annually at the time of re-registration and as a need is identified.
- 8.3 Educators and staff will be required to participate in ongoing professional development and training focusing on information on legal and ethical requirements and this policy and related procedures.
- 8.4 Information will be shared with educator assistants and relief educators on induction and as relevant to the environments that they are working in, their shift responsibilities and the children in their care.

9. MONITORING, EVALUATION AND REVIEW

- 9.1 This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this policy every three years.

- 9.2 Families, educators, and staff are essential stakeholders in the policy review process and will be given an opportunity and encouragement to be actively involved.
- 9.3 In accordance with regulation 172 of the Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

10. SOURCES AND RESOURCES

- [ACECQA Approved provider compliance responsibilities](#)
- [ACECQA Guide to the National Quality Framework](#)
- [ACECQA Meeting the NQS](#)
- [ACECQA Newsletter Issue 6 2018 Governance in education and care](#)
- [ACECQA NQS Area 7: Governance and Leadership](#)
- [ACECQA Occasional paper 5: Leadership and Management in education and care services](#)
- [Australian Government: my-business-health/home](#)

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RELEVANT LEGISLATIVE INSTRUMENTS: *Children (Education and Care Services) National Law (NSW)*
Education and Care Services National Regulations
National Quality Standard | Australian Children's Education and Care Quality Authority (ACECQA)

RELATED POLICIES, PLANS AND PROCEDURES:

Acceptance and refusal of authorisations policy
Administration of first aid policy
Assessment and reassessment of residences and venues for FDC policy
Assessment of FDC educators, educator assistant's and persons residing at FDC residences policy
Dealing with complaints policy
Dealing with infectious diseases policy
Dealing with medical conditions in children policy
Delivery of children to, and collection from, the FDC service policy
Emergency and evacuation policy
Engagement or registration of FDC educator's and educator assistant's policy
Enrolment and orientation policy
Excursions policy
Incident, injury, trauma, and illness policy
Interactions with children policy
Keeping a register of FDC educators and co-ordinators policy
Monitoring, support, and supervision of FDC educator's policy
Nutrition, food and beverages, and dietary requirements policy
Payment of service fees and provision of a statement of fees charged by the service policy
Providing a child safe environment policy
Provision of information, assistance, and training to FDC educator's policy
Safe sleep and rest for children policy
Safe transportation of children policy
Staffing policy
Sun protection policy
Visitors to FDC residences and venues while education and care is being provided to children policy
Water safety Policy

RESPONSIBLE DIRECTOR: Director Sport, Community and Activation

APPROVAL:

General Manager through the Executive Leadership Group.

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1		New	Feb 2012	
2			May 2019	
3	ELG	Major amendments. Merged with Managing Records and Confidentiality	14/04/2022	22/178222