

	<p>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).</p> <p>Interest: anything that can have an impact on an individual or a group.</p> <p>Perceived conflict of interest: arises where a third party could form the view that a staff member's private interests could improperly influence the performance of their duties, now or in the future.</p> <p>Potential conflict of interest: arises where a staff member has private interests that could conflict with their responsibilities.</p> <p>Private interests: includes not only a staff member's own personal, professional or business interests, but also those of their relatives, friends or business associates.</p>
<p>References:</p>	<p>Our Community: www.ourcommunity.com.au</p> <p>Early Years Management Policy Framework and Early Years Management Operating Guidelines 2016</p> <p>HTTPS://WWW.EDUCATION.VIC.GOV.AU/CHILDHOOD/PROVIDERS/REGULATION/PAGES/EYM.ASPX?REDIRECT=1</p> <p>ELAA Early Childhood Management Manual</p> <p>Justice Connect: HTTP://WWW.JUSTICECONNECT.ORG.AU/</p>
<p>Related Policies:</p>	<p><i>Early Years Policy - Code of Conduct for Parents & Guardians</i></p> <p><i>Customer Service charter</i></p> <p><i>Privacy policy</i></p> <p><i>Complaints handling policy</i></p> <p><i>Staff Code of Conduct</i></p>
<p>Related Legislation:</p>	<p><i>Associations Incorporation Reform Act 2012 (Vic), as applicable to the service</i></p> <p><i>Corporations Act 2001, as applicable to the service</i></p> <p><i>Education and Care Services National Law Act 2010</i></p> <p><i>Education and Care Services National Regulations 2011: Regulation 168(2)(l)</i></p> <p><i>National Quality Standard, Quality Area 7: Leadership and Service Management</i></p> <ul style="list-style-type: none"> - Standard 7.3: Administrative systems enable the effective management of a quality service

GOVERNANCE AND MANAGEMENT OF THE EARLY YEARS SERVICES POLICY

Mandatory – Quality Area 7

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, contractors, educators, staff, students on placement at kindergartens, volunteers, parents/guardians, children and others attending the programs and activities of Macedon Ranges Shire Council's Early Years Services.

RESPONSIBILITIES

As an Approved Provider, MRSC is responsible for:

- ensuring the service has appropriate systems and policies in place for the effective governance and management of the service

ELEMENTS OF THE GOVERNANCE MODEL

The following are the elements of the governance systems at the Macedon Ranges Shire Council Early Years Services for which Council 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 of kindergarten services including ensuring that good management practices and appropriate checks and balances are in place
- Be accountable to staff 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 Attachment 1: Council officer disclosure of conflicts of interest form)

LEGAL LIABILITIES OF COUNCIL

MRSC is responsible to take all reasonable steps to ensure that the laws and regulations relating to the operation of the service are observed. As the approved provider, MRSC is responsible for ensuring that:

- adequate policies and procedures are in place to comply with the legislative and regulatory requirements placed on the service and that enables the daily operation of the service to be geared towards the achievement of the service's vision and mission
- appropriate systems are in place to monitor compliance
- staff take reasonable care and skill to exercise their role as part of the governing body of the service

- staff act honestly, ethically and with due care and diligence (refer to *Staff Code of Conduct*)
- 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 staff
- 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 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
- providing required reports to government
- setting and maintaining appropriate delegations and internal controls
- evaluating and improving the performance of the Service

CONFIDENTIALITY

All members of the staff must comply with the confidentiality guidelines and principles outlined in the *Staff Code of Conduct policy*.

ETHICAL PRACTICE

The following principles will provide the ethical framework to guide the delivery of services at the Macedon Ranges Shire Council Early Years Services:

- conduct will be in accordance with the principles outlined in the *Staff Code of Conduct policy*
- 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
- 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

COMMITTEE INVOLVEMENT

- Early Years Services which have committees, may or may not be incorporated, involved in fundraising and organising social gatherings on behalf of the kindergartens. Council has an agreement with the committees that outlines the roles and responsibilities of all stakeholders. The agreement has been signed for five years. Representatives from each of the kindergarten committees attend the Early Years Parent fundraising group meeting on a term basis
- Annual Partnership agreement (refer to Attachment 2) with Incorporated Associations and Parent Advisory Group Handbook outline the terms and Conditions

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, MRSC will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required

- notify parents/guardians at least 14 days before making any changes to this policy or its procedures

ATTACHMENTS

Attachment 1: Council officer disclosure of conflicts of interest form

Attachment 2: Partnership Agreement



**Council Officer
Disclosure of Conflicts of Interest Form**

1. This form is to be used by Council Officers to disclose any conflicts of interest between their duties and responsibilities associated with their position with the Macedon Ranges Shire Council and their personal interests.
2. Officers are encouraged to discuss any potential conflicts of interest with their Supervisor/Manager.
3. This form, when completed, should be forwarded to the Chief Executive Officer.

Council Officer Name:

I hereby disclose that I have a conflict of interest between my duties and responsibilities in my role as _____ and my personal interests.
(specify role/position you occupy)

The type of conflict of interest (please tick the relevant box):

- a direct interest
- an indirect interest by close association
- an indirect financial interest
- an indirect interest because of a conflicting duty
- having received an applicable gift, or
- being a party to the matter

The nature of my interest is.....
.....
.....

Signature of Council Officer Date: / /

Direct Interests

- Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered.
- Reasonably likely that you will receive a direct benefit or loss measurable in money.
- Reasonably likely that your residential amenity will be directly affected.

Indirect interests

Indirect interest by close association

- Exists as it reasonably assumed that decision makers will generally be concerned about the interests of people with whom they have a close association.
- Three types of close association – Family, Relatives and Household members.
- If family member has direct or indirect interest you have a conflict.
- If a relative or a household member has a direct interest you have a conflict.

Indirect financial interest

- Involves a third party (person or organisation) having an interest in the matter.
- You must be likely to receive a benefit or incur a loss as a result of the benefit or loss to the third party.
- The benefit or loss to you is measurable in financial terms.

Indirect Interest because of a Conflicting duty

- Involves situations where a person has a separate duty or responsibility to another person or organisation whose interests overlap with the relevant persons public duty.
- You have a conflicting duty if you hold any of the following positions in relation to a person, company or body that has a direct interest in a matter – Manager, Member of governing body ie; board member, partner, consultant, contractor, agent or employee.
- Also captures past duties.

Indirect Interest because of an Applicable Gift

- The receipt of a gift from a person or organisation can result in a conflict of interest.
- An 'applicable gift' is a gift valued at \$200 or more which was received in the previous 5 years.
- A person has an indirect conflict of interest if they have received an applicable gift from – a person who has direct interest, a director, contractor, consultant, agent or employee that has a direct interest.

Indirect Interest by being a interested party to a matter

- A person is party to a matter when they have initiated civil proceedings in relation to the matter or become a party to such proceedings.

ATTACHEMENT 2 Partnership Agreement



Macedon Ranges
Shire Council
Macedon Ranges Shire Council
Early Years Management
Parent Advisory Group Partnership Agreement

This Agreement is between

Xxxx Kindergarten Incorporated Association (the Committee)

and

Macedon Ranges Shire Council (MRSC) Early Years Services

of 129 Mollison Street, Kyneton, Vic, 3444.

ABN 42 686 389 537

Purpose

This Agreement sets out the terms that govern the partnership between the above named parties. Each partner agrees to be bound by the conditions in this Agreement.

The partners of this Agreement will work together to have a governance system that supports local children and families to develop as part of the local community and to participate in and enjoy their kindergarten year. MRSC want to set an example for best practice in early year's management.

Council Early Years Services department is responsible for all aspects of the kindergarten service. The members of the committee are not to represent themselves as managers of the kindergarten or representatives of the Approved Provider.

The Committee's purpose in relation to the kindergarten service is to act as a Parent Advisory Group (PAG).

Term

This partnership commences on 5 April 2020 and continues to 5 April 2021, or if/when terminated in accordance with the terms of dissolution stated herein.

Dissolution

The Agreement shall not be terminated until the dispute resolution process as outlined in Council's formal complaint handling and dispute resolution process. The Department of Education and Training can become involved in a dispute between a funded kindergarten service and an EYM organisation when all other dispute resolution processes have been exhausted as per the EYM Kindergarten Operating Guidelines.

Meetings

The parties will regularly meet once a term at various locations across the shire. These meetings provide an opportunity for Committee and PAG representatives to get together with each other and the Early Years leadership team to discuss any relevant issues and fundraising ideas.

XXX Kindergarten Incorporated Association (IA), agree to work with the Macedon Ranges Shire Council Early Years Services (EYS) and comply with the conditions as listed below:

- Provide input and feedback, on behalf of the kindergarten community, on items such as Council policies, procedures and practices ensure that they comply with the Associations Model Rules at all times.
- Welcome and connect with new families and refer them to Council to inform them of the Early Years Services
- Ensure that all cash is banked into the Associations account as soon as possible.
- Not ask Council staff to collect or hold cash on behalf of the committee.
- Managing Association income and expenditure and ensuring that appropriate financial records are maintained.
- Present a monthly income and expenditure statement at each Association meeting. True and fair financial reports are to be presented and endorsed at each Committee meeting by the Treasurer.
- Ensure that all expenditure is authorised by the Association during a Committee meeting where a quorum is held prior to spending Association funds.
- Developing and manage an operational budget and fundraising budget.
- Fund any equipment and/or additional activities as agreed to by both Partners.
- Ensure an annual statement is sent to Consumer Affairs Victoria by the Secretary within a month after the AGM.
- Council officers will be present at all AGM's and will require the following documentation presented to them –
 - o Annual statement and financial report
 - o Presidents annual review
 - o Appointment and list of new committee members.
- Liaise with Educators to ensure that fundraising activities align with current practice and policies. (i.e A chocolate drive will not fit with the Kindergarten Healthy Eating Policy).
- Undertake fundraising events after authorisation from an Early Years Regional Team Leader has been granted prior to commencing the fundraising event.
- Understands that any meetings and or social events organized by Association cannot be held at the kindergarten or in the grounds unless there is a member of Council staff in attendance the entire duration of the event.
- Understand that Early Years Support Officers purchase all new/replacement equipment on behalf of the committee through Council Procurement process and will rise invoices as required.
- Understands that Equipment purchased by the committee becomes the property of Council.
- Must not make any modifications to the kindergarten building unless authorised and project managed by Council's Buildings Team using a Council approved tradesperson.
- Agrees to send a copy of monthly meeting minutes, and income and expenditure reports, to the Early Years Regional Team Leaders.
- Nominate a representative to attend the quarterly Council Early Years Kinder Advisory Group meeting.
- The Committee are responsible for the health and safety of all volunteers and must understand and comply with MRSC OHS policies and procedures whilst on site.
- Associations must:
 - o Notify the Early Years Regional Team Leaders at least 14 days prior to any working bee of the date, time and works to be undertaken and obtain approval.
 - o Ensure that an IA Representative is present to supervise works and monitor the safety of persons/volunteers on-site.

- Keep a record of all persons working on-site.
- Ensure any person using power tools is appropriately trained and experienced and uses appropriate protective equipment.
- Report all incidents, injuries or near misses to Early Years Services Coordinator on 0428 238 894 as soon as reasonably possible.
- Shall be fully aware that Buildings and contents owned by Council are fully insured, this includes items purchased for use of the kindergarten or supplies donated to the kindergarten.
 - Council does not insure property that is owned by others whilst at the premises.
- Committees that are incorporated associations are covered by VMIA's Community Service Organisation (Education) Insurance Program (Program). The Program covers kindergartens, learning centres and other funded community service organisations. It is funded by the Department of Education and Training (Department) and provides incorporated associations a range of general insurance cover for its authorised activities originating in Victoria.
- Are responsible for the development, implementation and monitoring of their own policy involving the use of social media to promote their activities.
 - Every piece of communication issued by the IA, including posters, brochures, media releases and advertisements, must clearly refer to the "XXX Kindergarten Incorporated Association" as the event organiser or issuer of the information being provided.
 - Any communication which references the Council, the Kindergarten Programs/Activity groups, or its staff should be referred to the Early Years Projects and Communications Officer for review before being published.
- The Committee are not responsible for actioning complaints or concerns. The Macedon Ranges Shire Council EYS is, and will be, responsible to address any such complaints/concerns.

I, **XXX** as an authorised representative of the **XXX** Kindergarten Incorporated Association, agree that the group will comply with the duties and responsibilities outlined in this Agreement

Signed: _____

Position: President

Date: _____

The Macedon Ranges Shire Council Early Years Services (EYS), agree to work with the **XXX** Kindergarten Incorporated Association, and comply with the conditions as listed below:

- Employment, development, deployment and remuneration of kindergarten staff who operate according to relevant Council Policies and the Early Education Employees Agreement 2016.
- Enrolment of children in line with Department of Education and Training Kindergarten Funding Guide and MRSC Enrolment and Fee Policy.
- Ensuring the delivery of 600 hours of the funded kindergarten program each calendar year for children enrolled in a MRSC 4 year old kindergarten program.
- Determining Kindergarten sessions run each year taking into account parent's feedback about session configuration and licenced capacity of kindergarten rooms.
- Maintain the kindergarten facility, grounds and all fixtures and fittings in line with Education & Care Services Regulations & Law.
- Educators are to follow the "unscheduled maintenance process" for any unscheduled and/or urgent maintenance as identified by Council Staff or IA Representative.
- Ensuring policy and procedures are in place to meet legal obligations and the National Quality Framework and ensure they are followed by staff and parents.
- MRSC EYS will consult with parents about Policies & Procedures, changes to Kindergarten that affect Parents and/or Children through the Macedon Ranges Kinder Advisory Group (MRKAG) meeting and surveys.
- Council will coordinate four MRKAG meetings per year – one per school term. The agenda of the meetings will be set by Council with input from nominated Kindergarten Committee representatives. The call for agenda items will be emailed at least 14 days prior to the meeting. A Council Officer will act as minute-taker. Minutes will be circulated within 14 working days of the meeting.
- Strategic planning and linking in with local planning, community engagement and reporting to the Community.
- The Macedon Ranges Shire Council EYS is, and will be, responsible to address complaints or concerns. The Incorporated Association are not responsible for actioning these.
- Early Years Support Officers purchase all new/replacement equipment for the kindergarten on behalf of IA through Council procurement process and will raise invoices to the committee as required.
- Early Years Regional Team Leader must authorise any proposed additional working bee(s) organised by the IA at least 14 days prior to commencement.
- Early Years Regional Team Leader must approve any fundraising events prior to the IA undertaking a fundraising event.
- Council will ensure there is a member of staff in attendance at any approved meetings and or social events organized by IA held at the kindergarten or in the grounds.
- Buildings and contents owned by Council are fully insured, this includes items purchased for sole use of the kindergarten or supplies donated to the kindergarten.
- Council volunteers are protected by existing Public Liability and limited personal accident insurance policies held by Council whilst engaged in approved works on site. Insurance details can be obtained through Council on request.
- Macedon Ranges Shire Council Early Years Projects and Communications Officer will review any communication which references the Council, the Kindergarten Programs/Activity groups or its staff before being published.
- Financial management including financial accountability, budgeting, reporting and purchasing.

- MRSC EYS will apply for Victorian Government grants, or submit Business Cases, to Council for upgrades/items that they deem are required.
- Receiving all Government funding from the Department of Education and Training (DET) to assist with the service, administration and management costs of each kindergarten.
- MRSC EYS will be measured by the Department of Education and Training on the following EYS outcomes to ensure they are improving outcomes for children:
 - o sustainable and responsive services
 - o access and participation
 - o quality and innovation
 - o highly skilled, collaborative workforce
 - o strong partnerships

I **XXX** as an authorised representative of Macedon Ranges Shire Council as per S7. Instrument of Sub-Delegation by CEO, agree that Council will comply with the duties and responsibilities outlined in this Agreement.

Signed _____

Position Manager Children & Family Services

Date _____