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GOVERNANCE AND MANAGEMENT OF THE SERVICE POLICY

Mandatory – Quality Area 7

Bonbeach Pre-School is managed by the Bonbeach Primary School and Pre-School Council (School Council). The School Council has established the Bonbeach Pre-School Sub-committee and working groups, consisting of elected representatives from the parent body and staff, to assist with the operations of the pre-school (refer to Attachment 2 – Bonbeach Pre-School governance structure).

PURPOSE

This policy outlines the duties, roles and responsibilities of the Bonbeach Primary School and Pre-School Council in the governance and management of Bonbeach Pre-School

POLICY STATEMENT

1. VALUES

Bonbeach Pre-School is committed to ensuring that there are appropriate systems and processes in place to enable:

- good governance and management of the organisation
- accountability to its stakeholders
- compliance with all regulatory and legislative requirements placed on the organisation
- the organisation to remain solvent and comply with all its financial obligations.

2. SCOPE

This policy applies to the Approved Provider, the School Council and all sub-committees and working groups that have been formed for the benefit of the pre-school.

3. 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. Members of the School Council are responsible for setting the directions for the service and ensuring that its goals and objectives are met in line with its constitution, and all legal and regulatory requirements governing the operation of the business are met.

Under the National Law and National Regulations, 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:

- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011: Regulation 168(2)(l)*
- *National Quality Standard, Quality Area 7: Governance and Leadership*

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au/>
- Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

4. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

Actual conflict of interest: One where there is a real conflict between a School Council 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 Bonbeach Primary School and Pre-School Council or sub-committee, 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 School Council or sub-committee, but also their relatives, friends or business associates.

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

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.

Perceived conflict of interest: Arises where a third party could form the view that a School Council member's private interests could improperly influence the performance of their duties on the Bonbeach Primary School and Pre-School Council, now or in the future.

Potential conflict of interest: Arises where a School Council member has private interests that could conflict with their responsibilities.

Private interests: Includes not only a School Council member's own personal, professional or business interests, but also those of their relatives, friends or business associates.

5. SOURCES AND RELATED POLICIES

Sources

- Our Community: www.ourcommunity.com.au
- Justice Connect: <http://www.justiceconnect.org.au/>
- *Directors Code of Conduct*, Victorian Public Sector Commissioner: <http://vpsc.vic.gov.au/resources/code-of-conduct-for-directors/>

Service policies

- *Child Safe Policy*
- *Code of Conduct Policy*
- *Communication and Information Technology Policy*

- *Complaints and Grievances Policy*
- *Privacy and Confidentiality Policy*

PROCEDURES

The Approved Provider is responsible for:

- ensuring that the service has appropriate systems and policies in place for the effective governance and management of the service.
- the effective operation of the service's sub-committees and working groups
- providing an effective communication channel between School Council and the service's sub-committees and working groups
- ensuring that a terms of reference document is developed at the establishment of any sub-committee formed to assist with the operations of the pre-school (refer to Attachment 4 – *Sample Terms of reference template*).
- ensuring that each sub-committee has a terms of reference document and that it is reviewed, endorsed and minuted at the beginning of each calendar year for each year in which the sub-committee is active.

CORE ELEMENTS OF THE GOVERNANCE MODEL

The following are the core elements of the governance systems at Bonbeach Pre-School for which the Bonbeach Primary School and Pre-School 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, and in line with the Bonbeach Primary School strategic directions. Promote positive collaboration between Primary School and Pre-School activities.

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 1 – *Sample Conflict of interest disclosure statement*).

LEGAL LIABILITIES OF MEMBERS OF THE BONBEACH PRIMARY SCHOOL AND PRE-SCHOOL COUNCIL

The Bonbeach Primary School and Pre-School Council is responsible to take all reasonable steps to ensure that the laws and regulations relating to the operation of the service are observed. In relation to the pre-school, members of the School Council 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 School Council improperly
- they do not use their position on the School Council for personal gain or put individual interests ahead of responsibilities.

RESPONSIBILITIES OF THE BONBEACH PRIMARY SCHOOL AND PRE-SCHOOL COUNCIL

The Bonbeach Primary School and Pre-School Council, in regards to the operation of Bonbeach Pre-School, 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 School Council and staff and are in line with the Bonbeach Primary School strategic directions.
- 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, and are consistent with the policies and procedures of Bonbeach Primary School where relevant.
- establishing clearly defined roles and responsibilities for the members of the School Council individually and as a collective, management and staff, and clearly articulate the relationship between the Bonbeach Primary School and Pre-School Council, 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 School Council are transparent and will help build confidence among members and stakeholders
- ensuring that the actions of and decisions made by the School Council are consistent with the intent that the pre-school and broader school community operate collaboratively.
- 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. 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 Bonbeach Primary School and Pre-School Council
- 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 School Council and sub-committees who gain access to confidential, commercially-sensitive and other information of a similar nature, in relation to the operations of Bonbeach Pre-School, 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*).

All members of the Bonbeach Primary School and Pre-School Council and sub-committees must read, sign and abide by the Code of Conduct for Bonbeach Primary School or the Bonbeach Pre-School Privacy Statement and Code of Conduct (refer to *Privacy and Confidentiality Policy and the Code of Conduct Policy*)

Members of the School Council and sub-committees shall respect the confidentiality of the service's documents and deliberations at School Council or sub-committee meetings, and shall not:

- disclose to anyone the confidential information acquired by virtue of their position on the School Council or sub-committee
- 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 School Council or sub-committee, shall continue even after the individual has completed their term and is no longer on the School Council or sub-committee.

The obligation to maintain confidentiality also applies to any person who is invited to any meetings of the School Council or sub-committee as an observer or in any other capacity.

ETHICAL PRACTICE

The following principles, along with the *Code of Conduct Policy*, will provide the ethical framework to guide the delivery of services at Bonbeach Pre-School:

- 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 1 – Sample *Conflict of interest disclosure statement*)
- 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, in relation to Bonbeach Pre-School, whether actual, potential or perceived (refer to *Definitions*), must be declared by all members of the School Council or sub-committee, and managed effectively to ensure integrity and transparency (refer to Attachment 1 – Sample *Conflict of interest disclosure statement*).

Every member of the School Council or sub-committee 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:

- If a school council or sub-committee member or a member of their immediate family has any direct conflict of interest (including a pecuniary interest) in a subject or matter under discussion at a meeting, the member must declare the conflict of interest (refer to Attachment 1 – Sample *Conflict of interest disclosure statement*)
- the member concerned must also notify the School Council President or Principal, of such conflict, as soon as possible after identifying the conflict
- the member who is conflicted must not be present during the relevant discussion unless invited to do so by the person presiding at the meeting and must not be present where decisions are made on the matter. The member concerned must provide the school council or sub-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.

All violations of the requirement to disclose and manage conflicts shall be dealt with in accordance with the Bonbeach Pre-School policies (refer to policies listed in Sources) and/or the Directors Code of Conduct issued by the Victorian Public Sector Commissioner.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the School Council 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: Sample *Conflict of interest disclosure statement*
- Attachment 2: Bonbeach Pre-School Governance Structure
- Attachment 3: Guidelines for School Council reports
- Attachment 4: Sample term of reference template

AUTHORISATION

This policy was adopted by the Nominated Supervisor of Bonbeach Pre-School on 31/05/2023.

REVIEW DATE: MAY 2026

ATTACHMENT 1
Sample *Conflict of interest disclosure statement*

Name (in full):	
Postal address:	
Position and council or sub-committee title	

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 Bonbeach Primary School Council or sub-committee of Bonbeach Pre-School.
- co-operate in the formulation of a *Conflict of interest management plan*, as required.
- comply with any conditions or restrictions imposed by the Bonbeach Primary School Council or sub-committee to manage, mitigate or eliminate any actual, potential or perceived conflict of interest.

Signed

Date

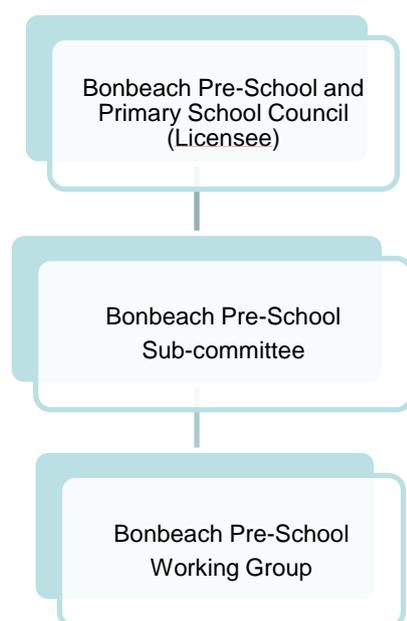
ATTACHMENT 2

Bonbeach Pre-School Governance Structure

Bonbeach Pre-School provides families with a unique experience in which the Pre-School and Primary School are integrated in one bayside location. The pre-school fosters strong links between the Pre-School and the Primary School so that the pre-school children and families feel a part of the Primary School community.

Bonbeach Pre-School is managed by the Bonbeach Primary School and Pre-School Council (School Council). The School Council has established the Bonbeach Pre-School Sub-committee and working group, consisting of elected representatives from the parent body and staff, to assist with the operations of the pre-school.

The Bonbeach Pre-School Corporate Governance Structure is set out below.



The Principal is the key delegate of the School Council and will, in some instances, deal with matters on behalf of the School Council.

The Bonbeach Primary School and Pre-School Council

- Ensures that the service has appropriate systems and policies in place for the effective governance and management of the service.
- Ensures the effective operation of the service's sub-committees and working groups.
- Is the employer of staff

Bonbeach Pre-School Sub-committee

- Oversees the management of the pre-school
- Is comprised of the Principal, Nominated Supervisor and parent/guardians representatives (Chairperson, Assistant to Chairperson and/or Secretary)

Bonbeach Pre-School Working Group

- Coordinates aspects of the day to day operation of the pre-school as identified in the working group role descriptions.
- Contributes to planning, service maintenance, enrolments, fundraising and administration.
- The working group report to the Sub-committee.

The Terms of Reference for Bonbeach Pre-School sub-committee shall be set at the establishment of a sub-committee, and then reviewed, endorsed and minuted annually at the start of the calendar year for each year in which the sub-committee is active.

Terms of Reference exist for the Bonbeach Pre-School Sub-committee, and the Working Group outlined above.

ATTACHMENT 3

Guidelines for School Council reports

PURPOSE

To ensure that Pre-School activities are appropriately reported to the Approved provider and to Bonbeach Primary School Council in an efficient and timely manner.

This procedure refers to the monthly reporting cycle only. Issues of significance or urgency are to be reported to School Council or the Approved Provider immediately or as required by the relevant policy.

GUIDELINES:

Items to be reported to School Council

Items	Purpose	Frequency
Planned fundraising activities for the year to be provided to school council.	Information	Quarterly
Annual budget to be provided to school council	Approval required	Annually
Pre-school Policies, new and changes to existing.	Approval required	As required
Specific project budgets.	Information	As required
Financial position. Variance against budget	Information	Quarterly
OHS issues	Information	As required
Staff performance planning and review activities	Information	Annually
Enrolment numbers	Information	As required
Calendar of events (including meeting dates, maintenance days, curriculum days, special events, parent information nights etc)	Information	As required
Intent to or application for funding or grants from external sources	Information	As required

RESOURCES/REFERENCES:

- Governance and Management of the Service Policy – Quality Area 7: Governance and Leadership

IMPLEMENTATION:

- The School Council representative is responsible for providing Meeting agendas, minutes and key dates to the Primary School Business Manager for inclusion in the Primary School Council agendas.
- The School Council representative is responsible to verbally updating the school council on items as required.

COMMUNICATION:

- Pre-School activities are to be reported to the full school council at the next scheduled meeting
- Outcomes from School Council meeting are to be reported back to sub-committee at the next scheduled meeting and directly to the Nominated Supervisor and the Chairperson for urgent matters.