

# Governance Policy



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| <b>Policy Relevant to:</b>       | All Team members, educators, children, families, volunteers and visitors  |
| <b>Last Reviewed:</b>            | August 2025   |
| <b>Next Review:</b>              | August 2027   |
| <b>ECS National Law:</b>         | S13, S14, S21, S51, S162, S165, S172, S173, S174, S175, S188  |
| <b>ECS National Regulations:</b> | r29, r31, r55, r56, r73, r74, r84, r85, r136(3), r177A, 177B, 117C, 157, r158, r161, r162, r167, r168, r170-175, r177, r180, r181, r183, r184, r185 |
| <b>NQS:</b>                      | 7.1, 7.1.2, 7.1.3, 7.2 7.2.1, 7.2.2, 7.2.3  |
| <b>Related Legislation</b>       | Family Assistance Law – Incorporating all related legislation as identified within the <a href="#">Child Care Provider Handbook</a>                 |

## Rationale

The Governance Policy provides for the overall management and accountability of Adventure Patch. The Adventure Patch Board and Executive Leadership Team are responsible for guiding the direction of their services, ensuring that their goals and objectives are met in line with the philosophy, and all legal and regulatory requirements governing the operation of the organisation.

## Purpose

Adventure Patch aims to ensure all legal and financial requirements are implemented and recognised through appropriate governance practices, providing quality education and care, meeting the principles, practices and elements of the Early Years Learning Framework and the National Quality Standard.

## Scope

This policy should be read in conjunction with:

- AP Constitution
- The Board Charter
- The Delegations Manual
- The Strategic Plan
- Risk Management Framework

## Implementation

Under the Education and Care Services National Regulations, Adventure Patch must ensure that policies and procedures are in place in relation to the governance and management of the service (Reg. 168), and that they take reasonable steps to ensure those policies and procedures are followed (Reg. 170). ACECQA 2021

Governance is the process that directs and controls Adventure Patch services, ensuring accountability and supporting decision-making. Adventure Patch and the Executive Leadership Team of the organisation accept the legal responsibilities associated with establishing, administering, and maintaining our services.



Management may include Persons with Management or Control of the Service (PMC) as defined by ACECQA. Persons with Management or Control may *participate in executive or financial decision-making or have authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service* (ACECQA 2023).

Adventure Patch has the following established positions.

Definitions taken from ACECQA

| Position   | Definition  |
|--|---|
| <b>Approved Provider</b><br><i>Adventure Patch</i>   | Is the legal entity that has been granted approval to operate an education and care service under the National Law and is held legally responsible for managing that service.   |
| <b>Nominated Supervisor</b><br><i>Manager LDC</i><br><i>Manager OSHC</i><br><i>Manager FDC</i><br><i>DCEO</i>  | Is a legally designated individual responsible for the day-to-day management and operations of an education and care service, ensuring compliance with the National Law and Regulations. This role includes overseeing educational programs, child safety, and staffing arrangements, with the individual required to meet specific criteria, including providing written consent and completing child protection training.   |
| <b>Educational Leader</b>  | A person in an Australian children's education and care service who guides educators to improve learning, development, and wellbeing outcomes for children. This role involves developing the curriculum, building a strong team culture, inspiring professional development, and ensuring the service's educational practices align with the <u>National Quality Framework</u> (NQF) and service philosophy.   |
| <b>Persons with Management or Control (PMC)</b><br><i>The Board</i><br><i>CEO</i><br><i>DCEO</i>   | Is an individual, inside or outside the approved provider, who has responsibility for, or significant influence over, the planning, direction, or control of an education and care service. PMCs can include officers of a company, members of a management committee, partners in a partnership, and individuals in other executive or management positions who hold such authority or influence. Their role is crucial because they are responsible for ensuring the service meets the <u>National Quality Framework</u> standards and must be deemed "fit and proper" by the regulatory authority.                                 |
| <b>Responsible persons</b><br><br><i>LDC Leaders</i><br><i>OSHC Coordinators</i><br><i>LDC Educational leaders</i><br><i>Selected LDC Room Leaders</i> | The responsible person is an individual who is physically present and is responsible for the operation of a centre-based service for an agreed period of time.<br><br>A responsible person has been nominated and consented to the role; they must be present at all times that the approved service operates and can be: <ul style="list-style-type: none"> <li>• The approved provider or a person with management or control of the service</li> <li>• A nominated supervisor of the service</li> <li>• A person placed in day-to-day charge of the service in accordance with the national regulations (national law).</li> </ul> |

**Adventure Patch (Approved Provider), through the PMC is legally responsible for:**

- Ensuring compliance with the Education and Care Services National Law and Education and Care Services National Regulations.
- Ensuring compliance by all employees and educators with the Education and Care Services National Law and Education and Care Services National Regulations.
- Developing ethical standards and a Code of Conduct which guide actions and decisions in a way that is consistent and reflective of Adventure Patch's expectations.
- Undertaking periodical planning and risk assessments and having appropriate risk management strategies in place to manage risks faced by Adventure Patch services.
- Ensuring educators, staff, students, and volunteers have knowledge of, and adhere to all policies.
- Ensuring families are aware of this *Governance Policy*.
- Ensuring all notifications are made to the Department, in writing, within the specified timeframes as outlined in the National Quality Framework (NQF) and Family Assistance Law (FAL).
- Complying with FAL.
- Appointing a suitably qualified nominated supervisor, educational leader and Centre Leader /coordinator for our services.
- Supporting all management roles by providing adequate resources to ensure effective administration of our services.
- Notifying the regulatory authority of any changes to the nominated supervisor at least 7 days prior to the appointment (or as soon as possible, but no more than 14 days after commencement).
- Notifying the regulatory authority within 14 days of any changes to Persons with Management or Control.
- Notifying the regulatory authority of any change to the ages of children being educated and cared for by Adventure Patch and any change to the nature of education and care offered by Adventure Patch services (Reg 175 (2)(a)).
- Displaying the prescribed information as listed in Reg. 173, including the current rating levels for each quality area stated in the National Quality Standard.
- Ensuring background checks, including criminal history and Working Vulnerable People Checks (WWVP), are completed for all staff and educators.
- Determining whether or not a person working at Adventure Patch services is a 'fit and proper person' (as per National Quality Framework and Family Assistance Law requirements).
- Providing information to the regulatory authority upon request in relation to being a 'fit and proper person'.
- Implementing a probation and induction orientation program to ensure employees are aware of their roles and responsibilities, understanding of the values and organisational culture of the organisation, policies and procedures, child protection law and other legislation.
- Developing a clear and agreed philosophy, which guides business decisions and the work of management and staff.
- Acting honestly and with due diligence.
- Ensuring that families of enrolled children have access to enter the premises (Reg. 157)
- Ensuring there is a sound foundation of policies and procedures that comply with all legislative and regulatory requirements, and that enable the daily operation of services to be in line with Adventure Patch philosophy and goals.

- Maintaining up-to-date and current policies and procedures for compliance by all educators.
- Ensuring the health, safety and well-being of children, and taking every reasonable precaution to protect children from harm or hazard.
- Ensuring policies and procedures are followed in the event that a child is injured, becomes ill or suffers a trauma (Reg. 85).
- Confirming incident, injury, illness or trauma records are stored in, and kept in a safe and secure place until the child is 25 years of age. In the event of the death of a child while being cared for by the service or may have occurred as a result of an incident, the records must be kept until seven (7) years after the death.
- Compliance with all industrial laws, including Work Health and Safety.
- Appointing staff and monitoring their performance.
- Ensuring educator qualification requirements are current.
- Ensuring Adventure Patch remains financially viable and can meet its debts and other obligations as they fall due.
- Ensuring Adventure Patch holds a current insurance policy for public liability with a minimum cover of \$10 million.
- Managing control and accountability systems
- Reviewing Adventure Patch budget and monitoring financial performance and management to ensure the organisation is solvent at all times and has sound financial strength.
- Approving annual financial statements and providing required reports to government bodies, and maintaining appropriate delegations and internal controls.
- Complying with funding agreements where appropriate.
- Completing a Quality Improvement Plan (QIP) for services and updating it at least annually.
- Ensuring the QIP is updated upon request by the regulatory authority and submitted to the regulatory authority upon request (Reg. 31, 56)
- Developing coherent aims and goals that reflect the interests, values and beliefs of all stakeholders of Adventure Patch.
- Establishing clearly defined roles and responsibilities for the members of the Board and staff, individually and as a collective, and clearly articulating the relationship between all stakeholders.
- Evaluating and improving the performance of the Board.
- Ensuring the educational program is based on an approved Early Years Learning Framework (EYLF) and MY Time, Our Place (MTO) contributes to each child's sense of identity and well-being.
- Complying with all other State and Australian governments' legislation that impacts upon the management and operations of Adventure Patch.
- Ensuring a copy of the Education and Care Services National Regulations and National Law is available at all times at services for use by educators, staff, families and visitors (Reg. 185).
- Ensuring that requirements relating to the physical environment, space, equipment and facilities are met.
- Notifying the regulatory authority if transportation is provided by the service for the first time or if transportation ceases to be provided by Adventure Patch (Reg. 175 (2)(f))
- Notifying families at least 14 days before changes to policy or procedures that:
  - Affect the fees charged or the way they are collected.
  - Significantly impact the service's education and care of children.
  - Significantly impact the family's ability to utilise the service.

## The Nominated Supervisor Is Responsible for:

- Adhering to the Education and Care Services National Law and National Regulations.
- Ensuring that actions taken and decisions made are clear and consistent, and will help build confidence in all stakeholders.
- The day-to-day management of services.
- Ensuring all notification and reporting requirements are met regarding the National Quality Framework and other legislation.
- Providing educators with training, resources and support.
- Identifying and reporting if something significant occurs (for example: Work Health and Safety, Fraud Prevention, Complaint handling)
- Ensuring educators and staff do not delegate responsibilities for which they are accountable or have been delegated to them by management.
- Ensuring educators are adhering to Adventure Patch policies and procedures.

## Service Philosophy

- The service philosophy will be developed as a partnership between the Board, Management and Educators.
- The philosophy and associated statement of purpose will reinforce all other documentation and the practices of Adventure Patch. The philosophy will reflect the principles of the approved national framework, *Belonging, Being and Becoming: The Early Years Learning Framework for Australia, V2.0* and *My Time, Our Place: Framework for School Age Care in Australia, V2.0*.
- There will be a collaborative and consultative process to support the development and maintenance of the philosophy that will include children, parents and educators.

## Maintenance Of Records

Adventure Patch will:

- Adhere to record-keeping requirements outlined in the National Regulations (Reg, 177).
- Adhere to the storage of confidential records outlined in the National Regulations (Reg. 181-184).
- Have a responsibility to keep sufficient records about staff, families, and children in order to operate dependably and lawfully.
- Safeguard the interests of all children, their families, and the staff, using procedures to ensure appropriate privacy and confidentiality practices are upheld.
- Assist in determining the process, storage location, and timeline for storage of records, using the National Regulations as a minimum standard.
- Orientation and induction processes will include the provision of significant information to managers, educators, children, and families to comply with National Regulations and Standards.
- Ensure that the record retention procedure meets the requirements of the following government departments and laws:
  - Australian Tax Office (ATO)
  - Family Assistance Office (FAO)
  - Family Assistance Law
  - National Law and Regulations

## Managing Conflicts of Interest

Refer to The Adventure Patch Board Charter.

### Related Policies

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|---|---|
| Acceptance and Refusal Authorisation Policy<br>Administration of First Aid Policy<br>CCS Governance Policy<br>Child Safe Environment Policy<br>Child Safe and Wellbeing Policy<br>Child Protection Policy<br>Code of Conduct<br>Infectious Diseases Policy<br>Complaints and Grievances Policy (families)<br>Emergency and Evacuation Policy<br>Enrolment Policy<br>Interactions with Children<br>Medical Conditions Policy | Nutrition Policy<br>Orientation Policy<br>Payment of Fees Policy<br>Record Keeping and Retention Policy<br>Privacy and Confidentiality Policy<br>Supervision Policy<br>Safe Arrival of Children Policy<br>Safe Transportation Policy<br>Sleep and Rest Policy<br>Staffing Arrangements Policy<br>Sun Safe Policy<br>Water Safety Policy |
|---|---|

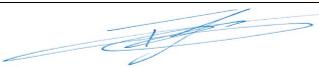
### Sources

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[Governance and Management Guidelines](#).  
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 Education and Care Services National Law Act 2010. (Amended 2023).  
[Education and Care Services National Regulations](#). (2011). (Amended 2023).  
 Work Health and Safety Act 2011 (Cth).

### Review History

|                     |  |                  |             |
|---------------------|--|------------------|-------------|
| Policy Reviewed By: | Tim Short  | CEO              | August 2025 |
| POLICY REVIEWED     | August 2025  | NEXT REVIEW DATE | August 2027 |
| Modifications       | <ul style="list-style-type: none"> <li>New Policy, replacing Governance and Management Policy (POLG0011) &amp; Procedure (PROG0002)</li> </ul> |                  |             |
| POLICY REVIEWED     | PREVIOUS MODIFICATIONS   | NEXT REVIEW DATE |             |
|                     | <ul style="list-style-type: none"> <li></li> </ul>   |                  |             |

### Signed

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|----------|---|
| CEO:     |  |
| Manager: | S. Notaris  |