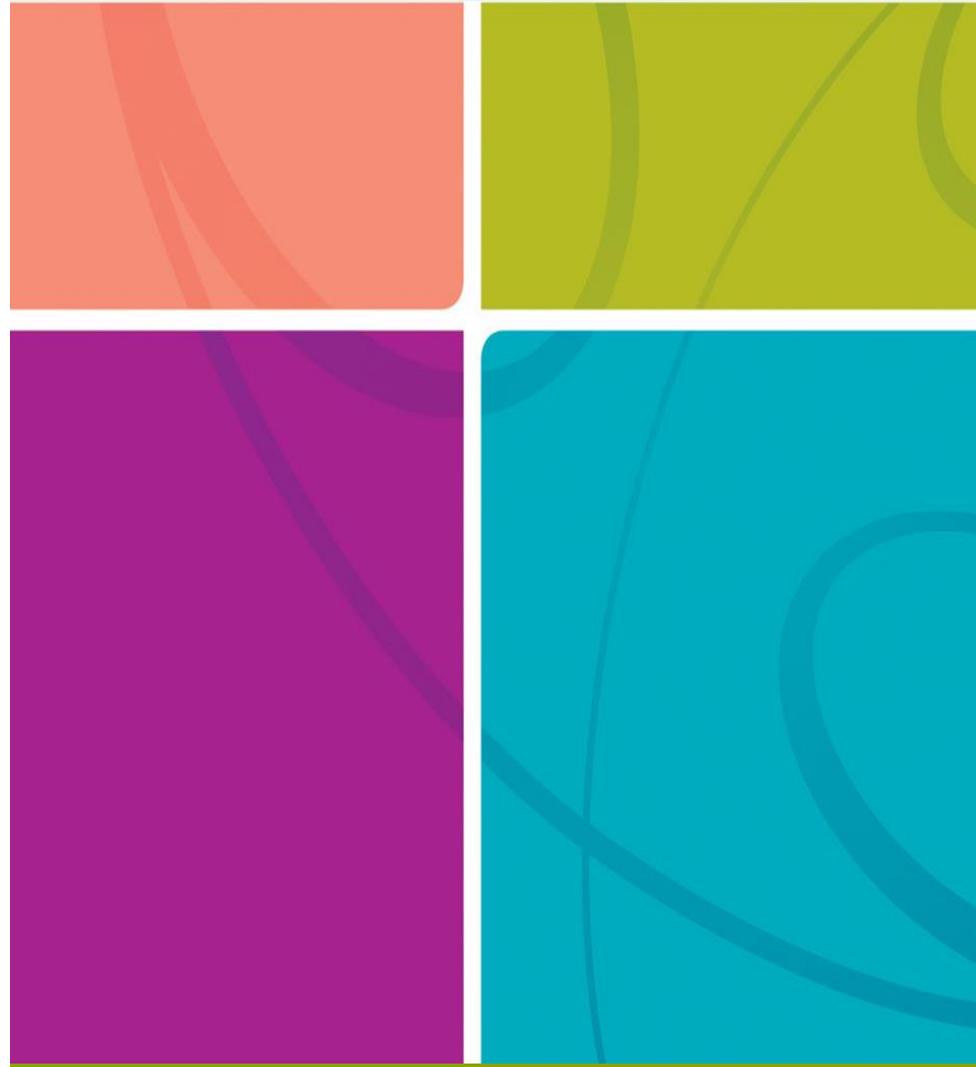


# Starting from the beginning - Governance Information

TERM 1 2024

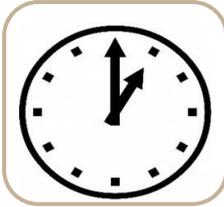
Presenters:

# ACKNOWLEDGEMENT OF COUNTRY

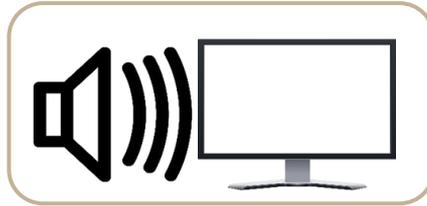


# ADMINISTRATION

TIME AVAILABLE



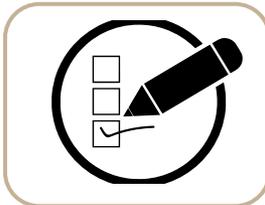
PARTICIPANT AUDIO & VIDEO



CHAT FACILITY



POLLS DURING PRESENTATION



TECHNOLOGICAL DISRUPTION



COMFORT BREAKS



EVALUATION





## This session

- Who is Early Learning Association Australia (ELAA)?
- Your role as:
  - an Incorporated Association & a committee managing the Association
  - an approved provider and an early childhood funded service provider
  - An employer of staff in an early childhood service
  - a manager of an early childhood service
- Questions and wrap up

# Who is ELAA?

A not for profit, incorporated association governed by a board

A membership organisation

Training, representation, support and advisory service to early childhood committees of management, early years managers & local government

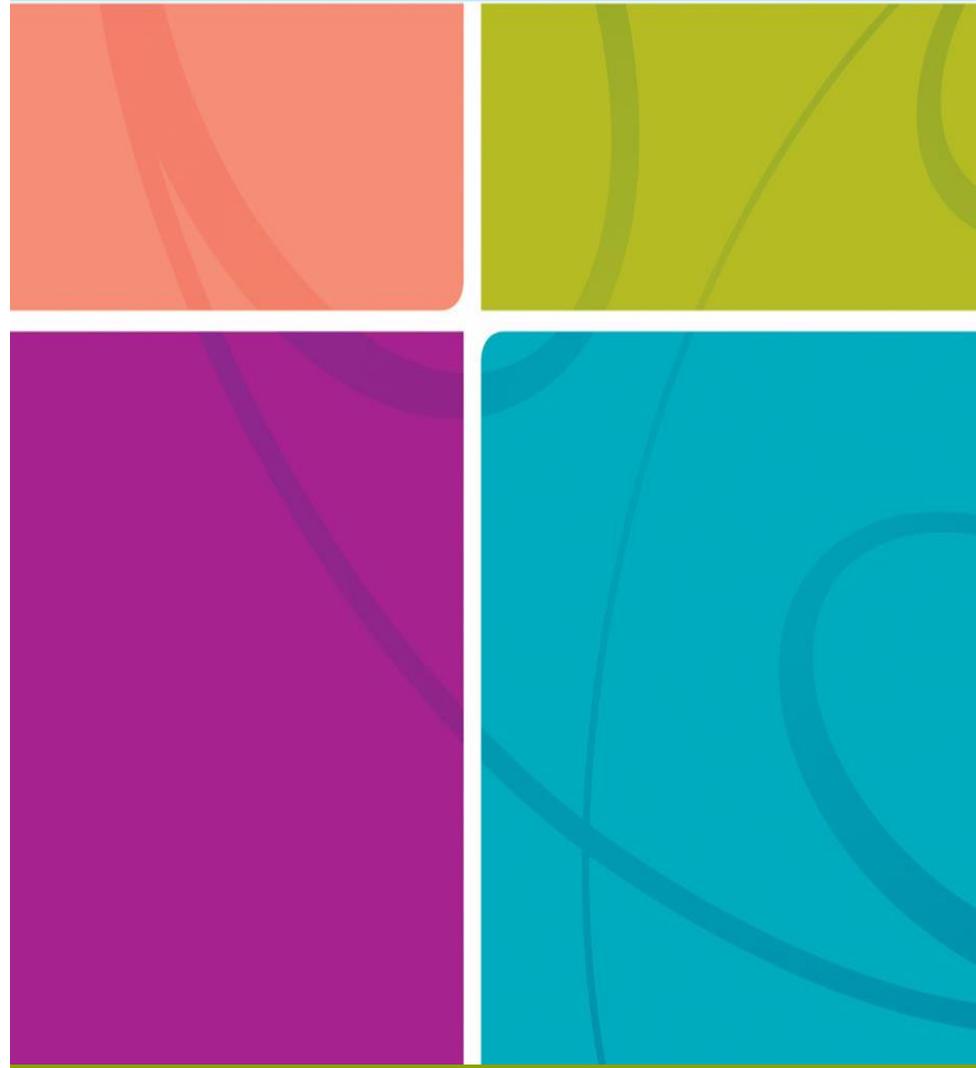
Peak body (advocacy) championing for excellence in early learning for children across Australia and supports parents and service providers

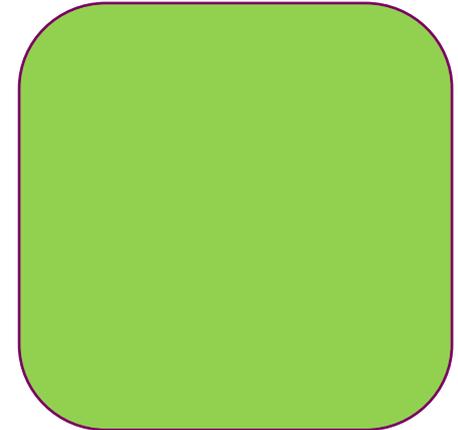
OHS, Road Safety Education, 3YO Kindergarten Expansion Projects

"Learning Brought to Life" Professional Learning and Development program for all audiences

Participation in early childhood events and forums

# POLL





## Incorporated Association Committees

# Incorporated Association

## True or False

As an incorporated association, you have legal status

Enter into contracts  
Receive government funding  
Be approved to operate a children's service

The affairs of an incorporated association are managed by the committee of management who does not have to comply with the Act, the Regulations and the rules of the association

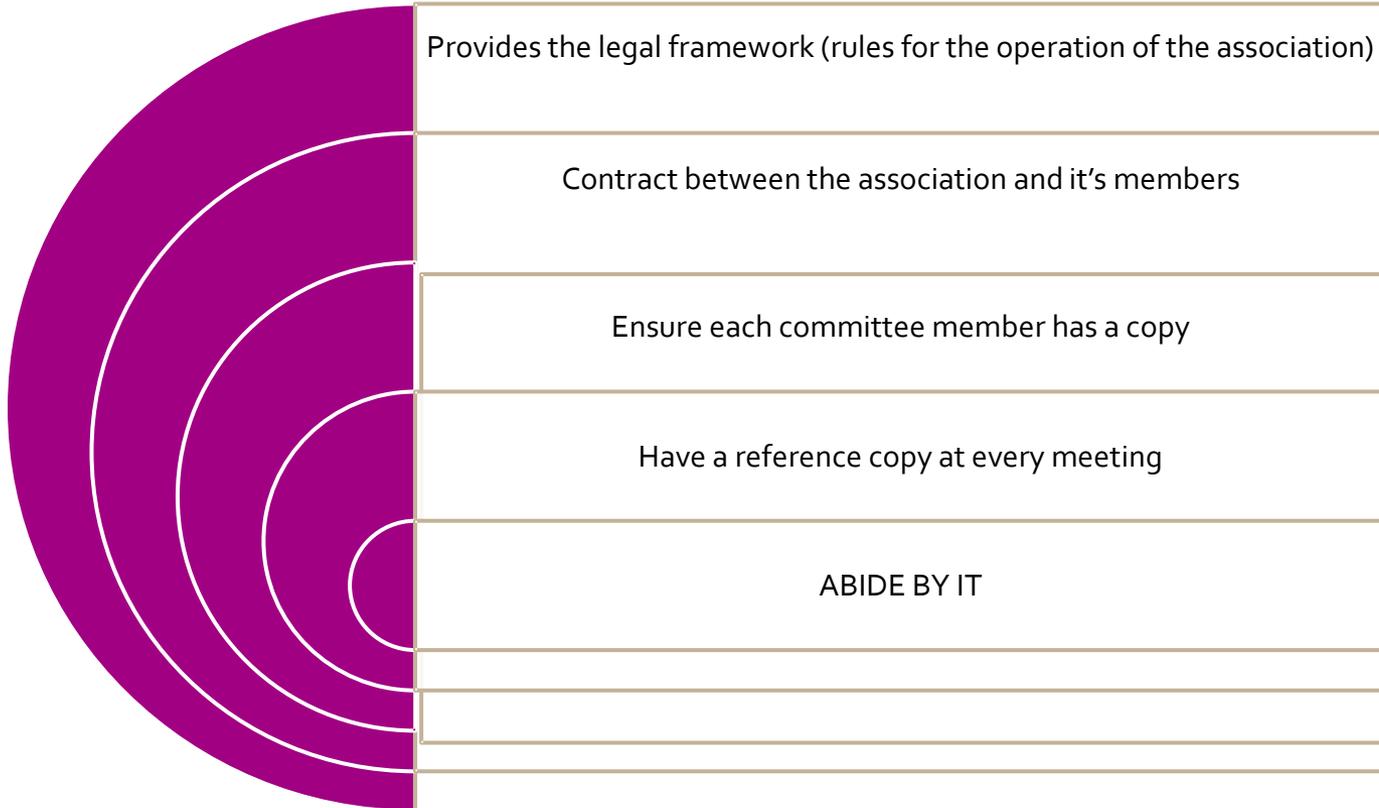
Have NO protection of individual personal assets

Incorporation is voluntary and once incorporated the Act (Associations Incorporation reform T 2012) provides a standard for operation (set of rules)

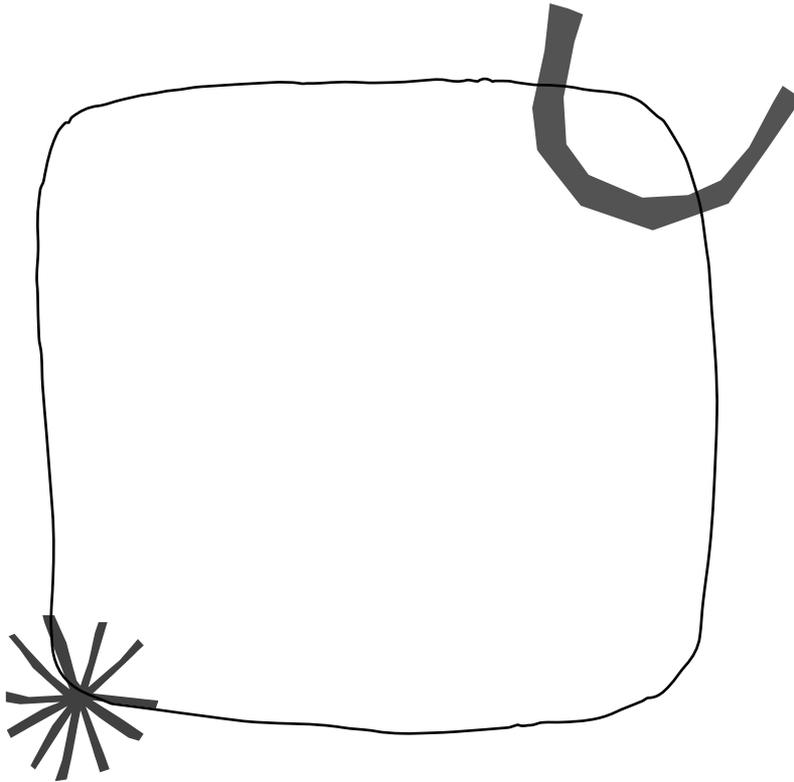
Responsibilities include:

Compliance with the Associations Incorporation Act and Regulations  
Continue to operate when insolvent or knowingly trade into insolvency  
Not use position for personal or financial gain

# THE CONSTITUTION



## GROUP ACTIVITY – USE YOUR CONSTITUTION TO FIND:



- Financial year
- Membership – definition
- General meeting - definition
- Notice requirements for general meetings
- Quorum for general meeting
- Makeup of the committee of management
- Quorum for committee meetings
- Removal of a committee member
- Procedures for casual vacancy
- Grievance procedures
- Winding up

ROLE OF  
COMMITTEE AND  
COMMITTEE  
MEMBERS

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## COMMITTEE

- Elected (usually at the AGM) by the members of the association in accordance with the constitution
- The governing body of the association as well as the Approved Provider.
- Includes
  - office bearers (President, Vice President, Secretary Treasurer- the executive)
  - general members (may have specific roles or responsibilities)

## Group Activity: Tasks of your role

How to group:

- **If you are a secretary, you are group 1**
  - **President or Vice president, group 2**
  - **Treasurer, group 3**
  - **General Member/ any other position, group 4**
- 
- Appoint a note taker in the group and discuss some of the task you know or believe are part of your role
  - After 5 minutes you will be taken back to the large group to share
  - In the next slide, compare with the provided information



# Individual roles and responsibilities

President	Vice President
<p>Chairs meeting</p> <p>Oversees operational management of the service</p> <p>Is a leader, delegator, motivator</p>	<p>Supports President when President unavailable</p>

Secretary	Treasurer
<p>Meeting documentation</p> <p>Agenda</p> <p>Minutes</p> <p>Manages correspondence</p> <p>Record keeping</p> <p>Consumer Affairs/ACNC Contact</p>	<p>Income and expenditure</p> <p>Accounts</p> <p>Budget</p> <p>Financial reports</p> <p>Annual audit</p>

General Members
<p>May include portfolios such as:</p> <p>Maintenance officer      Fundraising officer</p> <p>Policy officer</p> <p>Enrolment officer      Fees officer</p> <p>OHS officer</p>

# Code of Conduct, Confidentiality and Privacy

- COMMITTEE MEMBERS TO SIGN A DECLARATION OF CONFIDENTIALITY and a code of conduct.
- AT THE START OF EACH MEETING
  - REMIND EVERYONE OF THE IMPORTANCE OF MAINTAINING CONFIDENTIALITY and that INFORMATION SHARED AT MEETINGS MAY BE PERSONAL AND PRIVATE
  - Ask all participants to declare any conflict of interest on the agenda topics
- COMPLY WITH LAWS AND POLICIES REGARDING PRIVACY FOR THEIR OWN PROTECTION AND THE PROTECTION OF THE ASSOCIATION.



Element 7.3.1: records and information are stored appropriately to ensure confidentiality....

Element 7.1.3 Roles and responsibilities

# Revision: Incorporated associations and committees

## TEST YOUR UNDERSTANDING

What is the responsibility of the governing body of an incorporated association?

## WHAT'S YOUR ANSWER?

Ensuring compliance with the association's constitution and relevant laws

Managing the association's finances and budget

Promoting the association's services and programs

SELECT THE CORRECT ANSWER

# What are the reporting obligations for incorporated associations?



Publishing financial statements in local newspapers



Providing monthly updates to members through newsletters



Conducting regular audits and financial reviews



Keeping proper financial records and submitting an annual report



# The committee's roles

- **Approved Provider and Person with Management or Control (PMC)**
- **Employer**
- **Manager**

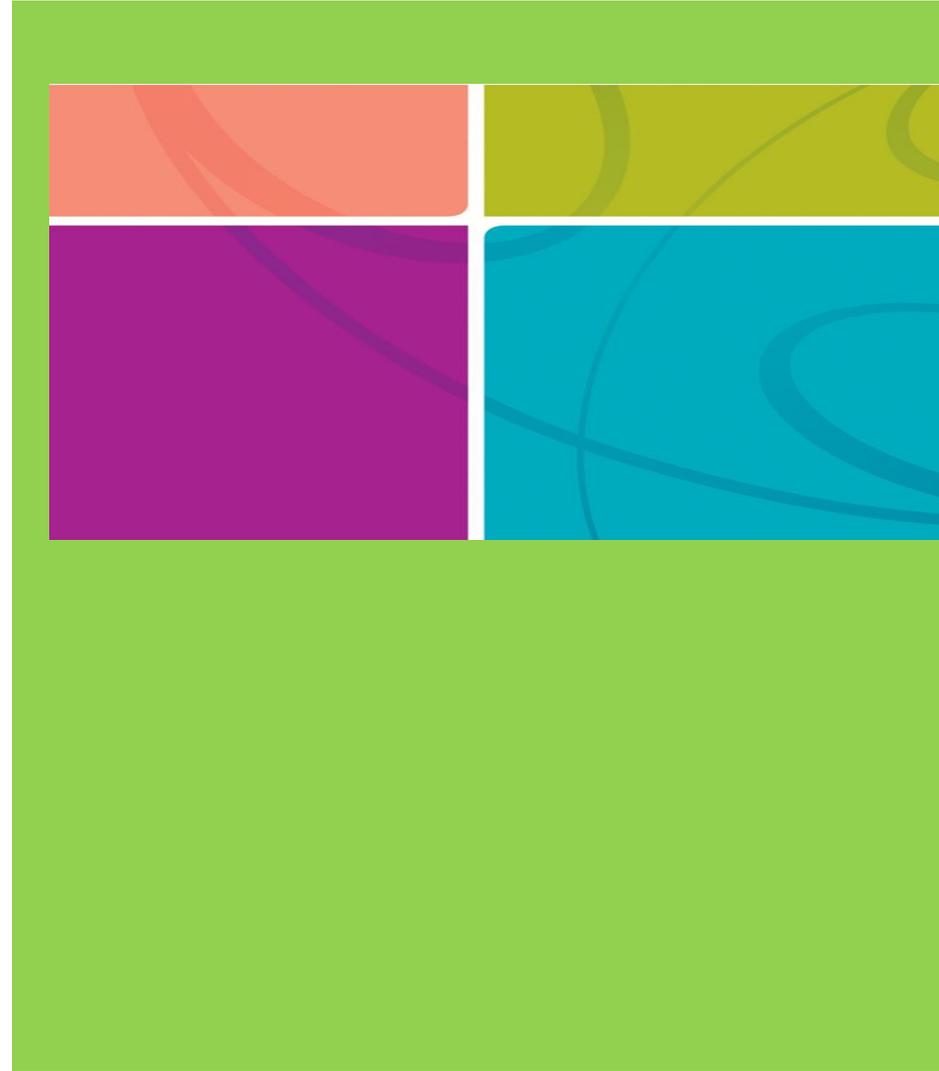


YOUR ROLE AS  
APPROVED  
PROVIDER AND A  
FUNDED EARLY  
CHILDHOOD  
SERVICE PROVIDER

# Your role as an Approved Provider

## RESPONSIBLE FOR

- actively complying with the Act and Regulations and conditions/restrictions of the service approval at all times
- developing systems to ensure that they, their nominated supervisor, and staff members:
  - understand their obligations under the Act and Regulations
  - are satisfied that the service is in compliance at all times
  - can promptly remedy or repair any identified non-compliance.



# National Quality Framework (NQF)

## INCLUDES

### • LEGISLATION

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011

### • NATIONAL QUALITY STANDARD (7 QUALITY AREAS)

- Under the jurisdiction of ACECQA

### • QUALITY ASSESSMENT AND RATINGS PROCESS

- Regulated by DE in Victoria
  - Day to day contact with services and providers
  - Assessing and rating services
  - Monitoring and enforcement (regulate and investigate)

### • APPROVED LEARNING FRAMEWORKS

- Belonging, Being and Becoming : The Early Years Learning Framework for Australia
- My Time, Our Place : Framework for School Age Care in Australia
- Victorian Early Years Learning and Development Framework





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# NATIONAL QUALITY STANDARDS

## Quality Area 7 – Governance and Leadership

### Standard 7.1

#### Governance

Element 7.1.1 Service philosophy and purpose

Element 7.1.2 Management systems

Element 7.1.3 Roles and responsibilities

### Standard 7.2 Leadership

Element 7.2.1 Continuous Improvement

- Element 7.2.2 Educational leadership
- Element 7.2.3 Development of professionals

Quality Area 4 - Staffing arrangements



# To comply with your Approved provider role you will need:

to know and comply with notification requirements:  
[notification types and timeframes | acecqa](#)

- o abide by de 'kindergarten funding guide'
- o abide by education and care services national law act and regulations
- o provide reports as and when requested
- o adhering to the service agreement – this can be found on the funded agency channel
- o understand reforms that might impact your service in funding, staffing, and requirements: best start, best life: transforming early childhood education together | vic.gov.au ([www.vic.gov.au](http://www.vic.gov.au))
- o understand, train staff and comply with child safe standards & reportable conduct scheme: [about child safe standards | vic.gov.au \(www.vic.gov.au\)](#), [ccyp | reportable conduct scheme](#)

[CCYP | Reportable Conduct Scheme](#)

# Child Safe Standards & Reportable Conduct Scheme



COMMISSION FOR CHILDREN AND YOUNG PEOPLE

COMMISSION FOR CHILDREN AND YOUNG PEOPLE HAS CARRIAGE OF STANDARDS AND SCHEME WHICH HAS COME ABOUT AS A RESULT OF THE ROYAL COMMISSION INTO INSTITUTIONALISED RESPONSES TO CHILD SEXUAL ABUSE

## CHILD SAFE STANDARDS

- Are compulsory minimum standards for all Victorian early years services to promote the safety of children, prevent abuse and ensure organisations and businesses have effective processes in place to respond to and report all allegations of child abuse
- Legal obligations on committees to keep children safe
- Changes came into effect on the 1 July 2022
- It now has 11 standards instead of the current 7



# REPORTABLE CONDUCT SCHEME

- 
- Requires organisations to report and respond to allegations of child abuse and neglect by workers and volunteers (including outside work/volunteer hours)
  - Requires committees to nominate a “Head of Organisation” (usually President) to CCYP as well as a process for reporting
  - “Head of Organisation” has legal obligations to ensure compliance
  - Does not replace the need to report serious incidents to DE & Child Protection

# Revision Activity: Whiteboard

## Committe as Approved provider

Ideas I understand


What I would like to know a bit more of


What I dont understand


# YOUR ROLE AS AN EMPLOYER OF STAFF IN AN EARLY CHILDHOOD SERVICE

'To achieve the best outcomes for children and families, the approved provider needs to provide a skilled and engaged workforce.'  
(Guide to the National Quality Standard)



# Staffing Responsibilities

Responsibility for attracting, retaining and managing appropriately qualified, skilled and experienced employees to work with the children and families in the service.



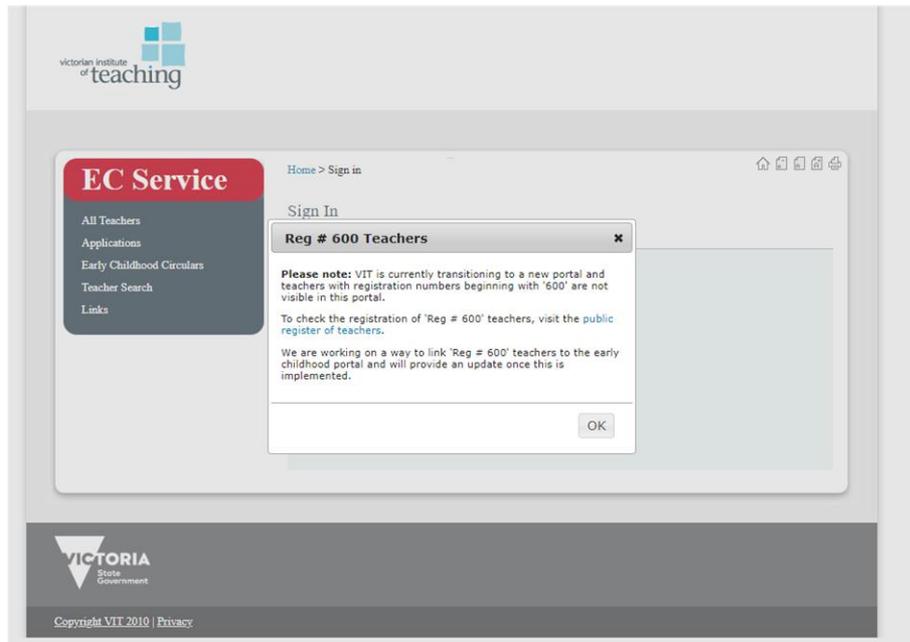
**Working directly with children**

**Qualifications**

**Victorian Institute Teaching  
(VIT) registration**

**Working with Children Check**

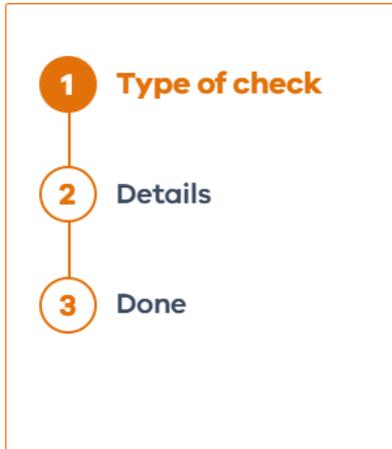
# VICTORIAN INSTITUTE OF TEACHING



- VIT has a portal for Early Childhood Services and can be accessed from the VIT website under “EC Service Login”.
- VIT also produces Early Childhood Circulars which provide regular updates about registration matters.

# Working with Children check

## Working with Children Check status checker



### Check status

How many statuses are you checking?

- a single status
- many statuses with bulk check



You can check the status of many Working With Children Checks using a CSV upload.

# MANAGING STAFF

- Recruitment
- Occupational Health and Safety
- Awards and agreements
- Payroll obligations
  - Must use an approved system
  - Must provide payslips
  - Long service leave/personal leave
  - Provisions account
- Performance Monitoring and Development
  - Expectation of the NQS and officers may ask for evidence of staff learning and development
- Termination

# Record keeping



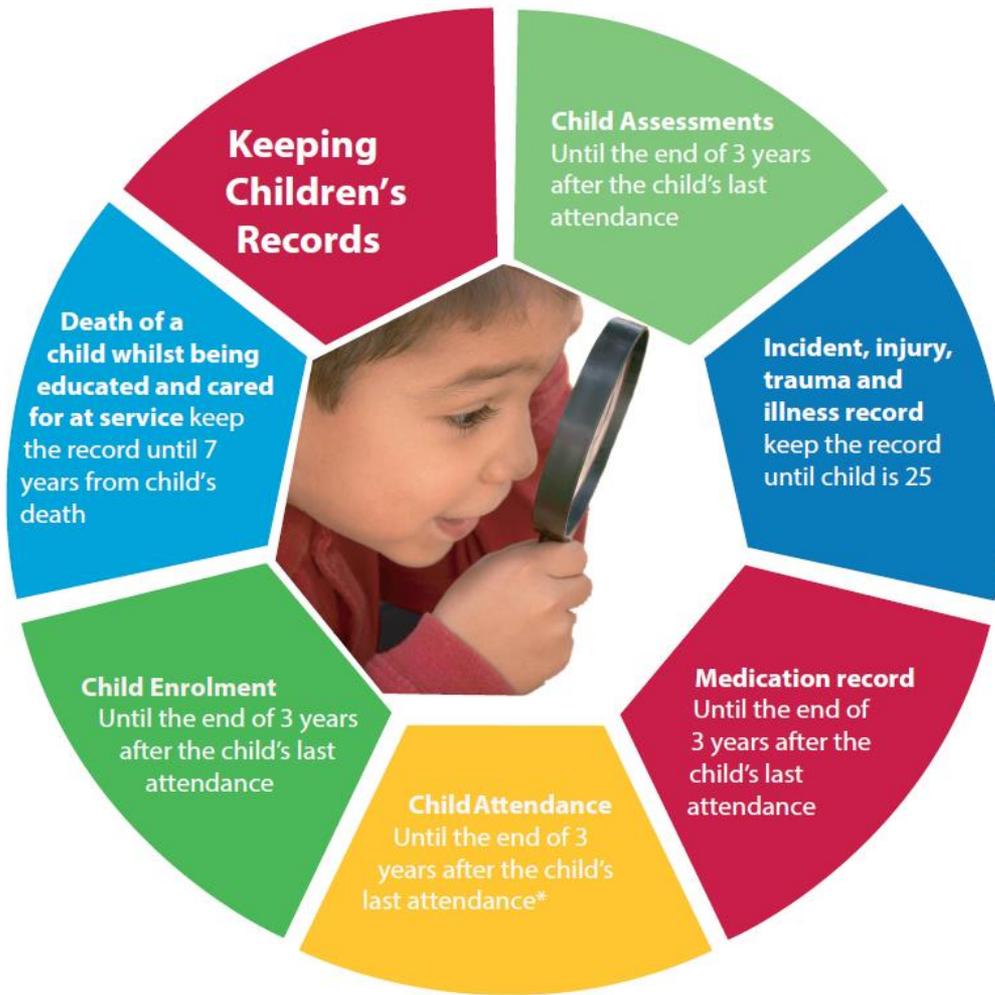
\* Does not apply if the insurance is provided by a state or territory government.



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ELAA



\*For preschool programs provided by a school, the service should keep child attendance records in accordance with their state education law or department policy.



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# Early Years Management (EYM)



Early Years Management organisations manage services for community kindergartens and some early childhood services.

- They work with their service partners to make sure care is high quality and follows regulations.

- They also:

- work with the community to make sure services meet local needs
- handle strategic planning to manage the service
- manage and train employees
- manage finances for the service
- EYM was formally known as Kindergarten Cluster Management.



## EFFECTIVE MANAGEMENT OF AN EARLY CHILDHOOD SERVICE

[‘Managing for quality requires a wide range of skills and a thorough understanding of the education and care system, including standards and effective practice’.](#)  
[\(Guide to the National Quality Standard\).](#)

# Financial management

REMEMBER..... THE ENTIRE  
COMMITTEE IS RESPONSIBLE.

- Fiduciary Duty
- Informed financial decision making
- Transparency and protection
  - Clear, up-to-date financial reports at every committee meeting
  - A culture of questioning
  - Clear delegation of authority for expenditure
  - Authorisation of payments
- Funding received
- Budgets
- Reports
- Viability
- Sustainability



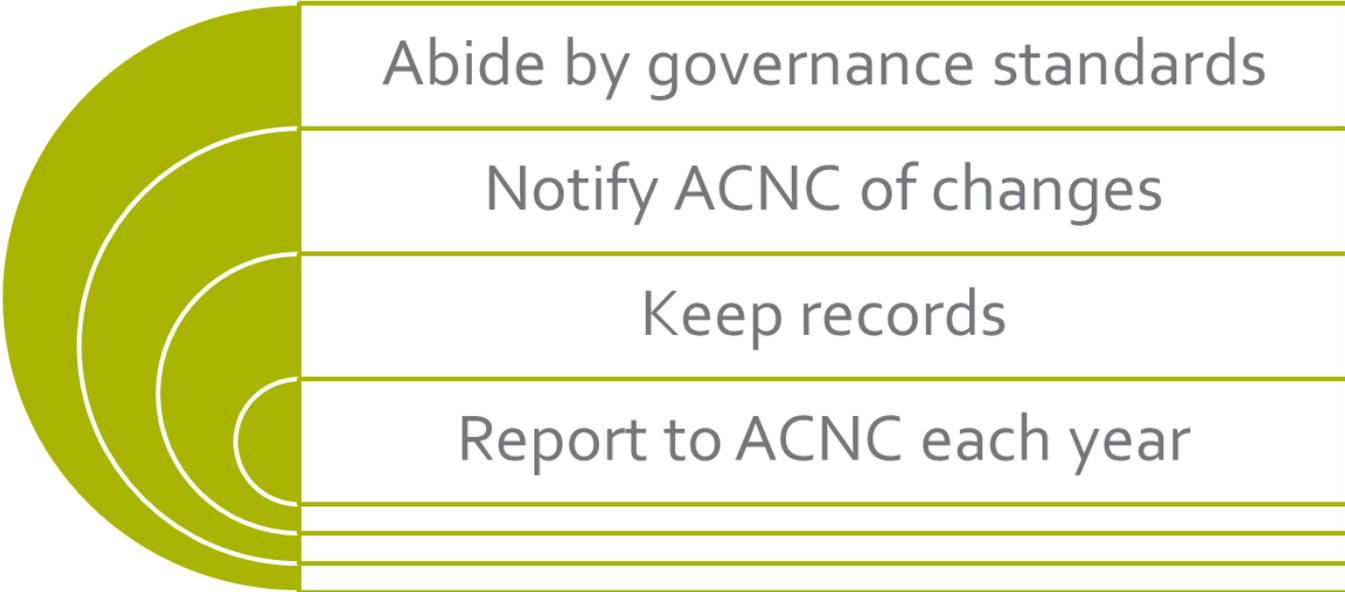
# TAKE ACTION IF ANY OF THE FOLLOWING OCCURS

- Overspending
- Using reserve funds/surplus to balance the budget
- Income is less than budget, eg: fewer enrolments
- Under estimation of expenditure or over estimation of income within the budget itself
- Reliance on fundraising
- Low provisions fund – LSL, other entitlements
- Cross subsidy of services – pooling money received and spreading it out OR different funding opportunities and criteria

# The Australian Charities and Not-for Profit Commission (ACNC)

- ACNC commenced operation on 3 December 2012
- Kindergartens endorsed as charities with the ATO were automatically registered with the ACNC [www.acnc.gov.au](http://www.acnc.gov.au)

AS A REGISTERED CHARITY YOU MUST:



Abide by governance standards

Notify ACNC of changes

Keep records

Report to ACNC each year

# Organisational risk management

Always

- Ensure you have good risk management processes in place
- Develop and Review policies and procedures
- Guidelines and Framework for compliance and regulatory obligations
- Direction for decision making
- Allows smooth transition when there are changes in management or staff
- Make decisions in the interest of the organisation not individuals
- Think about the longevity and reputation of the service (Strategic planning and Business planning)

Sound risk management processes will ensure that the organisation continues to be viable and serve the community.



# Occupational Health and Safety

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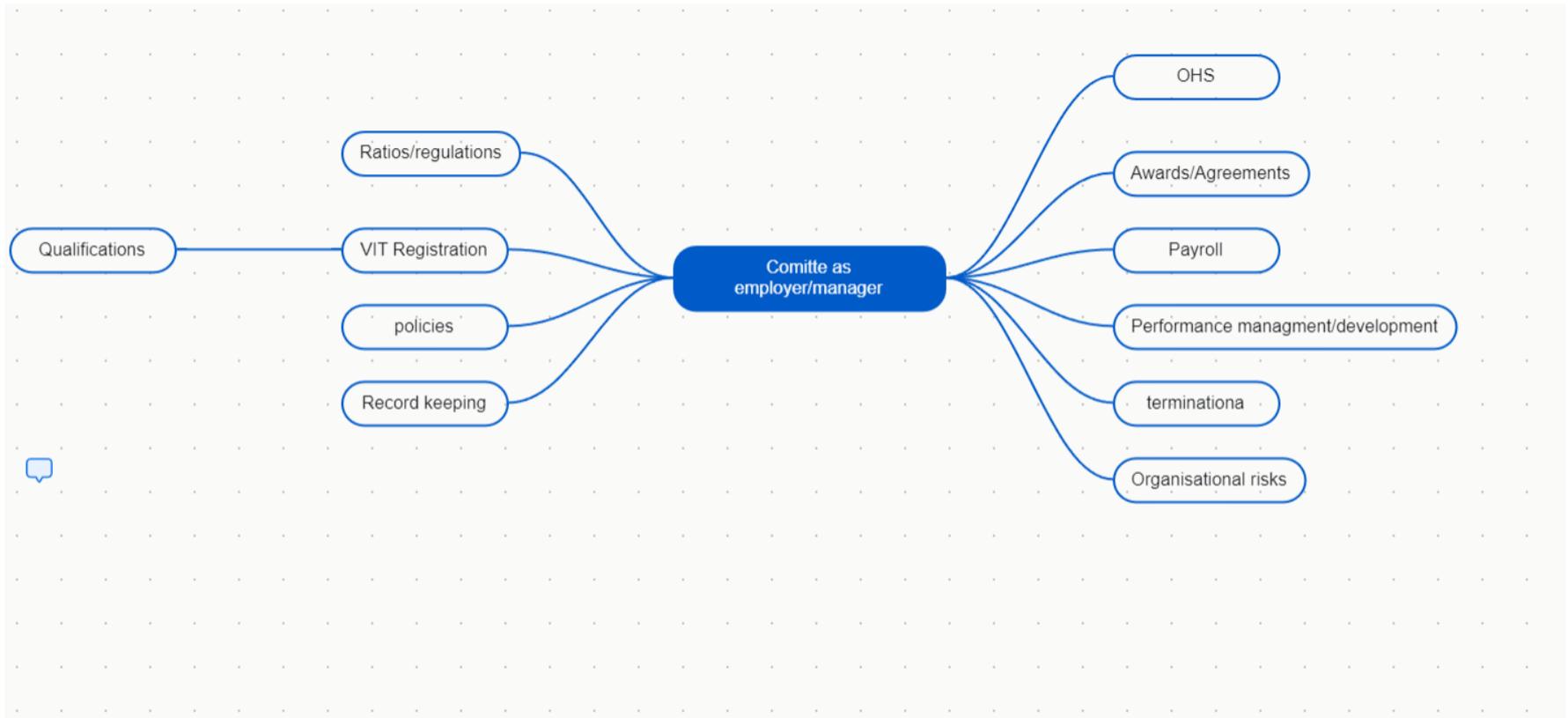
Managers of services are required to:

- Comply with OHS legislation
- Understand your duties as an employer and service provider
- Have in place OHS policies and procedures
- Have in place processes for hazards, incidents, training
- Make OHS an agenda item at monthly meeting

OHS consultancies through ELAA's consultancy service

- OHS audit
- Tailored OHS training

# Revision: Committee as employer manager



# Useful links

- CONSUMER AFFAIRS [WWW.CONSUMER.VIC.GOV.AU](http://WWW.CONSUMER.VIC.GOV.AU)
- AUSTRALIAN CHARITIES NOT-FOR-PROFIT COMMISSION [WWW.ACNC.GOV.AU](http://WWW.ACNC.GOV.AU)
- INSTITUTE OF COMMUNITY DIRECTORS AUSTRALIA [WWW.COMMUNITYDIRECTORS.COM.AU](http://WWW.COMMUNITYDIRECTORS.COM.AU)
- JUSTICE CONNECT NOT-FOR-PROFIT LAW HUB [WWW.NFPLAW.ORG.AU](http://WWW.NFPLAW.ORG.AU)
- COMMISSION FOR CHILDREN AND YOUNG PEOPLE [CCYP.VIC.GOV.AU](http://CCYP.VIC.GOV.AU)
- VICTORIAN INSTITUTE OF TEACHING [WWW.VIT.VIC.EDU.AU](http://WWW.VIT.VIC.EDU.AU)
- WORKSAFE VIC [HTTPS://WWW.WORKSAFE.VIC.GOV.AU/](https://WWW.WORKSAFE.VIC.GOV.AU/)
- DEPARTMENT OF EDUCATION AND TRAINING [HTTPS://EDUCATION.VIC.GOV.AU/CHILDHOOD/PAGES/DEFAULT.ASPX](https://EDUCATION.VIC.GOV.AU/CHILDHOOD/PAGES/DEFAULT.ASPX)
- AUSTRALIAN CHILDREN'S EDUCATION AND CARE QUALITY AUTHORITY (ACECQA): [WWW.acecqa.gov.au](http://WWW.acecqa.gov.au)
- Further training for approved providers: [eLearning modules for approved providers | ACECQA](#)
- [InformationSheetNominatedSupervisor.pdf \(acecqa.gov.au\)](#)
- [The role of the Educational Leader | ACECQA](#)
- [ResponsiblePersonRequirements.pdf \(acecqa.gov.au\)](#)
- [Role of the Regulatory Authority | vic.gov.au \(www.vic.gov.au\)](#)

# Resources available on the ELAA website

## RESOURCES AVAILABLE

- ELAA Early Childhood Management Manual (ECMM)
- Policy Works Catalogue
- Employee Management and Development Resource
- Managing Performance-Related Concerns
- BudgetWorks
- ModelWorks

## FOR ELAA MEMBERS

- Industrial bulletins
- Wages bulletins
- Agreements and Awards
- Member Forums
- Pro-rata Annual Leave calculations
- Long Service Leave calculations
- Work history calculations
- Sample constitution

## FREE GOVERNANCE TRAINING (LIVE WEBINARS & SELF-PACED)

- Drop in sessions
- Starting from the Beginning – Governance Information
- Starting From The Beginning – Employee Management
- Financial Management
- Employee Management and Development Resource
- Ending The Year On a High – Planning your successful AGM

## CONSULTANCY SERVICE

HR, IR, Governance, OHS consultants to provide tailored projects and training.

For more information on ELAA's consultancy service, please visit [our website](#) or contact us via [training@elaa.org.au](mailto:training@elaa.org.au)

### ELAA consultancy services

*What do you do when your Early Childhood Education Service needs tailored support to deal with a critical issue? ELAA's expert consultancy partners can work with your team to find solutions to industrial relations, conflict management, Human Resources, governance, OHS, and other needs. As an ELAA member you'll get great ELAA member rates on specialised*



## Professional Development with ELAA:



Term 1 Free Live Webinar Governance Training and Member Drop-in Sessions open for registrations now.

<https://ela.org.au/learningbrought2life/program/>

[Self-paced online learning modules](#) can be accessed at any time and cover a range of governance related topics.

All committee members should be encouraged to complete these.



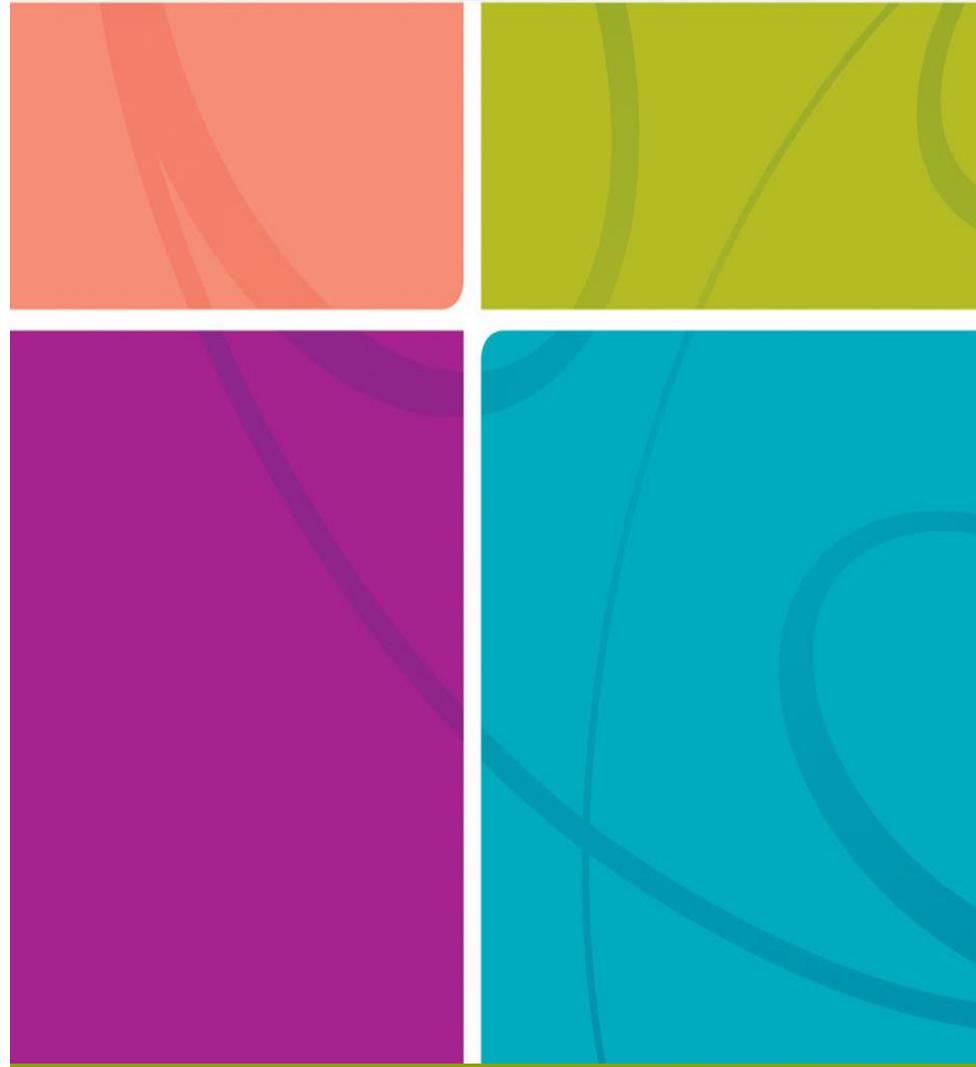
🌐 [WWW.ELAA.ORG.AU](http://WWW.ELAA.ORG.AU)

[membersolutions@elaa.org.au](mailto:membersolutions@elaa.org.au)

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# Evaluation





**THANK YOU FOR COMING!**  
Your resource pack will be emailed to you after today.

