

A-15 Role of Management Committee

NQS

QA. 4.1.2	Continuity of staff.
QA. 6.1.1	Engagement with the service.
QA. 6.2.3	Community engagement.
QA. 7.1	Governance.
QA. 7.1.1	Service philosophy and purpose.
QA. 7.1.2	Management systems.
QA. 7.2.1	Continuous improvement.
QA. 7.2.2	Educational leadership.
QA. 7.2.3	Development of professionals.

National Regulations

Reg. 168	Education and care service must have policies and procedures
Reg. 170	Policies and Procedures to be followed
Reg. 171	Policies and procedures to be kept available
Reg. 181	Confidentiality of records kept by approved provider
Reg. 229	Register of approved providers
Reg. 253	Information kept by approved provider

My Time, Our Place

L.O 2	Children and young people develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary as active and informed citizens
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Policy Statement

We will operate a quality Centre and will ensure that we adhere to the legal requirements of a managing body. The Management will ensure that decisions are made in a proper way, taking into consideration the Centre's philosophy, according to the Centre's constitution and in the best interests of the service. As Persons with Management or Control (PMC) the Management Committee will be responsible for the ongoing compliance with Education and Care National Law and Regulations. Family Assistance Law, Australian Taxation Laws, Australian Securities and Investment Commission (ASIC) and the Australian Government's guidelines provided in the Child Care Provider Handbook (2024). Committee members are able to complete short courses via https://learning.education.gov.au/user_login (Geccko) so they understand their responsibilities.

Related Policies

- Concord OSHC Policy A-3: Philosophy
- Concord OSHC Policy A-11: Maintenance of Records



- Concord OSHC Policy A-12: Policy Development and Review
- Concord OSHC Policy A-16: Financial Management
- Concord OSHC Policy A-17: Privacy and Confidentiality
- Concord OSHC Policy A-18: NQF
- Concord OSHC Policy B-1: Facility Management and Security
- Concord OSHC Policy B-2: Building Equipment Repairs and Maintenance
- Concord OSHC Policy C-1: Educator Recruitment and Selection
- Concord OSHC Policy D-42: Child Safe

Procedure

The management (PMC) will ensure that the service is managed according to the funding bodies' requirements and that all relevant guidelines, acts, regulations and the constitution are adhered to.

The management structure of the service will be recorded with the duties clearly described.

Members of the management committee will consist of parent users and interested community members.

Office bearers will be elected each year at the Annual General Meeting.

All committee members will know or endeavour to make themselves aware of the requirements regarding:

- Management structure, roles and duties
- Child Care Subsidy system
- Constitution
- Centre's philosophy and goals
- Policies and procedures
- Funding and operational agreements
- Current legislation and regulations
- Meetings
- Financial requirements
- Employment responsibilities
- Maintenance of the premises

A handbook for Management will be developed, updated and given to all the Management. Existing members are encouraged to give support to new incoming members.

Membership of the Management Committee will be open to all parents using the service and interested community members.

Parents will be actively encouraged to participate (QA. 6.1.1)

The provider must ensure fit and proper person checks on Person's with Management or Control (PMC) and Governance are completed. PMC ensure the Child Safe Standards are upheld and participate directly or indirectly in the decision making or management of the provider. PMC cannot be excluded from being notified, if they meet the Family Assistance Law (FAL) definition or are in specific roles in a service.

At Concord OSHC these following roles/people fit into each of the following categories:

- Persons with Management or Control: All persons listed as a current company officeholder on the ASIC extract; CEO; CFO; Chief Counsel/legal officer; Regional Manager; Managing Director; Majority Shareholders if they have decision making authority on behalf of the company; A person who has significant influence over the company's finances; A receiver, or practitioner or liquidator of the company; a trustee or other person administering an arrangement made between the company and someone else.
- Persons responsible for the Day to Day operation of the Service: Nominated Supervisor/Director
- Service Contacts: Administration Team

All PMC must be considered a fit and proper person to handle public money, as defined in Family Assistance Law (FAL). The following matters must be taken into consideration when determining if someone is a fit and proper person:

- Evidence of law breaking
- Court proceedings and convictions or findings of guilt
- Past administration decisions relating to a person's suitability to be involved in child care
- Evidence of fraud or dishonesty
- History of managing public funds
- Engagement with the tax system shown by a statement of tax record (STR)
- Any past or current debts to the Commonwealth
- Record of financial management, including any instances of bankruptcy, insolvency or administration
- Potential conflicts of interest
- Experience and expertise in providing child care services
- Understanding of and commitment to comply with FAL obligations
- Any other matter relevant to the suitability of the provider and their staff

MANDATORY BACKGROUND CHECKS

National Police Check

Persons with Management or Control and persons responsible at the service are to complete a National Police Check. This must be carried out no more than 6 months prior to the person starting in the position.

The Department of Education must be notified within 24 hours of becoming aware of a PMC having a serious conviction or finding of guilt.

Working with Children Check (WWCC)

Adults who work or volunteer in child-related work in NSW must have a WWCC, this includes PMC, persons responsible at the service, and service contacts. Employers and organisations must verify the WWCC details with the Office of the Children's Guardian and keep records of anyone they have in child-related work.

New checks must be verified before PMC commences their role at Concord OSHC.

Any changes to an existing check is to be reported within 24 hours of becoming aware of a changed in status including if a check is renewed, extended, suspended, revoked, or has lapsed or expired.



National Personal Insolvency Index Check

Persons with Management or Control are to use the bankruptcy register search service provided by the Australian Financial Security Authority.

The check must be carried out no more than 30 days prior to the person starting in the position.

The Department of Education must be notified within 7 days if Concord OSHC becomes aware the individual is an undischarged bankrupt.

Evidence that the person is not on ASIC's banned and disqualified register

Persons with Management or Control are to use the banned and disqualified search provided by ASIC.

The PMC must not be on the banned list at the date of application. Concord OSHC must notify the Department of Education within 7 days if they become aware that the PMC was a director or secretary of a corporation when the corporation went into administration, receivership or liquidation at any time during the previous 12 months.

A current and historical personal name extract search of ASIC records

Persons with Management or Control are to use the application provided by ASIC.

The check must be carried out no more than 30 days prior to the person starting in the position.

Returning committee members will be required to complete an annual declaration stating that they still meet the requirements of a fit and proper person check and that the information revealed by the background checks has not changed.

NOTIFICATION OF NEW PMC TO CHILD CARE SUBSIDY SYSTEM (CCSS)

Once the provider has identified a suitable person to become a PMC for the service, the individual must complete their PRODA registration. Becklyn will provide documentation to the individual members, once the service identifies who are their PMC's. This person must then return all documentation within 7 days, so their details can be lodged in the appropriate timeframes. Using the PRODA registration details, and all the applicable background checks for the role, Becklyn will then notify the Child Care Subsidy System of the individual within 7 days.

NOTIFICATION OF CHANGES TO PMC

The provider must notify about any changes or removal of all required persons using the Child Care Subsidy System (CCSS) within 7 days of any changes. The person's name, date of birth, contract details and the date the changes take effect will be required.

Decisions about the overall operation of the Centre will be made at the management committee level. Parents and educators will be kept informed about the committee's membership, meetings and decisions and have opportunities to have input into the management of the service.

The Nominated Supervisor will attend meetings of Management and present a written progress report regarding the running of the Centre. This report will provide information to the committee to assist in making decisions.

In addition to this, an educator may attend the meeting to raise issues on behalf of the Educators and to provide feedback to other Educators on the committee's decisions. The attendance of this Educator may only be accepted should the information being discussed not breach any Privacy or Confidentiality laws or requirements (Policy A-17: Privacy and Confidentiality). In instances such as these, the Management committee may choose to listen to the Educator and discuss the particular

issue and then once resolved or discussed, ask the Educator to leave the meeting. Any Educator that chooses to attend the meeting should be briefed on this requirement by the Nominated Supervisor.

Role of the committee

The committee is responsible for the ongoing management of the Centre. Primarily this involves legal, financial and employment responsibilities.

The responsibility for the day- to -day operations of the Centre however is delegated to the Nominated Supervisor.

The committee meets in accordance with the constitution.

General ongoing tasks of the committee include:

- Ensuring the needs of the parents, children and Educators are met.
- Ensuring the smooth daily operation of the Centre.
- Appointing and monitoring the performance of the Nominated Supervisor through yearly Staff Appraisal meetings (See QA. 7.2.3)
- Communication of relevant issues.
- Publicity and public relations.
- Development and review of policies (see Policy A-12: Policy Development and Review)
- Ensuring the Centre operates in line with its policies (see Reg. 170)
- Oversee the financial management and administration of the Centre including CCSS (see Policy A-16: Financial Management)
- Liaise with the Administrative Service Provider.
- Liaison and compliance with funding and licensing bodies.
- Employment, supervision and direction of Educators, ensuring appropriate industrial awards are adhered to (see Children's Services Award (2010))
- Continued maintenance and repair of the building and equipment.
- Addressing ongoing issues as they arise.
- Providing a duty of care to Educators through a commitment to the current WHS regulations (See Policy D-28: Work, Health, and Safety).
- Medium- and long-term planning for the perceived best result for the Educators, parents and children of the Centre.
- Notifying the NSW Department of Education of the service transfer date at least 60 days before the change of provider.
- Communicating with families at least 7 days before a transfer of provider takes place, sharing the following information:
 - Details of the new provider
 - any changes required to children's enrolment and health records
 - any new or amended policies and procedures that will come into effect

- the names, roles and qualifications of the educators and staff working at the service, and
- changes families may see at the service after the transfer has taken place.

Nominated management members may gain access to the services records, etc. but only in accordance with confidentiality guidelines and when necessary to fulfil their management responsibilities. Confidentiality will be maintained at all levels at all times (See Policy A-17: Privacy and Confidentiality).

THE ROLE OF THE PROVIDER IN RELATION TO CCSS

People listed under the provider as Persons with Management or Control may:

- change bank account details and other information regarding the child care service
- add and remove other persons, such as persons responsible for the day-to-day operation of the Service, from the Child Care Subsidy System
- authorise data submission transactions to the Child Care Subsidy System
- notify the regulatory authority of the cessation of operations
- apply to add or remove a service.

THE ROLE OF A PERSON RESPONSIBLE FOR DAY TO DAY OPERATIONS IN RELATION TO CCSS

When nominated to do so by the Persons with Management or Control, a person responsible for the day to day operations may:

- add and remove persons responsible for the day-to-day operation of the service and service contacts
- authorise data submission transactions to the Child Care Subsidy System
- notify the Department of Education, Skills and Employment of changes regarding the service for which they are responsible, excluding bank account details and cessation of operations.

THE ROLE OF A SERVICE CONTACT IN RELATION TO CCSS

When nominated to do so by the Persons with Management or Control, the service contact may communicate with the Government on matters relating to:

- service payments
- family payments

INTERACTION BETWEEN PMC AND ACECQA

Persons with Management and Control are both defined in Family Assistance Law and the Education and Care Services National Law and Regulations. Family Assistance Law requires the persons who meet their required definitions are reported as per the above. Education and Care Services National Law and Regulations requires persons who meet their definitions are reported via NQAITs.

Specific Roles of the Management Committee

President

- Facilitate the smooth running of the Management Committee.
- Will liaise with Management to discuss any issue arising and to be up to date with any events occurring at the service
- Ensuring that the Centre constitution, policies, and statutory regulations are observed
- Set the meeting agenda, in consultations with the Nominated Supervisor which will cover all necessary business.
- See that the meeting is properly convened in accordance with the Centre's constitution.
- Determine if a quorum is present at meetings.
- Chair the meeting, helping to make the meeting enjoyable, efficient and quick.
- Ensure the agenda is adhered to and that all members have a chance to contribute to the discussion.
- Assist the meeting to come to agreement.
- Acting as a final decision maker when votes are tied.
- When decisions are made, clearly state what the decisions were, who will implement these and ensure this is recorded in the minutes.
- Summarise at the end of every meeting so that individuals have a clear understanding of tasks to be performed and decisions made.
- Close the meeting only after the business at hand has been properly conducted.
Ensuring minutes for the previous meeting are confirmed and seconded by committee members/members of the association at each meeting.
- Act as a spokesperson for the Committee and Service within the broader community, as required.
- Liaise with the Nominated Supervisor as required and be up to date with events within the Centre.
- Primary liaison with the Administrative Service Provider.

Vice President

Perform the above duties in the President's absence and to assist the President in performing their tasks.

Secretary

- Keep records of all business to do with the committee, including membership records, correspondence and minutes (see Reg. 181)
- Keep a register of all committee members in accordance with Associations Incorporation Act NSW (2009)
- Call meetings giving notice as required under the constitution.
- Read and table for the meeting all relevant incoming and outgoing correspondence.
- Deal with this correspondence as decided by the committee.
- Ensure that all correspondence relevant to the Educators is forwarded to them as soon as possible.
- Before each meeting, organise the venue and type and distribute the agenda.
- Take the minutes for the meeting in a professional manner, ensuring there are no breaches of Privacy and Confidentiality by removing names from Minuted discussions (see Policy A-17: Privacy and Confidentiality)
- After each meeting, copy and distribute the minutes to the members of the committee, the Administrative Services Provider and the Nominated Supervisor
- Ensure the minute book is kept updated and accepted / seconded at each meeting.

Treasurer

This role stands in consultation with the Administrative Service Providers and therefore the following tasks may be delegated as appropriate.

- Oversee the financial management of the Centre.
- Ensure that true and proper financial records are kept.
- Assist in the review and approval of budgets in consultation with the management committee and administrative body for financial expenditure.
- Ensure the prompt payment of accounts in conjunction with the administrative body.
- Ensure the safe records of receipts and payments.
- Arrange for the banking of monies as soon as possible.
- Approve Educator wages and oversee the maintenance of wage records by the administrative body in compliance with the Children's Service Award (2010)
- Ensure correct Taxation procedures are followed by the administrative body.
- Ensure Centre follows correct petty cash and card procedures.
- In conjunction with the Management Committee, review the written report and Income and Expenditure Statement provided by the administrative body at Committee meetings.
- Ensure an annual, independent, external audit is carried out.
- Review the annual financial statements and auditors report presented by the administrative body at the AGM.
- Ensure that all government and funding agreement requirements are carried out.

In addition to roles of the Office bearers, the Management Committee may also have several other members who may or may not have delegated specific responsibilities.

Other Roles Include:

Assistant Secretary

Take on some of the responsibility of the Secretary's role such as dealing with the correspondence. Perform the Secretary's duties in their absence.

Assistant Treasurer

Take on some of the Treasurer's responsibilities, such as staff payments and petty cash as decided by the Treasurer. Perform the Treasurer's duties in their absence.

Financial sub committee

Assist in all the above duties and to ensure that the financial aspects of the committee are properly maintained and in order.

Sources

- Education and Care Services National Regulations (2011)
- Education and Care Services National Law Act (2011)
- Children's Services Award (2010)
- Commonwealth Privacy Act 1988
- Associations Incorporation Act NSW (2009)
- Australian Children's Education and Care Quality Authority – Provider Approval Information Sheet.
- NSW Fair Trading Model Rules for Incorporated Associations
- Safe Work Australia Act (2008)
- Legislative extracts for approval and continued approval under the Family Assistance Law
- Network of Community Activities Factsheet – 'Approved Provider (Management Committee)'
- Children and Young Persons (Care and Protection) Act (1998)
- Health Records and Information Privacy Act (2002)
- Public Health Act (1991)
- Office of the Children's Guardian -Working with Children Check NSW
- Australian Government Department of Education Child Care Provider Handbook
- Family Assistance Law

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