

# GOVERNANCE AND MANAGEMENT OF THE SERVICE – INCLUDING CONFIDENTIALITY OF RECORDS POLICY 2019

## Purpose

Governance is 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).

The governance of an organisation is concerned with the systems and processes that ensure the overall direction, effectiveness, supervision and accountability of a service. 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.

## Background

Montessori Works is the trading name of George Chahwan Pty Ltd and has been in operation since 1984. We are mainly open from 7:30am to 5:30pm however at Matraville we are open to 6Pm The Approved Provider Director is Susan Chahwan who is and ECT and a AMI and AMS Montessori Trained Montessori Director as well as a Montessori International Trainer having over 25 years of Montessori teaching experience.

## Strategies

### Policies

The Approved Provider and or Nominated Supervisor will:

- Ensure that a comprehensive set of policies are in place as required under **Regulation 168** and other Regulations and laws that the service must comply with.
- Ensure that these policies comply with relevant legislation.
- Update these policies on a regular basis; particularly when there is a change to legislation.
- Will involve staff and families in the development and or review of policies wherever required.

### Compliance Measures

The Approved Provider and or Nominated Supervisor will:

- Ensure that the service is meeting requirements by doing regular checks of procedures throughout the service.
- Ensure that the Quality Improvement Plan is regularly updated to outline areas of improvement and ensuring compliance at all times as outlined in **Regulation 55**.
- Whenever uncertain about compliance in any area the Nominated Supervisor will contact relevant authorities to get clarification.

### Risk Management

The Approved Provider and or Nominated Supervisor will:

- Will ensure risk assessments are conducted on the service whenever necessary including excursions as required in **Regulation 100**.
- All educators are required to hold a working with children's check and be cleared for the service before commencement.
- Uphold Regulation 84 of the National Regulations in regards to maintaining awareness of the existence of child protection laws and the obligations of educators and other employees in their state or territory.
- Ensure that all staffing arrangements meet requirements and premises layouts are designed for effective supervision purposes thus eliminating many risks posed to children in the education and care setting **Regulation 120, 122, 123, 130, 131, 132, 242, and 271. (Note the modification to Regulation 123 in that NSW Educator to Child ratios are different. Refer to Regulation 271).**

## Practices

In order to achieve and maintain the service's aims and Philosophy, the Directors will monitor the financial viability and accountability of the centre while also ensuring that:

- Funds are expended appropriately according to any funding and budgets.
- The program is operating within budget.
- Required paperwork is submitted to the relevant funding agencies.
- Any additional financial requirements are completed (e.g. Taxation office).
- Develop with staff and the community an overall philosophy for the centre and policies and practices in line with that philosophy.
- Consult with staff and the community on these policies and management decisions and enable staff to implement them in order to maintain quality child care.
- Provide avenues for effective communication between staff and the Directors.
- Employ and support staff in their roles, and ensure the relevant awards and conditions of employment are complied with.
- Encourage training and development of staff in their roles, and
- Facilitate the participation of staff and management in budget planning to enable cost effective management of the service.
- Provide leadership, forward planning and guidance to the service, particularly in relation to developing a strategic culture and directions.
- Be responsible for overseeing legal functions and responsibilities.
- Ensure that Montessori Works complies with the Commonwealth Privacy Act 1988 and follows the standards of Australian Privacy Principles to regulate the way in which our service manages personal and sensitive information.

## Code of Conduct

- Commit themselves to ethical, and lawful conduct, including proper use of authority and professional decorum when acting as Approved Provider, Nominated Supervisor or Responsible Persons.
- Demonstrate un-conflicted loyalty to the interests of the organisation.
- Avoid conflicts of interest with respect to their role.
- Ensure confidentiality of all personal information of staff and educators working within the service.
- Upkeeps statement of philosophy of the service and ensures all others do as well.
- Not use information exclusive to Montessori Works for personal gain and will respect the confidentiality of all information obtained during meetings or through their role.
- Respect the confidentiality appropriate to issues of a sensitive nature in regards to families.
- Treating other persons fairly, courteously and without discrimination, harassment or bullying.

- Upholding the rights of children as set out in the United Nations Convention on the Rights of the Child.
- Be respectful of, and responsive to, persons of all ethnicities, cultures, values and beliefs.
- The Approved Provider and or Nominated Supervisor will monitor and handle any grievances within the service in a timely manner.

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## Confidentiality Policy

### Responsibilities for the Approved Provider

- Ensure that each family, staff, volunteers and student and committee member is provided with a privacy collection statement upon enrolment, that includes details about how they can access their personal information, have this corrected as needed, make a complaint about a breach of privacy, if one occurs. This can also be accessed on our website at
- Ensure each staff member, committee members, volunteers and student information is correct in personnel and other files. This includes information on qualifications, WWCC, criminal history checks, staff entitlements, contact and emergency information, health and immunisation information, and any relevant medical and legal information. This would include any other relevant information collected by the service.
- Ensure that information collected from families, educators, committee members and the community is maintained in a private and confidential manner at all times.
- Ensure that such information is not divulged or communicated (directly or indirectly) to another person other than the ways outlined as appropriate in the Education and Care Services National **Regulations, 181**, which says information can be communicated: To the extent necessary for the education, care or medical treatment of the child;
  - To the parent of the child to whom the information relates (except for information in staff records);
  - To the regulatory authority or an authorised officer;
  - As authorised, permitted or required to be given by or under any act or law; and
  - With written consent of the person who provided the information.
- Ensure families are informed upon enrolment how images/photographs of their children will be used on the Internet and/or publications.
- Provide families with information on the Complaints and Feedback procedure if any privacy or confidentiality procedure has been breached. Individuals can make a complaint to the Approved Provider if they believe there has been a breach of their privacy in relation to the Privacy principles. The breach will be assessed by the Approved Provider within 14 days. Where the information collected is incorrect, the information will be corrected. Where a serious breach of privacy is found, appropriate actions will be negotiated between the Approved Provider and the individual to resolve the situation, in line with the Complaints and Feedback procedure.
- Will ensure information provided by families, staff and committee members is only used for the purpose it was collected for.

### Responsibilities for the Nominated Supervisor

- Ensure each families' information is correct in enrolment records. This includes information on immunisation updates, income and financial details (credit card or bank information), contact details of family and emergency contact information, children's developmental records, Family Assistance information, and any medical or legal information – such as family court documentation

– required by our education and care service. This would include any information required to be recorded under the National Law and Regulations, the Family Assistance Law other relevant information collected to support the enrolment of a child.

- Provide families with details on the collection of personal information collected:
- This information will include:
  - The types of information collected by our education and care service;
  - The purpose of collecting information;
  - What types of information will be disclosed to the public or other agencies; and when and why disclosure may occur;
  - How information is stored at the service;
  - Approaches used to keep information secure;
  - Who has access to the information;
  - The right of the individual to view their personal information;
  - The length of time information needs to be archived; and
  - How information is disposed.
- Will ensure information provided by families and staff is only used for the purpose it was collected for.

### **Storage of Information**

Ensure that education and care service records, personnel records, CCB information and children's and families information is stored securely reducing the chance of unauthorised access, use or disclosure and remains private and confidential within the education and care environment at all times.

### **Access to Information**

- Will ensure that information kept is not divulged or communicated, directly or indirectly, to anyone other than:
  - Medical and developmental information that is required to adequately provide education and care for the child;
  - The Department of Education and Communities, or an authorised officer; or
  - As permitted or required by any Act or Law.
- Individuals will be allowed access to their personal information as requested. Individuals must request this information in writing from the Nominated Supervisor. Authorised persons may request to view any information kept on their child.
- Information may be denied under the following conditions: Access to information could compromise the privacy of another individual;
- The request for information is frivolous or vexatious; and
- The information relates to legal issues, or there are legal reasons not to divulge the information such as in cases of custody and legal guardianship

### **Responsibilities for the Educators**

- Maintain children's information and store documentation according to policy at all times.
- Not share information about the education and care service, management information, other educators or children and families, without written permission or legislative authority.
- In keeping with the Early Childhood Australia (ECA) Code of Ethics (2008), the Education and Care Services National Regulations and the Privacy Legislation, educators and staff employed by our education and care service bound to respect the privacy rights of children enrolled and their families; educators and staff and their families and any other persons associated with the service.

Educators will sign a Confidentiality Statement as it relates to privacy and confidentiality of information.

## Related Statutory Obligations & Considerations

### Australian Children's Education and Care Quality Authority (ACECQA)

<https://www.acecqa.gov.au/>

### Children (Education and Care Services National Law Application) Act 2010

<https://www.legislation.nsw.gov.au/acts/2010-104.pdf>

### Education and Care Services National Regulations 2011

<https://www.legislation.nsw.gov.au/#/view/regulation/2011/653>

### Freedom of Information Act 1982

### Children and Young Persons (Care and Protection) Act 1998

<https://www.legislation.nsw.gov.au/#/view/act/1998/157/full>

### Australian Privacy Principles [www.oal.gov.au](http://www.oal.gov.au)

### Early Childhood Australia (ECA) <http://www.earlychildhoodaustralia.org.au/>

### NSW Associations Incorporation Act 2009 <https://www.legislation.nsw.gov.au/#/view/act/2009/7>

## Related Telephone Numbers

- Early Childhood Education and Care Directorate 1800 619 113

## Amendment History

Version	Amendment	Short Description
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This policy will be updated to ensure compliance with all relevant legal requirements every year. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with Regulation 172 of the *Education and Care Services National Regulation*, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

Date: 17/02/2019

Version: 1

Last Amended By: Susan Chahwan

Next Review: February 2020

Position: Director

## Determining the Responsible Person

The name and position of the responsible person in charge of the service must be displayed at any given time. A “responsible person” can be:

- the Approved Provider, or
- the Nominated Supervisor, or
- Any other person designated as responsible person who has consented to be in day-to-day charge and signed designation Regulation 117A.

At <<Service Name>>:

- When <<Approved Provider Name>>, the Approved Provider, is on the premises, <<He/She>> is the responsible person.
- When Approved Provider is away, then <<Nominated Supervisor Name>>, the Nominated Supervisor, is the responsible person.
- If both Approved Provider and Nominated Supervisor are away, then the people named as the responsible person on the responsible person list will be next responsible.

If you have a question, complaint or query, the responsible person on duty is who you should discuss it with. This should be visible in the front foyer.

