

Purpose

This policy outlines the duties, roles and responsibilities of the Westgarth Primary School Council (WPSC), the Outside School Hours Care (OSHC) Subcommittee, the Westgarth Primary School Outside School Hours Care program (WPS OSHC) and the Finance Subcommittee.

Policy

Values

WPS OSHC is committed to ensuring that there are appropriate systems and processes in place to enable:

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

Scope

This policy applies to WPS OSHC management and staff, WPSC, and its OSHC and Finance Subcommittees.

Background and Legislation

Members of the OSHC Subcommittee are responsible for setting the direction for the WPS OSHC service and ensuring that its goals and objectives are met in line with its terms of reference, and all legal and regulatory requirements governing the operation of the service are met. Decisions made by the OSHC Subcommittee are presented to WPSC for approval prior to implementation.

Under the National Law and National Regulations, OSHC service providers are required to have policies and procedures in place relating to the governance and management of the service, including confidentiality of records.

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*
- *National Quality Standard: Quality Area 7: Leadership and Service Management – Standard 7.3: Administrative systems enable the effective management of a quality service*

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>

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Definitions

The terms defined in the section relate specifically to this policy.

Actual Conflict of Interest: One where there is a real conflict between a WPSC, Finance or OSHC subcommittee members, or a member of WPS OSHC Management'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 WPSC, the Finance or OSHC subcommittees, or WPS OSHC management, 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 (or members) of the WPSC, Finance or OSHC subcommittees or WPS OSHC management, 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 the service is 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 member of the WPSC, Finance or OSHC subcommittees, or WPS OSHC management's private interests could improperly influence the performance of their duties now or in the future.

Potential conflict of interest: Arises where a WPSC, Finance or OSHC subcommittee, or WPS OSHC management member has private interests that could conflict with their responsibilities.

Private Interests: Includes not only a WPSC, Finance or OSHC subcommittee, or WPS OSHC management member's own personal, professional or business interests, but also those of their relatives, friends or business associates.

Procedures

The WPSC is responsible for ensuring that the service has appropriate systems and policies in place for the effective governance and management of the service.

Core elements of the governance model

The following are the core elements of the governance systems at WPS OSHC for which the WPSC (via the agency of the OSHC subcommittee) is responsible:

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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.

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).

Legal liabilities of members of the WPSC/OSHC subcommittee

The WPSC (via the agency of the OSHC subcommittee) is responsible for taking all reasonable steps to ensure that the laws and regulations relating to the operation of the service are observed by members as follows:

- 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 WPSC/OSHC subcommittee improperly
- They do not use their position on the WPSC/OSHC subcommittee for personal gain or put individual interests ahead of responsibilities

Responsibilities of the WPSC/OSHC Subcommittee

The WPSC and its OSHC subcommittee are 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 staff
- 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

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- establishing clearly defined roles and responsibilities for the members of the OSHC subcommittee, individually and as a collective, WPS OSHC management and staff, and clearly articulate the relationship between the WPSC, OSHC subcommittee, WPS OSHC management and staff, and clients of the service
- developing ethical standards and a code of conduct 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 WPSC/OSHC subcommittee are transparent and will help build confidence among clients and stakeholders
- via the WPSC Finance subcommittee, 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
- via the WPSC Finance subcommittee, approving annual financial statements and providing required reports to government
- setting and maintaining appropriate delegations and internal controls
- appointing senior staff and monitoring their performance
- evaluating and improving the performance of the OSHC subcommittee
- focusing on the strategic directions of the service 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 WPSC and OSHC subcommittee who gain access to confidential, commercially-sensitive and other information of a similar nature, 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.

Members of the WPSC and the Finance and OSHC subcommittees shall respect the confidentiality of those documents and deliberations at meetings, and shall not:

- disclose to anyone the confidential information acquired by virtue of their position on the WPSC, or Finance or OSHC subcommittees
- 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 WPSC or OSHC subcommittee, shall continue even after the individual has completed their term and is no longer on the WPSC or OSHC subcommittee.

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The obligation to maintain confidentiality also applies to any person who is invited to any meetings of the WPSC, or the Finance or OSHC subcommittees as an observer or in any other capacity.

Information Management

WPS OSHC will manage the information it creates and collects during the course of delivering and managing the service in accordance with the following directives:

- All personal and health records held by WPS OSHC will be managed in accordance with the Westgarth Primary School (WPS) Privacy Policy
- The retention of information will be determined in accordance with Retention and Disposal Authorities (RDAs) issued and currently approved for functions of the Department of Education and Training Victoria.
- Disposal of information will be carried out only with the authority of the WPSC or its delegated representative (e.g. the School Principal)
- In the event that WPS OSHC ceases to trade, all service information will be transferred into the custody of WPS for ongoing management and disposal in accordance with these directives.

Ethical Practice

The following principles will provide the ethical framework to guide the delivery of services at WPS OSHC:

- 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 stakeholders
- 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
- 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, whether actual, potential or perceived (refer to Definitions), must be declared by all members of the WPSC, and its Finance or OSHC subcommittees and managed effectively to ensure integrity and transparency

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Every member of the WPSC or its Finance or OSHC subcommittees 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:

- whenever there is a conflict of interest, as defined in this policy, the member concerned must notify the President of WPSC or the Chair of the OSHC subcommittee (who in turn will notify the President) of such conflict, as soon as possible after identifying the conflict
- the member who is conflicted must not be present during the meeting of the WPSC, or its Finance or OSHC subcommittees, where the matter is being discussed or participate in any decisions made on that matter. The member concerned must provide 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.

WPS OSHC staff who have a conflict of interest must notify the Nominated Supervisor of WPS OSHC. The following directives are to be followed:

- the staff member must not participate in any decisions made on a matter in which they have an interest
- the staff member must not be given duties which put them into a position of conflicting interest e.g. managing a supplier contract where the supplier's representative is a family member or friend
- the Nominated Supervisor must report the conflict of interest to the OSHC subcommittee who will minute the report and monitor the management of the conflict/its mitigation until such time as the conflict no longer exists.

Evaluation

In order to assess whether the values and purposes of the policy have been achieved, the WPSC 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 policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures unless earlier change and/or implementation is required by law or to ensure the safety of children at the service.

Related documents and attachments

- Westgarth Primary School OSHC Complaints Policy
- WPS Privacy Policy

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