



**Erina kindy Pty Ltd - Erina kindergarten – Code of conduct Policy 2024 – 2025
– corporate governance**

NQS

QA6	6.1.1	Engagement with the service – families are supported from enrolment to be involved in the service and contribute to service decisions
	6.1.2	Parent views are respected- the expertise, culture, values and beliefs of families are respected and families share in decisions making about their child’s learning and wellbeing.
QA7	7.1.1	Service philosophy and purpose- a statement of philosophy guides all aspects of the services operations
	7.1.2	Management systems – systems are in place to manage risk and enable the effective management and operation of a quality service.
	7.2.1	Continuous improvement – there is an effective self assessment and quality improvement process in place.

National Law

Section	51	Conditions on service approval
	172	Offence to fail to display prescribed information
	173	Offence to fail to notify certain circumstances to regulatory authority
	174	Offence to fail to notify certain information to regulatory authority

National Regulations

Reg	29	Conditions on service approval – insurance
	31	Condition on service approval - QIP
	55	Quality improvements plan
	56	Revision and review of Quality Improvement Plans
	168 (2) (l)	Education and care services must have policies and procedures in relation to governance and management of the service
	168 (2) (h)	Education and care services must have policies and procedures providing a child safe environment
	172	Notification of change to policies and procedures
	173	Prescribed information to be display

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	174 176	Time to notify certain circumstance and information to regulatory authority
	175	Prescribed information to be notified to regulatory authority
	177	Prescribed enrolment and other documentation to be kept by approved provider
	181	Confidentiality of records kept by approved provider
	412	Requirement to display information in relation to the rating of an education and care service

Aim and Purpose:

As we go about our jobs each day, it is important for us to have a frame of reference for the decisions that we make and the behaviours that we display. The Erina Kindy Pty Ltd – Erina kindergarten Code of Conduct ('the Code') has been developed to help enhance Erina kindergartens reputation for excellence in early childhood and care, and to ensure that acceptable legal, moral, and ethical standards are met through our behaviours and choices.

This Code is one of the many tools we have as Erina Kindy Pty Ltd – Erina kindergarten professionals. It is designed to help guide and frame our behaviour. It cannot and does not, cover every situation we may encounter. Rather it seeks to embed Erina kindy Pty Ltd - Erina kindergarten values into our everyday behaviours, and to support our ethical decision making.

In this way, the Code describes a common set of expectations for our conduct, a key element being that we abide by relevant laws and regulations. Where any local law or regulation is more restrictive than this Code, that local law or regulation will govern.

Intersection Policies

Governance policy

Staffing Arrangements policy

Whistleblower policy

Grievance policy

Privacy and confidentiality policy

Erina kindy Pty Ltd – Erina kindergarten Values

- respects the rights of the child and values diversity
- acknowledges the vulnerability of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability and has zero tolerance of discrimination
- maintains a duty of care (refer to Definitions) towards all children at the service
- is committed to the safety and wellbeing of each child at the service
- is committed to the safety and wellbeing of all staff at the service

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- provides a safe and secure environment for all at the service
- provides an open, welcoming environment in which everyone's contribution is valued and respected
- is committed to communicating openly and honestly
- is committed to continually learning how to be inclusive and respectful of cultural needs
- encourages volunteers, students, parents/guardians, and visitors to support and participate in the program and activities of the service.

To be successful at Erina Kindy Pty Ltd it is imperative that we do as follows;

- Carry out our roles in good faith, following relevant policies and procedures and that we comply with the Early Childhood Australia (ECA) Code of Ethics
- Complete the training applicable to our roles and raise anything that is unclear, or that we are unsure about, with our direct line manager
- Behave in a professional manner and address the inappropriate behaviour of others by speaking up
- Promptly raise concerns or suspected breaches with our Service Director and support their resolution

Codes of conduct establish standards of behaviour to be followed and define how individuals are expected to behave towards each other, towards the children in their care, and towards other organisations and individuals in the community.

The Approved Provider, Nominated Supervisor and staff have a duty of care to the children attending the service and must ensure 'that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury' (National Law: Section 167).

The National Quality Standard requires that staff are respectful and ethical and that 'professional standards guide practice, interactions, and relationships' (National Quality Standard: 4.2 and 4.2.1). Employers also have a legal responsibility to provide, as far as is practicable, a safe workplace that is free from discrimination, bullying and harassment

Child Safe Standard 3 requires services to develop and review codes of conduct that establish clear expectations for appropriate behaviour with children including:

- how to respond to risks adults may pose to children or that children may pose to each other
- how to ensure the cultural safety of Aboriginal children and culturally and linguistically diverse children
- how to be inclusive of all children, including children with a disability.

A Code of Conduct should be informed by the service's philosophy, beliefs, and values, and based on ethical principles of mutual respect, equity, and fairness.

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The Approved Provider must ensure that the Nominated Supervisor, staff, contractors, volunteers, students on placement, parents/guardians, children, and others attending the programs and activities of Erina kindy Pty Ltd – Erina kindergarten adhere to the expectations outlined in the Code of Conduct when communicating to and interacting with:

- children at the service and their parents and family members
- each other
- others in the community.

Definitions;

The terms defined in this section relate specifically to this policy. For commonly used terms e.g., Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the General Definitions section of this code of conduct.

Bullying: Repeated verbal, physical, social, or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons. Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation, or social acceptance.

Duty of care: A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonably foreseeable risk of injury.

Ethical conduct: Behaviour which reflects values or a code of conduct.

Harassment: When someone is demeaning, derogatory or intimidating towards another person.

Harassment includes:

- racial taunts
- taunts about sexual orientation or gender identity
- sexual harassment: unwelcome physical, verbal, or written behaviour of a sexual nature
- repeated insulting remarks.

Investigator: A person/staff member assigned or organization engaged with the responsibility of investigating suspected breaches of the Code of Conduct by the Approved Provider.

Notifiable complaint: A complaint that alleges a breach of the Education and Care Services National Act or Regulation, or alleges that the health, safety, or wellbeing of a child at the service may have been compromised.

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Any complaint of this nature must be reported by the Approved Provider to the secretary of DET within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

Written reports to DET must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee/investigator
- any other relevant information. Written notification of complaints must be submitted via the National Quality Agenda IT system (NQAITS): <http://www.acecqa.gov.au/national-quality-agenda-it-system>.

If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation.

Respect: Demonstrating regard for the rights of individuals, for different values and points of views.

Serious incident: A serious incident is defined as (regulation 12):

- the death of a child - – while being cared for by an education and care service; or – following an incident while being educated and cared for by an education and care service
- any incident involving serious injury or trauma to, or illness of, a child while being educated and cared for by an education and care service - – which a reasonable person would consider required urgent medical attention from a registered medical practitioner (examples include broken limbs or anaphylaxis reaction) attention of a registered medical practitioner; or – for which the child attended, or ought reasonably to have attended a hospital.
- any incident where the attendance by emergency services at the education and care service premises was sought, or ought reasonably to have been sought
- any circumstances where a child being educated and cared for by an education and care service appears to be missing or cannot be accounted for;
 - ❖ appears to have been taken or removed from the education and care services premises in a manner that contravenes National Regulations;
 - ❖ is mistakenly locked in or locked out of the education and care service premises or any part of the premises.

The Regulatory Authority must be notified of a serious incident (section 174(2)(a)) in writing in the case of:

- ✚ the death of a child, as soon as practicable but within 24 hours of the death, or the time that the person becomes aware of the death
- ✚ any other serious incident, within 24 hours of the incident or the time that the person becomes aware of the incident Written notification of serious incidents must be submitted via the ACECQA portal using the appropriate forms at <http://acecqa.gov.au/notifications>.

Support: Work in a co-operative and positive manner.

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RESPONSIBILITIES

The Approved Provider is responsible for:

- providing a safe environment for staff, contractors, volunteers, students on placement, parents/guardians, children, and others attending the programs and activities of Erina kindy Pty Ltd – Erina kindergarten.
- providing guidance through leadership and by being a positive role model
- developing and updating/ reviewing codes of conduct for Erina kindy Pty Ltd – Erina kindergarten in collaboration with the Nominated Supervisor, staff, parents/guardians, children, and others involved with the service
- ensuring that staff, volunteers, students, and parents/guardians are provided with a copy of this policy on employment, engagement, or enrolment at the service and that the current codes of conduct are publicly displayed and promoted to everyone including contractors and visitors
- ensuring that the Approved Provider, Nominated Supervisor, staff, contractors, volunteers, students on placement, parents/guardians and visitors adhere to Erina kindy Pty Ltd – Erina kindergarten - Expectations and competencies for communication
- ensuring that staff complete and sign the Code of Conduct Acknowledgement and that these are filed with individual staff records upon engagement in the service
- ensuring that the codes of conduct are regularly discussed at staff meetings to reinforce expectations
- developing a culture of accountability within the service for complying with the code(s) of conduct and being prepared to respond when behavioural expectations are not adhered to
- ensuring that all children being educated and cared for at Erina kindergarten are protected from harm and any hazard likely to cause injury (National Law: Section 167) and that the children know who to speak to about any concerns and that their concerns are followed-up
- working with the Nominated Supervisor, staff, students, volunteers, parents/guardians, and others at the service to provide an environment that encourages positive interactions, supports constructive feedback, and holds one another to the codes of conduct
- ensuring that parents/guardians of a child attending the service can enter the service premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or conflict with any duty of care of the Approved Provider, Nominated Supervisor, or educators under the Law (Regulation 157)
- ensuring that contractors, volunteers, parent/guardians, students, or visitors at the service are not placed in a situation where they are left alone with a child
- respecting individual abilities, needs, cultural practices, and beliefs in all interactions, both verbal and non-verbal
- notifying DET in writing within 24 hours of a serious incident (refer to Definitions) or of a notifiable complaint (refer to Definitions) at the service (National Law: Sections 174(2)(b) and 174(4), National Regulations: Regulations 175(2)(c) and 176(2)(b)) via the NQAITS

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- referring notifiable complaints (refer to Definitions), grievances or complaints that are unable to be resolved appropriately and in a timely manner to the Grievances Subcommittee/investigator (refer to Complaints and Grievances Policy)
- activating the Complaints and Grievances Policy on notification of a breach of the Code of Conduct Policy
- taking appropriate disciplinary or legal action, or reviewing the terms of employment in the event of misconduct or a serious breach of the Code of Conduct
- contacting Police in an emergency where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated or where sexual abuse or grooming is suspected as outlined in the Child Safe Policy.

The Nominated Supervisor is responsible for:

- ✚ ensuring that the children educated and cared for at Erina kindy Pty Ltd – Erina kindergarten community are protected from harm and from any hazard likely to cause injury (National Law: Section 167)
- ✚ providing guidance through their leadership and by being a positive role model
- ✚ assisting the Approved Provider to develop codes of conduct for staff and parents/guardians, students, contractors, volunteers, and visitors
- ✚ completing and signing the Code of Conduct Acknowledgement for staff
- ✚ always adhering to the Code of Conduct for staff
- ✚ ensuring that the Approved Provider, Nominated Supervisor, staff, contractors, volunteers, students on placement, parents/guardians and visitors adhere to Erina kindy Pty Ltd – Erina kindergarten Expectations and competencies for communication
- ✚ informing the Approved Provider in the event of a serious incident (refer to Definitions), of a notifiable complaint (refer to Definitions) or of a breach of the Code of Conduct
- ✚ contacting Police in an emergency where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated, or where sexual abuse or grooming is suspected as outlined in the Child Safe Policy
- ✚ working with the Approved Provider, staff, students, volunteers, parents/guardians, and others at the service to provide an environment that encourages positive interactions, supports constructive feedback, and holds one another to the codes of conduct
- ✚ ensuring that parents/guardians, students, and volunteers sign the code of conduct
- ✚ ensuring that parents/guardians of a child attending the service can enter the service premises at any time that the child is being educated and cared for, except where this may pose a risk to the safety of children or staff, or conflict with any duty of care of the Approved Provider, Nominated Supervisor, or educators under the Law (Regulation 157)
- ✚ developing practices and procedures to ensure that parent/guardians, students, contractors, volunteers, or visitors at the service, are not placed in a situation where they are left alone with a child

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- ✚ respecting individual abilities, needs, cultural practices, and beliefs in all interactions, both verbal and non-verbal
- ✚ understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their employment.
- ✚ All staff are responsible for:
 - assisting the Approved Provider to develop a code of conduct for staff
 - completing and signing the Code of Conduct Acknowledgement
 - always adhering to the code of conduct for staff
 - adhering to Erina kindy Pty Ltd – Erina kindergarten Expectations and competencies for communication
 - providing guidance to students, volunteers, parents/guardians, students, and visitors through positive role modelling and, when appropriate, clear and respectful directions
 - working with the Approved Provider, Nominated Supervisor, their colleagues, students, volunteers, parents/guardians, and others at the service to provide an environment that encourages positive interactions, supports constructive feedback, and holds one another to the codes of conduct
 - ensuring that parents/guardians, students, contractors, volunteers, and visitors at the service are not placed in a situation where they are left alone with a child
 - informing the Approved Provider in the event of a serious incident (refer to Definitions), of a notifiable complaint (refer to Definitions) or of a breach of the Code of Conduct Policy
 - contacting Police in an emergency where it is believed that there is an immediate risk, such as when violence has been threatened or perpetrated or where sexual abuse or grooming is suspected as outlined in the Child Safe Policy.
 - respecting individual abilities, needs, cultural practices, and beliefs in all interactions, both verbal and non-verbal
 - understanding and accepting that serious breaches of this code will be deemed misconduct and may lead to disciplinary or legal action, or a review of their employment. Parents/guardians are responsible for:
 - completing and signing the Code of Conduct for parents/guardians
 - abiding by the Code of Conduct for parents/guardians
 - complying with all policies of the service.
 - Students, contractors, volunteers, and visitors while at the service, are responsible for following this policy and its procedures.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider 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
- ✚ assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy

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- ✚ keep the policy up to date with current legislation, research, policy, and best practice
- ✚ revise the policy and procedures as part of the service's policy review cycle, or as required

The Approved Provider, Nominated Supervisor, and all staff at Erina kindy Pty Ltd are responsible for promoting the safety and wellbeing of children and their families by:

- ✚ welcoming all children and their families and being inclusive
- ✚ treating everyone with respect, including listening to and valuing their ideas and opinions
- ✚ contributing to a culture of child safety
- ✚ adhering to the Child Safe (formerly Child Protection) Policy and all other policies
- ✚ taking all reasonable steps to protect children from abuse
- ✚ respecting the privacy of children and their families, and only disclosing information to people who have a need to know as required under the Privacy and Confidentiality Policy
- ✚ reporting and acting on any breaches of this Code of Conduct, unethical practices, complaints, or concerns.

Professional responsibilities

The Approved Provider, Nominated Supervisor and all staff demonstrate our commitment to our professional responsibilities by:

- ✚ undertaking duties in a competent, timely, and responsible way
- ✚ ensuring our knowledge and expertise is up to date and relevant to our roles
- ✚ being aware of the role of other professionals and agencies and working collaboratively and within the limits of our professional expertise
- ✚ understanding and complying with legal obligations in relation to:
 - discrimination, harassment, and vilification
 - negligence
 - grooming
 - disclosure of child sexual abuse
 - protection of a child from child sexual abuse
 - mandatory reporting
 - privacy and confidentiality
 - occupational health and safety, including emergency evacuation procedures
 - maintaining teacher registration and Working with Children checks as applicable.
 - raising any complaints or grievances in accordance with the Complaints and Grievances Policy.

Relationships with children

The Approved Provider, Nominated Supervisor, and all staff at Erina kindy Pty – Erina kindergarten demonstrate our commitment to high-quality education and care for children by:

- ✚ encouraging children to express themselves and their opinions

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- ✚ allowing children to undertake experiences that develop self-reliance and self-esteem
- ✚ maintaining a safe environment for children
- ✚ being always a positive role model
- ✚ speaking to children in an encouraging and positive manner
- ✚ giving each child positive guidance and encouraging appropriate behaviour
- ✚ providing opportunities for children to interact and develop respectful and positive relationships with each other, and with other staff members and volunteers at the service
- ✚ regarding all children equally, and with respect and dignity
- ✚ having regard to their cultural values and supporting them to express their culture
- ✚ respecting individual difference including age, physical and intellectual development, and catering for the abilities of each child at the service
- ✚ working with children in an open and transparent way by informing other staff about the work being done with children
- ✚ encouraging and assisting children to undertake activities of a personal nature for themselves e.g., toileting and changing clothes
- ✚ informing children if physical contact is required for any purpose, asking them if they are comfortable with this interaction first prior to physical contact

Relationships with parents/guardians and families

In our relationships with parents/guardians and families, the Approved Provider, Nominated Supervisor, and all staff demonstrate our commitment to collaboration by:

- ✚ working collaboratively with parents/guardians and families
- ✚ considering the perspective of parents/guardians and families when making decisions that impact on the education and care of their child
- ✚ communicating with parents/guardians and families in a timely and sensitive manner
- ✚ responding to concerns expressed by parents/guardians and families in a timely and appropriate manner.
- ✚ maintain professional and ethical relationships with families attending the service

Relationships with employer and between colleagues in relationships with the Approved Provider, Nominated Supervisor and between colleagues, staff demonstrate collegiality by:

- ❖ encouraging others to act in accordance with this Code of Conduct and acting promptly when they observe behaviours which are outside of the Code of Conduct
- ❖ developing relationships based on mutual respect, equity, and fairness
- ❖ working in partnership in a courteous, respectful, and encouraging manner
- ❖ valuing the input of others
- ❖ sharing expertise and knowledge in appropriate forums, and in a considered manner
- ❖ respecting the rights of others as individuals
- ❖ giving encouraging and constructive feedback, and respecting the value of different professional approaches

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- ❖ being prepared to have difficult conversations and use constructive processes to address differences of opinion.
- ❖ Compliance with Erina kindy Pty Ltd – Erina kindy’s Expectations and Competencies for Communication

While this code of conduct is designed to ensure the Group delivers on its commitment to acting ethically and responsibly and to sustainable business practice, it does not create any rights in any employee, client, customer, supplier, competitor, shareholder or any other person or entity.

Honesty and Integrity, The Group's reputation as a good corporate citizen can only be achieved and maintained if Employees act with honesty and integrity in all our dealings with the Group's business partners, customers, suppliers, communities, government authorities, as well as work colleagues. Each Employee and Director must:

- act honestly and fairly in all commercial dealings and conduct themselves with professional courtesy and integrity;
- perform their responsibilities with due care, diligence, and good faith;
- respect all people they have dealings with; and
- report any possible dishonest or fraudulent behaviour of which they become aware in accordance with this Code.

To achieve this, Employees must:

- attend for work as required and on time in accordance with their ordinary working hours and days unless absent with reasonable excuse;
- ensure that their appearance is neat, clean, and appropriate for their area of work;
- strive to deliver exceptional work and service to Erina kindy Pty Ltd – Erina kindergarten customers;

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- treat work colleagues with respect, and do not discriminate on the grounds of a person's race, gender, religion, marital status, sexual preferences, disability, or other attributes recognised by relevant State and Federal Discrimination legislation;
- not tolerate or participate in harassment, including sexual harassment or offensive language, or any form of bullying or victimisation;
- not tolerate or participate in coercing (or via duress encourage) another employee to join or partake in a political activity;
- not attend for work and/or perform any work task if they are under the influence of alcohol or drugs; and
- cooperate with others in the workplace to create a safe and healthy workplace in accordance with any applicable Work, Health, and Safety policy. The Group supports and respects the protection of human rights within its sphere of influence supports effective elimination of compulsory labour and child labour, and it will make this criterion in the choice and management of its relationships with suppliers and subcontractors.

Conflicts of Interest Employees must avoid entering situations where their personal, family, or financial interests or duties to any third party may be in conflict with or could reasonably be perceived to be in conflict with, the interests of the Group or their duties and responsibilities to the Group.

A conflict of interest occurs when an individual's personal interests – family, friendships, financial, or social factors – could compromise his or her judgment, decisions, or actions in the workplace. Erina Kindy Pty Ltd takes conflicts of interest very seriously as we are regulated by the Department of Education and receive CCS funding. Erina Kindy Pty Ltd follows the lead by including conflicts of interest in our policies, regulations, and standards of operating procedures.

Conflicts of interest are a clash that most often occurs between requirements and interests. Various types of conflicts of interest can occur because of the nature of relationships versus rules of organizations or federal and state laws. People can

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easily become biased (have an unfair preference) because of small things like friendship, food, or flattery, or they may be influenced to make a decision because of the potential to gain power, prestige, or money. Conflicts can occur when an individual makes or influences a decision and does so for some personal gain that may be unfair, unethical, or even illegal.

In our work lives, we also have interests that could influence the way we do our jobs and the decisions we make. Even if we never act on them, there may be an appearance that a conflict of interest has influenced our decisions.

What are the different types of conflicts of interest?

- Actual – An actual conflict of interest involves a direct conflict between a person's current duties and responsibilities and existing private interests. i.e. you ARE being influenced by a conflicting interest.
- Perceived - A perceived or apparent conflict of interest can exist where it could be perceived, or appears, that a person's private interests could improperly influence the performance of their duties – whether or not this is in fact the case i.e. you could APPEAR to be influenced by a conflicting interest.
- Potential - A potential conflict of interest arises where a person has private interests that could conflict with their official duties in the future i.e. you COULD be influenced by a conflicting interest.

Transparency (being completely open and frank) becomes important when dealing with both actual and potentially perceived conflicts of interest. Perception happens when an individual observes something (behaviour or activity) and comes to a conclusion. Perceiving a conflict of interest does not make it a conflict of interest. The true test of verifying whether a matter is just a potentially perceived conflict of interest, or an actual conflict of interest, is disclosure.

What are the different classifications of conflicts of interest?

- A pecuniary interest involves an actual or potential financial gain or loss. It may result from the employee or someone associated with them (e.g. family member) owning property, holding shares or a position in a company bidding for government work, accepting gifts or hospitality, or receiving an income from a second job. Money does not actually have to change hands for an interest to be pecuniary.
- A non-pecuniary interest does not have a financial component but may arise from personal or family relationships, involvement in sporting, social, trade union, community, or cultural activities. Non-pecuniary interests include any tendency toward favour or prejudice resulting from friendship, animosity or other personal involvement that could bias your judgement or decisions.

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Where may a conflict of interest occur?

- There are many areas of work and organisational functions that may create a high risk for potential conflicts of interests, including but not limited to:
 - managing employees
 - recruitment and selection processes and making appointments to positions
 - purchasing/procurement and contracting
 - exercising delegations or having discretion for planning or development applications
 - disposing of assets
 - undertaking investigations
 - carrying out regulatory tests and procedures
 - inspecting, regulating, or monitoring standards, businesses, equipment, or premises
 - issuing qualifications or licences
 - allocating grants of public funds
 - interacting regularly with the private sector
 - making determinations or handing down judgement about individuals or disputes
 - providing consumer advice.

Conflicts of interest can also occur when an employee/other personnel undertakes secondary employment in another service.

Employees may have a conflict of interest if in the course of their employment or engagement with the Group:

- any of their decisions lead to an improper gain or benefit to them or their associates; or
- their personal interests, the interests of an associate or relative, or obligation to some other person or entity, conflict with their obligations to the Group.

Where any such conflict arises, as soon as reasonably practicable upon becoming aware of the conflict, the relevant employee or Director or Approved provider (“Notifying Party”) must make appropriate notifications:

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- in the case of Employees, notification must be made to their immediate manager or team leader in the first instance, who will determine the appropriate action to take (if necessary, in consultation the Approved Provider); and
- in the case of a director, notification must be made to the chairman (and in the case of the Chairman, to the other independent Directors) who will determine the appropriate action to take and in accordance with the Company's constitution.

The purpose of our conflict-of-interest procedure is to help support employees/other personnel to effectively:

- Identify conflicts of interest that employees/other personnel may encounter
- Recognise their responsibilities to disclose and promptly address any conflicts of interests
- Understand and implement the process for managing conflicts of interest
- Conflicts of interest, if managed appropriately, do not have to be a problem for the organisation. However, it is important to be aware of what can happen if a conflict is not managed appropriately.
- Reputational Risk – failing to manage conflicts of interest can damage the reputation of Erina kindy Pty Ltd and could have a negative impact on funding, recruitment and retention of employees and public trust and confidence in Erina kindy Pty Ltd
- Poor Governance – good governance is a central part of ensuring that Erina kindy's effectively works towards achieving its mandate as well as meeting its obligations under the law.

Failing to manage conflicts of interest affects Erina kindy's governance in a variety of ways:

It could suggest that Erina kindy's management, and employees are not acting in the organisations best interest and this could undermine the long-term sustainability of the organisation.

May indicate a lack of accountability and transparency. Appropriately identifying and managing conflicts of interest is essential in promoting accountability and transparency in the organisation.

The organisation's ability to function effectively as a whole could be undermined if conflicts of interest are not managed appropriately. The integrity and effectiveness of Erina kindy's decision-making processes can be put at risk.

Promoting a culture of disclosure

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- Employee/other personnel's attitudes and behaviours towards conflict of interest are a key factor to successful disclosure and management of conflicts of interest.
- Employee/other personnel should never feel apprehensive about disclosing a potential conflict. Rather they should view disclosing interests as part of their respective roles and should encourage others to do the same.

Unacceptable conduct includes, but is not limited to:

- Being adversely affected by and/or under the influence of drugs or alcohol while performing work duties, representing Erina Kindy Pty – Erina kindergarten or private vehicle for work purposes
- Misusing prescription drugs or using, possessing, or selling illegal or un-prescribed drugs, while performing work duties, working on Erina kindergarten premises or at any Erina Kindy Pty Ltd – Erina kindergarten work location
- Using unprofessional or obscene language or gestures towards colleagues, children, or families, or engaging in unprofessional or unsolicited conversations (e.g., gossiping, vexatious claims)
- Behaving in a fraudulent or dishonest manner
- Breaching any laws that govern the workplace
- Breaching Erina Kindy Pty Ltd – Erina kindergarten confidential and privacy policy guidelines
- Working in a way that places yourself and/or others at risk
- The key to managing conflicts responsibly is to encourage, facilitate and record all disclosures (Below for this process).
- The cornerstone of creating a culture of disclosure at Erina kindy is to have and encourage open discussion on conflicts of interest in a way that is supportive and non-judgemental.
- Promoting a culture of disclosure can be promoted by:
 - o Informing new employees/other personnel about Erina kindy's COI Procedure and providing them with a copy of the procedural document.
- Providing conflict of interest training.
- Providing easy access to the COI procedure and related COI Form.
- Making conflicts of interest a standing agenda item (for meetings as well as other organisational processes) – this routinely reminds employees/other personnel of their duty to declare any potential conflicts.
- Recording declared conflicts of interest in meeting minutes or in other relevant process documentation.
- Employees to complete an "External Business Undertaking Acknowledgement" form to seek Erina kindys prior written consent to engage in any business employment or provide services to anyone other than Erina kindy (in accordance with Terms and Conditions of Employment).

CONFLICT OF INTEREST PROCESS

STEP 1: Identify - Employees/other personnel are responsible for identifying and disclosing their own conflicts of interest.

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Consideration should be given as to whether in performing a role, an employee/other personnel could be influenced, or appear to be influenced, by personal interests.

Employees/other personnel need to consider:

- if they, or someone associated with them, would benefit, or be disadvantaged directly or indirectly, now or in the future, from a decision they may be involved in making in their employment capacity.
- whether they, or someone associated with them, has received a gift or benefit from another person or business who stands to benefit from a decision the employee makes or can influence.
- whether a member of the public would view the employee's decision as being influenced by their personal interests or associations with other persons/entities.

STEP 2: Manage

Disclose the conflict of interest as soon as a likely conflict of interest is identified, it should be promptly disclosed to the relevant Manager or Responsible Person.

Assess The relevant Manager or Responsible Person will then assess the situation and determine whether or not any conflict actually exists. If a conflict of interest is established, then the type of interest (i.e. actual, perceived or potential) and the best strategy for its management should be discussed and agreed upon by the parties concerned. Once a conflict of interest is determined to exist a Conflict-of-Interest Form (COI Form) – should be completed by the employee/other personnel jointly with the relevant responsible person.

STEP 3: Choose Strategy

While conflicts of interest may be resolved or managed in a variety of ways, the choice of strategy will depend on an assessment of the individual circumstances of each case.

The six major options for managing conflicts of interest are:

1. **Register** Details of the existence of a conflict of interest (actual, potential, or perceived) are formally entered into the Conflicts of Interest Register. When to use: for low-risk COI's.
2. **Restrict** Where restrictions are placed on the employee's involvement in the matter e.g. may not participate in discussions or decision making. When to use: If the COI is not likely to arise frequently.
3. **Recruit** Where a neutral third party is used to oversee part or all of the process that deals with the matter. When to use: if the expertise of the third party is necessary.
4. **Remove** Where the employee is removed from their involvement in the matter creating the conflict i.e. leave the room during pertinent discussions. When to use: For ongoing serious COIs where ad hoc restriction or recruitment of others is not appropriate.
5. **Relinquish** Where the employee relinquishes the private interest that is creating the conflict. When to use: if the employee's commitment to public/official duty outweighs their attachment to the private interest.

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6. Resign Where the employee resigns from the conflicting role e.g. on the interview panel, from the Board etc. When to use: where no other options are practicable or if the employee prefers this course as a matter of personal principle.

In resolving or managing the conflict of interest, the following should be achieved:

- restricting the extent to which a private interest could compromise, or be seen to compromise, impartiality when carrying out official duties.
- ensuring there can be no perception of receiving an improper benefit that could influence the performance of official duties.
- removing the employee from involvement in official decisions and actions which could be compromised by private interests and affiliations.

Implement Once the most appropriate strategy or strategies for the conflict of interest has been determined it must be appropriately implemented and recorded on the COI Form.

Record

- Transparent decision making and detailed record keeping are essential.
- Relevant details of the conflict of interest should be captured as per the Conflicts of Interest Form (COI Form). This will enable Erina kindy to demonstrate in an accountable manner, if necessary, that a specific conflict of interest was appropriately identified and managed.
- Completed COI Forms should be scanned and emailed to info@erinakindergarten.com.au so they can be filed in a secure location and updated to the COI Register. Any hard copies should be securely destroyed once scanned and updated to the COI Register.

Employee's conflict of interest documentation should also be filed securely within their personnel records.

Instances where a COI should be disclosed:

a. Recruitment panel: If you are participating on a recruitment panel and upon receipt of the applications become aware that a person/s applying for the role are known to you, either professionally or personally, you need to complete a COI Form. The COI should be disclosed to the panel and a COI Form completed.

The panel are to discuss which strategy is the most appropriate to implement. The COI and strategy implemented should also be documented in the selection report. b. Meetings: When it is not possible to disclose a conflict of interest in writing, for example, during a meeting where, without prior warning, a matter is introduced in which the employee/other personnel recognise they may have a conflict of interest, the employee/other personnel should immediately verbally disclose the interest. The employee/other personnel's disclosure should be recorded in the minutes of the meeting. The participants and Chair of that meeting should decide on a conflict-of-interest management strategy and then implement accordingly. At the earliest possible opportunity, the employee/other personnel should then follow the process to complete a COI Form.

Procurement Selection Panel Members will be required to disclose any potential, actual or perceived conflicts of interest either prior to or during the evaluation of

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procurement applications e.g. any personal financial interest in the project; any immediate relatives, close friends or business associates with a financial interest in the project; any personal bias or inclination, which would in any way affect an individual's decisions in relation to the project; and, any personal obligation, allegiance or loyalty, which would in any way affect an individual's decisions in relation to the project. A COI Form should be completed at the start of the process. The Procurement Selection Panel Chair should take into consideration any conflicts of interests arising as part of the shortlisting process and then decide and implement an appropriate conflict of interest strategy.

Governance, Committee and Advisory Council Members - It is a requirement that all members upon signing their formal Agreement to commence with Erina kindly, acknowledge that they have read the COI procedure and will declare any conflicts of interest.

Opportunity is provided at each meeting to declare new conflicts of interest, refer to above for the related process in this instance.

Reporting OTHER conflict of interest matters not relating to self - Employees who become aware of a conflict of interest involving another employees/other personnel should, if they are comfortable doing so, raise the matter with the individual concerned or, if after raising the issue it becomes apparent that a conflict has not been declared, they should raise it with their immediate manager/Responsible Person or Human Resources.

Review and Monitor

- Reviewing and monitoring is an essential component of the conflict-of-interest process by the Senior Management Team.
- Ongoing monitoring and regular reviews of identified conflicts of interest allow changes to be made to the management strategy.
- Each quarter the COI Register will be provided to the relevant Senior management team meeting for review and audit i.e. for compliance and applicability. COI's on the register should be reviewed, discussed, adjusted and or closed if necessary at the appropriate SLT meeting.

MAINTAINING CONFIDENTIALTY

All details relating to conflicts of interests are to be maintained in the strictest confidence and in accordance with the Privacy Act 1988.

COI REGISTER

- All conflicts of interest must be registered into the COI Register.
- Once a COI Form has been completed and approved it should be emailed to the Managing Director so it can be entered into the COI Register. Alternatively, COI Forms to be emailed to info@erinakindergarten.com.au for processing.
- For minor or perceived conflicts of interest no further management action may be needed after the conflict is disclosed and registered.
- Our COI register includes:

The name of the person declaring the conflict of interest

To whom the conflict was declared (name and position)

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The date of declaration

The nature of the declared conflict, including if relevant the name of the organisation or individual the conflict relates to

A brief description of the matter

Any action taken

Any additional comments

Employees must not accept payments, gifts, or other kinds of reimbursement from a third party that could affect or appear to affect their objectivity in business decisions or which may be seen as excessive beyond socially acceptable boundaries.

Employees must not improperly use their position, property or information acquired through their position for personal gain or the gain of an associate, or to compete with or harm the Group, and must keep their personal or external business dealings separate from the Group's business dealings.

Employees must only use goods, services and facilities received from the Group in accordance with the terms on which they are given.

Employees must not accept commissions or payments which may be seen as constituting bribery or fraud or participate in corrupt business practices and must comply with our governance policy.

Professionalism and the Work Environment In addition to acting ethically, the Group seeks to continually improve the quality of the work of its Employees and their work environment.

REPORTING TO THE DEPARTMENT OF EDUCATION

Under the Department of Health Standard Funding Agreement, governs the organisation's obligations in relation to managing conflicts of interests. The law states if a conflict arises (or appears likely to arise), the Approved provider/Director must immediately notify the Department and make a full disclosure of all relevant information relating to the conflict and set out the steps proposed to resolve or deal with the conflict, and take such steps. Failure to disclose could result in the termination of the relevant activity under the funding agreement. Erina kindy's practice is to report any conflicts within 48 business hours.

NON-DISCLOSURE If a conflict of interest is not identified, disclosed, and managed effectively it can cause private interests being put above the interest of the organisation; thereby compromising work and creating a catalyst for misconduct and corruption. If employees/other personnel fail to make the necessary disclosure about conflicts of interest they may be in breach of this procedure.

Breaches will be treated seriously and may lead to disciplinary action in accordance with company policy/procedure and may lead to termination of employment. Refusal to take any action directed by Erina kindy to resolve a conflict of interest may be in breach of this procedure and may render the employee liable to disciplinary action. All breaches must be reported to the Approved Provider/Director

CONFLICT RESOLUTION

If a decision cannot be made at the time of jointly reviewing and assessing the Form i.e. further investigation, consultation is required, then a decision should be determined within 7 (seven) working days and the employee/other personnel notified

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of the outcome. The outcome should be noted on the Form and provided to the employees/other personnel for their information. Where it is not possible to make a determination within this timeframe, the employee/other personnel concerned is to be kept informed of the progress on the matter.

If employees/other personnel disagree with the decision, the matter is to be discussed with the employees/other personnel and the Manager or Director in an attempt to seek a resolution. If, following this discussion, the matter remains unresolved, it should then be referred to the Approved Provider/managing director/shareholders for resolution.

In the event there is still no consensus on the outcome then grievance and dispute resolution procedures are to be followed.

Checklist to help identify a Conflict-of-Interest

A test when trying to determine if you have a conflict of interest or not, is to ask yourself: "Could this conflict with my professional duties?" If you answer YES to any of the questions below, you may have an actual, perceived, or potential conflict of interest.

1. Would I or anyone associated with me benefit from or be detrimentally affected by my proposed decision action?
2. Could there be benefits for me in the future that could cast doubt on my objectivity?
3. Do I have a current or previous personal, professional, or financial relationship or association of any significance with an interested party?
4. Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
5. Do I or a relative, friend or associate of theirs stand to gain or lose financially in some covert or unexpected way?
6. Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
7. Have I received a benefit from someone who stands to gain or lose from my proposed decision or action?
8. Am I a member of an association, club or a professional organisation or do I have particular ties or associations with organisations or individuals who stand to gain or lose by my proposed decision or action?
9. Could this situation have an influence on any future employment opportunities outside my current official duties?
10. Could there be any other benefits or factors that could cast doubts on my objectivity?

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Conflict of Interest (COI) FORM – Erina Kindy Pty Ltd

Person Declaring Conflict of Interest (Legible Full Name/Title/Role):

Name of Meeting / Group / Event:

Date Meeting / Group / Event took place:

DETAILS OF CONFLICT (Note: all questions are required to be completed unless states as 'Optional') Conflict type:

(tick appropriate box) Actual Perceived Potential

Provide a FULL description of the COI:

.....
.....
.....
.....
.....
.....

Names and details of all parties involved in the conflict:

Is the conflict New or Historical: (tick appropriate box)

New COI Historical COI (if yes, then provide further details)

Further information:

Select agreed proposed strategy for resolving or managing the Conflict:

Register Restrict Recruit Remove
Relinquish Resign

* COI strategy is agreed on and endorsed by the meeting / Director
Approved Provider/panel members

Further information:

(OPTIONAL) Signature of Declaree:

GCPHN Personnel Name:

GCPHN Personnel Position:

GCPHN Personnel Signature:

Date signed:

The Group is committed to making a positive social contribution to the communities in which it operates. The Group is also committed to embracing diversity within the workplace.

The Group is committed to providing and maintaining a safe work environment. It is the responsibility of each employee and Director to familiarise themselves with, and adhere to, Erina kindergarten Work Health and Safety policy that is applicable to their field of employment within the Group.

Fair dealing The Group is committed to ensuring it does not engage in behaviour or allow or ignore behaviour by others that violates the principles and the laws of fair competition including those set out in the Competition and Consumer Act 2010 (Cth) and the fair-trading laws in the relevant state or territory. Fair competition means that the Group competes based on customer service and products rather than by obstructing competitive conduct and that the Group only uses its strength in legitimate ways. As a rule:

- Employees must not make deals with the Group's competitors about how the Group competes;
- Employees must not discuss, exchange information, or make arrangements with competitors on matters such as pricing or pricing policies (past, present or future), marketing approaches, promotions, profits, costs, terms and conditions of sale, choice by customers, territories, or engage in the limiting of production of, or boycotting of, a competitor, distributor or customer;
- Employees must not use the Group's position to limit or exclude a third party from competing with the Group;
- Employees must be fair in their dealings with competitors and must not be insulting about the Group's competitor's products or services; and
- Employees must not make any false or misleading statements while recruiting or promoting new staff.

Communications and Privacy of Data the group is committed to open and transparent communications within the confines of confidentiality and privacy. Employees must respect the privacy of information relating to individual persons

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(whether employees or third parties) which they hold or handle as part of any information processing activities. Employees must not, without proper authority, access modify, disclose, or make use of any confidential, commercial and/or personal information for any purpose other than for authorised and necessary work purposes and must ensure they familiarise themselves with, and comply with the privacy laws of Australia (or where applicable, the jurisdiction of their business unit).

Employees must otherwise deal with such information in accordance with Erina Kindy Pty Ltd Privacy Policy.

Any information acquired by Employees while performing their duties is confidential information of the Group, its customers or suppliers and must be kept confidential. Directors must not disclose the information to a third party except where that disclosure is:

- authorised by the Managing Director; or
- required by law or a regulatory body

The existence and details of any company management information, discussions, and decisions that are not publicly known and have not been approved by the Board for public release, are confidential information of the Group and subject to this Code.

Employees' obligations of confidentiality continue after they leave the Group.

Compliance with the Law and Erina kindergarten Policies. Erina kindy Pty Ltd – Erina kindergarten respects the law and is committed to the adherence to all applicable laws and regulations and to not breaching any applicable law or regulation. Each Director and Employee must comply with the letter and spirit of any applicable law, this Code and any applicable policies and guidelines of the Group and not knowingly participate in any illegal or unethical activity.

The Group emphasises the need for all Employees to comply with the requirements of this Code. Any Employee found to be in breach of the requirements of this Code may be subject to disciplinary action, up to and including termination of employment. Employees should refer to the relevant procedures of the Group for further information on disciplinary action.

This Code is a best practice procedure and does not create any binding obligations on the Group or contractual rights for Employees. The Company may vary the Code from time to time at its discretion.

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The Group expects Employees to report (in good faith) any actual or suspected violation of this Code, any of the Group's policies or any behaviour that is illegal, unethical, fraudulent, or deceptive by Employees ("Reportable Behaviour") and to encourage others to do the same.

Employees may use their own judgment in deciding to whom to report any Reportable Behaviour, however Directors are encouraged to report to financial advisors or legal advisors and Employees are encouraged to their immediate manager or the Director

A person to whom a report is made of Reportable Behaviour must ensure:

- that a proper and thorough investigation is conducted;
- that any person the subject of an investigation is given a reasonable chance to respond to allegations (ensuring confidentiality of the reporting person is preserved); and
- that appropriate disciplinary action is taken if the allegation is substantiated.

If an Employee ("Reporting Person") reports Reportable Behaviour in good faith, each Employee must ensure:

- that the Reporting Person's position of employment is protected; that their identity is only disclosed with their consent (except where disclosure is required by law); and
- that no disciplinary or discriminatory action is taken or tolerated against the reporting person for reporting the violation. The Reporting Person is not protected from civil or criminal liability for any of his or her conduct that may be revealed by an investigation, however in some cases the fact the Reporting Person has made a report may consider as a mitigating factor when determining actions that may be taken against him or her.

I will act in accordance with Erina kindergartens child safety and well-being always policies and procedures.

Behave respectfully, courteously, and ethically towards children and their families' and towards other staff.

Listen and respond to the views and concerns of children, particularly if they communicate (verbally and non-verbally) that they do not feel safe or well.

Promote the human rights, safety, and wellbeing of all children at Erina kindergarten.

Demonstrate appropriate personal and professional boundaries.

Consider and respect the diverse backgrounds and needs of children.

Create an environment that promotes and enables children's participation and is welcoming, culturally safe, and inclusive for all children and their families.

Involve children in making decisions about activities, policies and processes that concern them whenever possible.

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Contribute where appropriate to Erina kindergarten's discussions, learning and reviews about child safety and wellbeing.

Identify and mitigate risks to children's safety and wellbeing as required by Erina kindergarten risk assessment and management policy or processes.

Respond to any concerns or complaints of child harm or abuse promptly and in line with Erina kindergarten's policy and procedures for receiving and responding to complaints.

Report all suspected or disclosed child harm or abuse as required by The Children's Guardian and by Erina kindergarten policy and procedures on internal and external reporting.

Comply with Erina kindergarten's protocols on communicating with children.

Comply with The Children's Guardian Act and Erina kindergarten's policies and procedures on record keeping and information sharing.

I will not:

- Engage in any unlawful activity with or in relation to a child.
- Engage in any activity that is likely to harm a child physically, sexually, or emotionally.
- Unlawfully discriminate against any child or their family members.
- Be alone with a child unnecessarily.
- Arrange personal contact including online contact with children I am working with for a purpose unrelated to Erina kindergarten activities.
- Disclose personal or sensitive information about a child including images of a child, unless the child and their parents or legal guardian consent or unless I am required to do so by Erina kindergartens policy and procedure by reporting.
- Use inappropriate language in the presence of children, or show or provide children with access to inappropriate images or material.
- Work with children while under the influence of alcohol or prohibited drugs.
- Ignore or disregard any suspected or disclosed child harm or abuse.

If I think the code of conduct has been breached by another person at Erina kindergarten I will:

- Act in accordance with Erina kindy Pty Ltd child safety and wellbeing policies and procedures always.
- Behave respectfully, courteously, and ethically towards children and their families and towards other staff.
- Listen and respond to the views and concerns of children, particularly if they communicate (verbally or non-verbally) that they do not feel safe or well.
- Promote the human rights, safety, and wellbeing of all children in Erina kindy Pty Ltd – Erina kindergarten
- Demonstrate appropriate personal and professional boundaries.
- Consider and respect the diverse backgrounds and needs of children.

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- Create an environment that promotes and enables children’s participation and is welcoming, culturally safe, and inclusive for all children and their families.
- Involve children in making decisions about activities, policies and processes that concern them wherever possible.
- Contribute, where appropriate, to Erina kindy Pty Ltd - Erina kindergarten policies, discussions, learning and reviews about child safety and wellbeing.
- Identify and mitigate risks to children’s safety and wellbeing as required by Erina kindy Pty – Erina kindergarten - risk assessment and management policy or process.
- Respond to any concerns or complaints of child harm or abuse promptly and in line with Erina kindy Pty Ltd – Erina kindergarten - policy and procedure for receiving and responding to complaints.
- Report all suspected or disclosed child harm or abuse as required by child protection and by Erina kindy Pty Ltd – Erina kindergarten - policy and procedure on internal and external reporting.
- Comply with Erina kindy – Erina kindergarten - protocols on communicating with children.
- Comply with Erina kindy Pty Ltd – Erina kindergarten - policies and procedures on record keeping and information sharing

Code of conduct for parents/guardians, students, volunteers, contractors, and visitors

All parties commit to contributing to creating an environment at Erina kindy Pty Ltd – Erina kindergarten that:

- respects the rights of the child and values diversity
- acknowledges the vulnerability of Aboriginal children, children from a culturally and linguistically diverse background and children with a disability and has zero tolerance of discrimination
- maintains a duty of care (refer to Definitions) towards all children at the service
- is committed to the safety and wellbeing of each child at the service
- is committed to the safety and wellbeing of all staff at the service
- provides a safe and secure environment for all at the service
- provides an open, welcoming environment in which everyone’s contribution is valued and respected
- is committed to communicating openly and honestly
- is committed to continually learning how to be inclusive and respectful of cultural needs
- encourages parents/guardians, volunteers, students, and community members to support and participate in the program and activities of the service.
- Relationships with children

In our relationships with children, all parties agree to commit to:

- being always a positive role model

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- encouraging children to express themselves and their opinions
- allowing children to undertake experiences that develop self-reliance and self-esteem
- maintaining a safe environment for children
- speaking to children in an encouraging and positive manner
- giving each child positive guidance and encouraging appropriate behaviour
- regarding all children equally, and with respect and dignity
- having regard to each child's cultural values
- respecting individual difference including age, physical and intellectual development, and catering for the abilities of each child at the service.

Relationships with the Approved Provider, Nominated Supervisor, staff and others

In my relationships with the Approved Provider, Nominated Supervisor, staff, other parents/guardians, volunteers, and visitors I commit to:

- reading and abiding by the Code of Conduct
- developing relationships based on mutual respect
- working in partnership in a courteous, respectful, and encouraging manner
- valuing the input of others
- sharing our expertise and knowledge in a considered manner
- respecting the rights of others as individuals
- giving encouraging and constructive feedback, and respecting the value of different professional approaches
- respecting the privacy of children and their families and only disclosing information to people who have a need to know as required under the Privacy and Confidentiality policy
- always following the directions of staff
- treating the kindergarten environment with respect
- raising any concerns, including concerns about safety, as soon as possible with staff to ensure that they can be resolved efficiently
- raising any complaints or grievances in accordance with the Complaints and Grievances Policy.

The Corporations Act 2001 (Cth) provides additional protections in relation to the reporting of a possible contravention of the Corporations legislation.

Erina kindy Pty Ltd – Erina kindergarten aims to comply with the Child Care Subsidy legislative requirements associated with operating a fee reduction service for eligible families, including assurance of data security used with third party CCS software (OWNA).

Erina kindy Pty Ltd – Erina kindergarten aims to maintain the financial integrity of all child care funding by always submitting correct data to the Department of Education, Skills, and Employment through our CCS Software. Our Service will ensure all

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reporting requirements for claiming and administering CCS payments will be maintained.

We currently utilise childcare software program OWNA at our service at Erina kindergarten to assist with waitlist management, enrolments, digital attendance, CCS submission, account and fee payment management and continued compliance management. We will implement the same use of childcare software program OWNA at Erina kindergarten.

OWNA which is a password protected third-party software system for educators and staff at our Service who are authorised to interact with the CCS Software to manage and administer data information and payments associated with the Child Care Subsidy and Additional Child Care Subsidy.

The Approved Provider will determine personnel who is required to use the CCS Software System. All personnel who are authorised to use our CCS Software will be required to meet the fit and proper requirements as set by the Department of Education, Skills, and Employment.

The Approved Provider will ensure all Personnel using the software will have their own log in username and password credentials to use the CCS Software. The login and password credentials will be linked to individual PRODA accounts as per Family Assistance Law. Authorised users are encouraged to change their passwords every 6 months.

The Approved Provider will audit staff log ins on a bi-annual basis and ensure this procedure is followed by all staff who access CCS software to submit data to CCS. The *CCS Compliance Checklist/ Audit* will be used each month by the Approved Provider to review usernames of staff using CCSS Software and to review the privacy policy of individual CCSS Software. The Approved Provider will use the *CCS Compliance Checklist/Audit* to ensure usernames and passwords used for CCSS Software have not been shared or compromised.

Any person with management or control of the Provider Erina kindy Pty Ltd and persons responsible for the day-to-day operation of the Erina service will be registered with the Federal Government's Provider Digital Access (PRODA) for administering Child Care Subsidy/Additional Child Care Subsidy. Any staff member Nominated by a person who meets these criteria will also be registered as a service

contact with PRODA. In addition to obtaining a Working with Children Check if required to hold one, the Approved Provider will ensure all registered persons meet the fitness and propriety requirements under the Family Assistance Law as follows:

For person with management or control of the Provider

- A certified copy of an Australian National Police Criminal History Check dated no more than six months before the application for approval
- An extract from the National Personal Insolvency Index Bankruptcy Search service provided by the Australian Financial Security Authority dated no more than three months before the application

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- A current and historical personal name extract search of the Australian Securities and Investments Commission records dated no more than three months before the application
- Evidence (computer printout) the person does not appear on the banned and disqualified register held by the Australian Securities and Investments Commission dated no more than three months before the application.
- For persons responsible for the day-to-day operation of the service;
- A certified copy of an Australian National Police Criminal History Check dated no more than six months before the application for approval reviewed every 6 months thereafter

Fitness and Propriety Working with Children Check

- The Approved Provider or Nominated Supervisor will ensure:
- A Working with Children Check (WWCC) is completed for all educators, staff, volunteers, and students whose duties will involve direct contact with children. Some exemptions apply e.g., WWCC are not required for children under 18 or in most circumstances where the volunteer is a parent or close relative.
- WWCC clearances or applications are verified on-line before a person commences work
- WWCC clearances or applications that replace expired WWCC are verified on-line within five working days of the old WWCC's expiry date
- Any barred or unauthorised person does not commence work or is removed immediately if a current worker
- Their own WWCC is verified on-line by another appropriate person
- Employees are aware they must notify the Children's guardian of any changes to their personal details, including their name, address, and contact details, within 3 months of the change.
- They are verifying any updated WWCC
- An educator is taken to hold an approved first aid qualification or training if the educator holds an approved qualification or training as published on the ACECQA website.

First Aid Qualifications

- The Approved Provider or Nominated Supervisor will ensure that at least one educator, staff member or Nominated Supervisor present at the service:
- Holds a current approved first aid qualification
- Has undertaken current approved anaphylaxis management training and
- Has undertaken current approved emergency asthma management training.
- The Approved Provider will make sure people appointed as a Nominated Supervisor or Person in Day-to-Day Charge are at least 18 and have:
- The required skills to be a nominated supervisor or person in day-to-day charge e.g., has adequate knowledge and understanding about providing education and care including understanding of child protection obligations, they have suitable skills, experience, and fitness for purpose.
- Can effectively supervise and manage the service

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All employees will sign a confidentiality agreement on employment.

Employees will not;

- Access private or confidential information about children or families unless it is necessary for them to complete their job
- Share or disclose with any organisation or third party, private or confidential information about the Service or its children, families, or employees at the Service without written prior consent.
- Engage in any babysitting or child-minding services for any and all families that attend Erina kindergarten
- Engage in any conversations or discussion that entice another employee of the service to leave the service for another competitive employer. A solicitation may be a direct attempt to persuade employees to leave their current employer for the new organisation of a former employee. Also, this can be accomplished through advertising, interviews, and other means. Further, a campaign is a series of actions that give the impression that former employees attempt to persuade workers to switch to their company.
- Engage in any unprofessional discussions/conduct within or outside the workplace that may be of detriment to the reputation or service or the representatives or the employees or contractors of Erina kindergarten, Turramurra kindergarten or Kindy admin Pty Ltd
- Engage in unprofessional conduct within the workplace that may be interpreted as bullying/harassment of an employee, family/carer, or child either directly or indirectly.
- Engage in negative gossip or conversations that are of detriment to the service, its employees or its families

All employees must at all times;

- Maintain confidentiality in line with their employment contract, confidentiality agreement & the services privacy and confidentiality policy with is reviewed an updated annually
- Abide by the services code of conduct policy which is updated annually
- Abide by the services severance clause as outlined in their employment contract and confidentiality agreement

All employees understand that they must comply with the privacy and confidentiality principles and procedures in our services policies. It is agreed prior to commencement of employment and upon policy updates throughout their employment that they confirm that they have read and understood our Service's:

- Privacy and Confidentiality Policy
- Social Media Policy
- Photography Policy
- Record Keeping and Retention Policy

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- Code of conduct policy

We confirm that our management team and employees/contractors will ensure private or confidential information is stored in compliance with service practices to safeguard its security.

Confidential information includes:

- names, addresses, dates of birth, gender
- family contact details, emergency contact details, authorised nominee details, parents' occupations cultural background, home language, religious beliefs
- payment details, child care benefit information
- immunisation records, medical information, medical management plans
- photos of children and family members
- information about children's strengths, interests, preferences, and needs, including special needs
- Medicare numbers and CCB references
- private information about the service e.g. financial arrangements, commercial interests, or plans
- All employee contact information including their name, date of birth, address, email address, phone number, gender.
- Photos of educators and or their family members without their written prior consent

This Code was reviewed and approved by the Director on the 9th April, 2024 & will be reviewed by the 9th April, 2025

I hereby acknowledge that on[Date], I received a copy of the Code of Conduct for Erina kindy Pty Ltd – Erina kindergarten.

I have read the code of conduct, and I understand its contents. I commit to abiding by the Code of Conduct and fulfilling my responsibilities as outlined in this policy whilst working at Erina kindergarten.

I understand that the Approved Provider will address any breach of this policy, and that any serious breach could lead to disciplinary or legal action.

Employee Name.....

Employees signature.....

Date of signing.....

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Review:

This policy will be reviewed annually, the review will be conducted by : Management, employees, families and interested parties.

Related statutory obligations and considerations:

ACECQA [http: //www.aceqa.gov.au](http://www.aceqa.gov.au)

Education and care services national regulations 2011

Related phone numbers :

Early childhood directorate: 1800 619 113

Approved and created by Veronica Klumper Peters – approved provider/ director

Policy created: 9th April, 2024

Version 103

Policy review date : 9th April, 2025

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