

DRAFT DETERMINATION

Fair Work Act 2009

Part 2-3, Div 4 – 4 yearly reviews of modern awards

Children’s Services Award 2010

(MA0000120)

REVIEW OF MODERN AWARDS

(AM2018/18)

ROSS, PRESIDENT SYDNEY, XX YYY 2018

Review of modern awards to be conducted.

[1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the Fair Work Act 2009, that the Children’s Services Award 2010 be varied as follows.

[2] At clause 3.1 insert the following definition:

‘Educational leader means a person designated in writing by the approved provider of an education and care service to lead the development and implementation of educational programs in the service.’

[3] At clause 3.1 insert the following definition:

‘Responsible person means a person who is designated and recorded as being in day-to-day charge of an education and care service for any period of time during a day.’

[4] Insert a new clause at 15.9 as follows

‘15.9 Educational leadership allowance

(a) Eligibility

(i) A leadership allowance will be paid to an employee where the employer requires the performance of educational leadership duties.

(ii) An allowance is linked to the appointed position of educational leader.

(iii) The Approved Provider of the early childhood education and care setting determines who holds a position that is eligible for a leadership allowance.

(b) Notification

The Approved Provider will provide written advice to an employee in receipt of an allowance of the position, its tenure, the duties required and the allowance to be paid.

(c) Structure of leadership allowances

Leadership allowances will be determined by the number of places and the level of responsibility undertaken, as follows:

(d) Setting size

- (i) Level 1 refers to a centre with no more than 39 places;*
- (ii) Level 2 refers to a centre with 40–59 places; and*
- (iii) Level 3 refers to a centre with 60 or more places.*

(e) Amount

The allowances are based on a percentage of the standard rate.

(f) The following allowances apply:

<i>Level</i>	<i>% of standard rate per hour</i>
<i>1</i>	<i>2.00</i>
<i>2</i>	<i>2.50</i>
<i>3</i>	<i>3.00’.</i>

[5] Insert a new clause at 15.10 as follows

‘15.10 Responsible person allowance

This clause applies only to an employee who is appointed as Responsible Person.

(a) An employee who is appointed as Responsible Person will be paid, in addition to the standard rate, an hourly allowance based on a percentage of the standard rate, and calculated on the basis of the number of places in the centre for which they are responsible where:

- (i) Level 1 refers to a centre with no more than 39 places;*
- (ii) Level 2 refers to a centre with 40–59 places; and*
- (iii) Level 3 refers to a centre with 60 or more places.*

(b) Amount

The following allowances apply:

<i>Level</i>	<i>% of standard rate per hour</i>
<i>1</i>	<i>11.50</i>
<i>2</i>	<i>14.25</i>
<i>3</i>	<i>17.30.’</i>

The determination shall operate on and from XX YYY 2018.

PRESIDENT