

From: John Gunn <John.Gunn@ccsa.org.au>
Sent: Wednesday, 10 August 2022 4:51 PM
To: AMOD <AMOD@fwc.gov.au>; Chambers - Hatcher VP <Chambers.Hatcher.VP@fwc.gov.au>
Cc: Ben Redford <Ben.Redford@unitedworkers.org.au>; Michael Wright <michael@ieu.asn.au>; Simon Spence <SSpence@aisnsw.edu.au>; paula.thomson@afei.org.au; Nigel Ward <Nigel.Ward@ablawyers.com.au>; Jordan Lombardelli <jordan.lombardelli@ablawyers.com.au>
Subject: AM2018/18 - 4 yearly review of modern awards -Children's Services Award 2010 - Educational Leader Allowance

Dear Associate,

Please find attached CCSA's submission to the Full Bench in Matter AM2018/18 - Children's Services Award 2010. The submission is made in response to the submissions of ABLA and the UWU on 9 August 2022.

Kind Regards,

John Gunn

Resources & Engagement Coordinator

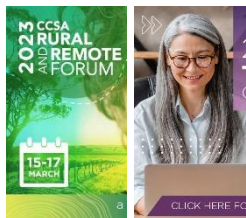


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Together we acknowledge the contributions of the traditional custodians of this land. We acknowledge the contribution of Aboriginal Australians, Torres Strait Islander peoples, and non-Aboriginal Australians to the education and care of all children and people in this country in which we live in and share

Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

10 August 2022

By email: amod@fwc.gov.au

Re: AM2018/18 – Children’s Services Award 2010

I refer to the Full Bench’s Decision of 28 July 2022 in the above matter [2022] FWCFB 141 which included the Full Bench’s *provisional* view on the wording of a variation to the *Children’s Services Award 2010* (Children’s Services Award). The intent of the variation is to insert an Educational Leader allowance in similar terms to that in the *Educational Services (Teachers) Award 2020* (Teachers’ Award).

The Full Bench directed interested parties to file any submissions in relation to their *provisional* view as to the drafting of the variation by 4:00 pm AEST on 9 August 2022. If no submissions were received in this regard, the Full Bench would issue a determination varying the Children’s Services Award in accordance with their *provisional* view shortly thereafter.

As CCSA supported the Full Bench’s *provisional* view, we did not make a submission in response to the Full Bench Decision. However, Australian Business Lawyers and Advisors (ABLA) acting on behalf of the Australian Childcare Alliance (ACA) and Australian Business Industrial (ABI) made a submission on 9 August 2022 supporting the Full Bench’s *provisional* view but proposing a commencement date of 1 January 2023. The United Workers Union (UWU) then made its own submission also supporting the *provisional* view but opposing ABLA’s proposal of a 1 January 2023 commencement date. Instead, the UWU supported the proposition that, in the absence of any objection to the Full Bench’s *provisional* view, any variation to the Children’s Services Award arising from the Decision should take effect “shortly thereafter”. No party has objected to the Full Bench’s *provisional* view.

CCSA supports all the arguments put forward by the UWU regarding the commencement date of the variation, including that the Decision has been well-telegraphed to the sector. In addition, many early childhood services have already been meeting the cost since 1 January 2022 by appointing early childhood teachers as their Educational Leaders.

With regards to the ABLA contention that the introduction of the Educational Leader Allowance is a significant impost on employers because it is 8.22% of the Standard Rate (i.e. Children’s Services Employee Level 3.1) of the Children’s Services Award, a few points need to be noted:

1. It is unlikely in the extreme that a Children’s Service Employee Level 3.1, who is an employee with only a Certificate III qualification and less than 12 months’ experience, will be given the responsibility of being the Educational Leader of a service. A far more likely scenario is that the role will be allocated to an Early Childhood Teacher or, if the role is to be allocated to a

Children's Service Employee, it will be a Diploma-qualified Level 4 employee. The Educational Leader Allowance represents a smaller 6.77% of a Level 4.3 employee's current wage.

2. There is only one Educational Leader for a service. The smallest number of staff that an early childhood service can operate with is two – one Diploma-qualified and one Certificate III-qualified. For this very small size service, the Educational Leader Allowance only represents between 3.60% and 3.77% of the total annual wages cost of the service, depending on the years of experience of each employee. Of course, for the overwhelming majority of early childhood services, employee numbers are significantly greater across both the early childhood teacher and children's services employee classifications, with a consequent reduction in the percentage increase that introduction of the Educational Leader Allowance will represent.
3. The additional employment cost of having a Children's Services Employee engaged as the Educational Leader equates to only \$1 per day per licensed place for a 20-place preschool operating 40 weeks per year, and \$0.84 per day per licensed place for a 20 place-long day care operating 48 weeks per year, with proportionate reductions for the much more common larger services. This indicates that the allowance will have a minimal impact on fees charged.

CCSA supports the position put by the UWU that the Full Bench, in the absence of any objection to the *provisional* view that the Children's Services Award should be varied in the terms given, should issue the necessary Determination "shortly thereafter".



Megan Mendham
Chief Executive Officer