

IN THE FAIR WORK COMMISSION

Matter No.: AM2018/18 and AM2018/20
Re Application by: Australian Childcare Alliance Inc. & Ors
4 Yearly Review of Modern Awards (commenced under s.156 - *Fair Work Act 2009* (Cth))

AMENDED STATEMENT OF NICOLE LOUISE LLEWELLYN

I, Nicole Louise Llewellyn of [REDACTED] swear as follows:

Background

1. I am the Owner/Approved Provider of Kool Kidz Mill Park (Mill Park) which is a franchise. The franchisor is Kool Kidz Pty Ltd and as a franchisee we are entitled to use the 'Kool Kidz' brand name.
2. I have owned and operated this centre for approximately 3 years and I have worked in the early childhood education and care (ECEC) sector since then.
3. I began my career in Human Resource Management and Industrial Relations and performed various roles Manager, Victoria Police Archive Centre for over twenty years before turning to my passion in the ECEC sector.
4. I hold a Bachelor of Business in Human Resources Management and Industrial Relations from RMIT University. I have a Certificate III in early childhood education and care and I am currently completing a Diploma at Practical Outcomes. I have chosen to become qualified with a Diploma as I can be counted to be an educator on the floor for my ratios which I will explain later.
5. I am a member of the Australian Childcare Alliance in Victoria (ACA VIC).

My role

6. As the owner and approved provider of Kool Kidz Mill Park, I am responsible for the day to day operations of the centre including rostering, payroll and employment matters.
7. I also have legal responsibilities and duties associated with being the 'approved provider' of Mill Park as I am legally responsible for compliance with the National Law and National Regulations that govern the ECEC sector.

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Kool Kidz Franchise

8. Kool Kidz is a childcare concept and business model that has been running for over a decade for long-day care centres. The Business Model of Kool Kidz is based around the idea that the licensee who owns the business is also working in the business and providing day to day care. In the Kool Kidz Franchise model, they ensure that the Approved Provider is also the person who owns the business and is always working in the business.
9. Their aim is to simply create a family atmosphere within a local community with real people at all times providing a high quality service to families. The Kool Kidz business model is specifically designed to support these values and ultimately provide the best possible start for children.
10. As a franchisee, I adhere to the various policies and procedures of Kool Kidz. As well as this, I am able to access several different benefits from Kool Kidz such as ongoing support and mentoring that ensures my Mill Park Centre is always high quality such as mentor support, site audits, branding and marketing, training and access to an industry consultant.
11. Apart from all these resources and attending a committee meeting once a quarter, I am able to run my Mill Park centre independently.
12. The reason that I choose to franchise is that the rules and regulations are so complex, that I am able to rely on a franchise for support while also being able to run a centre autonomously.

Kool Kidz Mill Park

13. Kool Kidz Mill Park is a family-run childcare, early learning and kindergarten services where high standards of care and education is the norm. I lead the Mill Park childcare service in a purpose-built facility that is approximately 40 minutes outside of Melbourne CBD. We are 600 metres from Westfield Plenty Valley shopping centre and 800 metres from the South Morang train station. This location is ideal for families within the Whittlesea community looking for quality childcare. Most of our parent's homes or work is within a twenty minute drive from the Mill Park Centre.
14. At Kool Kidz Mill Park we provide seven age-appropriate indoor play spaces adjoining three age-appropriate sectioned outdoor learning environments enriched with natural resources to engage and connect your child with nature. Each room at Kool Kidz Mill Park is led by a qualified room leader along with other educators staffed over the required ratio to ensure each and every child receives the highest standard of care and education at such an important stage in their lives.
15. Currently we are licenced for 130 children per day. Our occupancy is at 100%.
16. We separate the children into rooms during the day. This ensures we have the right number of educators (and that they have appropriate qualifications) in each room. The number of children (and the age of those children) in those rooms is as follows:

Room Name	Age of Children	Number of Children
Snugglepots Children	8 weeks - 12 months	16
Honeybees Children	12 - 18 months	16
Beetlebugs Children	18 - 24 months	16
Jitterbugs Children	2 - 3 years old	16
Caterpillars Children	3 year old Kindergarten	22
Butterflies Children	3 year old Kindergarten	22
Kindergarten Children	4 year old Kindergarten	22

Hours of operation

17. Mill Park is open at 6.30am and closes at 6.30pm Monday-Friday.
18. I choose to open and close at these times because:
 - (a) These hours reflect our particular customer demand. As we are further away from the city, parents need to be able to drop off their children and get the train into the city which can take over an hour; and
 - (b) These hours align with the ordinary hours under the two modern awards that cover my employees: the *Children's Services Award 2010* (**Children's Services Award**) and the *Educational Services (Teachers) Award 2010* (**Teachers Award**) (Awards).
19. The ordinary hours under both these Awards are 6.00am - 6.30pm.
20. I have been told that some of the other franchises such as Kool Kidz Presto or Kool Kidz Docklands hour of operations open later at 7.00am -6.30pm. The reason for the difference for opening later is that they are closer to the city and have a different customer demand.
21. I have had my own children in long-day care centres of which closed generally at 6.00pm. Now generally in my experience, 6.30pm is the most common closing time for centres regardless of location.

Types of employees

22. As the owner and operator of Mill Park, I have the main responsibility of rostering 45 employees at the centre. I have all female employees simply because that was who applied.
23. The employee category breakdown is as follows:

Full Time	Part time	Casual Employees
8	37	0

24. I choose to employ mostly part-time staff members because I believe that the quality and consistency of care with part-time employees is more preferable than casual employees.
25. I feel as though having a permanent team is not only better for me but better for my employees as they have consistency of work and can plan their lives and entitlements with certainty.
26. I have a management team who is full-time which includes one full-time receptionist who is Diploma qualified, a full time educational leader and myself who at any point could be called onto the floor to assist the other staff in a number of scenarios such as a staff member being sick or a child needs special care etc.
27. Part-time hours are usually 2, 3 or 4 shifts working 37.5 hours or less per week.

Wages

28. For all of my staff, I pay the hourly wages that are dictated by the Awards.
29. The reason I pay award wages to my staff is because:
- (a) I get a lot more consistency if I pay Award wages. It is much easier for me to organise with payroll with the Award guide;
 - (b) I find that I like paying the same rate to my employees of a particular classification as it does not promote favouritism; and
 - (c) Where applicable, I make sure that the staff are paid through the Award wages system depending on their years of service. Example: A Certificate III level educator after 1 year of service goes to a level 3.2 and after 2 years of service a level 3.3.
30. Although I pay Award wages, with my staff as they are all permanent, I often afford them flexible working arrangements. For example, if someone needs to leave early for a doctors' appointment, I will usually let them go even if they do not necessarily make up the time and I will pay them their hourly rate regardless.

Ordinary Hours

Modern Award Requirements

31. I employ my staff on either the Children's Services Award or the Teachers Award depending on the job they perform.
32. I feel as though the Awards are at odds with the nature and demands of the ECEC sector with requirements such as ratios and rebates (the government subsidy). The Awards are not very flexible in an industry that's sole purpose is to provide options to families and the community to assist them to run their busy lives whilst also raising educated and socialised children.

Extending the ordinary hours

33. As we are so close to a train station, many of our parents require that we open at 6.30am so that they can go to the train station to go into the city for work. If our parents leave the city at 5.00pm, it could easily take over an hour to get back to Mill Park on public transport. There have also been roadworks recently near our centres and we have had to stay open till 7.00pm to fulfil this need as the parents simply couldn't get to the centre by 6.30pm.
34. I have read the claim proposed by the ACA and I would change my closing hours to stay open past 6.30pm if the Awards changed.

Late pick-up

35. As it is so frequent that parents are late, we try to dissuade our parents monetarily from picking up their children late. We charge \$35 for every 15 minutes that a parent is late after 6:30pm.
36. I have considered closing the Mill Park Centre at 7.00pm instead of its current closing time of 6.30pm. I did this because parents have been arriving late more frequently and providing a later service would be a benefit to them if it was viable for the centre.
37. Under the current Award conditions, if I was to extend the opening hours until 7.00pm:
- (a) I would be required to pay 2 x employees at overtime rates for 30 minutes = approximately \$40.12 depending on their exact classification and length of service;
 - (b) I would be using part of the daily fee that I charge to parents to offset the 30 minutes of overtime. This is equivalent to receiving approximately \$8.96 per hour per child (which equals to approximately \$4.48 per 30 minutes); and
 - (c) I would not charge a 'late fee' until after 7.00pm. I currently charge a late fee (after 6.30pm) because I do not use any part of the daily fee paid by parents towards wages incurred after 6.30pm.

Based on these approximate figures, I believe that under the current Award conditions it is not financially viable for the centre to extend its hours. However, if the ordinary hours were extended in the Awards it would be feasible because I could roster and budget for employees accordingly and pay them their ordinary rates.

Subsidies

38. There have been various subsidies and legislative changes (from the government) that have occurred recently. The Australian Government Department of Education and Training replaced the Child Care Benefit and Child Care Rebate with a single, means-tested subsidy called the Child Care Subsidy (CCS) in July 2018. When people talk about rebates, benefits and subsidies they are talking about the amount that families "get back" from the government when they pay for childcare.

39. I had a seminar for all my parents on the subsidy changes and worked with my parents for two months prior to the changes to help them understand the changes. A representative of Mill Park whether it was me personally or my receptionist have spoken to each individual family regarding the subsidies and their experience.
40. To understand the complexities and ever-changing nature of the childcare industry, I will attempt to briefly explain the July 2018 subsidy changes. The July 2018 subsidy changes have had a profound effect on the childcare industry. Simply put, the subsidy now has two 'tests':
- (a) Firstly, the families combined income is assessed. Depending on how high it is parents will get anywhere from 0% - 85% back from the government that goes towards the families daily fees; and
 - (b) Secondly, families are now subject to an "Activity Test." Unless a family earns a combined income of less than \$66,958, they must both be working in order to get any subsidy at all.

Combined Annual Family Income

41. A families combined annual income is assessed to determine the percentage (%) of fees that the government will pay for. For example, if Family A earns under \$66,958 per annum as a combined salary then they get an 85% discount which is the highest discount. This would mean they only pay \$21/day out of the cost of my centre which is \$112/day.
42. A table outlining the percentage of subsidy for each income bracket is below:

<u>Combined annual family income</u>	<u>Subsidy rate</u>
Up to \$66,958	85%
Over \$66,958 to under \$171,958	Gradually reducing to 50%
\$171,958 to under \$251,248	50%
\$251,248 to under \$341,248	Gradually reducing to 20%
\$341,248 to under \$351,248	20%
\$351,248 or more	0%

43. There is also a CCS annual cap whereby families earning \$186,958 or less per year are not subject to a cap on the amount of Child Care Subsidy they can access. Families earning over \$186,958 and under \$351,248 have an annual cap of \$10,190 per year per child.
44. The methodology behind the combined family income is that the high income earning families do not get as much of a subsidy.

Activity Test

45. The second test is where it becomes incredibly challenging and complex for families to afford childcare and where I believe (after talking to my parents) has had the most impact on the industry.
46. The way the Activity Test works is that the number of hours of subsidised child care that families have access to per fortnight is determined by a three-step activity test.
47. In two parent families both parents, unless exempt, must meet the Activity Test. In the case where both parents meet different steps of the activity test, the parent with the lowest entitlement determines the hours of subsidised care for the child.
48. The three step Activity Test is as follows:

Step	Hours of "recognised" Activity (per fortnight)	Maximum number of hours of subsidy per child (per fortnight)
1.	8 hours to 16 hours	36 hours subsidy
2.	More than 16 hours to 48 hours	72 hours
3.	More than 48 hours	100 hours

49. The recognised activities are as follows:
- paid work, including being self-employed or on leave (including paid or unpaid parental leave)
 - doing unpaid work in the family business
 - training courses for the purpose of improving the individual's work skills or employment prospects
 - an approved course of education or study

- volunteering
 - unpaid work experience or internships
 - actively setting up a business
 - actively looking for work.
50. For example, if the mother in Family A works less than 8 hours a fortnight and their family earns less than \$66,958, she does not receive any hours of subsidised childcare.
51. Whereas, for Family B where the mother works more than 48 hours per fortnight but her family earns less than \$66,958, their family receives 100 hours per fortnight of subsidised care which is approximately 8 days per fortnight of care.
52. This impacts the amount of “days” parents are choosing to put their children into care. For example, many families will receive 36 hours of subsidy (eg; 3 x 12 hour days). It is not viable for the families or our business to book a child in one day one week and two days the next week. We therefore have to create “sessions” instead of days for parents. For example, we have created a nine hour session time so that they can stretch that out to two days per week.
53. This has resulted in a lot of mothers going back to work casually or part-time in low level paying jobs as “recognised activities” to receive more hours in subsidy for their family. I have had many parents say to me throughout this consultation process that they need to go back to work to get subsidised hours and if they do not go back to work, then they cannot afford childcare which is what is best for their children’s early education and development.
54. I have noticed a shift in the last 6 months and now, approximately 80 per cent of our parents have two working parents to utilise the rebate.
55. Policies around subsidies are important to understanding how we structure our business and workforce.

Ratios

56. Rostering is difficult because centres need to comply with state government mandated educator-child and teacher-child ratios. Each state has its own requirements about how many adults there are in a room of children (depending on the age of the children) and what qualifications those adults must hold.
57. The childcare industry is heavily regulated through the National Quality Framework which publishes the National Quality Standards (NQS). Quality Area 4 of the NQS refers to employee arrangements including educator-to-child ratios and the qualification requirements of the educators. The way that the industry calculates its ratios is to divide children into rooms with the same age of children.

Educator-child ratios

58. In Victoria our ratios currently are as follows:

<u>Age of Children</u>	<u>Educator to child ratios in Victoria</u>
Birth to 24 months	1:4
Over 24 months and less than 36 months	1:4
Over 36 months up to and including pre-school age	1:11
Over preschool age	1:13

Qualification Requirements

59. Another element of the ratios is that it is not simply ratios for the amount of people required per child but also the different categories of employees who have different qualifications that need to be on the floor at any one time. An example of this is the requirement for at least 50% of my staff have to be Diploma Level Educators or actively working towards that qualification. This also further complicates rostering and replacing staff members who are unavailable.

Teacher-child ratios

Another requirement on my centres is that there is a further requirement that there must be an early childhood teacher (ECT) and the number and hours of that ECT depends on the size of the Centre. As Mill Park is licenced for over 80 children, I have a full time ECT in attendance for 8 hours every day. This also means that I need to employ a second ECT for when the first ECT is unavailable such as on a lunch break or planning time.

Rostering

Preparing and planning a roster

60. I roster my employees weekly however, my rosters are based on a full school term which is approximately three months.
61. Therefore, the permanent staff that open will probably be the staff who open for the next three months. There is a level of expectation of what the next three months is going to look like.
62. Unfortunately, I do have to roster weekly (and redistribute this to the employees) because of annual leave, sick leave and personal commitments of the employees.

63. Mill Park is busiest in the middle of the day, so I arrange for the employees to have staggered start and finish times to cater for this demand in children attending the centre. For example, I have:
- (a) 2 x employees start at 6.15am to open the centre;
 - (b) 1 x employee start at 7.00am;
 - (c) 3 x employees start at 7.30am and so on.
64. I do the same staggered approach when closing the centre.
65. I usually try to have my rooms rostered for more than the educator-ratio mandates to try to eliminate risk of someone not being able to attend their shift occurring. I also have my management team who can fill in if there is someone who is ill at the last minute.
66. As I have more people rostered than the ratio requires, it is incredibly expensive for me to run my centre this way. However, I believe that the risk outweighs the costs that I spend on the employees. It is also a reason why I can only afford to pay my staff on the Award, as I require a large number to make sure I am also meeting or above ratio requirements.

Last Minute Changes

67. Although I ask my staff to give me two weeks' notice of any annual leave they wish to take, things pop up such as dentist appointments or a death in the family and I must accommodate these last minute changes.
68. There are times when I have to ask my staff at a days notice if they are able to change their shift.
69. Recently, one of my employees' grandmother passed away and she asked for one week of leave to be with her family. In granting this request, I had to ask another staff member if they would not mind switching shifts for the whole week to close the centre every day. I had an employee willingly take the changed shift by confirming over the phone that she consented to take the shift.
70. On another occasion, I received a doctor's certificate on a Sunday afternoon, from one of my staff members stating that she was sick and unable to attend for the next few days. Again, I had to message another staff member on their weekend to ask if they would not mind changing their shifts for that week. I also had another employee willingly take the changed shifts for that week. As it was the weekend and we were not in the office, the staff member who consented to take that shift just responded to me in writing via text message.
71. I have never had to direct my staff members to change their shifts without them accepting the changes.
72. I have also never had a permanent staff member who has said no to me for changing their shift by consent over the phone or via text message unless there is a very legitimate reason such as an appointment.

becomes very hard if more than a few staff members are indisposed especially around the busiest part of the day which is the lunchtime period.

74. What we do in this scenario is that the early childhood teacher will go into the room and she will cover the three lunch breaks. I need someone of the same or higher qualification to replace each employee over lunch breaks. For example a diploma qualified employee must be replaced by a diploma qualified employee or the qualification ratios will not be met.

ACA's Notification Exceptions

75. If the Award changed to state that in the event that a last minute event happened due to a staff member being unavailable and I cannot fulfil the ratio requirements for whatever reason, it would be fantastic if I was able to not have to give my staff members 7 days of notice.
76. In truth, I do not know how an operator would work with these parameters unless they had a huge casual pool or used an agency to deal with this scenario which is not best for the parents, the children or the employees themselves.
77. Between complying with the ratios and the Awards, if I have to make a choice, I comply with the ratios as that is what is best for the children. The Awards are out of touch with the 2019 ECEC sector and the various regulations and requirements that are put on providers.
78. It is difficult to roster employees in a way that keeps the cost down for families, gives employees seven days notice and fits in with all the legislative requirements.

Approved Provider Responsibility

79. I have a heavy burden to make sure that I keep all of these different requirements together at the same time. Because of my background in human resources and industrial relations and the fact that I always try to be over ratio, I am able to navigate my way through the complex web of the ECEC sector. The downside to this however, is the cost of my employees on my revenue is very high and I can only afford to pay my staff on the Awards because of this.
80. I am also fortunate because I am part of a franchise and I receive the support and understanding of Kool Kidz to be able to help me.
81. I am not sure how other small providers who do not have my experience are able to sort through the complex maze of the ECEC sector.
82. The Awards fail to recognise the intricacies between the different state regulations and therefore the different operational requirements that we need to be able to run a profitable and successful business.

ACA Claims

83. The changes proposed by the ACA regarding rostering and extending ordinary hours will allow childcare centres to provide a service that is in line with the community and our family's needs. If these changes to the Awards are not made, the ECEC sector will be behind the times and nowhere near community expectations. If my centres hours stay the same and I am not able to cater to the demands and needs of the community, I believe that families will be forced to seek another source of support such as seeking the support of their current employer to provide onsite childcare in line with their needs or engage nannies that can provide longer hours of (unregulated) care in their home.

The Union's Claims

84. I have read the changes to the Awards proposed by the Arrabaldes (**Individuals**), United Voice (**UV**) and the Independent Education Union (**IEU**) (**Unions**). I respond to each of those proposed changes below.

UV Claim - Allowance Responsible Person

85. As the Approved Provider, I am the Responsible Person for the majority of the time that the Mill Park Centre is open. When I am not on-site which is usually only for a few hours a day, I have another experienced member of staff such as the Room Leader 'fill in' as the Responsible Person.
86. Being the Responsible Person is not a significant role in the Mill Park Centre, it is simply a legislative requirement to have someone be the responsible person at all times. To ensure compliance, we always know who the responsible person is at all times at the Centre. However, it is not the type of role that has specific duties and tasks attached to it. It is more of a 'label'.
87. An allowance for being the Responsible Person is unnecessary at the Mill Park Centre as:
- (a) I am already remunerated for being the 'Responsible Person' on-site by virtue of being the Approved Provider and receiving a salary above level 6.9 in the award. In any event, the Approved Provider is the person that bears legal liability for the Centre, not the Responsible Person; and
 - (b) when another employee is the Responsible Person, they are already remunerated for being 'responsible' in accordance with the classifications in the Children's Services Award.
88. I would also find it difficult to administer such an hourly allowance as whenever another employee fills the Responsible Person role, it could be for 23 minutes or an hour and 42

88. I would also find it difficult to administer such an hourly allowance as whenever another employee fills the Responsible Person role, it could be for 23 minutes or an hour and 42 minutes per day which is completely dependent on my schedule and when I am not carrying out the role.
89. The Room Leaders at Mill Park are currently paid at Level 4 of the Children's Services Award. Being the Responsible Person for a few hours a day is already encompassed into the Level 4 classification structure. The classification extracted from the Children's Services Award is as follows (with my emphasis added):

Level 4

"This is an employee who has completed a Diploma in Children's Services or equivalent (e.g. Certificate IV in Out of School Hours Care) as recognised by licensing authorities and is appointed as the person in charge of a group of children in the age range from birth to 12 years or an employee who is appointed as an Authorised Supervisor (as defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW)).

An employee at this level will also take on the same duties and perform the same tasks as a CSE Level 3.

Indicative duties

- **Responsible**, in consultation with the Assistant Director/Director for the preparation, implementation and evaluation of a developmentally appropriate program for individual children or groups.
- **Responsible to the Assistant Director/Director for the supervision of students on placement.**
- **Responsible for ensuring a safe environment is maintained for both staff and children.**
- **Responsible for ensuring that records are maintained accurately for each child in their care.**
- *Develop, implement and evaluate daily care routines.*
- *Ensure that the centre or service's policies and procedures are adhered to.*
- *Liaise with families."*

90. I am also unsure if I could administer an allowance like this as I don't know if I could pro-rata

the allowance (e.g.; for the 23 minutes of an hour) when an employee is allocated the Responsible Person title or whether I would be required to 'round up' to the nearest hour (which would be overcompensating employees, that, in my view, are already remunerated for being 'responsible' as a Level 4).

91. For example, if I was sick one day I may ask three different employees to be the Responsible Person at any point in the day depending on their shifts and organising how to calculate this allowance would be incredibly difficult and time consuming for payroll.

UV Claim - Allowance Educational leader

92. A weekly allowance is not necessary for my Educational Leader as she is already being compensated and classified in order to perform "educational leader duties" in her classification description in the Children's Services Award.
93. I employ a full-time Educational Leader who is off the floor at all times. This employee is being paid at a Level 5 classification. I have extracted the classification for a Level 5 is as follows:

Level 5

This is an employee who has completed an AQF Level V Diploma in Children's Services or equivalent and is appointed as:

- *an Assistant Director of a service;*
- *a Children's Services Co-ordinator;*
- *a Family Day Care Co-ordinator;*
- *a Family Day Care Trainee Supervisor; or*
- *a School Age Care Co-ordinator.*

An Assistant Director will also take on the same duties and perform the same tasks as a CSE Level 4.

Indicative duties

- ***Co-ordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs.***

- *Contribute, through the Director, to the development of the centre or service's policies.*
- *Co-ordinate centre or service operations including Occupational Health and Safety, program planning, staff training.*
- *Responsible for the day-to-day management of the centre or service in the temporary absence of the Director and for management and compliance with licensing and all statutory and quality assurance issues.*
- *Generally supervise all employees within the service.*

94. The above classification for Level 5 clearly encompasses the duties of the Educational Leader at Mill Park who manages a small part of the Centre and not the Centre as a whole appropriately for their work.

95. The regulatory body, ACECQA states that:

Neither the NQS nor the legislative standards are prescriptive about the qualifications, experience, skills or include a role description for the person chosen to be the educational leader. The flexibility of these provisions allows approved providers to choose the person in the service best suited to take on this role.

96. What further complicates matters is that someone chosen to be an Educational Leader may also hold another role for centre such as Director (Level 6) or Nominated Supervisor (Level 5 at my Centre).

97. ACECQA provides some guidance (though this does not appear in legislation) in relation to the duties of an Educational Leader. Below I have itemised the duties listed by ACECQA next to the duty that most closely resembles this from the Children's Services Award:

Educational Leader duties as listed by ACECQA	Matching duty in the Children's Services Award (and appropriate Level)
<i>The most effective educational leader views their role as collegial and seeks to play an integral role in mentoring, guiding and supporting educators.</i>	Co-ordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs. (Level 5) Generally supervise all employees within the service. (Level 5)

<i>As part of continuous improvement, the educational leader should consider what strategies are needed to improve the educational program in the approved service.</i>	<p>Develop, implement and evaluate daily care routines. (Level 4)</p> <p>Responsible, in consultation with the Assistant Director/Director for the preparation, implementation and evaluation of a developmentally appropriate program for individual children or groups. (Level 4)</p> <p>Co-ordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs. (Level 5)</p>
<i>Strategies might include:</i>	
<i>leading and being part of reflective discussions about practice and implementing the learning framework</i>	<p>Provide professional leadership and development to staff. (Level 6)</p> <p>Co-ordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs. (Level 5)</p> <p>Generally supervise all employees within the service. (Level 5)</p> <p>Responsible, in consultation with the Assistant Director/Director for the preparation, implementation and evaluation of a developmentally appropriate program for individual children or groups. (Level 4)</p>
<i>mentoring other educators by leading quality</i>	Generally supervise all employees within the

<p><i>practice</i></p>	<p>service. (Level 5)</p> <p>Co-ordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs. (Level 5)</p> <p>Responsible to the Assistant Director/Director for the supervision of students on placement. (Level 4)</p> <p>Generally supervise all employees within the service. (Level 4)</p>
<p><i>discussing routines and how to make them more effective learning experiences</i></p>	<p>Develop, implement and evaluate daily care routines. (Level 4)</p> <p>Responsible, in consultation with the Assistant Director/Director for the preparation, implementation and evaluation of a developmentally appropriate program for individual children or groups. (Level 4)</p> <p>Co-ordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs. (Level 5)</p>
<p><i>observing children and educator interactions, and making suggestions on how to improve interactions and intentional teaching</i></p>	<p>Record observations of individual children or groups for program planning purposes for qualified staff. (Level 3)</p> <p>Responsible, in consultation with the Assistant Director/Director for the preparation, implementation and evaluation</p>

	<p>of a developmentally appropriate program for individual children or groups.(Level 4)</p> <p>Co-ordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs. (Level 5)</p>
<i>talking to parents about the educational program 2 Information sheet – Educational leader</i>	Liaise with families (Level 4)
<i>working with other early childhood professionals such maternal and child health nurses and early childhood intervention specialists</i>	<p>Liaise with families and outside agencies. (Level 6)</p> <p>Under direction, work with individual children with particular needs. (Level 3)</p>
<i>considering how the program can be linked to the community by working with other community services and groups such as Aboriginal Elders</i>	<p>Responsible, in consultation with the Assistant Director/Director for the preparation, implementation and evaluation of a developmentally appropriate program for individual children or groups.(Level 4)</p> <p>Co-ordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs. (Level 5)</p>
<i>establishing systems across the service to ensure there is continuity of learning when children change room or attend other</i>	Develop, implement and evaluate daily care

<i>services, and then in their transition to school</i>	<p>routines. (Level 4)</p> <p>Responsible, in consultation with the Assistant Director/Director for the preparation, implementation and evaluation of a developmentally appropriate program for individual children or groups.(Level 4)</p> <p>Co-ordinate and direct the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs. (Level 5)</p>
<i>assisting with documenting children's learning and how these assessments can inform curriculum decision making.</i>	<p>Responsible for ensuring that records are maintained accurately for each child in their care. (Level 4)</p>

98. Annexed and marked **NL-1** is a copy of the Educational Leader information sheet published by ACECQA.

UV Claim - Laundry allowance

99. I provide all my staff with 2 polo shirts, a jacket and a hat and we have washing facilities at Mill Park. I have found that unless there is some emergency such as a child vomiting on their shirt and it needs to be washed immediately; no staff member has ever asked or wanted to use the washing machine facilities on-site.
100. If they did use our on-site facilities I would not pay an allowance for them to wash their uniform as they would be using the Centres water, detergent and machines.

UV Claim - Hats and sunscreen reimbursement

101. I already provide my staff with hats. I also provide Mill Park with sunscreen which all members of staff are allowed and encouraged to use. I pay \$45/litre for the 50+ SPF sunscreen and it is readily available in dispensers in the wall so staff can pump it themselves. We are a certified "Sunsmart" centre which is a policy that states that as part of risk controls

and roll-modelling, my educators, staff and visitors will “wear a suitable sun-protective hat, covering clothes, and if practical, sunglasses, will apply sunscreen and seek shade wherever possible.” To keep in line with this policy, I am already doing all of these things and I think most centres would be as well to ensure they had up to date sun-smart policies. An allowance for reimbursement is not necessary. Annexed and marked **NL-2** is a copy of the generic sunsmart policy for childcare centres to use.

UV Claim - Non-contact time

102. UV seeks to increase the amount of non-contact time for employees who are *‘responsible for the preparation, implementation and/or evaluation of a developmental program’* from 2 hours up to 4 hours per week. In my experience, this would suggest giving 2 extra non-contact hours to the Room Leaders. UV also seeks for the Educational Leader to receive additional non-contact time from 2-4 hours depending on how many children a centre is licenced for.
103. In Mill Park, the Educational Leader does not work “on the floor” at all. As such, an increase in non-contact time is unnecessary - their whole job is non-contact. Seeking this increase shows a misunderstanding of the differences in the Educational leader role from centre to centre and state to state. Such an increase would not affect Mill Park however, I can appreciate that not all services have the ability to have someone permanently off the floor, especially small centres where their Educational Leader is their Kindergarten Teacher (eg; Room Leader). For my other employees who are responsible for preparing programs, I always roster and aim to give my staff 4 hours off the floor per week. However, I find that this is not always necessary. The employees will always get the two hours (as required by the Children’s Services Award) but depending on many factors such as the type of program, what exactly the program is, the amount of children we have, will change the amount of hours from either 2-4 hours. I believe that having four hours of mandated of time off the floor might be unnecessary in a number of services as it generally is in Mill Park. I would like to retain the flexibility to schedule 4 hours when it suits my centre but not have this as a mandated minimum.

UV Claim - Annual Leave

104. UV is seeking to minimise the period of annual leave (or leave without pay) an employee can be directed to take over Christmas down to two weeks from four weeks. If any employee

does not have any leave UV is seeking for the centre to pay them if they are directed to go on leave. These issues have not arisen at my Centre. However, if an employee would like to take leave but does not have accrued leave, I would not think it was appropriate for me to be paying them regardless of their leave entitlements. If this was the case, I would simply let people who have annual leave accrued have the leave and people who did not have annual leave stay and work.

IEU Claim - Degree qualified Directors

105. The IEU is seeking for Directors with teaching qualifications to be paid under the Teachers Award whether or not that person directly performs day-to-day teaching activities. I do not have any Directors that have teaching qualifications. I am the Director of Mill Park and I have a Bachelor of Business in Human Resources Management and Industrial Relations.
106. A Director is not the same role as a teacher. I do not understand why you would pay a Director with a teaching qualification any differently to any other Director. They still manage the service in the same way and manage the staff in the same way. Their duties and responsibilities are the same under the Children's Services Award (whether they have a degree or not). There is no reason why a Director would be paid as a Teacher when this is not in their positions description and not a requirement of the job. For example, I would bring different (useful and valuable) skills to being a Director by virtue of my business degree in human resources as would someone with 50 years experience in the sector (who doesn't have a bachelor's degree at all).

IEU Claim - Casual minimum engagement period

107. The IEU is seeking confirmation that casual teachers are paid for a minimum of a 'quarter day' when required to attend the workplace for a quarter day. I do not employ casual teachers or casual employees because I do not believe that a casual teacher is in the best interests of the children.



Nicole Louise Llewellyn

9 April 2019



INFORMATION SHEET

The role of the educational leader

The educational leader has an influential role in inspiring, motivating, affirming and also challenging or extending the practice and pedagogy of educators. It is a joint endeavour involving inquiry and reflection, which can significantly impact on the important work educators do with children and families.

With the role's introduction, a number of myths have emerged about its responsibilities. One of these is that the educational leader must complete all of the programming for all educators. This is a narrow and potentially limiting view of this important role.

National Quality Framework requirements

The educational leader role is part of **Quality Area 7 - Leadership and Service Management** in the National Quality Standard (NQS). **Standard 7.1** in the NQS requires that effective leadership promotes a **positive organisational culture** and builds a **professional learning community**. Further to this, **element 7.1.4** requires that provision is made to ensure a suitably qualified and experienced educator or coordinator **leads the development of the curriculum** and ensures the establishment of **clear goals and expectations for teaching and learning**.

Supporting this, **regulation 118 of the Education and Care Service National Regulations** requires that the approved provider **designate, in writing, a suitably qualified and experienced educator, coordinator or other individual as educational leader** at the service to lead the development and implementation of educational programs in the service.

Neither the NQS nor the legislative standards are prescriptive about the qualifications, experience, skills or include a role description for the person chosen to be the educational leader. The **flexibility** of these provisions allows approved providers to **choose the person in the service best suited** to take on this role.

Considerations when choosing an educational leader

When designating an educational leader, consideration needs to be given to whether the person is:

- suitably qualified and experienced
- willing to make time for the role and eager to learn more
- approachable and well respected
- knowledgeable about theories, pedagogy and the relevant learning frameworks
- skilled at supporting educators of varying abilities and learning styles
- knowledgeable about the NQS and related regulatory standards.

Educational leader strategies

The most effective educational leader views their role as collegial and seeks to play an integral role in mentoring, guiding and supporting educators.

As part of continuous improvement, the educational leader should consider what strategies are needed to improve the educational program in the approved service. Strategies might include:

- **leading and being part of reflective discussions** about practice and implementing the learning framework
- **mentoring other educators** by leading quality practice
- **discussing routines** and how to make them more effective learning experiences
- **observing children and educator interactions**, and making suggestions on how to improve interactions and intentional teaching
- **talking to parents** about the educational program

- **working with other early childhood professionals** such as maternal and child health nurses and early childhood intervention specialists
- **considering how the program can be linked to the community** by working with other community services and groups such as Aboriginal Elders
- **establishing systems across the service** to ensure there is continuity of learning when children change room or attend other services, and then in their transition to school
- **assisting with documenting children's learning** and how these assessments can inform curriculum decision making.

Resources

Many resources are available to help you to understand and embrace the role of educational leader.

The [Guide to the National Quality Standard](#) offers some suggestions on how the authorised officer may assess if the educational leader is effectively meeting requirements. It is important to remember it is not a checklist but rather paints a picture of what you might expect to see at the Meeting National Quality Standard level.

Early Childhood Australia's resources, including:

- The [Educational Leader Newsletter](#)
- The role of the [Educational Leader E-Learning Videos](#)
- [Talking about practice: The role of the educational leader](#)
- [What Does Leadership Look Like In Early Childhood Settings?](#) Every Child – Vol.18 No.4 2012- Quality in Early Childhood Settings

The IPSP online library has many resources including:

- [The distributive leadership model](#) by Ros Cornish
- [Pedagogical Leadership: Exploring New Terrain and Provocations](#) by Anthony Semann and Rod Soper in *Reflections* issue 47
- [Developing a "Learning Community" for Educational Leaders](#) by Jenny Green & Merise Bickley. Gowrie NSW

Sample SunSmart policy for early childhood

"NL-2"



EC services are welcome to use this SunSmart policy or copy parts to add to your existing policy.

Please note: To comply with SunSmart guidelines, please ensure your policy states sun protection is used **whenever UV levels are 3 or higher**. If you can't check the daily sun protection times please use sun protection **from mid-August to the end of April** (when Victoria's UV levels are typically above three). Please do not just use sun protection during Terms 1 and 4. Only using sun protection during these terms means children and staff will not be protected from UV when they need to be.

<SERVICE NAME>'s SunSmart Policy

This policy applies to all service events on and off-site.

Purpose

This SunSmart policy provides guidelines to:

- ensure all children, educators and staff are protected from over-exposure to UV radiation;
- ensure the outdoor environment provides shade for children, educators and staff;
- ensure children are encouraged and supported to develop independent sun protection skills;
- support duty of care and regulatory requirements; and
- support appropriate OHS strategies to minimise UV risk and associated harms for educators, staff and visitors.

Background

Too much of the sun's UV radiation can cause sunburn, skin and eye damage and skin cancer. Infants and toddlers up to four years of age are particularly vulnerable to UV damage due to lower levels of melanin and a thinner stratum corneum (the outermost layer of skin). UV damage accumulated during childhood and adolescence is strongly associated with an increased risk of skin cancer later in life.

Legislation and Standards

- [Occupational Health and Safety Act 2004](#)
- [Children's Services Act 1996](#)
- [Children's Services Regulations 2009](#)
- [Child Wellbeing and Safety Act 2005 \(Vic\) \(Part 2: Principles for children\)](#)
- [Education and Care Services National Law Act 2010](#): Section 167: Protection from harm and hazards
- [Education and Care Services National Regulations 2011](#)

Reg 100	Risk assessment for excursions
Reg 113	Outdoor space: natural environment
Reg 114	Outdoor space: shade
Reg 168 (2)(a)(ii)	Policies and procedures: Sun protection

Procedures (QA 1, 2, 4, 6, 7)

- To assist with the implementation of this policy, educators and children are encouraged to access the local sun protection times via the SunSmart widget on the service's website, the free SunSmart app or at sunsmart.com.au.
- The sun protection measures listed are used for all outdoor activities **during the daily local sun protection times**. (The sun protection times are a forecast from the Bureau of Meteorology for the time of day UV levels are forecast to reach 3 or higher. At these levels, sun protection is recommended for all skin types. In Victoria, UV levels regularly reach 3 or higher from mid-August to the end of April.)

Special note regarding infants

SunSmart practices consider the special needs of infants. All babies under 12 months are kept out of direct sun when UV levels are 3 or higher. Physical protection such as shade, clothing and broad-brimmed hats are the best sun protection measures. If babies are kept out of the sun or well protected from UV radiation by clothing, hats and shade, then sunscreen need only be used occasionally on very small areas of a baby's skin. The widespread use of sunscreen on babies under 6 months old is not recommended.



1. Seek shade (QA 1, 2, 3, 4, 5, 6)

- Management makes sure there is a sufficient number of shelters and trees providing shade in the outdoor area particularly in high-use areas.
- The availability of shade is considered when planning all outdoor activities.
- Children are encouraged to choose and use available areas of shade when outside.
- Children who do not have appropriate hats or outdoor clothing are asked to choose a shady play space or a suitable area protected from the sun.
- In consultation with the service's committee, shade provision is considered in future plans and upgrades.
- A shade assessment is conducted regularly to determine the current availability and quality of shade.

2. Slip on sun-protective clothing (QA 1, 2, 4, 5)

- Children are required to wear loose-fitting clothing that covers as much skin as possible. Clothing made from cool, densely woven fabric is recommended. Families are asked to choose tops with elbow-length sleeves, higher necklines (or collars) and knee-length or longer style shorts and skirts for their child. If a child is wearing a singlet top or shoestring dress, they will be asked to choose a t-shirt/shirt to wear over this before going outdoors.

3. Slap on a hat (QA 1, 2, 4, 5)

- All children are required to wear hats that protect their face, neck and ears (legionnaire, broad-brimmed or bucket style). Peak caps and visors are not considered a suitable alternative.

4. Slop on sunscreen (QA 1, 2, 4, 5)

- SPF30 (or higher) broad-spectrum, water-resistant sunscreen is supplied by the service and/or families.
- Sunscreen is applied in accordance with the manufacturer's directions (which state to apply at least 20 minutes before going outdoors and reapply every two hours, or more frequently if sweating or swimming).
- To help develop independent skills ready for school, children from three years of age are given opportunities to apply their own sunscreen under supervision of staff, and are encouraged to do so.
- Sunscreen is stored in a cool place, out of the sun and the expiry date is monitored.

5. Slide on sunglasses [if practical] (QA 1, 2, 4, 5)

- Where practical, children are encouraged to wear close-fitting, wrap-around sunglasses that meet the Australian Standard 1067 (Sunglasses: Category 2, 3 or 4) and cover as much of the eye area as possible.

Learning and skills (QA 1, 2, 4, 5, 6)

- Sun protection is incorporated into the learning and development program.
- The SunSmart policy is reinforced by educators and through children's activities and displays.

Engaging children, educators, staff and families (QA 2, 3, 4, 3, 6, 7)

- Educators, staff and families are provided with information about sun protection through family newsletters, service handbook, noticeboards and the service's website.
- When enrolling their child, families are:
 - informed of the service's SunSmart policy;
 - asked to provide a suitable sun protective hat, covering clothing and sunscreen for their child;
 - required to give permission for educators to apply sunscreen to their child; and
 - encouraged to use SunSmart measures themselves when at the service.
- As part of OHS UV risk controls and role-modelling, educators, staff and visitors:
 - wear a suitable sun-protective hat, covering clothing and, if practical, sunglasses;
 - apply sunscreen; and
 - seek shade whenever possible.



Monitoring and review (QA 1, 2, 4, 5, 6, 7)

- All staff, including management and educators, monitor and review the effectiveness of the SunSmart policy and revise the policy when required (at least once every three years) by completing a policy review and membership renewal with SunSmart at sunsmart.com.au.
- SunSmart policy updates and requirements will be made available to educators, staff, families and visitors.

Next policy review:

Relevant documents / links

- [Belonging, Being and Becoming – The Early Years Learning Framework](#) (July 2009)
- [Victorian Early Years Learning and Development Framework](#) (VEYLDF) (May 2016)
- DET [Building Quality Standards Handbook](#) (BQSH): Section 8.5.5 Shade Areas
- [Get Up & Grow: Healthy eating and physical activity for early childhood](#) (Section 2) 2009
- Victorian Institute of Teaching (VIT) [The Victorian Teaching Profession Code of Conduct](#) - Principle 3.2
- [Australian Professional Standards for Teachers](#) (APST) – Standard 4.4 and 7.2
- ARPANSA [Radiation Protection Standard for Occupational Exposure to Ultraviolet Radiation](#) (2006)
- Safe Work Australia: [Guidance Note – Sun protection for outdoor workers](#) (2016)
- Australian Government Therapeutics Goods Administration (TGA) – Australian regulatory guidelines for sunscreens: [4. Labelling and advertising – directions for use of the product](#)
- AS 4685.1: 2014 Playground equipment and surfacing – General safety requirements and test methods
- [National Quality Standards](#)
- Quality Area (QA) / Standard (S) / Element (E)

QA 1	Educational program and practice
S 1.1	An approved Learning Framework informs the development of a curriculum that enhances each child's learning and development.
E 1.1.1	Curriculum decision making contributes to each child's learning and development outcomes in relation to their identity, connection with community, wellbeing, confidence as learners and effectiveness as communicators.
E 1.1.2	Each child's current knowledge, ideas, culture, abilities and interests are the foundation of the program.
E 1.1.3	The program, including routines, is organised in ways that maximise opportunities for each child's learning.
E 1.1.5	Every child is supported to participate in the program.
E 1.1.6	Each child's agency is promoted, enabling them to make choices and decisions and to influence events and their world.
S 1.2	Educators and co-ordinators are focused, active and reflective in designing and delivering the program for each child.
E 1.2.2	Educators respond to children's ideas and play and use intentional teaching to scaffold and extend each child's learning.
QA 2	Children's health and safety
S 2.1	Each child's health is promoted.
E 2.1.1	Each child's health needs are supported.
S 2.3	Each child is protected.
E 2.3.2	Every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury.
QA 3	Physical environment
S 3.1	The design and location of the premises is appropriate for the operation of a service.
E 3.1.1	Outdoor and indoor spaces, buildings, furniture, equipment, facilities and resources are suitable for their purpose.
E 3.1.2	Premises, furniture and equipment are safe, clean and well maintained.



E 3.1.3	Facilities are designed or adapted to ensure access and participation by every child in the service and to allow flexible use, and interaction between indoor and outdoor space.
S 3.2	The environment is inclusive, promotes competence, independent exploration and learning through play.
E 3.2.1	Outdoor and indoor spaces are designed and organised to engage every child in quality experiences in both built and natural environments.
QA 4	Staffing arrangements
S 4.1	Staffing arrangements enhance children's learning and development and ensure their safety and wellbeing.
E 4.2.1	Professional standards guide practice, interactions and relationships.
QA 5	Relationships with children
S 5.1	Respectful and equitable relationships are developed and maintained with each child.
E 5.1.2	Every child is able to engage with educators in meaningful, open interactions that support the acquisition of skills for life and learning.
E 5.2.1	Each child is supported to work with, learn from and help others through collaborative learning opportunities.
QA 6	Collaborative partnerships with families and communities
S 6.1	Respectful and supportive relationships with families are developed and maintained.
E 6.1.1	There is an effective enrolment and orientation process for families.
E 6.1.3	Current information about the service is available to families.
S 6.2	Families are supported in their parenting role and their values and beliefs about child rearing are respected.
E 6.2.2	Current information is available to families about community services and resources to support parenting and family wellbeing.
S 6.3	The service collaborates with other organisations and service providers to enhance children's learning and wellbeing.
E 6.3.1	Links with relevant community and support agencies are established and maintained.
QA 7	Leadership and service management
S 7.1	Effective leadership promotes a positive organisational culture and builds a professional learning community.
E 7.1.2	The induction of educators, co-ordinators and staff members is comprehensive.
S 7.3	Administrative systems enable the effective management of a quality service.
E 7.3.5	Service practices are based on effectively documented policies and procedures that are available at the service and reviewed regularly.

Last updated: Sept 2017
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Please find below a **sample** agreement / permission form for services to use if they choose. This is just a suggestion and NOT a mandatory membership requirement. The aim of this form is to help families / carers understand how they can help support your service's SunSmart membership and provide clarity around each sun protection measure, including sunscreen application. It is up to you if you choose to use this or not.

Sun protection agreement and permission form

I understand **<name of service>** is a registered SunSmart Early Childhood Program member and follows SunSmart and Cancer Council Victoria recommendations to use a combination of sun protection measures (clothing, sunscreen, a hat, shade, and if practical, sunglasses) during the daily local sun protection times (whenever UV levels reach 3 or higher), typically from mid-August to the end of April in Victoria.

I agree to help support this membership and help minimise my child's potential risk of skin and eye damage and skin cancer by doing the following:

(Please tick all that apply)

- ☐ Dress my child in cool clothing that covers as much skin as possible e.g. tops that cover the shoulders, arms and chest, has higher necklines or collars, and long shorts and skirts. I understand that singlet tops or shoestring dresses do not provide adequate sun protection and are best layered with a shirt or t-shirt.
- ☐ Remind my child to bring and wear a sun-protective hat that shades the face, neck and ears (e.g. wide-brimmed, bucket or legionnaire hat). I understand that baseball / peak style caps do not provide adequate sun protection and are not appropriate for outdoor play.
- ☒ Provide my child with appropriate close-fitting wrap-around sunglasses labelled AS:1067 to help protect their eyes. **(inclusion optional)**
- ☐ Give permission for educators/staff to apply SPF30 (or higher) broad-spectrum, water-resistant sunscreen supplied by the service to all exposed parts of my child's skin including their face, neck, ears, arms and legs.

OR

- ☐ To give permission for educators/staff to apply SPF30 (or higher) broad-spectrum, water-resistant sunscreen (that I have supplied and labelled with my child/children's name) to all exposed parts of my child's skin including their face, neck, ears, arms and legs. I agree that this sunscreen will be kept at the service and it is my responsibility to make sure there is always an adequate supply available.
- ☐ To give permission for educators/staff to assist my child to develop independent, self-help skills by applying SPF30 (or higher) broad-spectrum, water-resistant sunscreen to all exposed parts of their own skin including their face, neck, ears, arms and legs. (Recommended from ages three and above)

Child(ren)'s name(s): _____

Parent/Guardian's name _____ (Please print)

Signature of Parent/Guardian

Date