

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 PAMELA AVRIL MACLEAN

I, Pamela Avril Maclean, of [REDACTED] and [REDACTED]
[REDACTED] in the State of Queensland affirm as follows:

Background

1. I have worked in the early childhood education and care sector (**ECEC**) for over 30 years across all aspects of childcare service design, development and delivery.
2. I am currently a Company Director/Operator of two long day-care services in Queensland:
 - (a) Big Day Out Care & Education, Peregrine Springs (**BDO Springs**) and
 - (b) Big Day Out Care & Education Peregrine Beach (**BDO Breeze**),
(collectively, the **Centres**).
3. I have operated BDO Springs since its establishment approximately three and a half years ago and BDO Breeze since its establishment approximately 18 months ago.
4. I also own and operate Child's Play Consultancy Service which provides consulting services to child care operators to develop a viable and unique early childhood and education centre. Child's Play Consultancy Service provides services such as playground design, administration support, training, presentations and educational resources. I have been operating this consultancy service for more than 10 years and my clients have included the Australian Childcare Alliance - Qld (the peak body for early childhood education and care services in Queensland), small-mid-sized operators, and rural/regional long day care providers.

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5. Between 1995 to 2008, I was an assessor for the National Childcare Accreditation Council (NCAC), the previous system of assessment for centres across Australia (now superseded by the Australian Children's Education & Care Quality Authority (**ACECQA**)) the body that worked with the federal, state and territory government departments to:
- (a) implement changes that benefit children birth to 13 years of age and their families;
 - (c) monitor and promote the consistent application of the education and care services national laws across all states and territories; and
 - (d) support the ECEC sector to improve quality outcomes for children.
6. Because of my experience in the sector, I am well versed in the regulatory requirements associated with operating a centre.
7. I currently hold a:
- (a) Master of Education (Educational Leadership) from Charles Sturt University;
 - (b) Bachelor of Teaching from Queensland University of Technology;
 - (c) Diploma in Early Childhood; and
 - (d) Certificate IV in Training and Assessment.
8. I am also a member of the Australian Childcare Alliance (**ACA - Qld**) committee. I have been the organisations Mentor across Queensland since the Educator Mentoring Program was established in 2015. The organisation offers Queensland services the opportunity to book a subsidised training session and follow up day with me on the floor with educators in their centre. This affords operators an opportunity to have training across one of 7 quality standards, then have their teams mentored in implementation in their actual setting, ensuring the training and mentoring is tailored to the needs of each service.
9. I particularly enjoy working with services across Queensland to support, train and mentor Educators and Directors to improve outcomes in all aspects of centre operations.

Australian Childcare Alliance - QLD

10. ACA is a unified national body that represents the interests of the long day care sector across Australia. It is made up of various State bodies, including ACA - Qld.

11. ACA Qld is a not for profit, member-funded organisation representing over 850 ECEC services, employing approximately 13,500 educators, who educate and care for around 180,000 children of over 245,000 parents in Queensland.
12. These ECEC services include outside of school care, long day care and kindergartens.
13. ACA Qld has existed in various forms for more than 30 years and is run by a management committee comprised of its members. The committee members are owners, operators and managers of long day care services with extensive knowledge and experience in the fields of early childhood, education and training, and management.
14. The committee discusses issues facing the sector and the needs of our respective membership at monthly meetings. The committee also reports into the national body on issues facing the sector to inform national decisions and provide advocacy at federal policy level.
15. I am aware of the issues facing the sector, particularly from a Queensland perspective, as I speak with ACA - QLD members, and as an operator, I understand and relate to matters our members have concerns about.
16. ACA - QLD makes regular submissions to Government on training, industrial relations, policy and regulations. I carry out research, speak with industry experts and business owners to prepare and review these submissions as part of my ACA - QLD committee role.
17. ACA - QLD also supports its members with inquiries on issues such as Training, Industrial Relations and Regulations, and responds to inquiries from non-members on subjects relating to the care of children. In order to carry out this role, I am well versed in the Queensland legislation that applies to childcare owners/operators.

The Centres

18. Both Centres are long day care centres that also offer a before and after school care and holiday care options for families.
19. Long day care centres generally operate:
 - (a) for more than 48 weeks of the year;
 - (b) from 6am - 6:30pm (depending on the centre); and

- (c) to provide care for children aged 6 weeks - 4/5 years old.
20. Where a centre also provides a before and after school care service, it will generally operate for the same hours as a long day care centre but will have an influx of children aged 5-13 years before 9am and after 3pm each day. Some before and after school care providers only provide care before and after school (so they close during 10am - 2pm each day) and only need employees on much shorter shifts.
21. Holiday care at my Centres consists of running the service for all children aged 6 weeks -13 years outside of school terms. Holiday care can see an influx of children during the term break, but it can also see a decline in long day care centre occupancy if families go on holidays. For example, if families go away over the festive season.

Number of children

22. BDO Springs has Service Approval issued by the Department of education (QLD), with reference to the provider Approval already granted by ACECQA , for 103 children per day and BDO Breeze is approved to provide care for 97 children per day. Both the Centres are at full capacity which means the number of children for which my Centres are approved for is generally reflective of the number of children attending each day of the week. However, not all children (aged 6 weeks - 5 years) attend every day, and that can impact occupancy levels. Children may attend from 1-5 days a week depending on their parents' allocated hours.
23. Allocated hours refers to the number of hours a family's 'care' will be subsidised for. Generally, parents try to put their children into care for the number of allocated hours as it can be too expensive to cover the cost of additional hours without government assistance.

Positions at the Centres

24. I personally monitor and participate in the daily operations of both Centres. I attend each Centre each week and share my time between the services as needed. I am also available to provide support to either of the Centres in my role as Educational Leader and Approved Provider.
25. The term 'Approved Provider' means a person has obtained provider approval by ACECQA and that I am legally responsible for compliance with the national law and national regulations that govern the ECEC sector.

Hours of Operation

26. The Centres are open at the following times:

	Open	Close
BDO Springs	6.30am	6.30pm
BDO Breeze	6.30am	6.30pm

27. I choose to open and close at these times because:

- (a) most of our families work in a variety of industries (with differing hours of work) and we must be responsive to community needs;
- (b) we need to accommodate staggered start and finish times for each employee so that they only work 8 ordinary hour days and to ensure we maintain correct educator-child ratios as legislated;
- (c) we need to have an adequate number of appropriately qualified and experienced educators for opening and closing the Centres having regard to the different age groups of children and parents dropping and collecting children at different times of the day;
- (d) we must provide consistency and continuity of care to children to ensure they feel secure and safe and do this by providing a 12-hour span of care for the day;
- (e) a rostered 6:15am start time allows our educators a short time to set up and prepare for the day ahead before the children arrive (our educators normally arrive at 6:15am to prepare for the day), children arrive from 6.30am each day Monday – Friday;
- (f) the hours reflect family needs/customer demand - the vast majority of whom are working parents; and
- (g) these align with the ordinary hours (6am -6:30pm) 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**).

28. Our first staff members arrive at the Centres at 6.15am and there are usually parents waiting at the door from 6.30am.

29. Staff usually leave at 6.30pm but this can occasionally be delayed if a family is late at collection time (which I will explain in more detail later in this statement).

Types of employees

30. The staff breakdown at the Centres is as follows:

	Total Staff	Full Time	Part time	Casual Employees
BDO Springs	31	8	14	9
BDO Breeze	30	11	13	6

31. We have chosen this mix of full-time, part-time or casual employees because we need flexibility in our staffing to ensure we can:
- (a) meet the daily changing needs of the service (for example, fluctuating occupancy levels if children are absent or require extra days for parent work commitments);
 - (b) provide our services to any parents who require occasional/additional/casual care of their child; and
 - (c) remain compliant with educator-child and teacher-child ratios throughout the day.
32. Part time educators and team members work up to 37.5 hours per week. Part time staff are rostered on regular hours and shifts, according to their stated availability. So, most work 4 days per week, and just a couple 2 - 3 days if that is what their availability is at present. We try to work in with our staff's family needs etc but work hours do vary according to their availability, personal needs and those of the service.

Wages

33. Staff wages are by far our highest cost. Typically, wages at the Centres will be 58-64% of our revenue.
34. We pay most of our employees in line with the award rate applicable to their classification under the Awards.
35. We pay above the applicable award rates to some team members based on performance and appraisal results. This is an incentive and entirely at management's discretion. We review performance and wages two times each year for this purpose.

Ordinary Hours

Extending the Ordinary Hours

36. I have read and understand the ACA claim for extending ordinary hours in the Awards from 6:30pm to 7:30pm.
37. Extending ordinary hours until 7:30pm per day would enable my Centres to provide higher quality and more consistent care options for our service, in accordance with the National Quality Framework and the National Quality Standards.
38. It would also allow my Centres and other Queensland centres to:
- (a) have the ordinary hours of our centre reflect customer demand;
 - (b) pay ordinary time (instead of overtime) for hours worked up to 7:30pm; and
 - (c) make childcare more affordable for parents as centres are less likely to charge a 'late fee' to parents if the costs between 6:30pm and 7:30pm are not as high.
39. This change is not about creating longer shifts for employees. Employers would still have to pay employees overtime for any hours worked above 8 hours per day, so changing the ordinary hours is really just about childcare being able to reflect the changing nature of its parent's workplaces, their working hours and the longer commute to work.

Late pick-up and Overtime

40. Overtime is generally incurred for three reasons:
- (a) employee's staying after 6:30pm when parents are late to pick their children up; or
 - (b) employees working more than 8 hours per day; or
 - (c) needing to do both during our fortnightly pay cycle.

Rostering for drop off and collection times

41. A big issue for the Centres is the unpredictability of parent drop off or collection times – even though most families try to establish a regular routine of sorts, many are unable to do so, due to their own unpredictable work demands or other commitments on their time.

42. We cannot control all family drop off and collection times – meaning that children’s attendance patterns can vary. Late collections vary and can occur 2-3 days each week. Usually traffic is quoted as the reason or parents being asked to stay back at their own workplace.
43. This makes it difficult to maintain ratios at the end of the day when employees need to finish for the day. This causes overtime payments each pay cycle.
44. Parents can call us at any time (even on the morning of) if they need to change their days of attendance. The biggest issue is that we are unlikely to have spare spaces available as the centre is so full. We do not use Quikkbooks on our system as we prefer the personal contact with our families so any changes to bookings will normally be made over the telephone or in person at the front desk.
45. Closing staff are selected after consideration is given to their qualifications and experience and who can communicate well with families. Any educator may be asked to stay back up to 30 minutes if families are late collecting their children to maintain ratios.
46. Our role is to support working families, so the requirements of the Awards (eg; closing by 6:30pm and overtime) when coupled with unpredictable family timetables creates logistical and affordability challenges for us and our families.

Overtime costs due to late pick-up

47. Paying overtime rates causes the Centres considerable extra cost, on top of my regular staffing costs. Each Centre incurs around \$300 worth of overtime costs per fortnight which equates to between \$15,000 additional costs per year.
48. In order to meet ACECQA’s best practice guidelines, we must have two staff on the premises at all times, even if only a single child is present, to ensure staff and child safety. This way, there is always someone able to care for the children and call for assistance in an emergency. However, this doubles any overtime costs that are incurred.
49. Any time the Centre is open past 6:30pm we incur the following costs (by way of example):
 - (a) electricity costs;
 - (b) water costs;
 - (c) overtime:

- i. 1 x Diploma Qualified team member at \$38.94;
- ii. 1 x Certificate III qualified team members at \$33.06;
- iii. Overtime (1 hour) x 2 employees = \$72.00

50. Under clause 23.2(b) of the Children's Services Award, if there is an 'emergency' such as a natural disaster or death of a parent we are not required to pay overtime (for up to one hour per week). The application of this clause is very specific and almost never applies in practice. However, if a parent is late to pick up their child due an unavoidable work commitment, traffic jams, public transport delays or other unavoidable day to day occurrences that make parents late to pick up their children, we still have to pay overtime despite no fault of the centre or its employees.

Late pick-up fee

51. I do not currently implement a late collection fee (when parents are late to pick up their children) and instead absorb the cost of staffing whilst trying to prevent parents from picking their children up after 6:30pm.
52. I am aware that most centres do charge a late fee ranging from \$1 - \$5 per minute to try and re-coup some of the overtime costs to keep providing a viable service that is affordable for parents. I have used this in the past and it does work to deter serial late arrivals, however each family situation is unique, and some flexibility needs to be available for varying circumstances so we can support families in a fair way.

Working parents

53. Customer needs drive our opening hours as approximately 98% of our parents would both be working. The difficulty for childcare is that we support all types of workers' children from builders (who start early in the morning) to nurses and other shift workers. Our opening hours need to reflect our parent's needs, and this in turn is dictated by their place of work.
54. I have seen a significant shift in Australian working behaviours (eg; longer hours) and increased female participation in the workforce during my 30 years in the childcare sector along with the advent of fly in fly out work and so on. This has shifted the work landscape and each change has an impact on how we operate and accommodate our families.

55. The change of ordinary hours to allow us to roster employees to 7.30pm will allow us to remain open longer to support families and the community when they need. It also seems to align better with the way society functions. At present we are in the position of having to apply some pressure to families who work late, to hurry to collect children before closing time. Sometimes it concerns me that this pressure could cause accidents when parents are driving in a rush to collect their children.

Smaller services

56. As smaller services struggle with the additional cost of operating their centres, the cost of overtime and picking children up by 6:30pm causes distress and financial difficulty. This becomes obvious to families who note the lack of new resources and items for their children, who then 'vote with their feet' and move their children to another service provider. Larger service providers will benefit from this and can absorb these additional costs by rationalising them across their total holdings. Also, as smaller services struggle with additional costs, employment and growth stall when extra wages cannot be managed and sustained.
57. The result in most cases, is an increase in fees for parents, which in turn applies financial pressure on both centre operators, as they try to maintain their financial viability, and on families who continue to struggle to meet fee obligations. The cycle we have experienced before simply continues.

Legislation

58. ECEC in Australia is governed by the 'National Quality Framework for Early Childhood Education and Care' (**NQF**) including the *Education and Care Services National Law Act 2010* (**National Law**) and *Education and Care Services National Regulations 2013* (**National Regulations**). The NQF provides a national approach to regulation, assessment and quality improvement for early childhood education and care and outside school hours care services across Australia. The NQF is the overarching legislation that we must comply with and the National Quality Standard (**NQS**) is part of this and identifies the standards that must be met by each approved centre/service. The NQS focuses on quality of care and education as opposed to ratios which creates additional regulation for us to comply with. They do not compete but work hand in hand in our sector.
59. The National Regulations dictate the educator - child ratios, teacher-child ratios, qualification requirements and many other aspects of running a centre.

60. The NQS has 7 key quality areas that are important to outcomes for children and services are assessed and rated by ACECQA against the NQS and given a rating for each quality area. Quality Area 4 deals with staffing arrangements with a focus on quality and continuity of care which must be at the forefront of our considerations when rostering our employees.

Educator-Child Ratios

61. Centres in Queensland must comply with regulated educator-child ratio numbers according to the National Regulations.
62. The educator-child ratios are set according to the age of the children in accordance with the following table:

<u>Age of Children</u>	<u>Educator to child ratios in QLD</u>
Birth to 24 months	1:4
Over 24 months and less than 36 months	1:5
Over 36 months up to and including pre-school age	1:11
Over preschool age (incl both Before and After School Care)	1:15

63. For example, at BDO Springs, the Hairy Maclary room (2 - 3 years) is required by law to have a ratio of 1:5. We currently have 20 children in that room and so we will have 4 staff allocated to that room each day. However, if one of those employees becomes unwell or has something personal come up last minute rostering can be very difficult to ensure compliance with the ratio laws.

Qualification Requirements

64. Rule 126 of the National Regulations also prescribes that:
- (a) at least 50% of educators in a centre-based service who are required to meet the relevant educator-to-child ratios for the service, must have, or be actively working towards, at least an approved diploma level education and care qualification (**the 50% qualification requirement**); and

- (b) all other educators who are required to meet the relevant educator-to-child ratios for the service must have, or be actively working towards, at least an approved certificate III level education and care qualification.

Overstaffing/mitigating risk

65. The practical effect of the regulatory requirements means that my centres must carefully manage our staffing numbers to ensure that we always meet our legislative requirements.
66. If a business does not meet the educator-to-child ratio, or the 50% qualification requirement, the department of Education will issue a breach notice and follow up with the centre regarding details of their process for improvement and how this will be immediately addressed.
67. To ensure we are not caught short on ratio requirements, we make certain the Centres are suitably staffed in case of illness or emergency. We do this by ensuring we have more employees than the ratios require both in terms of educator-to-child numbers and diploma qualifications.
68. I find it is worth the cost to overstaff on diploma qualified employees instead of having to roster on diploma qualified casuals last minute which would be even more expensive and not good for the children.
69. Operating in such a manner adds a considerable cost per year but mitigates any risk of non-compliance with the ratio requirements (which could ultimately result in poor quality care and education which is contra to our philosophy and goals).
70. Regulatory authorities may impose restriction or other limits on Centres who continually underperform or do not meet ratio requirements.

Teacher - Child Ratios

71. Under the National Regulations, services educating and caring for children of Kindergarten age and under must engage (or have access to) an early childhood teacher (ECT) to qualify for Approved Kindergarten Program status.
72. As my centres have over 80 children in attendance per day, we must engage a full time or full time equivalent ECT in each service. We comply with this requirement and also have a couple of 'extra' ECT qualified team members on the team as back- ups to cover holidays and illness of

the main ECT.

73. ECT's at my Centres must hold a Bachelor of Education with a major in Early Years (0-5 years) or be actively enrolled in studying the above and be more than 50% through the course when they commence employment. This is a legislative requirement that all centres in Queensland who want the Kindergarten Funding must comply with. If your ECT does not comply with this requirement, your centre will not receive any government funding to run the kindergarten program.
74. The two Centres have eight -degree qualified teachers (or studying) between them. Again, we are over staffing to ensure compliance with ratios but also maintain consistency of care and avoid using expensive casuals. This headcount does not include myself as the Approved Provider, though I am qualified with a Master's degree, so I can be called upon if needed for ratio and compliance reasons.

Rostering

Preparing and Planning a Roster

75. We have open, mid and close shifts each day with a staggered start for staff arriving each morning and tapering off in the afternoons in accordance with ratio requirements.
76. Our team keep careful records of child numbers and ratios each day and the opening/morning staff go home first as child numbers start to decline.

8 hour shifts and predictability

77. We do not do "short" morning and evening shifts as we know from experience that it immediately and negatively impacts on quality and continuity of care. Frequent team changes cause uncertainty and confusion in children – exactly the opposite of what we are supposed to provide under the requirements of Early Years Learning Framework. We always roster our employees for a continuous 8-hour shift to support this if possible.
78. We often have people who work over their daily 8-hour limit to maintain ratio, when families are late to collect their children. Some services put floats and casual team members in place for these occasions, but we believe this immediately impacts negatively on quality and continuity, reducing young children's sense of security and well-being. In my view, hiring casuals and floats for afternoon shifts would be in contravention of the intent of the legislation

including the early years learning framework and NQS standards. Parents dislike this too, as the person they see at the end of the day is not the person who knows what their child's day has been like in detail.

79. Our preference is to roster most of our team on a 4-day week (8 hours per day). This approach supports team members who study or have family and other commitments. It prevents burn out over time and ensures that our team members have time to undertake other important family health checks and other appointments on a weekday.
80. The ability to roster some employees to work up to 7:30pm each day (but maintain 8 hour shifts) would make better sense for our staff so they could more readily predict their hours of work and income and be an enormous help in the operation of centres. They could also stay at the workplace and carry out other tasks on the days when children were picked up on time which would benefit the centre such as documentation, minor cleaning and hygiene requirements.

7-day rostering requirement doesn't work for ECEC

81. I am aware and understand the ACA claim to amend the Awards to not require 7 days' notice of a roster in situations where:
 - (a) another employee has provided less than seven days' notice of his/her inability to perform a rostered shift; and/or
 - (b) a centre needs to comply with its ratio requirements.
82. The Awards often impose more constraints than necessary as we strive to provide high quality and consistent care. We need flexibility and expanding the circumstances in which we can change the roster with less than 7-days' notice, in particular where an employee gives us less than 7-days' notice of a change or where we need to meet legal ratio requirements, would assist us greatly as the current Award requirements do not work for us.
83. The 7-day roster requirement is not practical for any kind of early childhood employment pattern as it prevents us from being as flexible as we need to in this sector if we are to be responsive to community needs which is our legislated mandate and to ensure our staff are well cared for. Both staff and service require flexibility to function well in the long term.

Unexpected emergencies

84. We try to provide 7 days' notice in advance, but usually find we need to make amendments prior to the implementation date of the roster. Usually changes are due to issues such as staff illness, staff's own children's illness at home, or requests for time away for unexpected/family or study reasons.

Annual leave and personal leave

85. For annual leave, team members are made aware that leave is negotiated and approved on the basis that we are still able to provide continuity of care for the children in their room which is a service priority. However, there will still be times when employee's do not provide us with any notice at all and want/need to urgently take annual leave.
86. In relation to the needs of our staff, when team members request personal leave this is accommodated giving regard to the smooth operations of the service. Family emergencies and compassionate leave are granted as needed and other team members assist us to support their colleagues. We rely on casual and float staff to fill gaps if team members fail to appear for any reason – our team members know that ratios must always be met.
87. The difficulty with personal and compassionate leave is we often don't hear from the staff member until the day they are requesting the leave – events in this category for leave are most often sudden occurrences and unexpected events.
88. Unfortunately, in such circumstances 7 days' notice cannot be achieved in these situations as they are unexpected events. We maximise notice depending on circumstances in each case, but 7 days is often impossible to achieve through no fault of the centre – life just happens.

Accommodating last minute changes to the roster

89. Our staff are aware that days can be unpredictable (to a degree) and cause earlier than expected start times or delays in shift finishes.
90. If a permanent employee is unable to attend work, the first thing I do is contact our on-call team members and fill the space as soon as possible. Our staff always sign a waiver of the 7-day notice on their sign-in and sign - out sheets acknowledging the need to maintain ratio and agreeing to accommodate last minute roster change as needed.
91. In the meantime, one of our regular 'float team' for that day, who know the room/children/group, go on the floor to ensure ratios are maintained. The first casual team

member we can confirm will then complete the float team member tasks for the day, thereby limiting the number of changes in the room for the children. This speaks to quality of care again.

92. Float team members are those who work through the core hours of each day and provide relief for others on morning/afternoon tea and lunch breaks. In both our centres, we would usually have four float educators each day to cover Diploma breaks and Certificate III breaks with the correctly qualified educators in each case. We have a pool of casual educators who are available, and we try to give them regular work, so they stay with our centres only. This speaks to consistency and continuity issues, so children know who is with them often and feel secure and happy.
93. This can make rostering with 7-days' notice very challenging when educators need to change something last minute as we must also consider:
 - (a) whether our educator-child ratios will be appropriate;
 - (b) if our teacher-child ratios are correct;
 - (c) if we have two appropriate people opening and closing for best practice; and
 - (d) if we have considered continuity and consistency of care (in accordance with the NQS and our goal of providing the best support for children).

Example of a last-minute change

94. To give a recent example, looking at Monday 4th February 2019, we had four adjustments to the roster with team members needing to stay for 15 minutes or more past their shift time, and one team member being notified of a family funeral in 3 days' time which will have to be accommodated. Whilst funerals do not happen each week, other issues do. We cannot possibly always adhere to the 7-day rule as this is completely impractical for our sector.

Contradicting legislation and requirements in ECEC sector

95. For child care centres, this is a constant juggling act between the Award, ACECQA guidelines and legislative requirements.
96. The ECEC sector is one that requires flexibility and responsiveness to families and the

community. In expanding the circumstances under which we can vary a roster, we will have the ability to be more flexible and supportive of our families and children. We will also be able to manage the ebb and flow of our work days and weekly roster much more effectively for both centres and employees.

97. If we were to adhere to the 7-day roster requirement at all costs, many of our team members would not receive extra work or the option to manage their lives effectively. Additional work would go to floats or casuals which as I said earlier is not (in my view) best practice for continuity of care for young children. Any staff members who work overtime are paid at over time rates for that time.

Awards are not simple

98. In relation to the Awards themselves, for the most part the awards are relatively simple, but the language could certainly be plainer and more readily interpreted. Some ambiguity exists in how the rules are expressed at times, making it more difficult to be certain we are compliant. We worry that we may interpret the statements incorrectly from time to time, and this can cause and delay action as we try to clarify the relevant points. Again, this takes our Nominated Supervisor away from more pressing daily matters as she works to identify the correct interpretation.

Granting the ACA Claims

99. By expanding the ability of centres to vary the roster within 7 days and extending ordinary hours up to 7:30pm it would greatly assist with sensible management of the long day we must offer and our ability to roster to support our educators, community and families.

The Unions' Claims

100. The United Voice (**UV**) and the Independent Education Union (**IEU**) (together, the '**Unions**') have lodged multiple claims in submissions dated 15 March 2019 which, in my experience, will not be of benefit to the ECEC sector. I give my reasons and respond to the Unions claims below:

UV Claim - Responsible Person Allowance

101. UV seeks to insert a provision into both Awards which would apply to the person who is the designated Responsible Person on an hourly basis.
102. The role of Responsible Person, as required by the National Quality Framework (**NQF**) is not a new concept despite not being explicitly mentioned in the Children's Services Award 2010 or Educational Services (Teachers) Award 2010.
103. Speaking from my own experience, acting in such a role, I always knew that role as being called the 'early group leader' or 'late group leader'. These people were the ones to make operational decisions as required until the Director arrived at work. We were instructed about the choices we could make and who to contact in an emergency and it was regarded as part of our normal role. Rosters were devised using the team members who were qualified, experienced and capable to undertake such a role to make sure someone 'responsible' was always on-site.
104. The only major difference now that centres have to comply with the NQF is that the when a person is acting in that role at a given time it has to be formally documented (see Regulation 150).
105. We have about 8 employees in each centre who are allocated the role of responsible person from time to time, and this caters for early or late shifts, over the week, plus a couple of extra people in case of staff illness or holidays etc. Each responsible person is paid according to their qualifications, and experience as per the award rates as a general rule. For example, the Responsible Persons wages range from level 4 to level 6.
106. Every employee who is nominated as a Responsible Person is an Assistant Director (who largely work as Lead educator when not in the office for the Director), Lead Educator or Educator.
107. We do not at present pay any extra money for acting in the role of a Responsible Person. However, the employees we select to perform that duty are also likely to be those we pay above award rates (or at higher levels under the award) because they have demonstrated they are responsible, good team members who have shown they are capable and trustworthy and able to take on responsibility with grace.
108. If the UV claim to implement a responsible person allowances is successful, the additional cost to my centres would be:

- a. BDO Springs: \$330.60 per week; and
- b. BDO Breeze: \$330.60 per week

totalling approximately \$34, 382.00 of additional cost per year.

- 109. Our Directors alone would see their wages go up by \$209.38 per week which represents an increase in their wages of 15%. Currently we already pay our Directors above the Award rate to be the responsible person in charge of our centres. Why would we pay them more to be what they already are?
- 110. These extra costs that would be payable each year would stretch our budget, when added to the \$15,000 or so of overtime we already pay for our team members who may go over 8 hours when families are late collecting children because legally we are required to stay in ratio. Our wages already sit at around 58-62% of income, at times reaching 64% at peak holiday times when we pay those away and their replacements (eg. Christmas, Easter etc).
- 111. My Centres would have difficulty implementing an extra cost of this nature for something that is already covered under the Award classifications.

UV Claim - Educational Leader Allowance

- 112. The UV also seeks to insert a provision in both Awards which would apply to the person who is the designated educational leader on a weekly basis. I understand that UV seek to insert this allowance on the basis that the terms educational leader only came into existence as a formal role with the implementation of the NQF in 2012.
- 113. The role of the educational leader is to provide a listening ear to colleagues, inspire them, advise them and mentor them with programs and other documentation requirements. They develop skills in others through their assistance and support.
- 114. Prior to the new term 'Educational Leader', we always had a senior team member, or two, who acted as a mentor for colleagues. This was an informal role, but just as effective in many ways and they were not given rostered time off the floor to assist in performing this role. Again, we pay over the award for our senior staff, so they were already being rewarded for their knowledge, experience and performance.
- 115. Currently, as the Approved Provider, I am the Educational Leader, however 1 person from

each centre is being groomed to fill that role and will step into it in the near future. I am the Educational Leader and Approved Provider as I have the highest qualification (Master's Degree in Educational Leadership).

116. The rate paid to this employee depends who you select for the role. It needs to be an appropriately skilled and experienced educator who is confident in their program, able to explain it well to others, and good at time management.
117. I do not appoint ECT's as educational leaders as this removes them from their core hours in the room which is funded and subsidised in Queensland. They are also busy enough. We prefer our ECT's to focus solely on their program for Kindergarten as this is an important prep year for formal schooling.
118. As per regulations, any Educational Leaders at my Centres will receive 2 hours per week to focus on related tasks, and time to follow up any questions their colleagues may have. At present I am the Educational Leader in both centres, but a team member from each centre is being mentored to fill that role. Once they begin in this role, we will be paying them plus the replacement in their rooms during these periods on non-contact time, to ensure ratios are complied with. We already absorb the extra wage for the replacement person, so our costs have already increased without adding an allowance on top.
119. If UV are successful in obtaining this allowance, that will be an extra \$104.68 per week for each Educational Leader once they take on the role. That would equate to an additional \$5,443.36 per year on top of their already above award rate, not to mention the additional cost and administrative burden of paying the allowances.

UV Claim - Training Clause

120. UV is seeking training costs (including First Aid training and CPR) to be reimbursed for all employees. UV also want the time spent training to be paid as time worked.
121. While we do pay for some training for our staff, such as manual handling, fatigue management and fire safety training, we do not pay for First Aid or CPR training. Usually, any staff we have had at that level in the past, usually start Certificate 3 training through an RTO, and those subjects are included in their course. They do not pay extra for those in the course, and can use that training at any centre they work at as long as the training is in date. Administering First Aid is just a part of our daily work with band aids and other minor things

happening during play.

122. First aid training costs around \$90-\$120 depending on the provider, and CPR training costs \$80-\$90 depending on the provider.
123. If we were required to pay for these training costs it amount to approximately:
- a) **CPR Training:** \$85 per person = \$5,185.00; and
 - b) **First Aid Training:** \$100 per person = \$6,100.00
124. This is a considerable expense to a business and payment for training should be optional for businesses who can afford it. I do require it of our teams to ensure rosters are able to be managed) CPR or First Aid training of my employees, I only require it of the few people that I need to hold the qualification so that there is always an appropriately qualified person on site to administer first aid.

UV Claim - Laundry allowance

125. UV seeks to insert into the Awards a clothing and equipment allowance that employees must be paid a laundry allowance even if there are washing facilities onsite the employees can use.
126. Our employees are required to wear a white linen shirt and tan cargo pants, as well as a cancer council sun safe hat.
127. We pay our employees the laundry allowance as per the Award, even though the employees could use our facilities to wash their clothes if they wanted to.
128. We have the shirts made for each person with their name embroidered on the front and we buy the pants and hats for each team member. This is a considerable expense for us but we prefer our teams to look professional and well presented. We replace shirts and pants as needed or well worn to maintain a well presented appearance.

UV Claim - Hats and sunscreen reimbursement

129. I already provide and pay for hats and unlimited cancer council sunscreen to staff at my Centres. We expect employees to wear a hat and sunscreen to set a good example for the children, and to protect themselves from the sun when outside.

130. It is unnecessary to add a reimbursement clause into the award as most centres I know would provide and pay for hats and sunscreen. Requiring reimbursement could cause disputes between employees and employers if the employees bought expensive sunscreen or designer hats with the intention of being reimbursed. We prefer our teams to look similar, so they are easily recognisable for families and children during the day.

UV Claim - Non-contact time

131. 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. UV also seeks for the educational leader to receive non-contact time from 2-4 hours depending on how many children a centre has.
132. We already provide 2 hours of non - contact time per week for each room leader and 4 hours per week for our ECT's. We also offer extra time if special projects are underway for educators or others who need it. Our system is already generous for our teams.
133. The Educational Leader role does not need more than 2 hours a week off the floor as I currently do this job and our documentation has been created to manage all aspects of the role within that time. When room leaders begin this task, they will manage it well if we give them 2 hours per week off the floor to achieve their goals.
134. The cost of an additional 2 hours programming time per week for each of the room leaders in my Centres would equate to \$676 per week over 2 centres. A significant extra cost over the year. When our planned Educational Leaders' step into their roles, an additional \$224 cost will be incurred over 2 centres for their time off the floor in that role each week.
135. We cannot keep absorbing more and more wages for tasks that can be time managed and systematically designed and rostered for. Good time management is the key to all these tasks, not more pay.

UV Claim - Annual Leave

136. UV is seeking to minimise the period of annual leave (or leave without pay) an employee can be directed to take over Christmas shut down period to two weeks from four weeks.
137. My Centres operate 52 weeks a year. We do not close except for the public holidays. The Christmas/new year holiday period is challenging for us as most of our families work in the

local industries of hospitality and retail – we are in a holiday destination area, so that is our families busy work-related time which means our occupancy remains high.

138. Employees at my Centres apply for leave and we grant it giving regard to our team needs during busy times. We also try to share out peak holiday time away, so all team members get a turn over time.

IEU Claim - Coverage of degree qualified Directors

139. The IEU is seeking for Directors with teaching qualifications to be paid under the Educational Services (Teachers) Award 2010 regardless of whether that person delivers an educational program.
140. In my Centres both the Directors have bachelor qualifications but are not registered teachers. They do not count towards our teacher ratios. As a result they are paid under the Children's Services Award.
141. We pay our Directors depending on their skills and experience under the Award.
142. If this claim were to be successful it would discourage me from hiring Directors with teaching qualifications as there are many experienced Diploma educators who could perform these duties very well. Wages are already the biggest expense a centre incurs, and such an increase would make many centres unviable.



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