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 SARAH ELIZABETH TULLBERG

I, Sarah Elizabeth Tullberg of	affirm as
follows:	

Background

- 1. I am the Company Director and approved provider of Knox Childcare and Kindergarten (**Knox Centre**) in Wantirna South, Victoria. I have owned and operated this centre for 7 years.
- 2. Since 2011, I have also been the Operations Manager of three Wallaby Childcare Group (Wallaby) located in:
 - (a) Werribee;
 - (b) Greensborough; and
 - (c) Epping,
 - (d) (together, the Wallaby Centres).
- 3. Both of the Knox and Wallaby Centres are set up as family trusts with sole directors employed by the trust for which I am the sole director of the Knox Centre and Brian Stynes is the sole director of the Wallaby Centres. I am employed by the trust as the operations manager for the Wallaby Centres.
- 4. I have worked in the early childhood education and care sector (ECEC) for a total of 20 years including with very large providers such as Guardian Childcare Alliance (2008-2011), and ABC Developmental Learning (2003 -2008). All the centres I have worked in have been in Victoria, mostly in Melbourne city but some have been more suburban based.
- 5. I hold a Bachelor of Education Secondary Education from Deakin University, Melbourne.

Lodged by: Australian Childcare Alliance Inc. & Ors Telephone: (02) 9458 7431

Address for Service: Australian Business Lawyers & Advisors Pty Ltd Facsimile: (02) 9954 5029

Lvl 15, 140 Arthur Street, North Sydney, NSW 2060 Email: Sophie.whish@ablawyers.com.au

Australian Childcare Alliance (ACA)

- 6. I am the Vice President of ACA Victoria and I am also on the National Working Group for the ACA.
- 7. The ACA federally have a National Executive committee (Board) which makes decisions on behalf of all five state bodies and engages with key stakeholders at a national level. The Executive Committee (or Board) is made up of the President, Vice President, Treasurer, Secretary and two Ordinary Members.
- 8. I support the Board Members with their policy decisions on lobbying, advise towards lobbying for award reviews, supplier agreements to benefit the association as well advise members more generally along with six other voluntary members from the various ACA state bodies.
- 9. In this role I advise and am informed at a national level of many of the issues surrounding the ECEC sector.
- Each State body, such as Victoria, also has its own Committee which makes decisions on behalf
 of its state members and engages with key stakeholders at the state and local government
 level.

ACA - Victoria

- ACA Victoria is a membership based organisation that supports privately owned Long Day-Care Centres. Membership of ACA Victoria is about producing high quality outcomes across the ECEC sector.
- Our vision is to ensure equity within the ECEC sector by representing members, keeping members well-informed and supporting them to provide the highest quality care for their families.
- 13. As the Vice President of the ACA Victoria, I sit on an ACA Victoria Committee where we meet monthly and discuss similar issues to the national body, but also state based supplier sponsorship and memberships. As we are a not for profit organisation that relies heavily on sponsorship and professional development to raise revenue, this is a large focus of mine.

My role

- 14. As the Company Director of Knox and Operations Manager of the Wallaby Centres, I am responsible for the day to day operations of the centres including rostering, employment issues, ratio and staffing arrangements and work health and safety. I am also responsible for formulating and successfully implementing company policies and plans to ensure that both centres continue to lead the way in ECEC.
- 15. In my role I have complete visibility of both Knox and Wallaby Centres operations.

My Centres

- 16. Both Knox and all 3 Wallaby Centres are long day-care services.
- 17. Long day-care services are open for approximately eight hours or more each day for approximately 48 weeks or more during the year, for children normally aged 6 weeks to 5 years old. Both the Knox and Wallaby Centres are open 52 weeks of the year.
- 18. Currently, Knox Centre is registered for 60 while the Wallaby Centres are registered for:
 - (a) 149 children (Werribee);
 - (b) 87 children (Greensborough);
 - (c) 159 children (Epping).

Type of Employees

19. My staff breakdown is as follows:

	Full Time	Part time	Casual Employees
Knox Centre	2	17	4
Werribee	1	47	18
Greensborough	1	30	7
Epping	2	45	15

- 20. Only the centre directors, the second-in-charge employees and cooks are full-time employees.
- 21. I choose to employ majority of my staff as permanent part-time employees. The reason I do this is to maintain a balance between flexibility and consistency (for the children and the staff). The employees know that they have several shifts that they will always have which is consistent and is good for both the children and the parents. They also receive all of their permanent entitlements and have job security.
- 22. However, the benefit of part-time employees as opposed to full-time employees is that in my centres, we have a range of children actually attend each day. Some of these examples are:
 - (a) we have less children on Mondays and Fridays;
 - (b) we have seasonal fluctuations (and less children attending) over the school holidays;
 - (c) we have more children (with school aged siblings) attending during the school term.
- 23. In all these circumstance, we have the flexibility to have less or more people rostered on.

Wages

24. I pay my employees according to the relevant award that applies to them. I pay my employees according to the award because it is cost effective, I like knowing what amount to pay and the staff are happy if they all get paid the same. I also pay award rates because I cannot afford to pay above theses rates on top of all my other business' expenses.

Ordinary Hours

Hours of Operation

25. The hours of operation at the Centres are as follows:

	Open	Close
Wallaby Centres	6.30pm	6.30pm
Knox Centre	7.00am	6.30pm

- 26. I choose to open and close at these times because of parent demand for when they want to drop off and collect their children. I also operate at these times because these hours are within the ordinary hours under the two modern awards that cover my employees being:
 - (a) the Children's Services Award 2010 (Children's Services Award); and
 - (b) the Educational Services (Teachers) Award 2010 (Teachers Award), (together, the Awards).
- 27. I only open the Knox Centre at 7.00am because generally I have found the families whose children are enrolled:
 - (a) have demand for late evenings rather than early mornings;
 - (b) live locally and drop children on the way to work (which appears to start at 8:30am/9.00am and it takes over an hour on public transport to the city or 45 minutes in a car.

Modern Award Requirements

- 28. Ordinary Hours are dictated by two things at my centres:
 - (a) modern award requirements (that provide a span of hours between 6.00am 6.30pm);and
 - (b) the current legislative/funding arrangements which only reimburse parents for a certain amount of hours of care. For example, 12 hours of care would require my centre be open for 12 hours to ensure that family could utilise a full day of care.

Extending the Ordinary Hours

Late Pick Up

- 29. Late pick-ups of children occur when children are not picked up by 6.30pm closing time.
- 30. The frequency of late pickups depends on the centre but I have found it increasing over the years.
- 31. I charge a late pick up fee of \$2 per minute. I have found the late fee has not been working very well as a deterrent at my centres and parents are simply doing the best they can to try and get to pick-up their children by 6.30pm.
- 32. Annexed and marked 'SET 1' is an example of the sheet that parents must sign when their children are picked up late.
- 33. In my centre in Werribee Wallaby Centre, at least once a week, 1-2 children are being picked up past 6.30pm and two staff members have to stay back every day. The reason for this is that Werribee parents rely on public transport and work in the Melbourne CBD, the main arterial is the Princess Freeway and traffic and car accidents can be an issue.
- 34. By way of example, the other day at Werribee I called the centre at 6.45pm and we had a conversation to the following effect:

I said: Is there a mistake that you have still have children signed in?

Staff said: No, the parents running late and didn't call us to let us know, we had

to call them.

- 35. At the Knox Centre, I have found in the last 12-18 months a large surge of parents picking up their children later than 6.30pm and there is a demand for the Knox Centre to stay open until at least 7.00pm. There is probably a demand to increase it further until 7.30pm but parents are generally only 30 minutes late so at this stage, I would feel confident changing the hours to 7.00pm without surveying/asking the parents given the demand I have seen in the last year.
- 36. If the ordinary hours in the modern award were to be extended, I would open the Knox Centre from 7.00am-7.30pm to:
 - (a) fit in with my parent's lifestyle and working needs; and
 - (b) push the late collection fee back until after 7.30pm.
- 37. In the event of this scenario, I would survey all my parents to see if they would like the Centres to remain open until 7.30 or 7.00pm. In my experience, parents will take any services they can utilise. We might even attract new families join us based on the extended hours.

- 38. In my twenty years of experience, there has always been a need for some services to stay open past 6.30pm especially with shift workers and night workers (such as nurses). However in the last few years there has been an increasing demand for parents to work at all hours. Some parents do night shift, some work longer hours than they ever used to and the expectation of people's workplaces is that they come first. If the Awards were changed to be more flexible and accommodate an array of working arrangements by centres staying open later (in an affordable manner), in my experience, this would help shift workers and flexible workers, those that work past the normal 9.00am-5.00pm a great deal.
- 39. From my experience and talking to other operators, the main reason that centres do not currently stay open until 7.30pm is that if it is rostered, they will have to pay overtime every single night and that cost would have to be put back on the parents, which is not ideal when childcare is already unaffordable for many families.
- 40. I believe that if Knox or Wallaby Centres stayed open till 7.30pm, parents would utilise this service.

Regional Centres

- 41. I have previously worked in Centres which are not as metro and are more suburban such as in Doreen and Werribee. In those Centres there were often issues with travel times for parents having to catch public transport from the city to the centres. In my experience, the further a centre is from the CBD, the later they need the pick-up time to be as travelling from work can present many challenges and 6.30pm was never late enough when I worked at these centres.
- 42. Although every centre is different, I have found that the demands of the parents at the centres I have worked at would certainly be fulfilled by a later closing time.
- 43. When parents are late, often centres (like mine) will charge a fee to deter parents from being late. Unfortunately, this deterrent is not always effective especially in regional areas as parents are sometimes stuck in traffic through no fault of their own and centre managers do not want to add financial burden to an already stressed and upset parent.
- 44. Due to safety, I have to have two staff members stay back to close when parents are running late. We have an agreement to give time in lieu for that extra time that the employees stay back. However, the centres and the employees would benefit from more orderly rostering and would prefer to know they were finishing at 7.30pm than get asked to stay late last minute because a parent hasn't turned up.
- 45. For these employers, there would be a choice for them to open their centre's later if the Awards were changed in order to not disadvantage parents that have to travel a long way to pick up their children.

Staff Meetings

- 46. Another reason to change the operating hours to finish at 7.30pm is for staff meetings and trainings. Due to the fact that there always needs to be a certain ratio regarding children, it is difficult for all my staff to train and meet together.
- 47. If we were able to pay our staff ordinary hours for this, I would be more inclined to put on staff meetings and extra training sessions as I would not have to pay a large group of employees overtime. These meetings are not long (no more than 1 hour) but they create a good working culture, the employees learn and discuss issues amongst themselves but we simply cannot afford these meetings at the moment as we have to roster them outside of opening hours. During operating hours the children have to be our priority.

Overtime

- 48. My centres do not have the resources to pay overtime every night for late pick-ups when parents are fifteen minutes or half an hour late. Even though we charge a late fee, the fee is only \$60 (for 30 minutes) and the average cost of two staff members for 30 minutes is \$45 before any other operational expense of remaining open including electricity etc.
- 49. In the Wallaby Centres, where educators work past 6.30pm, we give the employees ordinary hours as well as time off in lieu which means that they can start or finish earlier/later which I have found they often prefer. At the Wallaby Centres our employees told us that they prefer to be paid for their ordinary hours with time in lieu as a compromise instead of overtime hours.
- 50. At the Knox Centre, I do not have this agreement with my staff as I pay overtime but I really try to limit what I can use as it drains my budget, is very expensive and requires payment immediately (unlike time off in lieu arrangements where the cost can be spread across the month which assists budgeting and cash flow).

Ratios

National Regulatory Requirements

- 51. Operating a childcare centre is complex and requires compliance with many different laws and regulations including for example:
 - (a) Education and Care Act and Education 2010 (Vic) and Education and Care Services National Regulations 2010;
 - (b) Public Health and Wellbeing Amendment (No Jab, No Play) Act 2015 (Vic);
 - (c) Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic);
 - (d) Privacy Act 1988 (Cth);
 - (e) Food Act 1984 (Vic);

- (f) Family Assistance Legislation Amendment jobs for families Child Care Package Act 2017 (Cth)
- (g) The Equal Opportunity Act 2010 (Vic)
- (h) ACECQA ratings (Cth);
- (i) The National Quality Framework (including the national quality standards)(NQF);
- (j) Belonging, Being & Becoming The Early Years Learning Framework for Australia, 2009 (Cth);
- (k) Occupational Health and Safety Act 2004 (Vic), supported by the Occupational Health and Safety Regulations 2017 (Vic);
- (I) Workplace Health and Safety Act.
- 52. The National Quality Standard (**NQS**) is a key aspect of the NQF and sets a national benchmark for early childhood education and care. The NQS has 7 key quality areas including:
 - (a) Quality Area 1 Educational program and practice;
 - (b) Quality Area 2 Children's health and safety;
 - (c) Quality Area 3 Physical environment;
 - (d) Quality Area 4 Staffing arrangements;
 - (e) Quality Area 5 Relationships with children;
 - (f) Quality Area 6 Collaborative partnerships with families and communities; and
 - (g) Quality Area 7 Governance and leadership.

Quality Area 4: Staffing Arrangements

- 53. Quality Area 4 relates to staffing arrangements and includes making sure we provide continuity of care for the children in the way we arrange staff. This is a separate law and distinct from the legal requirement to have certain educator-child ratios in a centre. Quality Area 4 is about creating safe and predictable environments for children that encourage active engagement from the children.
- 54. Childcare centres need to think about a number of laws when organising and arranging staff including:
 - (a) WHS laws for safety in being alone in buildings even though regulations allow one person to be with children in suitably qualified; and
 - (b) any laws about rostering, ordinary hours, overtime and maximum hours from the Awards.

Educator - Child Ratios & Qualification Requirements

55. Under the NQF staff to child ratios and minimum staff qualification levels are mandated nationally. Educator-to-child ratios are different according to the age of the children at the

centre.

- 56. Under the Education and Care Services National Regulations 2010 (National Regulations); 50% of our employees are also required to be diploma qualified or actively working towards a diploma (Qualification Requirements). The remaining employees must be cert. III qualified or working towards a cert. III.
- 57. Educator-to-child ratios and Qualification Requirements for centre-based services (such as long day care and preschool services) in Victoria are as follows:

Age of children Educator to child ratio (\		Qualification Requirement
Birth to 24 months (0-2)	1:4	
24-36 months	1:4	at least 50% of
Over 36 months up to and including preschool age (over 3-4yrs)	1:11	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; and
		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.
Over preschool age	1:15	

- 58. To deal with the ratio and Qualification Requirements, I structure each room of children at my centre using the same age brackets as the ratio requirements above.
- 59. For example at the Knox Centre some of my rooms are as follows:
 - (a) The Nursery (0-24 months)

- (i) This room currently has 15 children. The ratio for this room is regulated as 1:4, therefore I must ensure a minimum of 4 employees are working <u>directly</u> with children.
- (b) Toddlers Room (2 3 years Room)
 - (i) This room has 15 children. The ratio for this room is regulated as 1:4, therefore I must ensure a minimum of 4 employees are working **directly** with children.
- (c) Pre Kinder Room (3-4 years)
 - (i) This room as 15 children. The ratio for this room is regulated as 1:11, therefore I must ensure a minimum of 2 employees are working <u>directly</u> with children.
- (d) Kinder Room (4-5 years
 - (i) This room as 15 children. The ratio for this room is regulated as 1:11, therefore I must ensure a minimum of 2 employees are working <u>directly</u> with children.

Early Childhood Teacher Requirements

- 60. In addition to the ratio requirements that require a certain number of educators per child, there are ratio requirements to have a certain number of qualified early childhood teachers (ECT) per child.
- 61. In Victoria the ratio of ECTs to children is one full-time ECT must be at the service if there are 25 or more children being educated and cared for on a given day. Annexed and marked 'SET-2' is a copy of the Victorian State Government Education and Training summary on ECT requirements.
- 62. In addition we have a requirement that an ECT provides 15 hours of contact per week for 40 weeks per child. We must comply with this in order to receive funding from the government which we can put back into the centre or use to pay the ECTs wage which is higher than other educators.
- 63. There is also a change that is being made in January 2020 which will see a requirement for a second ECT for services with 60 or more children (regulation 133(1)(b) and 134(1)(b) of the Education and Care Services National Regulations 2010.
- 64. In practice, this means that I must carefully oversee and manage my staffing numbers at each of my services to ensure that we are always meeting our ratios and legislative requirements. This is quite difficult as there are so many different restrictions that all need to fit together. Managing fluctuations in occupancy without casual staff would be impossible. Having the ability to modify the shift times of staff around the needs of families is imperative to not breach the strict ratio requirements while still maintaining viability of service and affordability for families.

Rostering

65. As the owner of the Knox Centre and Operations Manager of the Wallaby Centres, I oversee and manage the rostering of the employees at the Centres.

Preparing and planning a roster

- 66. I try to be as organised as possible with my permanent staff regarding their rosters. I aim to send out our rosters several months in advance so that they can arrange themselves and are aware of the set number of hours and days for the months ahead.
- 67. I like to work with rosters on rotation as it gives consistency. It means that both the parents, the employees and I know:
 - (a) who is in each room;
 - (b) how many children are in each room;
 - (c) how the children relate to those employees who are in each room; and
 - (d) also how those staff members relate to each other.
- 68. If centres are not compliant with ratio requirements, Qualification Requirements or parents (or employees) feel that there is no consistency of care (Quality Area 4) they can lodge a complaint with Department of Education and your centre may receive a warning, have its status downgraded or worse be shut down.

An example of a roster

- 69. Some of our services work on four, five or six week rosters depending on the staff numbers. Two examples rotating rosters are attached at Annexure 'SET-3'.
- 70. I attempt to plan my whole year well in advance however; there are always variables with people being on annual leave or sick leave etc. We aim to give out our final rosters at least 7 days in advance and they should not have many differences at all.
- 71. We roster our employees on and off as the need goes up and down with the middle of the day being our busiest time and the mornings and evenings being the quietest. We roster the starting and closing times of our employees to fit in with this rationale. For example as you can see on the roster, we will have a staff member starting at:
 - (a) 7.00am;
 - (b) 7.30am;
 - (c) 8.00am.
- 72. We then are able to have employee's finish their 8 hour shifts (or shorter if they are part-time and have asked for shorter hours) at:
 - (a) 5.00pm;
 - (b) 5.30pm;
 - (c) 6.00pm; and
 - (d) 6.30pm.

- 73. This enables a tapered closing as the children decrease in numbers after 3.00pm until 6:30pm.
- 74. I have found in Knox and Wallaby Centre's that many mothers after they have children want to have both the flexibility and certainty of permanent part-time employment. If I do not have the flexibility to change someone's shift, it becomes impossible for me to accommodate people coming and leaving the business for legitimate reasons such as a child's play at school, parent teacher meetings, doctors appointments etc.
- 75. We have a pool of casual employees who we can call if somebody is sick at the last minute but this is not our desired approach as:
 - (a) we need to make sure the casuals have appropriate qualifications to suit our Qualification Requirement;
 - (b) we have to pay more for casuals (especially if they are labour hire);
 - (c) sometimes we have to re-roster other employees to make sure a casual is not opening or closing (as we require an experienced/trusted employee to do this task);
 - (d) casual employees do not have the same continuity of care benefits that permanent staff members (who see the children every day) do.

An example of a last minute change

76. One of my educators called and we had a conversation to the following effect:

Educator said: My car has broken down. I can't come in straight away. How about I let you

know in a few hours whether or not I can make it in today.

I said: No, you will need to let me know immediately if you cannot come in as I

need to make sure our ratios are compliant and I will have to call

around and get a casual if you are not coming in.

- 77. In this scenario because of ratios, I need to get a casual employee in as soon as possible to cover the entire 8 hour shift. To comply with the Awards, I cannot call that casual employee in for less than two hours so I have to tell my employee to take the day off unless she can get someone to switch shifts with her at the last minute. If no one is willing to do that, then we have no option but to call a casual employee in. It is not just better for me to be able to change the 7 day notice period but better for her so that she does not have to take the day on leave without pay or use her annual leave entitlements.
- 78. I usually find that employees will try to accommodate their fellow employees mainly because they are friends and will need a favour returned in the not too distant future.
- 79. We will pay our casual employees the Award rate of approximately \$29.39 if they are a Certificate III employee (which is the Awards plus casual loading).

- 80. If we cannot find a suitable casual we will have to call an agency. We really dislike doing that as a Certificate III qualified agency casual is \$49.21 for an hour before GST. This is our last resort for two reasons:
 - (a) it is extremely expensive; and
 - (b) they do not know the child which is not ideal for the children, the other staff in the rooms or the parents.
- 81. As I do not have a specific "childcare qualification" (eg; Certificate III, diploma or early childhood teaching degree) as required by ACECQA for ratios, I cannot simply "step in" to fill ratio numbers last minute, even though I have a Bachelor of Teaching in Secondary Education. I know of other centre providers that have these certificates/degrees and it can make rostering last minute changes easier.
- 82. I respect my employees and understand that I need to provide notice so that they can organise their lives however, I truly believe that there are last minute situations because of human nature, where because of the ratio and legislative requirements, we can ask employees if we can change their roster in certain circumstances that cannot be planned for e.g. taking their dog to the vet, their child is sick or their hot water system broke.

7 day rostering requirement does not work for childcare

- 83. As much as I try to keep consistency, human nature has variables and if the Awards stayed as inflexible as they are with the 7 day notice requirement, I would have to employ all of my permanent employees as casual employees.
- 84. Employing my staff as casual employees is a lose/lose situation for all those involved whether it be parents, staff, management and most importantly, the children. This is not good for the staff as they do not receive their entitlements and have no certainty, not good for the children who build relationships and trust with the staff and not good for the parents who want to know who is taking care of their loved ones. I also am not currently permitted to do this under the Children's Services Award as casuals are only supposed to be engaged for temporary or relief purposes.
- 85. I believe that the ACA's modern award changes will promote flexible modern work practices. I believe that it will promote a better culture of professional development allowing providers to pay educators at an ordinary rate to attend training after a centre closes. It would also allow:
 - (a) services to provide hours of care that actually meet and satisfy their families needs; and
 - (b) services to give staff consistent/set finish times (rather than being asked to work overtime last minute when parents don't turn up).
- 86. It would remove the negativity around staff having to stay back for children that haven't been collected on time by parents if services change operational hours. It could also have the effect of centres removing the 'late charge' which would benefit affordability for families.

87. The Awards currently need to be updated to use terminology used in the sector and linked to the Education and Care Act and Education 2010 (Vic) and Education and Care Services National Regulations 2010. Childcare is a ever evolving market and to stay in the game, services need to adapt to the needs of the families that they currently service and will service of be eaten up by other providers.

The Unions' Changes

88. I have read the proposed changes to the Awards proposed by the Arrabaldes (Individuals), United Voice (UV) and the Independent Education Union (IEU) (Unions). Where applicable, I have responded to the proposed changes below.

UV Change - Responsible Person Allowance

89. I have read that UV seeks to insert a provision into the Children's Services Award which will give an hourly allowance to the person allocated to being the 'Responsible Person' at a centre.

History of the term 'Responsible Person'

- 90. From my experience, I know that the concept and duties of a 'Responsible Person' has existed in Victoria for decades and I believe it existed as early as the commencement of the *Children's Services Act 1996* over twenty years ago.
- 91. It is true that the new National Regulations in 2012 redefines the 'Responsible Person' as a person who is either:
 - (a) the Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider); or
 - (b) a Nominated Supervisor or Certified Supervisor who has been placed in day-to-day charge of the service in accordance with the National Regulations; or
 - (c) another person in day-to-day charge of the service.
- 92. However, this is inherently the same role with a different name as to what existed in Victoria in 1996.
- 93. In 1996, the legislation required childcare providers to complete a form when obtaining their licence to operate. The application had to state "whether the proprietor intends to be present at the premises where the children's service is to operate at all times or to employ a person to manage or control the children's service in the absence of the proprietor." This chosen person, although not specifically termed the 'Responsible Person' was the person who managed and controlled the centre in the absence of the proprietor and was the same role as the 'Responsible Person' carries out today.

¹ Section 9, Children Services Act 1996.

94. From a Victorian perspective, all the National Laws did was codifying that it was an offence to operate a service unless there was a 'Responsible Person' present and that there was a penalty that could be enforced under section 162 of the National Regulations. This requirement already existed and this role already existed in Victoria (albeit there was no penalty for an Approved Provider like there is now).

Duties of Responsible Person already in Awards

- 95. There are no duties of a 'Responsible Person' according to the legislation. Under section 162 of the National Regulations, the requirement is that a 'responsible person is present' 'at all times that the service is educating and caring for children'. It then goes on to state that the person could be an approved provider, nominated supervisor or person in day-to-day charge of the service.
- 96. Level 4, 5 and 6 of the Children's Services Award already classifies and compensates any 'Responsible Person' for doing any duties associated with being present at a service. In fact the Children's Services Award goes further and compensates employees who have 'responsibilities' as follows:

Level/Classification	Duties
Level 4	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.
Level 5	 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.

Level 6	 Responsible for the overal
	management and administration of
	the service.

- 97. In the Knox Centres alone, I have 9 people who are qualified and can fill the 'Responsible Person' role on-site at any one time. This is made up of:
 - (a) 1 Director and Nominated Supervisor who is paid at a Level 6;
 - (b) 1 Assistant Director who is paid at a Level 5; and
 - (c) the rest being 7 responsible people who are paid at a Level 4 who only fill the title/role for approximately 1.5 to 2 hours per day generally early in the morning or in the evening.
- 98. It is clear that the Award is meant to compensate for the responsible person allocation (as required by the legislation) regardless of the employee's level or any other role they hold.

Administration

- 99. If this allowance was created in the Awards by the Fair Work Commission, it would be very difficult to comply with. I have 9 people who fulfil this role and whoever is fulfilling this role can change at various times throughout the day. For example, if the Director is unavailable for a few minutes then there is someone acting as the 'Responsible Person.' Another example is that it is early in the morning and the opening person is the Responsible Person a brief period until the Director or Assistant Director arrives at work. It would be administratively very difficult to calculate down to the minute for the hourly allowance who is fulfilling the 'Responsible Person' role on any given day.
- 100. Administering this allowance will take time away from the Nominated Supervisor who would be administering this and ultimately spending less time working on the core duties of their role within the service. Alternatively, potentially an administration person would need to be hired to complete the extra burden placed on the time restraints placed on Nominated Supervisors and Approved Providers by complying with added clauses to the Children's Services Award.

UV Change - Educational Leader Allowance

- 101. UV also seeks to insert a weekly allowance which would apply to the person who is the designated 'Educational Leader'. My Centre's Educational Leader is already being compensated for doing her job and the allowance is unnecessary.
- 102. Educational Leaders at my Centres are generally classified as a Level 5 in the Children's Services awards because they are co-coordinating and directing the activities of employees engaged in the implementation and evaluation of developmentally appropriate programs.
- 103. The Knox and Wallaby Centre's Educational Leader is paid under the Teachers Award and is paid \$2.50 an hour above the Award rate plus an additional 2 weeks of paid annual leave per

- year. I believe that the Educational Leader is already being compensated adequately for the role they perform, taking into account the responsibilities of the job.
- 104. In the Knox and Wallaby Centres, the Directors used to oversee the education of the Centres as a whole and assist Room Leaders for the education in their particular rooms however, since the National Regulations I have had to employ an Educational Leader. So there was always someone doing these duties, just not full-time and they didn't always have the title of educational leader.

UV Change - Training Clause

- 105. UV is seeking a clause to ensure that all training costs (inclusive of First Aid training) is to be paid for all levels of employees and for those employees to be paid as time worked while they are completing that training.
- 106. The Children's Services Award only requires that I pay for employees First Aid Training if they are below a Level 3 and I require them to have First Aid Training. Despite this, I pay for all my staff to do First Aid training.
- 107. The First Aid training costs my business approximately \$140/per person as well as paying for their CPR training annually which costs for \$45. I bare this financial burden however, I do not pay my employees to complete the training and as I am providing them career assistance and training.
- 108. Last financial year I also spent approximately \$7500 in professional development for my employees. If I had to pay their wages as well I would possibly provide less training for the staff members as it would be unaffordable to pay for both wages and the training. Providing training should be optional for the employer depending on that services financial health and the eagerness of the employees to upskill.

UV Change - Annual Leave

- 109. UV is seeking for employees to be paid at their ordinary rate if they are directed to go on annual leave but have insufficient leave accrued. The Knox and Wallaby Centres have demand all year round so they only close on the public holidays.
- 110. If there was a change in demand in my Centres, I might have considered closing over that period however, if I have to pay my employees at an ordinary rate over this period even if no leave has accrued, I would just roster on the employees who have no leave to work and therefore it would not be financially viable to shutdown over this period.

IEU Change - Coverage of degree qualified Directors

- 111. My understanding is that the IEU is seeking for Directors with teaching qualifications to be paid under the Teachers Award even if they are not directly using their teaching to deliver an educational program.
- 112. I do not have any Directors with teaching qualifications and it is possible if this change was made by the Fair Work Commission, I might be more hesitant about hiring a Director with a teaching degree as I will have to pay that employee more when they are not using those skills in the Director role.

IEU Change - Casual minimum engagement

- 113. 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.
- 114. I do not employ any casual teachers, but if I did, they would be paid a minimum of a quarter of day when they perform a quarter of a day and be paid for half a day when they perform half a day's work.

Sarah Tullberg

9 April 2019

"SET-1"

Centre Roll Name	ParentID Child Last Child First Child Middle Fee Name Ti		Time In 2 Time Out 2	Signed In By - Contact Signed Out By Signed (Roll Date	Signed Al Abs Time
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Wallaby Childcar 1. Nursery		8:39 AM 05:31 PM		01/02/2019	
Wallaby Childcar 2. Junior Toddler		9:18 AM 05:49 PM		01/02/2019	
Wallaby Childcar 2. Junior Toddler		7:38 AM 05:20 PM		01/02/2019	
Wallaby Childcar 2. Junior Toddler		9:30 AM 05:34 PM		01/02/2019	
Wallaby Childcar 2. Junior Toddler	Standard Abs			01/02/2019	01/02/2019
Wallaby Childcar 2. Junior Toddler		8:30 AM 05:58 PM		01/02/2019	
Wallaby Childcar 2. Junior Toddler		8:30 AM 05:58 PM		01/02/2019	
Wallaby Childcar 2. Junior Toddler		7:49 AM 03:32 PM		01/02/2019	
Wallaby Childcar 2. Junior Toddler		8:57 AM 04:06 PM		01/02/2019	
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Wallaby Childcare 7. Kinder	Normal	08:37 AM 04:32	2 PM	05/02/2019
Wallaby Childcare 7. Kinder	Normal	08:52 AM 04:46	5 PM	05/02/2019
Wallaby Childcare 7. Kinder	Normal	10:10 AM 05:33	3 PM	05/02/2019
Wallaby Childcare 7. Kinder	Normal	08:46 AM 02:37	7 PM	05/02/2019
Wallaby Childcare 7. Kinder	Normal	08:59 AM 05:43	3 PM	05/02/2019
Wallaby Childcare 7. Kinder	Normal	10:31 AM 05:12	2 PM	05/02/2019
Wallaby Childcare 7. Kinder	Normal	08:41 AM 04:33	3 PM	05/02/2019
Wallaby Childcare 7. Kinder	Normal	09:30 AM 04:44	1 PM	05/02/2019
Wallaby Childcare 7. Kinder	Normal	07:27 AM 05:58	3 PM	05/02/2019

Centre Roll Name P	arentID Child Last I Child First Child Middl Fee Nan	o Timo In	Time Out	Time In 2 Time Out	Signed In Signed (Signed In Signe	ad Out ' Ball Data	Signed Ahs Time
Knox Childcare 1 BABIES	Normal	09:00 AM		Time in 2 Time Out	Signed in Signed (Signed in 2 Signe	15/02/2019	0
Knox Childcare 1 BABIES		09:39 AM				15/02/2019	
	Normal						
Knox Childcare 1 BABIES	Normal	08:11 AM				15/02/2019	
Knox Childcart 1 BABIES	Normal	07:06 AM				15/02/2019	
Knox Childcare 1 BABIES	Normal	08:34 AM				15/02/2019	
Knox Childcare 2 TODDLEF		08:06 AM	06:31 PM			15/02/2019	
Knox Childcare 2 TODDLEF		Absence	0/47.014			15/02/2019	
Knox Childcare 2 TODDLEF	Normal	08:49 AM				15/02/2019	
Knox Childcare 2 TODDLEF	Normal	07:26 AM				15/02/2019	
Knox Childcare 2 TODDLEF	Normal	07:01 AM	05:31 PM			15/02/2019	
Knox Childcare 2 TODDLEF		Absence				15/02/2019	
Knox Childcare 2 TODDLEF		Absence				15/02/2019	
Knox Childcare 2 TODDLEF	Normal	07:05 AM				15/02/2019	
Knox Childcare 2 TODDLEF	Normal	08:03 AM				15/02/2019	
Knox Childcare 2 TODDLEF	Normal	09:11 AM				15/02/2019	
Knox Childcare 2 TODDLEF	Normal	07:57 AM				15/02/2019	
Knox Childcare 2 TODDLEF	Normal	08:57 AM	04:49 PM			15/02/2019	
Knox Childcare 2 TODDLEF		l Absence				15/02/2019	
Knox Childcare 2 TODDLEF	Normal	08:10 AM				15/02/2019	
Knox Childcare 2 TODDLEF	Normal	09:28 AM				15/02/2019	
Knox Childcar∈3 PRE KIND	Normal	08:10 AM				15/02/2019	
Knox Childcar€3 PRE KIND	Normal	10:24 AM	06:32 PM			15/02/2019	
Knox Childcar€3 PRE KINC	Normal	08:01 AM	04:55 PM			15/02/2019	
Knox Childcar∈3 PRE KINC	Normal	07:40 AM	04:25 PM			15/02/2019	
Knox Childcar∈3 PRE KINC	Normal	08:25 AM	04:46 PM			15/02/2019	
Knox Childcar∈3 PRE KINC	Normal	09:09 AM	03:26 PM			15/02/2019	
Knox Childcar∈3 PRE KINC	Normal	08:12 AM	06:07 PM			15/02/2019	
Knox Childcar∈3 PRE KINC	Normal	09:11 AM	03:57 PM			15/02/2019	
Knox Childcare 3 PRE KIND	Normal	07:33 AM	05:12 PM			15/02/2019	
Knox Childcare 3 PRE KIND	Normal	08:47 AM	06:04 PM			15/02/2019	
Knox Childcare 4 KINDER	Normal	09:10 AM	06:31 PM			15/02/2019	
Knox Childcare 4 KINDER	Normal	09:45 AM	05:24 PM			15/02/2019	
Knox Childcare 4 KINDER	Normal	08:15 AM	06:08 PM			15/02/2019	
Knox Childcare 4 KINDER	Normal	09:50 AM	04:58 PM			15/02/2019	
Knox Childcare 4 KINDER	Normal	10:24 AM	03:47 PM			15/02/2019	
Knox Childcare 4 KINDER	Standard	Absence				15/02/2019	15/02/2019
Knox Childcare 4 KINDER	Standard	Absence				15/02/2019	28/02/2019
Knox Childcare 4 KINDER	Normal	08:24 AM	06:31 PM			15/02/2019	
Knox Childcare 4 KINDER	Standard	l Absence				15/02/2019	20/02/2019
Knox Childcare 4 KINDER	Normal	07:57 AM	05:11 PM			15/02/2019	
Knox Childcare 4 KINDER	Normal	10:00 AM	05:35 PM			15/02/2019	
Knox Childcare 4 KINDER	Normal	09:46 AM	05:08 PM			15/02/2019	
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"SET-2"

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For early childhood professionals

Regulation and quality assessment

Early childhood teacher centre-based services

This page outlines the early childhood teacher requirements that apply to Victorian centre-based services providing education and care to children preschool age or under and operating under the National Quality Framework.

The information is about the early childhood teacher requirements in the Education and Care Services National Regulations 2011 (National Regulations).

Information about the additional early childhood teaching requirements as they apply to services operating a funded kindergarten program can be found in the following resources:

- Early childhood teacher requirements for funded kindergarten programs
- <u>Kindergarten Guide 2015</u>

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What is the role of the early childhood teacher?

The early childhood teacher should contribute to the quality of education and care and better learning outcomes for all children being educated and cared for in a range of ways including working directly with the children and providing mentoring, coaching and support to other educators.

Does my service need to have an early childhood teacher?

- An early childhood teacher is not required for services whose main purpose is to provide education and care to children over preschool age.
- All other centre-based services operating under the National Quality Framework are required to have an early childhood teacher. The number of hours you are required to have an early childhood teacher will depend on the number of children aged preschool age or under at your service. The following table outlines the requirements:

Number of children preschool age or under	Number of children preschool age or under	Number of children preschool age or under
Fewer than 25 approved places (r130) 25 or more approved places but fewer than 25 children being educated and cared for (r131)	The service must have access to an early childhood teacher working with the service for at least 20 per cent of the time that the service provides education and care.	The early childhood teacher is not required to be present at the service and may be working with the service by means of information communication technology. The period that the early childhood teacher works with the service may be calculated on a quarterly basis. Any period that an early childhood teacher is in attendance at the service, as required by regulation 132, may be counted towards the period of
		access to an early childhood teacher.

25 or more children being educated and cared for on a given day (r132-134) An early childhood teacher must be **in attendance at the** service:

- at least 6 hours on that day, if the service operates for
 50 or more hours a week; or
- 60% of operating hours of the service on that day, if the service operates for less than 50 hours a week.

OR

The service engages a full time or full time equivalent early childhood teacher (regulations 132(2), 133(2), 134(2)).

An early childhood teacher is **in attendance at the service** if they are physically present at the service and carrying out education and care activities at the service including:

- working directly with children;
- planning programs;
- mentoring, coaching or supporting educators;
- facilitating education and care research;
- performing the role of educational leader of the service (see regulation 118).

The requirement for a second early childhood teacher for services with 60 or more children (regulations 133(1)(b) and 134(1)(b)) does not come into effect until 1 January 2020.

Early childhood teacher qualification requirements

What is an approved early childhood teaching qualification?

The Australian Children's Education and Care Quality Authority (ACECQA) publishes on their website the qualifications that have been approved for the purposes of the National Law. This list includes the qualifications that are approved for early childhood teachers, diploma level qualified educators and certificate level qualified educators. If the educator's qualification is not on the approved or former approved qualifications lists refer to the Educator to child ratios - centre-based services fact sheet.

For information about the assessment of qualifications by ACECQA (see under 'approved qualifications').

Who can be recognised as an early childhood teacher?

Any of the following are recognised:□

- The person holds an approved or former approved early childhood teaching qualification, or equivalent, as listed on the ACECQA website. For more information, see <u>Qualification list</u>
- The person holds a primary teaching qualification that includes at least a focus on children aged 5-8 (e.g. a qualification with a focus on children aged 3-8 or 5-12); and:
- - has Australian teacher registration or accreditation
 - holds an approved diploma level or higher education and care qualification.
- Any of the other circumstances that are outlined in regulation 241 (If you believe that any of these circumstances apply to an educator at your service please contact the Department for further information. The Department's contact details are at the end of the fact sheet).

Counting the early childhood teacher in the diploma level qualified educator to child ratios

To be included in the diploma level educator to child ratios the early childhood teacher must be working directly with children.

An educator who is actively working towards an early childhood teaching qualification and can provide evidence to the approved provider that they have completed 30 per cent of the course can be counted in the diploma qualified educator to child ratios. If they have completed less than 30 percent of the course the educator can be counted in the certificate III level educator to child ratios.

A table identifying when an educator can be counted in the diploma level ratios can be found in the <u>Early childhood teacher requirements for funded</u> <u>kindergarten programs fact sheet</u>.

A person is working directly with children at a given time if at that time the person:

• is physically present with the children

• is directly engaged in providing education and care to the children (regulation 13).

Early childhood teacher leave and absences

If the early childhood teacher is absent due to short term illness or leave, they can be replaced by a person who holds an approved diploma level qualification or primary teaching qualification for no more than 60 days in any 12 month period (regulation 135). This person may be counted in the diploma qualified ratios when they are working directly with children. However, a person holding a diploma level qualification does not meet the kindergarten funding criteria.

Record of access to early childhood teachers

The National Regulations require the approved provider of a centre-based service to keep a record of the children's access to an early childhood teacher (regulation 152):

- If the service provides education and care to fewer than 25 children preschool age or under the record must include the period that an early childhood teacher is working with the service in accordance with regulation 130 or 131(2) and the periods that the early childhood teacher is working directly with children and is not working directly with children.
- If the service provides education and care to 25 or more children preschool age or under the record must include the period that an early childhood teacher is in attendance at the service.

Waivers

If the service is unable to comply with the early childhood teacher requirements the approved provider may apply for a temporary waiver. The purpose of the waiver is to give the service additional time to meet this requirement. The waiver, if granted, will generally be subject to certain requirements that the service must meet. These requirements will depend on the particular circumstances of the service including, for example, the maximum number of children the service is approved to educate and care for. The service's compliance with all other requirements of the National Quality Framework is taken into consideration when assessing a waiver application.

Further information about the waiver application process can found in the Waivers (general information) fact sheet.

Funding support

Kindergarten funding

If you have an early childhood teacher at the service working directly with children who holds a qualification published by ACECQA as an approved early childhood teacher qualification you may wish to consider providing a funded kindergarten program. Service providers must meet the criteria set out in the Kindergarten Guide 2015 in order to receive any type of kindergarten funding.

Note that funding eligibility has particular requirements for early childhood teachers. For further information is provided in the <u>Early childhood teacher</u> requirements for funded kindergarten programs fact sheet and the <u>Kindergarten Guide 2015</u>.

Qualifications scholarships

A range of scholarships are available to assist services to meet the qualification requirements of the National Quality Standard and the National Regulations. For more information see 2019 Early Childhood Teacher Scholarships.

Further information

The Australian Children's Education and Care Quality Authority is the national, independent statutory authority governing the National Quality Framework.

Phone: 1300 422 327

Email: enquiries@acecqa.gov.au

Web: ACECQA

The Department of Education and Training is the Regulatory Authority in Victoria.

Phone: 1300 307 415

Email: licensed.childrens.services@edumail.vic.gov.au

Web: Regulation and Quality Assessment

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https://www.education.vic.gov.au/childhood/providers/regulation/Pages/centre-basedservices.aspx

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We respectfully acknowledge the Traditional Owners of country throughout Victoria and pay respect to the ongoing living cultures of First Peoples.





NEW ROSTER 2019

04/02/2019

7-3pm	Deb	7-3pm	Jean
730-330	Bianca	815-415pm	Annika
830-430	Christine	845-445pm	Rebecca
930-530	Kaela	945-545pm	Karen
1030-630pm	Michelle	1030-630pm	ISS/PLAN

18/02/2019

7-3pm	Kaela	7-3pm	Karen
730-330	Michelle	815-415pm	ISS/PLAN
830-430	Deb	845-445pm	Jean
930-530	Bianca	945-545pm	Annika
1030-630pm	Chrisitne	1030-630pm	Rebecca

04/03/2019

7-3pm	Bianca	7-3pm	Annika
730-330	Christine	815-415pm	Rebecca
830-430	Kaela	845-445pm	Karen
930-530	Michelle	945-545pm	ISS/PLAN
1030-630pm	Deb	1030-630pm	Jean

11/02/2019

7-3pm	Michelle	7-3pm	ISS/PLAN
730-330	Deb	815-415pm	Jean
830-430	Bianca	845-445pm	Annika
930-530	Chrisitne	945-545pm	Rebecca
1030-630pm	Kaela	1030-630pm	Karen

25/02/2019

7-3pm	Christine	7-3pm	Rebecca
730-330	Kaela	815-415pm	Karen
830-430	Michelle	845-445pm	ISS/PLAN
930-530	Deb	945-545pm	Jean
1030-630pm	Bianca	1030-630pm	Annika

Set Roster

8-4pm	Emily
915-515	Rajni
915-515	Carina
745-245	Chloe

[#] Roster may change depending on numbers/ratio's or requirements of the centre with 7 days notice #

	Week 1	Week 2	Week 3	Week 4
6:30-10:30	Lisa	Lisa	Lisa	Lisa
7:30-12:30	Ishwinder	Ishwinder	Ishwinder	Ishwinder
6:15	Lisa D	Kim	Simran	Sandra
6:15	Shanna	Ana	Kylie	Uda
6:45	Ollie	Renee	Sonia	Bhavyata
7:00	Lana	Yaso	Eve	Malama
7:00	Kylie	Nitisha	Kamal	Ana
7:15	Bernie	Manjeet	Uda	Shahidan
7:15				
7:30	Eve	Sandra	Jess	Leni
7:30	Lena	Lisa D	Adele	Simran
7:45	Adele	Shanna	Renee	Eka
8:00	Martha / Wendy	Malama	Lana	Yaso
8:00	Bhavyata	Selome	Ana	Selome
8:15	Eka	Ollie	Yaso	Manjeet
8:15	Shahidan	Bernie	Kim	Kamal
8:30	Shirley	Shirley	Shirley	Shirley
8:30		Sha	Manjeet	Sha
8:45	Nicole	Nicole	Nicole	Nicole
9:00	Aman	Aman	Aman	Aman
9:00	Sha		Martha / Wendy	Jess
9:15	Jess	Martha / Wendy	Sha	Martha/Wendy
9:30	Simran	Lena	Lisa D	Renee
9:30	Uda	Ges	Shanna	Sonia
9:30	Nitisha	Eve	Malama	Nitisha
9:45	Selome	Bhavyata	Selome	Ges
9:45	Sonia	Shahidan	Ollie	Adele
9:45	Kamal	Eka	Bernie	Kim
10:00	Malama	Adele		
10:00	Yaso	Jess	Ges	Lana
10:00	Manjeet	Simran	Shahidan	Bernie
10:15	Sandra	Uda	Nitisha	Eve
10:15	Ges	Kamal	Lena	Kylie
10:15	Renee	Sonia	Eka	Ollie
10:30	Ana	Lana	Sandra	Lisa D
10:30	Kim	Kylie	Bhavyata	Shanna
3:00-630	Lisa	Lisa	Lisa	Lisa
lannifor	0.00 a m to 4.00 n m	Daylono 9.20	0 a m +a 4 20 n m /F 00 n	m on a Wadnasday

Jennifer 8.00 a.m. to 4.00 p.m.

Raylene 8.30 a.m. to 4.30 p.m. (5.00 p.m. on a Wednesday)