

From: Wegener, Melissa (DECD) [mailto:Melissa.Wegener@sa.gov.au]
Sent: Thursday, 21 July 2016 4:07 PM
To: AMOD
Cc: Dwiar, Lisa (DECD); Haynes, Rebecca (DECD); Rumppe, Aleksis (DECD); Casey, Donna (DECD); Francesca, Julie (DECD)
Subject: RE: Submission Review of the Children's Services Award 2010 [DLM=For-Official-Use-Only]

For Official Use Only

To whom it may concern,

Please find detailed below a submission relating to the drafting and technical issues of the *Children's Services Award 2010* (CSA) on behalf of the Employee Relations Unit and the OSHC Unit of the **Department for Education and Child Development (DECD), South Australia**.

The concerns of DECD in relation to the CSA can be categorised into three main topics:

Classification Structure - Employees (Schedule B.1.1 to B.1.8)

DECD often receive questions as to the interpretation of Schedule B of the CSA from OSHC Services, particularly in regards to how to classify employees who have 'qualifications'.

The crux of the issue is that the CSA identifies formal qualifications an employee may possess in order to be classified at a particular level, however also lists indicative duties of an employee at this level. It is unclear which of these criteria take precedent where a conflict between the employee's attained qualifications and the duties they have been hired to complete exists.

Situations have arisen at OSHC Services where employees who have attained a qualification equivalent to that recognised in Schedule B.1.4 of the CSA, yet have been engaged by the OSHC service to only undertake the duties of an employee engaged in Schedule B.1.1 or B.1.2 of the Award. Confusion has resulted from mixed interpretations of whether an employee should be classified primarily by the qualifications they hold, or purely by the duties they have been engaged to perform.

The interpretation that DECD have taken is that an employee's classification should be primarily dictated by the duties that the employee is engaged to perform, unless they are engaged as a "qualified educator" for the purposes of the child/educator ratio – then in this case, their classification will be determined by their qualification.

It is suggested that the weight of qualifications v duties be reviewed to suggest which criterion better determines the correct classification level for the employee.

Classification Structure - Directors (Schedule B.1.9 to B.1.10)

DECD are concerned that the terminology used in Schedule B.1.10(a)-(e) of "licensed" does not reflect the current process for approval under the National Quality Framework (NQF). DECD have received questions regarding the correct classification of Directors due to confusion regarding "licensing" v "approved places".

It is suggested that the CSA is amended to reflect current site/services practices and align with the terminology used in the NQF to avoid confusion.

Qualification Allowance (Clause 15.6)

DECD is concerned that the wording in Clause 15.6 is ambiguous as to what a “Graduate Certificate” is, and does not clearly define the qualification required to be eligible for the allowance. There is further concern that it is not clear whether this Graduate Certificate is a post-Diploma certificate, or a post-Degree certificate. This inconsistency has also been highlighted by Network SA.

It is suggested that the wording is updated to provide some clarity as to where the Graduate Certificate sits in the qualification hierarchy and who is available to claim the allowance.

The Employee Relations Unit and OSHC Unit on behalf of DECD respectfully submit that the Fair Work Commission consider the above submission in their review of the *Children’s Services Award 2010*.

For any further information on the above submission, please contact the Employee Relations Unit via melissa.wegener@sa.gov.au or by telephone on 8226 1908.

Kind regards,

Melissa Wegener

Employee Relations Consultant, Education & Early Childhood

People and Culture Division / Office for Corporate Services

Department for Education and Child Development / 31 Flinders Street, Adelaide SA 5000

t (08) 8226 1908 e melissa.wegener@sa.gov.au w www.decd.sa.gov.au

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