



Community Child Care Association

Portable Long Service Leave Scheme – Consultation on Draft Regulations

For
Department of Premier and Cabinet

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Community Child Care Association

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About Community Child Care Association

Established in 1971, Community Child Care Association (CCC) is the voice of community-based education and care services in Victoria. Building a strong and responsive sector is at the heart of what we do. We're active right across the state, providing leadership and advocacy, working with governments, and supporting education and care services to deliver high quality services to children and families. Here to help services transform their vision into practice, we offer membership, quality professional learning and consultancies.

Our 600+ members rely on us for free professional advice and support, and to keep them up to date with industry standards, best practices and new regulations and government policy impacting on them. Our heritage and reputation as a sector leader mean we're the go-to place for inquiries and projects, including the Victorian Inclusion Agency.

Our deep community connections and role as the peak body for community-owned, not-for-profit education and care services make us well placed to lobby key decision makers. We are proactive in the evolution of the children's education and care sector, our focus is on quality service and outcomes.

Community Child Care Association (CCC) supports the introduction of a Portable Long Service Leave Scheme (PLSLS) both for our own organization and for children's services. CCC views portable long service leave as a welcome small but important step towards improving employment conditions for a workforce that needs significant improvements in remuneration and conditions. CCC welcomes the opportunity to provide the following feedback and recommendations on the Draft Regulations.

Commencement date for community children's services

CCC proposes a commencement date of 1 July 2020 for the PLSL scheme in community children's services. The proposed commencement date of 1 January 2020 is not adequate time for children's services to prepare for the implementation of the scheme. Some of the implications include:

- Children's services were excluded from the scope of the legislation in November 2019 and have consequently not been planning for the introduction of this scheme,
- There has been inadequate notice of the intent to bring these services back in scope,
- This financial year the sector has been implementing and monitoring the introduction of the new Commonwealth Child Care Subsidy funding package. This has been a financial and administrative burden for services, with operational and budgetary impacts still being measured and responded to,
- With very tight margins, unplanned expenditure in the middle of their yearly budget cycle will place services under financial duress,
- The Act and draft Regulations do not provide enough clarity for services about which employees are in scope of the scheme.

1 January 2020 does not provide adequate time for the development and implementation of a sector specific communication strategy and guidance materials to ensure services understand their obligations and begin implementation appropriately.

Scope of children's services employees included in the PLSLS

CCC proposes that all employees (including managers, directors, coordinators, cooks, administrative staff and other ancillary staff) working in service delivery on site at a children's service be included in scope of the scheme.

For children's services the exposure draft of the Regulations do not provide clarity as to what is community service work and the scope of employees covered by the scheme. The definition of an employee in the Draft Regulations is problematic for the children's services sector. The interpretation of this regulation provided at the consultation session, that managers, coordinators, cooks and administrative staff will not be considered in scope of the scheme unless they also work directly with children, at which point the predominance test applies, does not reflect the nature of work undertaken in children's services and will be impossible to apply equitably.

- The nature of service delivery in children's services means that all employees play an important role in both the education and care of children and support of families. There is an expectation that as appropriate within their different roles, all employees interact with and support the wellbeing of children at the service every day. The work that managers, educational leaders, cooks, administrative and other ancillary staff is intrinsic to the delivery of education and care to children and families every day.
- CCC considers the work children's services do with adult members of children's family as an intrinsic part of their service delivery. Excluding work employees do with adults does not reflect the requirements on services to collaborate with families as partners in their child's education. It does not reflect the work children's service do with families to provide support across a whole range of areas including community connections, access to health and family support services and enrollment offerings that support their workforce participation. All staff on site at a children's service contribute regularly to this delivery of services to families.
- The roles undertaken by employees working in children's services can vary significantly from day to day, week to week, and year to year. Applying a predominance test based on a narrow definition of whether they are working directly with children, will not be possible. Many employees will move through periods of coming in and out of scope. This will not only be administratively complex and burdensome it will discourage employees from taking on new challenges and working flexibly across a team to manage staffing demands.
- As the portable long service leave provisions are coming into place to support the retention of staff in the sector. A definition of eligibility that precludes people as they progress up the career ladder appears counter intuitive and may discourage educators and teachers from progressing in their career.

Sector specific guidance training and support

CCC proposes the urgent development of children's sector specific guidance, training and support. As soon as the legislation is finalised it will be imperative that a comprehensive plan is made to provide implementation support to children's services. This will need to include:

- Communication that speaks specifically to the range of children's services types, for example Outside School Hours Care
- Clear interpretations of which employees are in scope, using sector language and roles
- Templates and samples of tools services can use to implement the scheme (including tracking any overlap with other long service leave obligations and existing entitlements of employees)
- If any predominance tests do apply (which we fundamentally do not support) some clear guidance for services about how this applies to any employee role deemed out of scope
- Face to face and on line information sessions
- Telephone and on line access for services to receive support in the application of the scheme in their setting.

Scope of community sector organisations in PLSLS

CCC proposes greater clarity as to the scope of community sector and the specific inclusion of peak bodies as an employer. CCC has not been able to get clear advice on whether we will be considered in an employer under this legislation and if so which of our employees would be in scope.

We recommend that peak bodies are specifically listed as in scope. CCC proposes for peak bodies all employees including administrative staff are considered in scope.