



**PRESCHOOL DIRECTORS
ASSOCIATION OF
SOUTH AUSTRALIA**



To the Chief Executive, Department for Education

*Submission from the Preschool Directors Association on implementation on Conditions of
Employment for Stand Alone Preschools flowing from the Government Enterprise Bargaining Offer
of 3 December 2019*

FOREWORD

This submission has been developed by the Preschool Director Association of South Australia (PDA) in partnership with the South Australian State School Leaders Association (SASSLA).

The industrial regulation of stand-alone preschools is of vital interest to our members and our submission addresses the key issues identified by Preschool Directors across the Department.

As an Association, we accept the major tenets of the Department's proposal for changing the mode of workload regulation from a funding guarantee (as expressed in the Commitment attached to the 2016 Enterprise Agreement) and moving to a system of individual workload protections similar to that of the schooling sector. However, we maintain a very clear and firm view that such changes must adequately address the workload concerns of Preschool Directors.

Our Association is committed to maintaining a professional and flexible approach to our workings with the Department on establishing and implementing new systems of workload regulation in stand-alone Preschools.

I wish to acknowledge the invaluable support provided by the Chief Executive of SASSLA, Mr Phil O'Loughlin, in the development of this submission. I also acknowledge and thank PDA members Marian Nayda and Sarah Weightman for their involvement, effort, and support throughout the process.

Ann Millhouse

President

Preschool Directors Association

Organisation of Submission

This submission is organised under three sections. Section three includes our final submissions on implementation of the new enterprise agreement (EA).

Sections:

1. **Background** – An outline of the PDA’s concerns and the scope of the submission – **page 1**
2. **Discussion** – Analysis of the preschool workforce, the current role of PSDs, how preschools will be impacted by the new workload regulation and critical thinking on the models of industrial regulation needed.
 - a. The preschool workforce – **page 3**
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3. **Summary** – The PDA’s submissions on Implementation of the new EA – **page 14**

Attachments:

Additional supporting information is included in three attachments:

- A. PSD role profile for standalone preschools – **page 17**
- B. Review of work organisation at six standalone preschools – **page 20**
- C. History of industrial regulation of the preschool teaching workforce – **page 26**

Dictionary of Acronyms:

ACECQA = Australian Children’s Education and Care Quality Authority

DfE = Department for Education

EA = Enterprise Agreement

ECW = Early Childhood Worker

FTE = Fulltime Equivalent Employee

IRCSA= Industrial Relations Commission of South Australia (predecessor of SAET)

PDA = Preschool Directors Association

PSD = Preschool Director

RES = Resource Entitlement Statement

SAET = South Australian Employment Tribunal

SCFM = School Based Student Centred Funding Model

SSO = School Services Officer

TRT = Temporary Relieving Teacher

1. BACKGROUND

The government enterprise bargaining offer of 3 December 2019 sets out new terms for preschool teachers and directors in standalone preschools:

These terms are included in the new draft EA as:

Clause 5.3: Face to face to face teaching hours: Stand Alone Preschools

Clause 5.4: Preschool Director administration time

Clause 5.5: Review of "Circular 32"

Face to Face Teaching Hours in Stand Alone Preschools

Face to face teaching hours for teachers in standalone preschools that includes the maximum number of face to face teaching per week (or the number averaged over a fortnight, term or year) is 24 per week; and the minimum number of hours of non-instruction is 2 hours 30 minutes per week. A proposed clause appears as Attachment C.

It is proposed that a new clause commence as soon as administratively possible following the signing of the agreement.

Review of Circular 32

Embedding of current leadership administration time in the enterprise agreement for standalone preschool directors and a review of Circular32 (that deals with staff contact time, non-contact time, preparation time, director's administration time and meal breaks) be included in the new clause.

The review will occur during the life of the enterprise agreement.

The above proposals (as now translated into specific clauses in the draft EA) lay the ground for changes in the mode of regulation of workload for teachers and directors in standalone preschools and are therefore of vital interest to the PDA.

The two proposals are interrelated:

- The first proposal on face to face teaching hours will provide individual workload protections for preschool teachers. ***The PDA's interest is the impact that this will have on PSD workload, including concerns that some PSDs may need to increase teaching time above current levels.***
- The second proposal indicates a positive commitment to include current resource based workload protections for PSDs based on TRT release days being incorporated in the enterprise agreement. A further commitment to review Circular 32 over the life of the enterprise agreement. ***The PDA's view is that the current system of TRT release time is inadequate to support the job demands of PSD work roles and new workload protections are needed. A critical concern of the PDA is that the commitment to review Circular 32 has no terms of reference and can be undertaken at any time over the next three years.***

Scope of the Submission

The primary focus of this paper is the workload of PSDs in stand-alone preschools whose workload protections are confined to the industrial minimum. Such preschools make up over 80% of all designated standalone preschools.

Those parts of the submission relating to the impact of the introduction of individual workload protections for teachers are relevant to all preschools, including Children's Centres.

2. DISCUSSION

2.1 The Preschool Teaching Workforce

The Department for Education *preschool sector teaching workforce - summary Issue 7, June 2018* provides the following workforce data on the preschool teaching workforce.

- 295 employees were employed as a Preschool Director within an overall preschool teaching workforce of 956 (equivalent to 711 FTE).
- A total of 225 PSDs were classified at level A-1 (76.3% of total PSD workforce) and 20 were classified at A-2 (6.7% of the total PSD workforce). Positions classified at A-3 which have additional release time are restricted to preschools designated as Children’s Centres and other defined service delivery models.¹
- The average age of the preschool teaching workforce (teachers and directors) is 46 years. Of this total 56.1% are aged 45 and over, compared to 51.8% for the total of DfE workforce. Of the PSD workforce 32.5% (95 positions) are in the “retirement window” “(55-65+) which suggests higher separation rates will occur over the next five years.
- Over the last five years growth in preschool teacher numbers for full time positions was 25 positions (17% increase) and for part time positions 82 positions (20.1% increase).
- A total of 69.8% of PSDs are employed full time, compared with just 26% of preschool teachers.

Workforce demographics provide a critical context for analysis of regulation of workload in stand-alone preschools

- In headcount terms, the PSD workforce makes up around 30 percent of the total preschool teaching workforce. In FTE terms this is estimated to at 35% of the total preschool teaching workforce.² In a stand-alone preschool a PSD wears many “hats” including teacher, educational leader, administrator, and site leader. The regulation of workload in preschools must therefore be sensitive to the dual role PSDs as teachers and as site leaders responsible and accountable for operations and performance of their preschool.

¹ The criteria for an A-3 Director position requires the centre be a designated Children’s Centre, Integrated Centre including long day care, centres integrated with at least one government or non-government agency.

² In 2018 departmental data indicated an FTE count of 711. The figure of 35% is a conservative estimate based on the ratio of part time teachers to part time PSDs.

- The preschool teaching workforce has a very high representation of part time employees. This means that models of workload regulation must be capable of being tailored to a predominantly part time workforce.
- The great majority of PSDs in stand-alone preschools are classified at level A-1. The current level of remuneration for an A-1 is \$109, 739³: This compares with \$98,806 for step 9 teachers, and \$102,464 for AST-2 (which is the fall back level available to most PSDs if they do not re-apply for the role). This highlights the fact that the remuneration incentive to undertake the role is not high relative to the additional accountability and workload required. A strategic risk for the DfE is making the jobs attractive to the relatively small applicant pool available.

2.2 Defining the Current PSD Role in a Standalone Preschool

A work profile of a PSD for a standalone preschool is included as **Attachment A**.

The role statement was developed through a workshop run by the PDA and further developed and validated in the review of six preschools, undertaken as part of this review. It sets out the accountabilities and day to day work responsibilities of PSD roles.

PSDs have both a **teaching role** and a leadership and administration role.

The following points are highlighted in relation to the **teaching role**:

- PSD teaching duties are substantially the same as those undertaken by teachers and include the core duties of preparation, reporting, and parent feedback. Under the EB proposal PSD teaching hours are not regulated, whereas teachers are regulated to a maximum of 24 hours face to face teaching.
- The basic structure of the funding formula that determines a PSD teaching role has not substantially changed in 20 years and it continues to operate from the premise that PSD's will retain a high teaching load.

³ Based on remuneration levels as of 10 February 2020 and not inclusive of new rates of pay contained in the governments wage offer which includes a differential pay rise for Band A positions.

Standalone Preschool Director Teaching Workload

A Category 2 preschool with an enrolment cap of 66 has a staffing profile of 1.0 FTE PSD and 1.4 FTE teachers⁴.

- Configured to meet maximum number of face-to-face hours for teachers of 24 hours and universal access requirements of 15 hours of preschool, as specified in the *Education and Care Services National Regulations*.
- A standard model of configuration of two groups each requiring two teachers (15 x 2 x 2 = 60 hours of teaching).
- The model assumes a maximum of 24 hours for teacher face to face hours (pro rata for part time teachers).
- For the purposes of this example a twenty-minute lunch break is assumed which does not count as face-to-face teaching but is incorporated within the prescribed level of 15 hours under the national regulations⁵.

Under this scenario the formula delivers the following outcomes:

- **Total session time 60 hours** = 3600 minutes.
- **Lunch** = 2 staff x 20 minutes x 4 days = 160 minutes (not included in face to face teaching time).
- **Total face to face teaching time 56 hours** = 3440 minutes.

Teachers:

- 1 FTE teacher (24 hours) = 1440 minutes face to face teaching.
- 0.4 FTE teacher (9 hours 36 minutes) = 576 minutes face to face teaching.
- **Total teacher hours** = 33 hours 36 minutes = 2016 minutes.

PSD:

- Gap between total face to face teaching hours (3440) minus total teacher hours (2016) = 1424 minutes.
- Total PSD Teaching hours = 23 hours 44 minutes (1424 minutes).⁶

This scenario identifies the teaching time that naturally falls to the PSD from the workings of the current formula which is equivalent to the proposed regulated hours for teachers.

To reduce this teaching load PSD's have access to two primary sources of funding:

- 17 days TRT release time (equivalent to about 3 hours a week on average over the year).⁷ This funding provides incidental release e.g. meetings, staff development and other site absences and has only a limited effect on overall workload demands.

⁴ Refer RES Notes Appendix 3- Staffing Formulas

⁵ Refer Education and Care Services National Regulations Chapter 7 Part 7.6 Division 3A which provides for educators to have break periods of up to 30 minutes a day so long the educator is available to attend to children immediately if required.

⁶ This figure could be slightly less depending how the 20 minute lunch breaks are configured.

⁷ Calculation 17 days x 7.25 (award daily duty time) = 123.25\40 duty weeks = 3.1 hours.

- The 0.1 teacher allocation, funded through the 2016 EA, is a discretionary fund available to PSDs that can provide a structural reduction in hours if it is directly allocated to teaching time and, therefore, reduces the PSD teaching workload.

Following the introduction of the new EA definition of face-to-face teaching and under ideal operating conditions the totality of this funding could reduce the PSD face to face workload but would sit around 17-19 hours a week.

Under the new EA definition face to face hours for teachers are industrially regulated at 24 hours. PSD teaching hours are not regulated and as a result their hours of work are determined by the requirement to provide sufficient teaching time to meet teaching hours as specified under the *Education and Care Services National Regulations*.

The PSD **leadership and administrative** role has substantially developed and changed over the last 10 years. The role statement included as **Attachment A** provides a detailed overview of current responsibilities of the role including educational leadership, community engagement, site administration and department wide responsibilities.

The major changes that have impacted on the PSD role that have led to a substantial increase in workload are briefly summarised below:

- Legislated Quality Standards - The introduction of *Education and Care Services National Regulations* includes comprehensive quality standards and auditing requirements. The Quality Improvement Plan (QIP) requirements include 348 separate indices which have subtopics, observation criteria, recordings and records that are subject to audit by ACECQA. Sites are also required to develop and promulgate policies consistent with national regulations.
- Site Management - There has been a continuing devolution of site-based management functions including human resources, work health and safety, information technology, facilities management and finance related functions.
- Wider Integration in Department for Education (DfE) Systems - Preschools are now fully integrated into departmental structures and systems including the operation of regional based partnerships, management of special needs children and application and use of online business systems⁸. The adoption

⁸ A recent example of this is the EYS trial in preschools currently underway.

of industrial regulation based on face-to-face teaching contact hours is a further example of this process of integration.

A separate but very important point is that PSDs are recognised as leadership roles in the department in the same way as school principals. They are held responsible and accountable for ensuring that their preschool complies with relevant legislation, SA Government requirements and DfE policies, instructions, and procedures. This requires a substantial investment in time in building knowledge and understanding of policies and procedures and establishing local work systems to achieve compliance.⁹

PSD and Principal Role Compared

The difference in the scope and range of specified duties for a principal and a PSD have narrowed to the point where there is little difference in core roles, as expressed in both *work value* and *workload* terms. Principals and PSDs operate as educational leaders under the same departmental policy and administrative systems.

The matter of *work value* has been addressed through integration of PSD 1-3 classifications in the Band-A leadership structure. This integration lifted PSD remuneration and recognised relativities with school principals.¹⁰

In relationship to *workload*, PSD roles have been subject on intensive and continuing changes over the last twenty years without any significant review of workload impacts. The problem is illustrated by the current resourcing and industrial system which continues to operate from the **premise that a PSD is “a teacher with additional administrative responsibilities”**, whereas in fact they are **more accurately described as “leaders with teaching responsibilities”** consistent with the schooling model.

The current differences in levels of workload protection between school principals and PSDs is highlighted below:

Principals with weighted enrolments 1-99.¹¹

⁹ The roles and responsibilities section in DfE policies and procedures that relate to site operations includes the following statement “Principals and preschool directors are responsible and accountable for ensuring that their school/preschool complies with relevant legislation, SA Government requirements and DECD policies, instructions and procedures, including the establishment, documentation, communication and implementation of compliant policies and procedures”.

¹⁰ The first significant adjustment was made in recognition of the work value impacts in the 2006 EA. In the 2012 EA PSD positions were consolidated with the Principal Band A structure resulting in consolidation of PSD- 1 and PSD-2 in the Leader Band A structure.

¹¹ This includes the funded reduction in time for small school principals included in the EA

- A regulated maximum teaching load of 11 hours 15 minutes teaching per week.

PSD in a category 2 site with an enrolment cap of 88.¹²

- No regulated maximum teaching load. Under the new face to face teaching definition for teachers a teaching load for PSDs could range from 17 to 20 hours per week.¹³

Other relevant considerations:

- The regulated maximum face to face hours for Principals does not include the 0.1 teacher allowance for workload relief flowing from the 2016 enterprise agreement. This allowance is also available to PSDs for flexible allocation at the site level.
- The best available information indicates that schools have greater access to flexible funding compared to preschools and this funding can be used to further reduce teaching loads for Principals in small schools below the regulated maximum. Schools also have access to dedicated SSO administration support whereas ECW roles in stand-alone preschools are predominantly needed for sessional time with children.

2.3 Review of Six Standalone Preschools

As part of the development of this submission six standalone preschool sites were reviewed to assess the impact of the proposed regulation of teachers face to face teaching hours and current PSD workload.

Detailed information on each site reviewed is included as **Attachment 2**.

The sites reviewed include:

- Two full time country sites.
- Three full time metropolitan sites.
- One metropolitan part time site.

¹² This is an approximate only and is based on the maintenance of 24 hours for a preschool teacher and is based on converting the 17 TRT days to release from teaching. Based on 40 weeks at 22 hours (880) less 17 days teaching relief based on a full day session (17 x 6 = 102). The calculation therefore becomes 880 – 102 = 778hours/40 weeks = 19.45 hours.

¹³ These hours are an estimate based on the review of preschools discussed in section 2.c of this report.

In relation to the data collection the following can be noted:

- The data collected relates to operations in term 4, 2019.
- The data is best read as a snapshot of the operations in place at the time and highlights the potential issues associated with the introduction of the maximum 24 hours face to face hours for preschool teachers and the impact of this on PSDs. The data will have changed in sites for 2020 and should be subject to further review and validation.

A summary of the key findings of the review are:

- The structure of the day configured for the delivery of the regulated requirement for 15 hours instruction varied from site to site:
 - Most full-time centres delivered programs over 5 days, with half a day on a Friday.
 - One centre delivered its program over 4 days using longer days.
 - Two sites operated with 30minute lunch breaks and 4 sites used 20-minute lunch breaks (which are counted as time worked under the Preschool Award).
 - Two sites minimised total face to face work demand by flexibly using sessional time.
- In four out of the six sites teachers were working greater than the 24 face to face hours. If the proposal for individual workload protections were implemented immediately it would require PSDs in these sites to increase their teaching hours from current levels.
- The systems and pattern of delegation of administration work from the PSD to teachers and ECWs varied widely:
 - Five of the six sites used ECWs or contractors for administration and finance functions. The allocation of time and range of functions varied from site to site.
 - The delegation of non-core teaching work to teachers occurred in three sites but in only one site was the scope and range of tasks significant.
 - The direct involvement of PSDs in more complex areas of teaching practice including NEPs (one plan) was evident in all sites and in more complex sites was a significant component of the PSD role.
- The capacity to delegate work to teachers and ECWs appears to have a positive influence on PSD workload. In the two sites where little work was delegated the hours of work of the PSDs were excessive.

- The site where ECWs had the most diverse range of duties additional ECW hours was achieved by reallocation of teacher time.
- NIT time was available to teachers but generally took the form of blocks of time made available when children were not in attendance and was managed within the construct of the 36.25 duty hours. NIT was used to support group activities as well as individual needs. Only one site followed the guidelines for NIT specified in Circular 32 with most sites following a locally developed “custom and practice model”. While the application of NIT to part time staff was evident, practices varied significantly from site to site and were not always consistently applied.
- On site attendance of teachers did include some additional time above the 36.25 Award hours for staff meetings and other group activities but these hours were not significant. ECW time was managed consistent with Award requirements.
- The workforce across the six centres is predominantly made up of part time employees:
 - Two PSDs are part time (one because the centre was part time and the other to support a flexible working agreement where the PSD works 0.8 and one of the site based teachers assume the director role for the other 0.2).
 - Three sites had one full time teacher, supported by part time teachers. Three sites had part time teachers only.
 - One site had a full time ECW. All other roles were part time.
- Availability of special needs funding and or program funding can have positive influence on the PSD workload by creating additional capacity to meet ratio requirements or budget flexibility to respond to changing needs.
- Pre-entry existed in all sites. Three sites accommodated pre-entry within their existing programming. Two sites ran additional programs that would be counted as face to face teaching hours under the proposed EA definition. One site ran a single program on a weekend with staff contributing on a voluntary basis.
- In the part time site reviewed, the PSD had the same programmed teaching hours as the teacher. While this site was nominally able to identify that it could operate under the proposed EA 24 four-hour face to face definition it did so on the basis that the PSD would carry the same teaching load as the teacher. Given regulatory requirements and resourcing profiles this issue is likely to be replicated in other part time centres. A further problem with

part time centres is that the scope of administrative and accountability requirements is substantially the same as a full time centre, but release time is provided on a pro rata basis.

- The hours worked by two of the PSDs were deemed to be excessive and represented nearly double the Award hours.

A Change Management Plan is Needed

The review identified that preschools have different working models for use and deployment of staff within the established regulatory and industrial systems.

Their current regulatory environment is framed by the *Education and Care Services National Regulations* which mandates hours of preschool and minimum staffing configurations. This regulation has co-existed with a “light touch” system of workload regulation for PSDs and teachers which is based on a resource commitment, rather than individual workload prescriptions based on face to face teaching.

The existing industrial system enables flexibility in the use of PSD and teacher time. This will not be the case with the introduction of individual workload protections for teachers because of the codification of maximum hours of face to face teaching time and the minimum hours of NIT. This model imposed on current operations will require reconfiguration of current models of deployment to meet new regulatory requirements. Given the long history of preschools operating under the lighter regulation of a resource commitment model this will be no easy task and will require extensive consultation with communities and staff and development of robust change management processes.

The review of the six preschools has given an insight into the range and depth of change that may be required. Some important areas that sites will require support in are identified below:

- Structure of the day to optimise the efficient use of teaching time to meet the *Education and Care Services National Regulations* and the new industrial requirements.
- Systems for timetabling and recording of face to face teaching time. A critical issue here will be meeting industrial requirements for part time teachers without impacting on the operating efficiency of the preschool.
- Processes for arriving at individual agreements for an alternative system of workload protections (as per clause 5.3.14).

- Defining potential administrative roles of teachers and ECWs to support increased delegation of this work from PSDs.¹⁴
- Processes for community consultation in relation to matters affecting operation of the preschool.

A change management plan must operate from current realities of the organisation, structure and experience of sites and not be confined to an abstract appraisal of what is possible under the existing resourcing model.

The experience of implementing the student-centred funding model (SCFM) in the schooling sector in 2011 provides a good example of the scope of work and resources needed to successfully manage a change process of this nature in the preschool sector.

The new draft EA states that the new prescription and the new individual workload protections be implemented as” soon as administratively possible” following the signing of the agreement. In the context of the matters raised above the term “*administratively possible*” should be read widely to give reasonable time for a fully consulted and clear change management plan to be implemented.

2.4 Industrial Regulation of Preschools under the Current EB Offer

A detailed history of industrial regulation of preschools up to the current draft EA is included as **Attachment C**.

- The history provides a very important backdrop to understanding the existing operational context of preschools and the need for new workload protections for PSDs.

Important points are:

- That the underlying assumption is that PSDs are teachers with some supplementation for administration work that has been maintained from the inception of Circular 32 in 1992 to the current day.
- Over twenty years a number of important industrial changes have been made that enable and support the integration of preschools into the systems and structures of DfE. These are:

¹⁴ A particular issue to be dealt with here is the practical effect of limiting the delegation of general administrative functions to teachers as defined in clause 5.3.14. The clause is modelled on the face to face teaching provisions for teachers and effectively confines other duties as “core duties” of teachers.

- The allocation of TRT release time to support increased devolution of administrative responsibility.
 - Changed work level definitions of ECWs to support administrative roles.
 - Alignment of, and integration of, Preschool Directors into the Band A Principal structure.
 - Incorporation of universal access provisions in the funding commitment.
 - The 0.1 FTE flexible allocation to support increased workload.
- These changes have enabled and supported preschools to make the significant changes needed to meet DfE policy requirements and national regulations. However, these changes have been implemented without sufficient attention to additions made to the intrinsic or customary demands of the PSD role over time. The fact that Clause 5.4 Preschool Directors Leadership Administration Time replicates the same system of workload protections brought into place some 20 years ago amply illustrates this point.
 - The arbitration in 2008/9 before the full bench of IRCSA sat in the shadow of the major reform in the schooling sector in the implementation of the student-centred funding model. Given the limited evidence before it and the fact that the new national regulations on 15 hours of preschool were in a formative stage the IRCSA decision stayed with the status quo.
 - The introduction of regulated face to face teaching hours and NIT for teachers brings significant improved conditions for teachers but potentially will lead to increased workload for PSDs who don't have a viable system of industrial protections.

Problems with a Hybrid Model of Workload Regulation

A workload protection that sets a maximum level of measurable work, that is individually enforceable, is a vastly stronger form of regulation than a resource guarantee. Under the new model a likely scenario is that additional teaching load will effectively flow from teachers who will operate with enforceable protections to PSDs who have no effective regulated cap on teaching load.

Preschools are generally small sites that are organised and resourced to meet *Education and Care Services National Regulations*. Under such a regulatory model, the regulation of teaching work needs to be done under a single industrial regulatory model for consistency and fairness. The clear and obvious reference point is

identification of maximum face to face teaching loads for Principal and Band B leaders that applies in the schooling sector.

Other important considerations are:

- The award defines hours of work for teachers and PSDs as 36.25 hours per week whereas the schooling system has no set hours of work. On its face, this sets a maximum number of hours to be worked for teachers and PSDs, however, evidence clearly shows that the job demand and accountability requirements specified for a PSD exceed what can be reasonably be done within the hours defined in the award.
- Clause 5.3.14 in the EA does make facility for agreement of an alternative number of weekly face to face teaching hours. This may be of value and support agreements at a site level but cannot be relied on as a measure to moderate the effect of changes flowing from the EA. As a general industrial principle resourcing should adequately reflect the conditions in the industrial agreement and not place pressure on preschoools to use “opt out” provisions to meet operating and budgetary requirements. Evidence from the schooling sector suggests that the introduction of the 24 hours will be quickly “normed” and the number of individual agreements entered into will be relatively small.
- Clear problems arise in job share arrangements, as exemplified in one of the sites reviewed. For that part of work undertaken as a teacher the work is regulated, whereas, for the work undertaken as a PSD is unregulated. This will be an area that will require further consideration and advice to sites.

3. PDA PROPOSITIONS FOR IMPLEMENTATION OF EB CLAUES

The foregoing discussion identifies the considerable problems and risks associated with the EA in relationship to the interests reasonably held by PSDs.

The argument made out is that significant change has occurred to the PSD role over the period of time preschools were included in P21 around 2000, to the present day. The professional role of PSDs in education, leadership and administration has changed significantly but the model of workload protections have not been reviewed and improved.

The adoption of individually enforceable protections for preschool teachers without a full consideration on the workload impact on PSDs adds urgency to the need for such a review

A summary of major issues and concerns identified in this submission are:

- The current PSD roles have evolved without sufficient attention to additions made to the intrinsic or customary demands of the job. The current work role as described in **Attachment A** is radically different and more demanding than the work role in place when the scheme of TRT release time was implemented some twenty years ago.
- PSD roles are now equivalent to school principals and this should be mirrored in the structure and level of workload protections available to them.
- A “hybrid system” of workload protections, where teachers have maximum teaching loads and PSDs have only a resource guarantee of release time, significantly disadvantages PSDs and is inherently unfair. There remains a genuine concern that the introduction of individual workload protections for teachers will increase the teaching load of PSDs.
- The introduction of individual workload protections for teachers will necessitate significant changes to the way sites organise their program and staffing including new timetabling requirements. It is essential that PSDs are fully supported through a properly structured and resourced change management plan.
- The demographics of the preschool teaching workforce suggest there will be high rates of exit over the next five years and to attract the PSDs the roles should be seen as attractive and valued by new candidates. This adds greater weight to the importance and urgency of this task.

We present three submissions for change:

Workload Protections for PSDs

Our submission is that PSDs are equivalent to Band A principals and this is the reference point that applies in considering the identification of reasonable workload protections. Such protections should follow the industrial architecture used for school leadership positions of setting maximum teaching loads.

The clause 5.5 'Review of Circular 32' is "open ended" both in the terms of reference and the timeframe for changes to be implemented. The practical effect of this clause is to maintain the status quo for four or more years. From the PDA's viewpoint this is wholly inadequate and belies the need for action to be taken commensurate with the introduction of individual workload protections for teachers.

Implications flowing from the EA that are of concern to PSDs are:

- Higher teaching loads for many PSDs.
- Managing a complex and sensitive change process to align preschool operations with a new model of industrial regulation.
- Ongoing administrative roles associated with timetabling and staff management.

We believe a maximum face to face teaching load should be arrived at by objective assessment of relevant facts and held in balance with other considerations including service delivery requirements and operational efficiency of preschools.

We acknowledge the reality that the implementation of a new regulatory model of workload protections for PSDs outside of a formal enterprise bargaining process will be difficult. We are open to discuss interim solutions including supplementation of site resourcing to manage the change process and support PSD's in their role.

A Change Management Plan

Evidence presented in this submission indicates that the existing model of regulation has enabled flexible models of service provision that may not be possible to maintain under the new model of individual workload protections.

A change management plan should work from the operating realities of preschools and provide clear and practical steps to manage the introduction of the new industrial regulation. This would include but not necessarily be restricted to:

- Structure of the day to optimise the efficient use of teaching time to meet industrial requirements.
- Timetabling and recording of face to face teaching time. A critical issue here will be meeting industrial requirements for part time teachers without impacting on the operating efficiency of the preschool.
- Processes for arriving at individual agreements for an alternative system of workload protections (as per clause 5.3.14).
- Defining potential administrative roles of teachers and ECWs to support increased delegation of this work from PSDs.
- Practices and processes for delegation.

The model used for the SCFM in schools is a good reference to work from. We believe that this work should be undertaken over the entirety of 2020 with a view to full implementation in 2021.

System Based Reform

This review has highlighted the issues arising across the preschool sector that require long term policy thinking on the structure and operations of the sector and the human capital needs for the future.

We believe such work can be accommodated within the recently announced review of the Early Years and we would welcome the opportunity to make further submissions.

Our submissions above are based on a carefully reasoned and practical approach to the issues we face. The PDA welcomes the opportunity to engage in dialogue and problem solving to support the interests of our members and the communities and families we serve

PRESCHOOL DIRECTOR WORK PROFILE

Teaching

PSDs have a teaching role. The actual hours of face to face teaching will vary from preschool to preschool and will be influenced by the availability of alternative funding sources over and above the defined TRT days provided through the Enterprise Agreement and established resourcing policies as detailed below:

- Director administration supplementation.
- Additional administration leadership grant.
- Leadership development days.
- Collaborative planning allocation.

Teaching duties are the same as prescribed for a teacher's role which includes:

- Developing and implementing the learning program in line with the Early Years Learning Framework and the National Quality Framework.
- Setting up the learning environment.
- Documentation of children's learning – writing observations, taking photographs, pedagogical documentation with associated analyses and reflection to assess and monitor children's progress.
- Reporting and liaising with parents on child learning and development including parent teacher interviews.
- Writing the Statement of Learning (End of Year Report).

Educational Leadership

PSDs provide educational leadership across their site. This includes:

- Leading staff in the development of curriculum and pedagogy that is responsive to the individual care and learning needs of children.
- Development, implementation and regular review of the Quality Improvement Plan each year.
- Responsibility for the development of staff through performance development processes, supported through job based learning and formal learning programs. Management of underperformance issues.
- Work Health and Safety responsibilities including daily safety inspections, reporting to STAR.
- Engaging with a range of external services, for example, support services, allied health professionals and NDIS providers.

- Developing negotiated education plans (NEPs)/OCOP as well as working with the IESP team to address the functional needs of children in our site plans.
- Leading staff meetings and leading planning professional development.
- Mentoring, supervising and associated responsibility for university students (teacher, OT and physio) as well as volunteers, certificate three, and work experience students.

Community Engagement

PSDs engage with the community and positively contribute to the preschool being valued as a community asset.

- Ex officio member of the Governing Council – support the chair to ensure reports are presented and business is conducted in line with the constitution.

General tasks include:

- Enrolment information sessions.
- Excursions and parent curriculum sessions.
- Parent and family groups and events.
- Writing and publishing newsletters.
- Maintaining website.
- Work with community groups e.g. local councils and other support agencies.
- Provide associate programs such as playgroups and occasional care.

Site Administration

PSDs are accountable for the effective management of the site:

- Responsible for the staffing processes including panels, HR management systems (bonafides, MLR and online claims) payroll and shared services procedures.
- Responsible for staff induction processes.
- Work health and safety including management of tasks as directed through the STAR system.
- Notification and review of incidents through the IRMS system.
- Early year's system (EYS) – uploading of all the enrolments, maintain attendance records.
- Ensure policies are developed and reviewed in line with DfE and ACECQA requirements.
- Financial responsibility for the site – ICQ, financial audit, reports for governing council, developing and monitoring the budget, responsible finance management and procurement processes.
- ICT responsibility for the site – management of issues, plan, purchase and provide professional development.

- Responsible for the management of facilities, grounds and buildings. Identifying and rectifying hazards, liaising with Departmental Facilities Manager, source and approve quotes and payments, oversee/supervise workers.

Department Wide Responsibilities

- Partnership – participate and attend Partnership meetings
- Attend and support DfE initiatives and events regardless of fraction of time employed (e.g. part time sites).

Site 1, PSD A-1

<i>Preschool (location, category, full-time or part-time, enrolment cap, special programs)</i>	<i>Structure of Day (daily sessions, lunch breaks)</i>	<i>Staffing Profile (PSD, teacher, ECW, contractor)</i>	<i>Other Teaching Programs (other teaching programs not counted in face to face teaching)</i>	<i>Teachers (total workload)</i>	<i>ECWs (admin related and additional tasks)</i>	<i>Preschool Director (total workload)</i>	<i>Notes</i>
<p>Category 3 site</p> <p>Staffing cap of 66</p> <p>4 NEP enrolments</p> <p>Lunch care per term \$30 1 day \$60 2 days</p> <p>Host of a community based playgroup</p> <p>Fees \$90 per term</p> <p>SASIF Balance \$103,000</p>	<p>Children attend 8:30am-3:00pm Monday to Thursday</p> <p>Session times 8:30am-11:30pm and 12.00pm-3:00pm with paid lunch care 11:30am-12.00pm</p> <p>Friday session 8.30am to 11.30am</p> <p>Parents identify preferential times within the established program to achieve 15 hour average instruction in a week.</p>	<p>PSD = 1.0 FTE</p> <p>Teachers 1.3 FTE: 1.0 FTE 0.3 FTE (0.2 contact 0.1 2 TRT)</p> <p>ECWs 1.4 FTE 0.4 FTE 0.6 FTE 0.4 FTE</p>	<p>Transition children are integrated within existing session time based on available spaces.</p>	<p>Face to Face</p> <p>Teacher 1.0 FTE: 27 face to face hours per week</p> <p>3.5 hours of NIT</p> <p>Teacher 0.3 FTE 9 hours face to face No formal structure of NIT. Additional paid time provided for planning and preparation on an as required basis.</p> <p>Other Duties</p> <p>Core teaching work only</p>	<p>Enrolments WHS (including STAR requirements) Order/purchasing EYS and finance End of term concerts Events Staff meetings program Learning stories Observation notes Planning</p>	<p>18 hours face to face teaching</p> <p>Total average term based workload</p> <p>47.5 hours per week</p>	<p>This site has a number of particular features:</p> <ul style="list-style-type: none"> • Only employs 1.3 teachers within its allocated allowance of 1.4 • Employs additional 7.5 hour ECW time above allocated hours of 45 • Is sessional based and is organised around parental preference in allocating times. <p>A specific characteristic of the site is the use of ECWs on a range of admin and learning related tasks.</p> <p>The current structure of teaching time indicates aggregated timetabled teaching time is 4.8 hours over the 24 maximum. This would require restructure of the current work program and staffing structure, or the PSD committing additional time to face to face teaching</p>

Site 2, (Part Time) PSD A-1

<p><i>Preschool (location, category, full-time or part-time, enrolment cap, special programs)</i></p>	<p><i>Structure of Day (daily sessions, lunch breaks)</i></p>	<p><i>Staffing Profile (PSD, teacher, ECW, contractor)</i></p>	<p>Other Teaching Programs <i>(other teaching programs not counted in face to face teaching)</i></p>	<p>Teachers (total workload)</p>	<p>ECWs (admin related and additional tasks)</p>	<p>Preschool Director (total workload)</p>	<p>Notes</p>
<p>Category 1 site</p> <p>Part time site with staffing cap Of 30</p> <p>12 of 30 children enrolled have additional needs and will require one plans</p> <p>Host of a community based playgroup funding by the school</p> <p>Fees \$40 per year</p> <p>SASIF Balance \$20K</p>	<p>Children attend 8:30am-3:00pm Tuesday and Wednesday and alternate Thursdays 8:30am-12:30pm</p> <p>Lunch breaks are taken and are staggered in 20 minute blocks</p>	<p>PSD 0.6 FTE</p> <p>Teacher 0.6</p> <p>ECW 0.6</p> <p>ECW 5 hours per week for special needs children</p>	<p>Pre entry - children have 5 visits of one hour on Friday which count as additional face to face hours</p>	<p>Face to Face</p> <p>Teacher: Average of 14hr 20 min face to face hours per week</p> <p>3.5 hours of NIT</p> <p>Other Duties</p> <p>Core teaching work only</p>	<p>No administrative or additional learning support activities outside of core role.</p>	<p>Average 14 hr 20 min face to face teaching per week</p> <p>All Education Leadership, Community engagement, site administration and Department administration duties undertaken by PSD including development of NEPs.</p> <p>Hours of work extended above 0.6 by 3 hours per week to assist in administrative workload management.</p> <p>Total average term based workload</p> <p>50 hours per week</p>	<p>The 24 hours maximum face to face is met under the current program but requires the PSD to have the same programmed hours as the teacher.</p> <p>The PSD has the same specification of duties as a full time standalone preschool. The PSD extends her hours approximately 3 hours per week to assist in completing administration. The total hours worked are very high which indicates a high spill over of work to unpaid work.</p> <p>This site, in its current configuration, is capable of meeting 24 hours face to face time but requires the PSD to work equivalent programmed face to face time as the teacher.</p> <p>The PSDs current hours of work are excessive.</p>

Site 3, PSD A-1

<p>Preschool (location, category, full-time or part-time, enrolment cap, special programs)</p>	<p>Structure of Day (daily sessions, lunch breaks)</p>	<p>Staffing Profile (PSD, teacher, ECW, contractor)</p>	<p>Other Teaching Programs (other teaching programs not counted in face to face teaching)</p>	<p>Teachers (total workload)</p>	<p>ECWs (admin related and additional tasks)</p>	<p>Preschool Director (total workload)</p>	<p>Notes</p>
<p>Category 2 site</p> <p>Staffing cap of 55</p> <p>Special program - speech and language - not included in the RES</p> <p>8 NEPs/one plan</p> <p>Fees \$200 per term including excursions</p> <p>SASIF = \$100,000 (\$30,00 parent contributions)</p>	<p>Full day sessions 8.45am to 2.45pm (6 hours) Monday to Thursday</p> <p>20 minute lunch break on each full day session</p> <p>Additional session of 3 hours Wednesday</p> <p>Additional session of 3 hours Friday</p>	<p>Director = 1FTE</p> <p>Teacher 1.0 FTE</p> <p>Teacher 0.5 FTE</p> <p>ECW 0.6 FTE</p> <p>Casual ECW for finance 3 hours per fortnight and other duties as required</p> <p>Teacher 0.6 FTE for externally funded Speech and Language Program (not included in RES)</p>	<p>A community based event for new entrants is run on a Saturday morning in November. All staff attend on a voluntary basis</p>	<p>Face to Face</p> <p>Teacher: 25 hours 40 min face to face teaching per week</p> <p>NIT 3.5 hours per week</p> <p>0.5 teacher 12 hours face teaching per week</p> <p>NIT 1.75 hours per week equivalent</p> <p>Other Duties</p> <ul style="list-style-type: none"> *website *WHS *ordering *policy review-update and writing 	<p>Admin - casual ECW 3 hours per fortnight for managing contractors, EYS, admin finance</p> <p>is</p>	<p>Face to face - 15 hours per week</p> <p>Total average term base workload</p> <p>47 hours a week</p>	<p>The additional speech and language program gives this centre added flexibility to meet ratio requirements because most of this teacher's time is on the floor.</p> <p>The 1.0 FTE teacher attached to this centre is a former experienced PSD and she assumes significant responsibility for designated administration functions.</p> <p>The 0.1 EA allowance is used to increase teaching hours (centre runs 1.5 FTE compared to formula 1.4 FTE).</p> <p>Teachers responsible for development of NEPs. PSD reviews and signs off.</p> <p>This site is capable of meeting the new industrial requirements for 24 hours face to face teaching with minor modification to the current program</p>

Site 4, PSD A-1

<p>Preschool (location, category, full-time or part-time, enrolment cap, special programs)</p>	<p>Structure of Day (daily sessions, lunch breaks)</p>	<p>Staffing Profile (PSD, teacher, ECW, contractor)</p>	<p>Other Teaching Programs (other teaching programs not counted in face to face teaching)</p>	<p>Teachers (total workload)</p>	<p>ECWs (admin related and additional tasks)</p>	<p>Preschool Director (total workload)</p>	<p>Notes</p>
<p>Category 2 site</p> <p>Staffing cap of 88</p> <p>10 NEPs/one plan</p> <p>Lunch care provided \$280 per term</p> <p>General Fee structure \$255 per term</p> <p>SASIF balance = \$300,000 - (\$150,000 held in account for a defined building project)</p>	<p>Children attend 8:30am-3:00pm Monday through Thursday and Friday from 8.30am to 12.30pm</p> <p>Two groups with 2 days each then attendance on alternate Friday</p> <p>Lunch breaks are taken and are staggered in 30 minute blocks (not counted in face to face time)</p>	<p>PSD 1.0 FTE</p> <p>Teacher 1.0 FTE Teacher 0.4 FTE</p> <p>ECW 2 x 0.6 FTE 1 x 0.2 FTE 1 x 21 hours speech and language program 2 x 6 hrs 1.x 4hrs</p>	<p>Pre-entry is run when children make school transition visits. This is coordinated across the town and immediate local area to make sure this is done on the same day</p> <p>No impact on face to face time</p>	<p>Face to Face</p> <p>1.0 FTE average 27 hours per week</p> <p>NIT 2 hours 46 minutes per week NIT</p> <p>0.4 FTE 10.5 face to face hours</p> <p>NIT 1 hour 30 minutes</p> <p>Other Duties</p> <p>Teachers have no delegated administrative duties outside of core teaching role</p>	<p>ECW employed for up to 4 hours per week to undertake EYS and other general clerical support functions</p>	<p>18.5. hours face to face teaching</p> <p>Total average term base workload</p> <p>70 hours per week</p>	<p>The PSD takes a lead role in the development in providing educational leadership including NEP/one plans and coordination of intra agency support.</p> <p>The delegation of administrative duties from PSD is minimal. No duties are delegated to teachers outside of their core work role Duties picked up by a contract ECW relate to EYS and general clerical duties. The vast majority of duties specified in the PSD Work Profile are undertaken by the PSD at this site.</p> <p>The current structure of teaching time indicates aggregated timetabled teaching time is 4 hours over the 24 maximum. This would require restructure of the current work program and staffing structure, or the PSD committing additional time to face to face teaching</p> <p>The PSDs current hours of work are excessive</p>

Site 5, PSD A-1

<p>Preschool (location, category, full-time or part-time, enrolment cap, special programs)</p>	<p>Structure of Day (daily sessions, lunch breaks)</p>	<p>Staffing Profile (PSD, teacher, ECW, contractor)</p>	<p>Other Teaching Programs (other teaching programs not counted in face to face teaching)</p>	<p>Teachers (total workload)</p>	<p>ECWs (admin related and additional tasks)</p>	<p>Preschool Director (total workload)</p>	<p>Notes</p>
<p>Category 2 site</p> <p>Staffing cap of 66</p> <p>Partnership with Parenting groups supported by Lutheran Community involves some PSD time</p> <p>Fees \$160 per term for 3 terms</p> <p>No fundraising activities</p> <p>SASIF = \$115,000</p>	<p>Four delivery days of 7.5 hours (8.15am to 3.45pm)</p> <p>Wednesday non-attendance day</p> <p>20 minute lunch breaks counted as time worked</p>	<p>PSD 1.0 FTE (currently filled as part time 0.8 and 0.2 appointment)</p> <p>Teachers: 0.7 FTE 0.5 FTE (plus 0.2 as backfill PSD position above) 0.2 FTE</p> <p>ECWs: 1.0 FTE 0.4 FTE 0.2 FTE Additional 0.6 FTE for child with high health needs</p>	<p>Transition arrangements – two Wednesday mornings per year. This is budgeted and teachers’ hours are temporarily extended</p>	<p>Face to Face</p> <p>0.7 teacher 19.5 hours face to face teaching</p> <p>0.5 teacher plus .2 PSD role 19.5 hours face to face teaching</p> <p>0.2 teacher 7 hrs 10 minutes</p> <p>For 0.7 teachers NIT of 3.5 hours is provided on Wednesday non-attendance day. In addition, they are provided with 4 hour additional release time over each fortnight</p> <p>NIT for 0.2 teacher is provided through extended hour to enable participation in planning and preparation sessions</p> <p>Other Duties WHS and STAR system and general support including playground inspections and IT related activities</p>	<p>EYS Preparation for archiving General finance, ordering and supporting PSD with admin duties</p>	<p>12 hours for 0.8 position (adjusted for the 0.2 acting position this becomes 19.5)</p> <p>Total average term base workload 43 hours (0.8 role)</p>	<p>This site has a number of particular features:</p> <ul style="list-style-type: none"> • Its program is structured over four days with 7.5 hours of attendance. This model is supported by the community who are mostly working parents • The PSD role is done on a job share arrangement. <p>The teachers do contribute to all aspects of teaching program but more complex matters, including active engagement with parents, is handled by the PSD.</p> <p>The two teachers employed at 0.7 are currently working 2.7 hours greater than the maximum (0.7 of 24 = 16.8). For the purposes of this exercise the teacher who acts for the PSD of 0.2 pro rata is treated as a teacher for the totality of their work.</p> <p>The current structure of teaching time indicates aggregated timetabled teaching time is around 5 hours (counting the 0.2 for PSD) over the 24 maximum. This would require restructure of the current work program and staffing structure, or the (0.8) PSD committing additional time to face to face teaching</p>

Site 6, PSD A-1

Preschool <i>(location, category, full-time or part-time, enrolment cap, special programs)</i>	Structure of Day <i>(daily sessions, lunch breaks)</i>	Staffing Profile <i>(PSD, teacher, ECW, contractor)</i>	Other Teaching Programs <i>(other teaching programs not counted in face to face teaching)</i>	Teachers <i>(total workload)</i>	ECWs <i>(admin related and additional tasks)</i>	Preschool Director <i>(total workload)</i>	Notes
<p>Category 1 site</p> <p>Staffing Cap 60</p> <p>20 ATSI enrolments</p> <p>10 children requiring NEP</p> <p>Occasional Care Program</p> <p>Fees \$320 per year</p> <p>SASIF Balance = \$80,000</p>	<p>Children attend 4 days per week 8.45am-2.45pm (6 hours per day Monday through Thursday</p> <p>30 hours instruction over 2 week through 4 full days plus access to alternative programmed day every fortnight.</p> <p>20 minute staggered lunch breaks</p> <p>Occasional Care 8:30am -11:30am on Friday</p>	<p>PSD = 1.0 FTE</p> <p>Teachers: 1.5 FTE 0.8 FTE 0.7 FTE</p> <p>ECW 2x3.5 hrs (occasional care) 1x28.75 hrs 1x24 hrs 1x18hrs</p>	<p>Transitional program. Pre-entry is run when children make school transition visits. This is coordinated across the town and immediate local area to make sure this is done on the same day</p> <p>No impact on face to face time.</p>	<p>Face to Face</p> <p>0.8 teaches =19 hours 40 minutes face to face NIT = 3.5 hours 0.7 teacher = 17 hours face to face NIT =3.5 hours:</p> <p>Other Duties</p> <p>0.8 teacher WHS/Star Risk Assessments</p> <p>0.7 teacher IT NQS Displays</p>	<p>Admin related duties</p> <p>EYS attendance data Inventory General finance</p>	<p>Face to Face 14 hr 40 minutes face to face teaching (1x6 hours full day 3x3hrs half day)</p> <p>Specific complexity and workload factors High focus on ATSI and special needs children</p> <p>Average working hours 50 per week</p>	<p>This site has specific complexity factors associated with ATSI and special needs children enrolments. The PSD has a high focus on development pf NEP/one plans a</p> <p>Administrative workload is delegated to teachers and this assists in making the PDS role more manageable.</p> <p>The 0.1 EB allowance is put into teaching time and the structure of children’s attendance enables the site to operate within the 24 hours’ regulation.</p> <p>This site is capable of meeting the new industrial requirements for 24 hours face to face teaching.</p>

HISTORY OF INDUSTRIAL REGULATION OF PRESCHOOLS

This history is presented as a chronology from 1990 until 2016. Key changes introduced are outlined and specific comments relating to the influence and impact of the regulation relevant to current EA clauses are made.

1990 Preschool (Kindergarten) Teaching Staff Award

The regulation of Preschool (Kindergarten) Teaching staff Award has been in force from 1 June 1990.

The definition of employee in the award is *preschool teacher or a Director Kindergarten Services employed by the employer as a full-time or part-time employee.*

The award exclusively applies to stand alone preschools for teacher staff currently employed under the former *Children's Services Act 1985*. (The *Children's Services Act* was repealed by schedule 1 clause 2 of *Education and Children's Services Act 2019*).

The basic architecture of the Award has not changed over its near 30 years of operation, with changes limited to general updates.

There are three key elements of the award that frame the management of workload for PSDs and Teachers:

- Duty Days
- Ordinary hours of Work
- Meal Breaks

Duty Days (Clause 1.5 Definitions)

Duty days follow the structure of the Education Act 1972:

- (1) *the days on which government primary schools are open or closed pursuant to Regulation 173 under the Education Act 1972, as amended, or by other formal direction;*
- (2) *the Thursday and Friday immediately before the commencement of each school year;*
- (3) *public holidays occurring other than in school vacation periods;*

- (4) *days on which an officer or a relieving teacher is granted leave with pay including long service leave, sick leave or other special leave, but excluding week end days or vacation periods.*

Ordinary Hours of Work (Clause 6.1 Ordinary hours of Work)

The ordinary hours of work will be as follows:

For a Full Day Employee - 36 hours and 15 minutes per week to be worked on Monday to Friday inclusive.

For Part-Time Employees - Less than 36 hours and 15 minutes per week to be worked on Monday to Friday inclusive.

Meal Break (Clause 6.2 Meal Break)

An **employee** will not work more than five hours in any one **working day** without being allowed a meal break of not less than 20 minutes to be taken not more than five hours after commencement of work on that **working day**. This meal break will be counted as time worked.

Key Points

- The Award specifies ordinary hours of work but is silent on hours worked above the 36.25 hours specified. For PSDs, custom and practice has been that additional time worked over and above the 36.25 hours falls within the area of professional responsibilities and is not regulated through overtime provisions.
- Duty Days follow the hours established for Primary Schools as specified in the *Education and Children's Services Act 2019* regulations. This means that time in specified term holiday breaks is non-directed time.
- Under the award a 20 minute meal break is counteracted as time worked within the specified ordinary hours of work of 36.25 hours. Where the meal break was 30 minutes this time was not counted as ordinary hours of work. The government's proposed EA *clause 5.3 Face to Face Teaching Hours* states that face to face teaching time does not include meal breaks. This means that the 20 minute meal break is counted as ordinary time worked but not counted as face to face teaching time within the construct of the 24 hours specified for programmed teaching time.

1992 - CIRCULAR 32

Circular 32 was promulgated in December 1992. The stated aim of the circular was to provide guidelines to assist managers in the implementation of non-contact time for preschool staff.

The circular was developed as part of the South Australian Government's commitment to the Commonwealth Government's Structural Efficiency Principle which tied salary increases to a commitment to improve productivity and efficiency.

Circular 32 is a guideline only and has no binding character. Its purpose is clearly defined within the body of the circular:

The office is not attempting to regulate times to such an extent that staff are required to account for every minute. The guidelines are an attempt to provide assistance to staff. All times should be rounded out and considered flexible.

The author of the circular, Rodney Gracey, has clarified that it was never intended to codify conditions but only to provide a document summarising understood practice for planning purposes¹⁵.

Within the construct of the Circular the following points are highlighted.

- The Circular does not specifically identify a face to face teaching load of 24 hours for teachers or provide indicative teaching time for PSDs.¹⁶
- The notional allocation of 10% of the total planned teaching time for non-instruction time (NIT). This allocation derives from face to face teaching time, not from ordinary hours of work specified in the Award.
- The identification of PSD administration time at (4 hours, 3 hours or 1.5 hours per fortnight). The gradation in time is understood to relate to:
 - part time centres (1.5 hours)
 - full time centres (3 hours)
 - centres with special programs e.g. long day care (4 hours)

¹⁵ Interview with Rodney Gracey November 2019.

¹⁶ The circular does refer to session times of 3 hours or 2.75 hours depending on the nature of the service being offered. The reference in the Conditions of Employment for DECS and DFEST (TAFE) Employees Decision No2 (2010) SAIR Commission (25 June 2010) at 828 refers to sessions of 2.75 hours based on the two centres examined and calculates 24.75 hours of contact time based on 8 x 2.75 hours sessions plus an extension program for pre-entry children.

The circular clearly identifies that administration time does not count as planned teaching session and this time would be allocated within the 36.25 hours specified in the Award.

Key Points

- The government's new EA effectively disposes of the use value of Circular 32 for preschool teachers by industrially codifying face to face teaching time and NIT as industrial entitlements (24 hours face to face teaching and 2 hours 30 minutes NIT).
- The circular makes no express reference to 24 hours face to face teaching. The figure of 24 hours derives from the programmed hours in place from the 1980s for standalone preschools of 8 sessions multiplied by 2.75 plus one extension session usually for pre-entry children of 2 hours on a Friday which equals 24 hours. The record suggests the 24 hours teaching has never been industrially codified and is an historical reference point only.
- The circular does highlight the historical treatment of administration time for PSDs. It can be taken that the allocated time for PSD administration identified in 1992 was consistent with the administrative duties required under operating conditions in place at the time.

1996-2006 Development of New Models of Organisation Governance and Industrial Regulation

The period from 1996 to 2006 was characterised by significant changes to standalone preschools. The two primary drivers for change were:

- The South Australian Government Partnerships 21 (P21) initiative launched in April 1999 that was designed to strengthen local management of schools and preschools through the key components of partnerships, quality improvement and resource flexibility.¹⁷
- The adoption of a system of industrially based resource guarantees arising from the arbitrated s.170MX Award 2000. This resource based guarantee was referred to as the "Commitment" and has played a central role in the industrial regulation for preschools up until the model of industrial regulation based on individual workload protections flowing from the current EA.

The first documented steps to reviewing Preschool Director administration time was in the 1996 Enterprise Agreement which included a commitment for a joint AEU/DECS review of preschool leadership time. The actual outcomes of this review are unclear but anecdotal information suggests the scheme for providing additional TRT

¹⁷ See Kilvert P International Education Journal Vol 2, No.1, 2001.

release time in recognition of additional leadership responsibilities was given real impetus as a result of the P 21 Initiative. The current framework for providing TRT release days based on the PSD classification level was implemented in the early 2000s.

Key Points

- P 21 began the process of increased autonomy for the management of preschools, including progressive devolution of general administration, finance and human resources over ensuing years. Since the initial model of TRT release time, introduced around 2000, changes to the role and function of Preschool Directors has changed substantially with only very minor modification of the framework of workload protections.
- Regulation through resourcing guarantees incorporated in the Commitment have been used for industrial regulation for some 20 years. The new EA includes individual workload protection for teachers using substantially the same model that is used in schools with a minor variation for contact time (24 hours for preschool; 22.5 hours for primary for primary school). The regulation of teaching time prior to this was based on Circular 32 which did not specify the quantum of teaching duties within the 36.25 duty hours specified in the Award. Under the existing system there is no requirement to stay within 24 hours and it is a decision of each preschool as to how teaching hours are determined.

2008 New ECW Work Level Definitions

A commitment was given in the 2006 Enterprise Agreement for a joint review with DECS and the AEU and PSA on the alignment of ECW classifications to SSO classification levels.

This review was driven by the necessity to build administrative capacity in sites to support the increasing workload flowing from increased devolution of administrative functions.

New work level definitions that provided the flexibility for ECWs to perform both care based and administrative functions were included in an update of in the ECW Award in May 2008.

Key points

- The alignment of the ECW classification criteria with school based SSO classifications was an important structural reform that was needed to support local management initiatives that initially flowed from P21 and have gathered pace in recent years.
- The review of six preschools undertaken for this submission identified that job design of ECW roles varied from preschool to preschool with some sites incorporating a range of administrative duties while others mostly confined their ECW's to children's education and care.

2008/9 Enterprise Bargaining Arbitration

The workload of preschools was covered in the 2008 Enterprise Bargaining Arbitration and incorporated in the decision of the full bench of the Industrial Relations Commission of South Australia (IRCSA) – *Conditions of Employment for DECS and DFEEST (TAFE) Employees Decision No2 (2010)*.

The coverage of preschool workload is in sections 776-878 of the decision:

- The IRCSA noted that the relevant safety net award prescribes that fixed hours of work for a PSD or teacher will be 36 hours and 15 minutes Monday to Friday. The AEU argument was that the task based nature of their work requires actual hours that far exceed that which is industrially prescribed.
- The AEU argued that the anticipated introduction of the Commonwealth Governments Universal Access policy to increase weekly learning hours for four year old children to 15 hours per week would increase workload over the life of the agreement.
- The argument presented by DECS was that flexibility was needed to respond to the Commonwealth Governments Universal Access policy and the AEU award prescriptions would hinder its capacity to implement the initiative. The DECS position was that the Commitment, by guaranteeing resourcing levels, provided appropriate industrial protection.
- In its decision the Full Bench referred to both current operating conditions and the impact of the Commonwealth Government's Universal initiative.

- In relation to current operating conditions the AEU relied on two affidavits from existing Preschool Directors to support its argument that workloads were excessive for teachers and PSDs. The full bench found there was insufficient evidence to support the AEU's application for individual workload protections. A factor in arriving at this decision was the extent to which the evidence presented by the two witnesses relied on in the AEU case could reasonably be extrapolated across the preschool system:¹⁸
- In its decision at (840) the Full Bench made clear its position - *"in the absence of adequate evidence that these factors are unreasonably blowing out the hours of work of the majority of PSDs and teachers, we do not propose to take the current situation into account when considering the competing AEU and DECS clauses"*.
- In relation to the future impact of the introduction of the Commonwealth Governments Universal Access policy the submissions of the government were that the initiative was still in the planning stage with several trials being undertaken to inform the decision making process. The government's position was that if group sizes and staff ratios were locked into the Award the SA government would be prevented from or substantially hindered in responding appropriately to the Commonwealth Government initiatives and associated funding from the Commonwealth. In its decision at (840) the Full Bench supported the government's position, *"It is important that preschool staffing remain the subject of policy so that DECS can be in a position to facilitate and implement the Preschool initiative"*.
- The Full Bench summarised its decision on Workload Protection for Preschools at 877-878:

(877) We have come to the conclusion that a recast Commitment may resolve our concerns. We request that the Chief Executive recast the 2009 Commitment in relation to preschools to clarify:

- *That contact time will continue to reflect current practice;*
- *That leadership release time for PSDs will continue to be set in accordance with the Preschool RES;*
- *That additional leadership time will continue to be provided at its current level as a minimum; and*
- *That group size and staff ratios will continue to be resourced according to the current Preschool Staffing Formula as a minimum.*

(878) If an appropriate Commitment is not forthcoming we will prescribe the current face to face teaching time and determine whether such should be expressed as maxima and we will prescribe additional leadership time for PSDs and determine whether such should be expressed as a minimum. We will also determine the jurisdictional issue in relation to group size and staff ratios and dependent on the outcome determine the content of such clauses.

¹⁸ One witness (Moore) was a PSD of an integrated centre that provided community based long day care for children from birth and which is open from 7.00am to 6.00 pm five days a week. The other witness' (Coulter) centre included an occasional care program.

Key Points

The arbitration was heavily focussed on the schooling system and in particular the government's proposal for replacement of the industrially protected staffing allocation document (SAD) with a per capita model of funding supported by individual workload protections, based on face to face teaching and NIT provisions. The government's position on the preschool sector was to maintain the status quo. As indicated in the Full Bench's decision, the weight of evidence presented by the AEU to move the preschool system to a system of individual workload protections was insufficient.

The Full Benches took a cautious position in relation to the Commonwealth Government's Universal Access Policy given that it was still in its planning phase.

The Full Bench, when referring to resource-based commitments at 863 of the decision, makes a very valid point in relationship to the application of resource based regulation:

"The resourcing commitment has the secondary effect of providing a measure of assurance that workload will remain at a certain level, whereas placing workload protections in this award would bring with it individually enforceable protections for the life of the award".

This section properly understood points to the limiting aspect of resource-based commitments in times of rapid change and increasing workloads.

The two important foundations of the Full Bench decision are no longer in place; the government is seeking to discontinue the Commitment and implement individual workload protections and the Commonwealth Government's Universal Access policy is now fully operational.

There are two significant issues that require further consideration:

- Significant change has occurred since to the PSD role since 2009 in relation to the regulated system of service delivery and extended or new managerial functions. This has been recognised in work value terms with significant real increases in salary but there has been no systematic examination of workload for over 10 years.

- An outcome of the EB is that PSDs are the only class of site-based employees without a viable system of workload protections. The limitations of a resource-based commitment (as exemplified in TRT release days) are inadequate for the current and expanding nature of their work.

2012 Enterprise Agreement

Following the arbitration, a new enterprise agreement was struck in 2012. The new agreement included:

- Specific information on PSD release presented in an express form.
- Specific commitments associated with *Rural Integrated Services, Children's Centres for Early Childhood Development and Parenting, and Other Approved Integrated Children's Centres*.
- Financial commitments relating to the uplift of preschool to 15 hours consistent with the Commonwealth Governments Universal Access policy.

The relevant extracts from the commitment are quoted below.

Preschools will continue to be resourced on attendance in accordance with the 2012 preschool staffing formula. The formulas contain allocations for leadership, teaching staff and non-teaching staff which will enable:

- *Contact time to be maintained at existing levels consistent with Circular 32;*
- *Additional Leadership Administration Time will be allocated to preschools using the formula described hereunder:*
 - *PSD1 = 12 TRT days per annum –*
 - *PSD2 = 12 TRT days + 5 TRT days loading per annum*
 - *PSD3 = 12 TRT days + 8 TRT days loading per annum*
 - *PSD4 = 12 TRT days + 8 TRT days loading per annum (2012)*
- *Group sizes and staff ratios be maintained according to the current formula. Preschools that provide Universal Access to Early Childhood Education to ensure that four year old children have access to 15 hours of preschool prior to entry into school will continue to receive 20% adjustment to their staffing entitlement.*
- *Preschool directors working in Rural Integrated Services, Children's Centres for Early Childhood Development and Parenting, and Other Approved Integrated Children's Centres, where the director is counted as part of the*

teacher/child staffing ratio shall be entitled to an additional 0.5 FTE teacher to provide 0.5 non-contact time for the director. In centres where the director is 0.5 FTE an additional 0.5 FTE director time will be allocated.

- *Preschool Directors working in rural part time centres with a rural care worker and/or more than two sessions of occasional care will increase their time fraction by a maximum of 0.1 FTE. If a centre should offer both programs, the increase in director time is 0.1 FTE.*

Key points

- The 2012 EA included the resourcing for Universal Access. While the actual hours of preschool increased by 25% (12 hours to 15 hours) the level of additional funding was set at 20%. It is understood that the 9th session - an extension program run once a week (usually on a Friday) for pre-entry children was used as an offset and this time effectively reassigned to prescribed contact hours to meet national regulations. Preschools who continued with the 9th session would do so in their own time. A potential future issue for sites who continue to run such programs is how this time will be counted as face to face teaching, within the terms of the Government EA.
- The additional non-contact time for Directors of Children's Centres, Rural Integrated Services and Rural Part Time Centres with a rural care worker were included as express terms in the Commitment and therefore industrially guaranteed while the Commitment remained in force.

2016 Additional Leadership Administration

In the 2016 EA for the purposes of the regulation of preschools continued consistent with the 2012 EA.

A new clause that applied to all Band A school and preschool positions was implemented in the agreement.

From the commencement of the 2016 school year each full time stand-alone preschool (pro rata for part time centres) will be provided with additional leadership administration time of 0.1FTE of a teacher per annum to address preschool director workload. This allocation is in addition to the additional leadership administration tome outlined above.

Key Points

- The new clause represented the first major workload relief for PSDs since the original scheme for TRT days was established in the early 2000s. The supplementation is provided as a personal allowance at the discretion of the individual PSD. The allowance, if fully directed, to teacher face to face time, potentially reduces a PSD teaching role by half a day per week.