

HIGHER DUTIES POLICY

Policy Number	P-STA-009	Version Number	1.00
Drafted by	Executive Officer	Approved Date: Review Date:	January 2021 January 2022
Responsibility	The Board of Bubup Womindjeka Family and Children’s Centre Association (Inc.)		
Related Service Policies	<ul style="list-style-type: none"> ▪ Staffing Policy ▪ Staff Code of Conduct Policy 	<ul style="list-style-type: none"> ▪ Occupational Health and Safety Policy ▪ Privacy and Confidentiality Policy 	
Legislation and Standards	Relevant legislation and standards include but are not limited to: <ul style="list-style-type: none"> ▪ Children’s Services Award 2010 ▪ Educational Services (Teachers) Award 2010 ▪ Clerks Private Sector Award 2010 ▪ Hospitality Industry (General) Award ▪ Fair Work Act 2009 (Cth) ▪ Fair Work Regulations 2009 (Cth) ▪ National Quality Standards: Quality Area 7: Governance and Leadership 		
Sources	<ul style="list-style-type: none"> ▪ National Quality Standards: Quality Area 7: Governance and Leadership ▪ Children’s Services Award 2010 ▪ Educational Services (Teachers) Award 2010 ▪ Clerks Private Sector Award 2010 ▪ Hospitality Industry (General) Award ▪ Fair Work ▪ Latrobe University ▪ The University of Western Australia 		

AUTHORISATION

This policy was adopted by the Bubup Womindjeka Family and Children’s Centre Board of Governance on 21st of January 2020.

PURPOSE

Bubup Womindjeka is committed to supporting the development of all staff members. Support includes opportunities to act in a position of higher responsibility or classification. The benefit to staff is through valuable professional and personal development opportunities and also in benefiting Bubup Womindjeka by broadening the capability of the workforce.

The purpose of a higher duties payment is to recognise the extra responsibility taken on by a staff member who acts in a position that is classified at a level higher than their substantive position.

SCOPE

This policy applies to the Approved Provider, Persons with Management or Control, Nominated Supervisor, Person in day-to-day Charge, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Bubup Womindjeka Family and Children's Centre.

DEFINITIONS

Acting Position: an employee may be temporarily appointed to an 'acting' position, where they are required to perform the role at a higher classification that is necessitated by a temporary absence of the incumbent, instead of their substantive position. The employee is expected to return to their substantive role when the term of the appointment comes to an end or when the incumbent returns to work.

Classification: is the level of responsibility of a position, generally shown relative to other positions and as defined in the relevant award is the 'level which most accurately reflects the work to be performed, taking into account the duties and responsibilities of the position'.

Higher Duties: an employee is on 'higher duties' when they perform work at a higher classification than their usual duties in addition to their normal duties.

Higher Duties Allowance: an allowance offered to an employee who has been requested by their Manager to carry out all or part of the duties of a position that has a higher classification than their usual position, in recognition for the increased responsibility, expertise or skill levels.

Substantive Position: is the position to which a staff member has been appointed (or would normally occupy) on a regular basis.

PROCEDURES

Higher duties arrangements are intended to be a temporary and of a short duration and should not be used in lieu of filling substantive positions.

The opportunity for a staff member to act in a higher duties position may be a result of:

- a. A staff member being on leave or has been seconded to another position
- b. A staff member is on extended leave due to illness
- c. A delay in the commencement of a new staff member after the resignation of a staff member

ROLE RESPONSIBILITIES

The Approved Provider (Board of Governance) is responsible for:

The Bubup Womindjeka Family and Children's Centre Board is the Approved Provider and has ultimate responsibility for the management and control of the service.

The Board delegates operational responsibility and day to day management of the service to the Nominated Supervisor and monitors the performance of the organisation, including responsibilities contained in this policy, through regular reporting and by ensuring appropriate resources are available to carry out the organisation's functions.

The Nominated Supervisor and Persons in Day to Day Charge are responsible for:

- Complying with this procedure when offering higher duties
- Obtaining advice from the Human Resources Co-ordinator in regard to remuneration levels
- Observing applicable legislation when considering requests for higher duties allowance

Human Resources Co-ordinator is responsible for:

- Providing advice on higher duties arrangements
- Ensuring all documentation is completed in accordance with this policy

Employees are responsible for:

- Completing all required documentation in regard to higher duties

Acting Positions

An employee can be appointed to an 'Acting' position, to fulfil a term of absence of a worker which is longer than 6 months, e.g. a one year vacancy arising from parental leave. In these instances, the employee who has been appointed to the 'Acting' position will be given a Letter of Offer, which specifies the term of the appointment, the level of remuneration and any other special conditions which may apply. The employee is expected to return to their substantive position at the end of the term of the appointment or when the incumbent returns to work.

Higher Duties

Bubup Womindjeka Family and Children's Centre may from time to time require an employee to work at a higher classification to their normal position to cover a temporarily vacant position. The vacancy may come about due to the restructuring of staff positions, leave arrangements, resignation, transfer or other staff movements. A Centre Leadership Team member would generally determine whether there is a need for work to be done, and whether this need would be met by requesting an existing employee to carry out work at a higher level. The Centre Leadership Team member must take into consideration whether the employee has the necessary skills, knowledge, experience and time to carry out the higher duties as well as their existing duties. Employees can request, but cannot approve, higher duties for themselves.

Higher Duties Allowance (HDA)

In determining the allowance to be offered, the Human Resource Co-ordinator must refer to any Modern Awards that cover the employee. The payment of a HDA is calculated as the difference between the employee's current salary and the minimum level of the salary of the higher position with reference to an Award where applicable. Where no difference exists, no allowance will be paid. An allowance may be paid in full or in part. Where a full-time commitment to undertake all of the duties of the position is required it will be 100 percent.

Where a partial allowance is paid it will be negotiated with the staff member prior to commencement of the duties. A partial HDA is appropriate in the following circumstances:

- A part-time commitment to undertake the duties of the position is required
- Only part of the full range of duties of the position is required due to a cyclic or seasonal variation

The Centre Leadership Team member, in consultation with the Human Resources Co-ordinator, must determine the proportion of the duties of the higher paid position that is being undertaken. The allowance offered will be commensurate with the higher duties undertaken.

Higher Duties Allowance and Leave Entitlements

Annual Leave and Long Service Leave

As an employee is requested to accept higher duties as a temporary measure to fill a need Bubup Womindjeka Family and Children's Centre reasonably expects that the worker on higher duties will not take any planned annual leave or long service leave within the term of the higher duties.

If an employee has requested annual leave in excess of five days, and has been granted the annual leave prior to accepting higher duties, then the higher duties allowance is not payable during that period of absence.

If an employee requests annual leave within a period of higher duties, the employee's manager must consider the period of annual leave requested. If a period of more than five consecutive days is requested, the employee's manager must consider whether it may be necessary to appoint another employee to undertake the higher duties during the absence. If the annual leave is then approved to the employee who has been on higher duties, the employee will have ceased the higher duties while on annual leave and will not be entitled to higher duties allowance during that period.

Should another employee be assigned the higher duties, that employee will be paid the higher duties allowance. If the three additional leave days granted to Bubup Womindjeka Family and Children's Centre employees between Christmas and New Year fall within a period of higher duties, then the higher duties allowance will be paid for those days.

All Other Paid Leave other than Parental Leave

A higher duties allowance will be paid for any absence of five consecutive days or less of personal leave, carers leave or compassionate leave. If an extended period of these types of leave is required, then the employee's manager must consider whether the higher duties should be terminated for this employee, and another employee be assigned the higher duties.

Public Holidays

The higher duties allowance will be paid for all public holidays that fall within the period of higher duties.

Process for Requesting Higher Duties

1. If the need to request an employee to undertake higher duties comes from a Centre Leadership Team member, then the Centre Leadership Team member must seek approval from the Human Resources Co-ordinator to proceed with the request.
2. If the request to be considered for a higher duties allowance comes from an employee, then the employee must make that request through the Human Resources Co-ordinator.
3. The Human Resources Co-ordinator in conjunction with the Centre Leadership Team must consider the request and determine the extent of the higher duties which are to be undertaken taking into account any leave arrangements.
4. The Human Resources Co-ordinator must consult with the Centre Leadership Team to determine the appropriate level of HDA to be paid. This must be at least the minimum level of the salary of the higher position in reference to the appropriate Award.
5. The Human Resources Co-ordinator and Centre Leadership Team member should discuss the higher duties and the HDA with the employee.
6. The Human Resources Co-ordinator must ensure that the employee is informed in writing of the following:
 - The higher duties position being undertaken
 - The start and the end date of the period of higher duties
 - The allowance for the higher duties
7. A copy of this letter is to be forwarded to the payroll officer, so that the higher duties allowance and additional superannuation can be accounted for.
8. The period of higher duties will come to an end on the date stated in the letter unless the higher duties arrangement is extended by mutual agreement. In that case, a letter must be sent to the employee and to payroll as per steps 6 and 7.

Refusal of a request for Higher Duties Allowance

In the first instance, a refusal of a request for a HDA should be discussed by the employee and the Centre Leadership Team member. If the matter is not resolved, the employee may access the Bubup Womindjeka Family and Children's Centre Staff Grievance and Complaints Procedure.

Termination of Higher Duties

Higher duties may be terminated before the stated end date if the employee is not able to carry out the higher duties for an extended period of time or if the employee is not able to carry out the higher duties to a satisfactory level or if the employee whose absence has created the higher duties role returns to work earlier than expected. Disputes regarding termination of higher duties should be discussed by the employee and their Manager. If the matter is not resolved, the employee may access Bubup Womindjeka Family and Children's Centre Staff Grievance and Complaints Procedure.

Higher Duties Records

These records are to be maintained in a secure location. Access to them is by permission of the Executive Officer, Director of Education or Human Resources Co-ordinator. Records are to be retained in accordance with the relevant state or commonwealth legislation.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Nominated Supervisor will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

Relevant Forms/Documents

Higher Duties Agreement

Version History

Date	Version	Author/s	Details
January 2020	1.00	Executive Officer	New Policy.
January 2021	1.00	Executive Officer	Policy reviewed and no changes made.

ATTACHMENT I

Higher Duties Agreement

Employee Name: _____

Substantive Position: _____

Substantive Classification: _____

Higher Duties Position: _____

Higher Duties Classification: _____

Reason For Higher Duties Position: _____

Higher Duties Hourly Rate of Pay: _____

Percentage of Duties at Higher Duties Hourly Rate of Pay: _____

Commencement Date of Higher Duties: _____

End Date of Higher Duties: _____

When an employee performs duties that are classified as higher than their ordinary classification, clause 18 of the Children's Services Award 2010 provides for payment at the higher classification.

Signature of Employee: _____ Date: ____/____/____

Name of Centre Leadership Team Member: _____

Centre Leadership Team Member Position: _____

Signature of Centre Leadership Team Member: _____ Date: ____/____/____