

Ashwood High School Leave Policy

PURPOSE

An essential part of the school's Workforce Planning Strategy is forward planning to accommodate the leave requirements of staff. This document is intended to offer all school staff information about on the processes associated with the application and granting of leave.

Staff leave will be considered in line with relevant legislation, DET guidelines and policy and the Victorian Government Schools Agreement 2017. Categories of leave are details in the Victorian Government Schools Agreement 2017 and Ministerial Order 199. Details of categories not explicitly noted in this policy should be identified from the relevant links to the above legislation as found in this policy.

Personal Leave (updated 26 February 2018)

<http://www.education.vic.gov.au/hrweb/employcond/Pages/slveTS.aspx>

Parental Absence (updated 27 February 2018)

<http://www.education.vic.gov.au/hrweb/employcond/Pages/parentlve.aspx>

TYPES OF LEAVE AND ENTITLEMENTS

Personal Leave

Personal leave is available to an employee when they are absent due to personal illness or injury; or to care for an immediate family or household member who is ill or injured and requires the employee's care or support or who requires care or support due to an unexpected emergency.

Employees are credited with 114 hours personal leave on full pay on commencement of employment. Employees employed on a part time basis have access to the personal leave provisions on a pro rata basis according to the time fraction worked.

Prior service with an approved employer may be recognised for personal leave purposes. In this case personal leave credits will be calculated as if the approved prior service had been with the Department including the deduction of any personal leave taken during the period of prior service.

If in the first year of employment an employee's personal leave credits are exhausted, the employee may access personal leave credits which would later accrue up to a maximum of 114 hours. Employees employed on a fixed term basis for one or more periods can only accrue 114 hours personal leave in respect of each completed year of service.

Personal leave accrues at the rate of 114 hours on full pay for each completed year of service. Unused personal leave credits accumulate. To determine the current net personal leave entitlement for an employee, all personal leave with pay granted during the employee's service is deducted from the amounts credited during their service and the period remaining is the net amount of personal leave credit.

Personal leave (carer's) is deducted from an employee's accrued personal leave credits. An employee whose personal leave credits are exhausted in any calendar year has access to a further 22.8 hours paid personal leave (carer's).

The National Employment Standards provide that where all paid personal leave entitlements have been exhausted, an employee is entitled to up to two days of unpaid carer's leave per occasion.

This leave may be taken for a particular occasion as:

- a single continuous period of up to two days; or
- any separate periods which are agreed between the employee and the principal.



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An employee who has exhausted all paid personal leave entitlements may make an application for other leave, paid or unpaid, such as long service leave or leave without pay.

Generally, two employees would not be granted personal leave (carer's) to provide care for the same person at the same time.

The date on which personal leave is credited is deferred when:

- an employee has taken any period of leave without pay (of any type that does not count as service) in excess of one month in any twelve month period unless otherwise approved by the delegate
- an employee has taken a period of leave, either continuous or in aggregate, of greater than 261 working days in respect of a particular injury or incapacity, where the employee is in receipt of workers' compensation payments under the *Workplace Injury Rehabilitation and Compensation Act 2013*.

An employee eligible to be absent on personal leave may elect in writing to use some or all of their personal leave credits on half pay. The basis of the conversion is that one hour on full pay equals two hours on half pay. An employee granted personal leave without pay or on half pay is restored to full pay from the day the employee actually resumes duty.

If there is occasion to doubt the cause or the reason for a personal leave absence the Medical Advisory Service may be contacted for advice.

Payment in lieu of accumulated personal leave credits is not available on cessation.

Long Service Leave

An employee is entitled to 495.6967 hours (three months) of long service leave after ten years of full time eligible service, and 247.84835 hours (one and a half calendar months) of long service leave for each five years of full time eligible service thereafter. An employee may, however, access their long service leave entitlement on a pro-rata basis after seven years of eligible service. Part time employees accrue long service leave on a pro-rata basis.

For information about eligible service for long service leave purposes, see Service Recognised for Leave Purposes.

Employees may view their current long service leave entitlement, or forecast future entitlements, on eduPay using Employee Self Service.

On cessation of employment (including the expiration of a fixed period of employment) an employee may be entitled to payment in lieu of long service leave. For information, see Payment in lieu of entitlements.

Flexible Working Hours

The ordinary hours of attendance for an Education Support Class employee will be for a minimum of 7.6 hours daily between 8:00am and 6:00pm from Monday to Friday unless otherwise agreed.

The principal and the employee may agree on an arrangement of ordinary hours of attendance, including but not limited to:

- daily starting and finishing times
- the time and duration of the lunch break
- attendance at school meetings and meetings with parents
- in the case of part time employment, the number of hours worked per fortnight
- flexible work arrangements.

The principal and employee may agree to vary these arrangements at any time.



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An education support class employee cannot be required to work more than five hours without a lunch break of a minimum duration of 30 minutes. The lunch break is unpaid and free from assigned duties between the hours 11:30am to 2:30pm unless otherwise agreed between the principal and employee as set out above.

Attendance during additional paid leave period

An education support class employee can be required to attend for duty and/or professional development during their period of additional paid leave, up to a maximum of six days per year subject to the following:

- attendance can only be required at the commencement or conclusion of a school vacation period
- attendance can only be required during one or two school vacation periods
- reasonable notice is provided, being not later than four weeks into the preceding term
- an employee at education support class level 1, salary ranges 1 and 2, cannot be required to work in isolated circumstances or to attend unless a responsible manager is present
- an employee can only be required to perform duties consistent with their role(s).

In addition to the six days, an education support class employee and their principal may agree on attendance for duty and/or professional development for any or all of the remaining additional paid leave.

Where an employee has accepted employment that requires attendance during a school vacation period(s), that attendance requirement forms part of the employee's terms of employment.

The maximum period of attendance in any year under the above provisions is 30 days. Where an employee attends for duty and/or professional development, they will be paid the leave purchase allowance and the additional paid leave entitlement will be reduced accordingly.

An education support class employee who was employed at 52/52, 51/52, 50/52 or 49/52 immediately prior to translation to the new education support class structure on the date the Victorian Government Schools Agreement 2013 commenced to operate (10 July 2013) will maintain the attendance requirements that applied to them immediately prior to that date. The employee will be paid the leave purchase allowance to reflect their attendance requirements which can only be changed by agreement between the principal and the employee.

Where an education support class employee has an attendance requirement of more than 6 days:

- the limitations set out in subclause 24(5)(a)(ii) of the Agreement do not apply; and
- the requirement under subclause 24(5)(a)(v) of the Agreement to reach agreement on attendance during any of the additional leave period does not apply.

Information about additional paid leave is available on the Annual Leave page on HRWeb and information about the leave purchase allowance is available on the Allowances-Teaching Service page on HRWeb.

Flexible Working Hours

An education support class employee is entitled to time off in lieu where they are required to work in excess of their normal hours of duty. Time off in lieu is equivalent to the additional time worked.

The requirement to work hours in excess of normal hours should only be where such work is unavoidable and reasonable notice is provided. All work required in excess of an education support class employee's normal hours of work must be documented by the principal. An education support class employee who is directed to work in excess of their normal hours of duty may request not to do so where this would unreasonably affect personal or family commitments and the principal will not unreasonably refuse such a request.

The time at which time off in lieu is granted is at the discretion of the principal having regard to the operational needs of the school and the wishes of the employee. Time off in lieu may be granted on any day other than a day of approved leave.



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As an alternative to time off in lieu, the principal and the employee may agree to payment for time in lieu owed at the employee's normal rate of pay.

Unless otherwise agreed between the principal and the employee, where time in lieu remains outstanding from the previous school year, at 30 June of the following school year the employee may elect to:

- (a) take time off equivalent to the time owed, commencing immediately; or
- (b) request payment at their normal rate of pay plus 50% for the additional time worked.

Due to budgetary implications Education Support Staff accruing time in lieu due to attendance at school camps will be required to use that time in lieu or request payment for the time created within the same calendar year of attending the camp. Payment will be at the normal rate.

Parental Leave

The purpose of parental absence is to enable an employee in the teaching service who is a parent to be absent from duty for a total of seven years following or in conjunction with the birth, adoption or otherwise becoming the legal parent of one or more children.

Parental absence comprises one or more of the following forms of leave:

- Maternity Leave
- Partner Leave
- other paid Parental Leave
- Long Service Leave
- Annual Leave and additional paid leave (Education Support class employees)
- Family Leave without pay (that portion of a parental absence not covered by paid leave).

An employee may also be entitled to other leave preceding the birth or adoption of a child.

An employee who is pregnant is required to absent herself from duty for the period commencing six weeks prior to the expected date of the child's birth until six weeks after the actual date of birth.

Maternity Leave

An employee is entitled to maternity leave with or without pay for a continuous period of 14 weeks commencing from the date the employee commenced the required absence period.

Where an employee is permitted to attend for duty during part of the required absence period before the birth of the child any paid maternity leave commences from the first day of absence from duty relating to the impending birth. The period of paid maternity leave can commence no earlier than the beginning of the required absence period.

An employee is eligible for paid maternity leave if the employee has had twenty-six or more weeks qualifying service within the fifty-two weeks immediately preceding the date the employee commenced maternity leave. Where the pregnancy of an employee terminates more than twenty weeks before the expected date of birth, other than by the birth of a living child, the employee is not entitled to paid maternity leave. However the employee may be entitled to an unpaid parental absence of six months as set out above and may be eligible for personal leave subject to satisfying the personal leave requirements.

An employee may elect to take paid maternity leave on full or half pay or a combination of both. An employee who elects to take some or all of their paid maternity leave on half pay must notify the delegate of this intention in writing prior to commencing leave unless otherwise agreed between the employee and the delegate.



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Qualifying service includes:

- duty (other than periods of casual employment, or duty during the six weeks prior to the expected date of birth);
- approved leave with pay;
- approved leave without pay that is determined to count as qualifying service;
- other service that is determined to count as qualifying service.

An application for maternity leave must include a medical certificate that states that the employee is pregnant and the expected date of birth.

While on maternity leave with pay, an employee will be paid at:

- the time fraction that the employee was working immediately before commencing maternity leave; or
- the time fraction that the employee was working immediately prior to commencing long service leave, if the employee ceases long service leave on half pay immediately before commencing maternity leave.

Partner Leave

An employee who submits satisfactory evidence that they have accepted responsibility for the care of a child (or children in respect of a multiple birth) will be granted partner leave with pay, at the rate the employee would have received but for the absence on partner leave, for up to 38 hours (five days in respect of a full time employee) in aggregate to care for the child (or children in respect of a multiple birth) and/or the mother of the child.

Satisfactory evidence includes:

- a medical certificate stating the expected birth date, or
- a medical certificate stating the actual birth date, or
- a certified photocopy of the extract of birth entry.

Leave must be taken within the period commencing one week before the expected date of birth or the date from which the employee accepts responsibility for the child, and six weeks after the actual date of birth or the date from which the employee accepts responsibility for the child. Where the employee is unable to take partner leave during this specified period, they may make an application to the delegate for leave at another time. Where the delegate has a reasonable belief that the employee was unable to take partner leave during the specified period, the delegate may approve the application for leave.

An employee who is eligible for maternity or other paid parental leave is not eligible for partner leave in respect of the same child (or children in respect of a multiple birth).

Other Paid Parental Leave

An employee who:

- is an approved applicant for the adoption of a child; or
- becomes the legal parent of a child (or children, as the case may be) under a surrogacy arrangement; or
- has the daily care and control of a child following:
 - the adoption by the employee of a child who is a relative of the employee; or
 - the employee becoming the legal guardian of a child; or
- becomes the primary care giver of a child (or children, as the case may be) in such other circumstances approved by the delegate

is entitled, on submitting evidence of the date of placement of the child or the date the employee becomes the legal parent, to paid leave for eight weeks commencing on that date.



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The conditions for granting and payment of other paid parental leave are the same as those specified for maternity leave (see maternity leave in this guide).

When two employees apply for leave in respect of the placement of the same child, each employee is entitled to leave with pay for four weeks commencing on the date of placement of the child or the date the employees become the legal parents of the child (or children in respect of a multiple birth).

Where no legal adoption ensues or no action is taken to register the baby's birth if required under state/territory law, the employee has no further entitlement to leave.

An employee who is granted parental responsibility for a child under a care order made pursuant to the *Children, Youth and Families Act 2005* (Vic) by the Children's Court or the Family Court, and who is the primary caregiver of the child, is entitled to two weeks paid leave at a time agreed with the principal. For the avoidance of doubt, an employee is only entitled to this period of leave once in relation to a particular child.

An application for leave must include a statement from:

- an adoption agency or other appropriate body of the expected date of placement; or
- the appropriate government authority confirming that the employee is to have custody of the child pending application for an adoption order; or
- the Children's Court or the Family Court as to the granting of custody.

Annual Leave

A full-time employee is entitled to 152 hours (20 days) annual leave in respect of each twelve months of service and accrues progressively during a year of service according to the employee's ordinary hours of work. Part-time employees receive annual leave entitlements on a pro rata basis calculated according to the time fraction worked.

Annual leave accrues at the rate of 1/12 of the annual entitlement for each completed month of employment.

Service for annual leave accrual purposes includes all periods of:

- duty
- paid leave
- leave without pay not exceeding one month in any calendar year.

Employees are expected to use annual leave during school vacation periods unless otherwise approved. Public holidays that fall during a period of annual leave are not regarded as part of that leave.

An education support class employee who becomes ill or is injured during annual leave may be granted personal leave (see Personal Leave under Related Topics for more information).

Additional paid leave - education support class

A full-time education support class employee is entitled to 228 hours (30 days) additional paid leave in respect of each calendar year. Part-time employees receive additional paid leave entitlements on a pro rata basis calculated according to the time fraction worked.

Additional paid leave accrues at the rate of 1/12 of the annual entitlement for each completed month of employment.



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Service for additional paid leave accrual purposes includes all periods of:

- duty
- paid leave
- leave without pay not exceeding one month in any calendar year.

Education support class employees are expected to use additional paid leave during school vacation periods unless otherwise approved. Public holidays that fall during a period of additional paid leave are not regarded as part of that leave.

An education support class employee who becomes ill or is injured during additional paid leave may be granted personal leave (see Personal Leave under Related Topics for more information).

An education support class employee who is required, or agrees, to attend for duty and/or professional development during the period of additional paid leave will be paid the leave purchase allowance and their additional paid leave will be reduced accordingly.

Education support class employees, except those in receipt of a fortnightly leave purchase allowance, will have annual or additional paid leave automatically entered on eduPay during school vacation periods. An education support class employee in receipt of a fortnightly leave purchase allowance will not have annual or additional paid leave automatically entered on eduPay during school vacation periods. These employees will need to submit applications for leave through Employee Self Service (ESS) on eduPay.

Bereavement Leave

An employee may be granted leave on full pay of up to three days on account of the death of a member of their immediate family or household for the purposes of making funeral arrangements and/or attending the funeral. Immediate family includes:

- the spouse or domestic partner (including a former spouse or former domestic partner) of the employee. A domestic partner means a person to whom the employee is not married but with whom the employee is living as a couple on a genuine domestic basis (irrespective of gender); and
- a child or an adult child (including an adopted child, a stepchild or an ex nuptial child), parent, grandparent, grandchild or sibling of the employee or spouse of the employee.

The principal may grant paid leave in other cases where, in their opinion, special circumstances exist. Special circumstances include the death of a:

- person with whom the employee had a close relationship
- step or foster parent or child
- relative who has taken the place of a parent
- relative residing with the employee at the time of the death
- person where employee is the only relative of the deceased person and is the only person available to make the funeral arrangements.

Leave, with or without pay, in excess of that specified above may be granted if the principal is satisfied that three days is inadequate because of special circumstances (for example, funeral delay or extensive travelling involved).



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Leave Without Pay

Employees may be granted leave without pay for periods of up to twelve months for a range of reasons including:

- family reasons
- study or training
- employment, including self employment
- travel
- participate in, officiate at and/or train for sporting events
- pursuing the development of personal interests
- undertaking voluntary work, including participation in community and international aid programs
- campaigning for public office (other than an employee standing for a federal election who is required to resign)
- any other reason considered appropriate by the delegate.

Religious Observance

An employee may be granted leave without pay for observance of recognised religious festivals or feast days. Leave is not normally granted for participation in pilgrimages or religious conventions.

It is advisable for each employee to make one application for their total leave requirements for a calendar year.

Leave in excess of five days in a calendar year would not normally be approved, unless there are exceptional circumstances. Previously, leave without pay in excess of five days in a calendar year has been granted as follows:

- Judaism: Followers are entitled to a maximum of thirteen days leave without pay per calendar year, but leave is not granted to prepare for feasts.
- Worldwide Church of God: Followers are entitled to leave for the Old Testament holidays as observed by followers of Judaism. Leave to travel to and from a festival site may be granted. However, the employee must attend the closest festival site. Reasonable time for travel by car is permitted. Employees are required to submit evidence to support any request for the inclusion of travelling time in the period of leave.

Where an employee wishes to take leave for more than five days other than as set out above, an application must be made setting out the circumstances.

Each application for leave should state that the employee is a practising member of a specific faith, the name of the festival(s) or holy day(s) for which leave is desired and the relevant date(s). If travelling time is desired, evidence to support the case must be submitted.

Leave without pay granted for religious purposes does not count as service, with the exception of calculating salary loading allowance for teaching service employees.

**** With any approved extended leave of more than 10 days, you will be required to return any school keys and school mobile phones (if applicable) to the Business Manager with the exception of the Principal.**



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APPROVAL OF DISCRETIONARY LEAVE

In all matters associated with the consideration and granting of leave, there will be recognition of the interests and effective management of the school, taking into account staffing, school operations and the educational programs of individual and groups of students. This policy provides guidelines and processes to accommodate the leave requests of staff with minimal disruption to the daily organisation and administration of the school.

To facilitate effective planning, operations and financial management all requests for leave should be submitted with as much notice as possible other than in exceptional and unanticipated circumstances.

Where an entitlement exists and discretion is relevant, every effort shall be made to respond favourably to a staff member's request ensuring that discretionary leave is granted on a fair, reasonable and equitable basis.

All staff members are reminded that Personal Leave is for the purpose of supporting the staff member during times of illness or to receive medical treatment etc. – it is not designed to be used as a form of paid flexi-leave from the school to carry out domestic or recreational pursuits.

CRITERIA FOR CONSIDERATION OF DISCRETIONARY LEAVE

In considering and prioritising applications for leave, the following criteria will be taken into account:

- The number of staff requesting leave in a related time frame
- The impact that the leave will have on the operations of the school
- The impact that the leave will have on Year 12 students/classes
- The impact that the leave will have on particular year levels or class groups and on particular teaching areas.
- Providing stability and continuity in the staffing of senior classes will be a high priority for the school
- The type of leave being requested i.e. paid/unpaid etc
- The availability of a suitable replacement
- Conjoint applications for leave
- Priority may be given to staff who have had an application for leave recently refused, or who have not taken leave in the recent past or whose activities while on leave could benefit the school or provide personal professional growth
- In an event when a number of staff have requested leave for the same time period and to assist in prioritising the applications, the Principal may consult with the relevant staff member about the flexibility and staging of their leave
- Discretionary leave will not normally be granted more than once per year
- Discretionary leave will not normally be granted in successive years
- Discretionary leave will not ordinarily be granted for continuous periods in excess of 12 months, however the Principal may approve or extend leave without pay for a longer period after having regard to the reason for leave, to a period of not more than 2 years.
- LWOP would not normally be granted to a staff member to take up employment in the non-government sector or other areas of employment. Allowing such arrangements would reduce the school's capacity to advertise ongoing positions which may reduce the calibre of applicants applying for the corresponding vacancy.



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APPLICATION AND APPROVAL OF DISCRETIONARY LEAVE

- All Personal Leave of 3 or more days should be communicated to the Principal.
 - The completed leave form is to be submitted to the Principal's EA for an appointment to be made with the Principal.
 - After the meeting with the Principal and if the leave is granted the Principal's EA will complete a Confirmation of Leave form that is signed by the Principal.
 - A copy is stored in the staff member's file and provided to the Approvals and Organisation Committee for processing and the original is given to the Staff member.
 - Staff should not make arrangements associated with their leave prior to it being confirmed.
- If the leave is not approved the response to the leave application shall be provided in writing. If the leave is not granted in the terms being sought, the reasons will be provided in writing and:
 - Sympathetically discussed with the applicant
 - Alternatives explored
 - Appeal options identified
 - Staff members will have 14 days from the date of notification regarding their leave request to lodge an appeal in writing to the Principal in relation to leave being refused.
- If the circumstances of the member of staff or school unexpectedly or dramatically change, either party may initiate discussions to review the options regarding the leave. In such circumstances, as much notice as possible should be given.
- Once approved, withdrawal of leave (or variation of length of leave) will only be allowed in some circumstances. The main consideration will be whether any contractual arrangements or other undertakings are in place and/or the budgetary costs of the proposed withdrawal or variation.
- Principal discretion will be exercised in regard to all applications for discretionary leave.
- Applications for extended (greater than 2 weeks) Long Service Leave or Leave Without Pay or similar discretionary leave must be in writing on the appropriate form and must be received by the Principal at least 2 full terms in advance, or by the start of October of the previous year – whichever is earlier.
- After the leave has been approved and confirmed by the Principal, teaching staff members taking leave are required to meet with the CRT or fixed term replacement staff to discuss the smooth transition of teaching load, including the provision of current course outlines and units of work, ensure all assessments are completed and that reporting details are up to date, provide access to all resources required to satisfactorily teach the allotment.
- In general staff who have been granted 2 weeks or more Long Service Leave or Leave Without Pay will not be allocated a Year 12 class.

NOTIFICATION, RECORDING AND TRACKING OF LEAVE IN EDUPAY

- All staff members who are taking 3 days or less Personal Leave must advise the Daily Organiser and the Assistant Principals as soon as possible (ideally the evening before but definitely before 7:30am on the morning of the absence).
- Teaching staff are required to leave work for their classes, documented in Compass
- All staff are required to enter their leave into Edupay.
- All leave should be entered onto the system the day staff return from leave. If this is not attended to by 10th day of return from leave staff leave, will automatically be entered by the Business Manager as Personal Leave without a certificate. One reminder will be provided on the 5th day. If a staff member has exhausted their Personal Leave without a certificate, then the leave will be entered as Leave without Pay.
- Staff members who require Personal Leave longer than 3 days must advise the Principal, and after acknowledgement from the Principal should advise the Daily Organiser and Assistant Principals.
- Doctors certificates must be forwarded to the school after 5 days absence (or sooner if the absence is less than 5 days).



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- Absence from school without notification or without approval will result in leave being entered as 'Leave without Pay'.
- Staff members who are returning from Personal Leave are required to provide the Business Manager with a medical certificate (where required) after entering the leave on Edupay.
- Except as set out below, applications for personal leave must be supported by a **required document**:
 A **required document must** be provided for absences:
 - Immediately before and/or after a **school vacation** period
 - Immediately before and/or after a **public holiday**
 - Immediately before and/or after a period of **LSL**

A **required document is not needed** when the leave is

For any single absence which does not exceed three days and when absences without a required document have not exceeded a total of 38 hours, (5 days) in any **calendar year**



Definition of a Required Document is as follows:

- Medical Certificate from a registered medical practitioner
- Certificate in Lieu means a certificate issued by a registered health practitioner eg. Chiropractor, Dentist, Pharmacist, Optometrist
- Statutory Declaration

In the case of **Carer's Leave** the required document must state that the immediate family member requiring care is suffering from an illness which requires care by another.

All Flexible Working Hours arrangements must be approved by the Principal **prior** to any implementation.

This policy will be reviewed as part of a three-year review cycle.

Date Implemented	8 August 2018
Author	Debbie Whitehouse
Approval Authority (Signature and Date)	Principal:  School Council President: 
Review Date	30 April 2021 (to align with the VGSA)
References	This policy should be read in conjunction with the Flexible Work Arrangements Policy and VGSA2017 clause 30 and 31 All Flexible Working Hours arrangements must be approved by the Principal prior to any implementation.

