



Staff Leave Policy

2022

PURPOSE:

The purpose of this policy is to provide Teaching and Education Support staff guidelines around the application for leave.

SCOPE:

This policy relates to applications for Leave by Teaching and Education Support Staff and will form part of the Healesville Primary School Induction process for new staff members.

DEFINITIONS:

Under the scope of this policy, the term Leave will encompass the following:

- Long Service Leave (LSL)
- Leave without Pay (LWOP)
- Parental Leave

Teaching Service staff are those staff who are currently employed by the Department of Education.

POLICY:

Healesville Primary School accepts that teachers are entitled to leave, the timing of the leave is discretionary.

Long Service Leave

An employee is entitled to 495.6967 hours (3 months) of long service leave after 10 years of full time eligible service, and 247.84835 hours (1.5 calendar months) of long service leave for each 5 years of full time eligible service thereafter. An employee may, however, access their long service leave entitlement on a pro rata basis after 7 years of eligible service. Part-time employees accrue long service leave on a pro rata basis.

An application for long service leave needs to be lodged with sufficient notice but **no later than 2 terms** before the intended commencement of leave or such shorter period that may be approved by the principal. It is the Principal's discretion to grant long service leave to grade 5/6 teacher in Term 4 due to the operational requirements of the school at this time of the year, regardless of how much notification was given. For example, camps, graduation etc. In considering applications for long service leave, the principal will have regard to the operational requirements of the school, taking into account the availability of replacement staff and the number of staff who wish to take leave at the same time. Teachers in the senior school will not be considered for long service leave in Term 4, as well as Foundation teachers in Term 1.

Where long service leave is not granted, arrangements should be made with the employee to enable leave to be taken at an alternative date in the future. An employee may access some or all of their long service leave entitlement during a period of unpaid parental absence.

An employee granted long service leave with full pay will be paid their normal rate of pay during the period of long service leave. An employee may elect to take all or part of the long service leave at half pay. An employee may apply for payment in advance for long service leave.

With the exception of education support class employees, where a school vacation period occurs during a period of long service leave, the school vacation will form part of the long service leave. Generally, where long service leave is to commence at the beginning of a school term and, or to end at the conclusion of a school term, the school vacation period immediately preceding and, or immediately following the leave is not counted as part of the long service leave.

Education support class employees are expected to use accrued annual leave and additional paid leave during school vacation periods unless otherwise approved, therefore long service leave is not generally approved during school vacation periods.

Public holidays which occur during a period of long service leave will not form part of the leave. An employee who becomes ill or is injured during long service leave may be granted personal leave

Leave without Pay

Staff may be granted leave without pay for periods of up to 12 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

Leave without pay in excess of 12 months, including extending a period of leave, may be granted where the Principal considers this is warranted.

Applications for leave without pay are considered by the Principal under Division 18 of Part 6 of Order 1038. With the exception of applications for leave without pay to count as service, the Principal has the delegation to approve leave without pay in respect of all staff employed at Scoresby Primary School.

Applications for leave without pay must be made in sufficient time to enable the application to be determined prior to the commencement of the leave without pay. In determining applications for leave without pay the following matters will be considered:

- the length of service of the employee
- the reason for leave
- the availability of suitable replacement staff
- any other factor considered relevant

Applications for leave should be submitted through Employee Self Service (ESS) on eduPay after discussion with the Principal.

Parental Leave

The purpose of parental leave is to enable an employee to be absent from duty for a total of 7 years following or in conjunction with the birth, adoption or otherwise becoming the legal parent of one or more children.

This policy applies to all employees in the teaching service, covered by the Victorian Government Schools Agreement 2017 (the Agreement) and provides details on employee entitlements consistent with the Agreement and the National Employment Standards from the Fair Work Act 2009.

Parental absence comprises 1 or more of the following forms of leave as illustrated below:

- 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 leave preceding the birth or adoption of a child.

Types of leave that comprise parental absence

Pre-birth or pre-placement

- prenatal leave
- pre-adoption leave

Birth or immediate placement

- maternity leave
- partner leave
- other paid parental leave

Post-birth or placement

- annual leave and additional paid leave
- long service leave
- family leave without pay

Apart from any paid leave taken in conjunction with the birth, adoption or otherwise becoming the legal parent of a child, parental absence is without pay.

Parental absence may extend up to the 7th birthday of the child for whom the leave was granted with the following exceptions:

- the absence may be extended beyond the 7th birthday to allow for resumption of duty at the start of a school term, and
- parental absence in respect of an adopted child can be extended beyond the 7th birthday of the adopted child up to a maximum of 7 years or the 16th birthday of the adopted child, whichever occurs first

If a total of 7 years of parental absence has been taken, a further period of parental absence may be approved in the event of any subsequent birth, adoption or otherwise becoming the legal parent of a child.

Absent without Leave – Unauthorised Absences

Where a staff member is absent from duty except on approved leave, the employee is not entitled to salary for that period as the absence from duty was not authorised. Provided that the staff member, prevented by sudden illness, injury or other emergency from attending their place of employment, is not regarded as absent without authorization if the employee reports the absence as soon as practicable and provides satisfactory evidence that the absence was unavoidable.

The Principal will make reasonable efforts to contact the staff member, prior to ceasing the employment of the employee who is absent without authority. This should include written notification to the employee at their last known address, advising that their absence is unauthorised and that failure to report for duty or otherwise explain the absence by a specified date will result in the cessation of employment. The proposed date of effect for the cessation must be included in the written notification.

In response to the written notification of unauthorised absence, the employee may explain their absence in writing or orally at any time prior to the cessation date specified in the notification. On receipt of any explanation the principal or manager may:

- accept the explanation and, if necessary, grant the employee leave for a further period of absence on such conditions specified, or
- reject the explanation and require the employee to return to duty by a date specified. If the employee does not return to duty by the specified date their employment will automatically cease on the following day, or at the expiration of the relevant period specified below (whichever is the later).
- An ongoing staff member who is absent from duty and the absence is not authorised (absent without leave) for a period of 3 calendar months (including school vacations) ceases to be an employee in accordance with section 2.4.34(1) of the Education and Training Reform Act 2006.

Continued absence from duty without approved leave may lead to cessation of employment.

FURTHER INFORMATION AND RESOURCES

For further information please refer to the Policy and Advisory Library found on the DET website.

EVALUATION:

The policy will be reviewed on a 3-4 year cycle

Date Finalised:

Principal Signature:

Review Date: