



Leave and Flexible Work Policy

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OVERVIEW:

The Department of Education and Early Childhood Development (DEECD) requires that local arrangements for the approval of leave and leave entitlement information need to be readily available and communicated to all staff. Any decision with regard to the granting of leave is to be made in line with relevant legislative obligations and this Policy. These local arrangements set out the priorities for the granting of leave, the process of application and recognition of the particular circumstances affecting the school. The policy also ensures that leave is granted on an equitable basis within the school.

This Policy also covers application for a flexible work arrangement such as a change of time fraction. On this basis references to 'leave' are also references to a 'flexible work arrangement'.

This Policy is to be read in conjunction with information contained in HRWeb, the Department of Education and Early Childhood's Human Resource Management website (<http://www.eduweb.vic.gov.au/hrweb/>), and other relevant documentation.

Consistent with sound human resources management principles and practices, the development of this local Leave Policy and its implementation has been undertaken within the school's consultative framework.

AIMS:

This Policy aims to put in place a process for administering discretionary and non-discretionary leave and flexible work arrangements which provide for:

- recognition of the need of the school to deliver its educational program
- recognition of the agreed decision making and consultation processes within the school
- recognition of the needs, wishes and entitlements of staff
- fair and impartial decision-making
- flexibility to accommodate pressing personal circumstances where possible
- recognition of the authority of the Principal as the decision maker in all matters covered in this policy and
- access to an internal review process without limiting an employee's right to pursue a personal grievance with the Merit Protection Boards.

IMPLEMENTATION:

3.1 Delegated authority for the approval of leave generally rests with the Principal. For some forms of leave approval may be required from the regional or central office of the Department of Education and Early childhood Development (for example the taking of partner leave at a time other than specified). Application for these forms of leave must still be made through the Principal in the first instance. Where this is the case the applications will need to meet both school and DEECD timelines.

3.2 All applications for leave shall be submitted in writing, using the appropriate form, indicating the type of leave being requested and clearly identifying the duration of leave being sought. Any required evidence/documentation as indicated on the application form should be attached.

3.3 All applications for leave shall be treated in confidence.

3.4 Staff are encouraged not to make arrangements associated with their planned leave prior to it being confirmed.

3.5 All applications for leave shall be considered promptly, with a response in writing, given as quickly as possible.

3.6 Discussion about the leave application shall occur at the request of either the Principal or the applicant.

3.7 Once the Principal has approved leave and the staff member has accepted, neither party may unilaterally withdraw from the arrangements. However, if the circumstances of the staff member or the school change unexpectedly, either party may initiate discussions to explore options.

3.8 Leave applications approved by the Principal will be submitted to the Business Manager for processing.

3.9 Copies of all leave applications by employees and approvals shall be kept in the employee's Personnel file.

3.10 Staff members should be aware that if they undertake a period of leave without pay, this period of time does not count as service and therefore they do not accrue such entitlements as Long Service Leave during this period.

3.11 Recognition of service applications for work done overseas must be sought from the Secretary prior to the start of the leave. (See 3.1)

CONSIDERATIONS:

Factors that will be taken into account in considering applications for discretionary leave include:-

- 4.1** DEECD policies.
- 4.2** The impact on school program delivery, and the availability of suitable replacement staff.
- 4.3** The circumstances, needs and rights of the staff member, including health issues, and compassionate and/or compelling personal circumstances.
- 4.4** The number of staff requesting leave at the same time.
- 4.5** Previous leave granted to the staff member.
- 4.6** The length of service of the staff member.
- 4.7** The type and duration of the leave being requested.

It should be noted that while Long Service Leave is an entitlement, the timing of the leave is discretionary. Where long service leave is not granted, arrangements will be made with the staff member to enable the leave to be taken at another time.

APPEALS IN RELATION TO THE NON GRANTING OF LEAVE:

5.1 In the event that a staff member is not satisfied with the outcome of an application for leave he or she may request that the decision is reviewed by the relevant Consultative Committee. A request for review should be in writing and outline the grounds for review. The committee will consider the request for review along with the Principal's decision for not granting the requested leave and will make a recommendation to the Principal. The Principal will consider the Consultative Committee recommendation, make a decision, and inform the committee and the staff member of the outcome. Where the Principal's decision is not consistent with the recommendation of the committee the reasons for the decision will be given in writing.

5.2 Should the staff member remain dissatisfied following the internal review process, the staff member is entitled to lodge a 'Personal Grievance' with the Merit Protection Boards. Further information can be obtained from the Merit Protection Boards website at <http://www.mpb.vic.gov.au/>

Note:

1. If a staff member does not wish to appeal to the Consultative Committee in relation to the non-granting of leave by the Principal, he/she may lodge a personal grievance directly to the Merit Protection Boards (MPB).
2. An internal review and an MPB review cannot operate concurrently. The grounds on which a personal grievance can be lodged are set out in Ministerial Order 199 and on HRWeb at:-
<http://www.eduweb.vic.gov.au/hrweb/employcond/grievTS.htm#H3N100C2>

TYPES OF LEAVE AND PROCESSES FOR REQUESTING LEAVE:

Long Service Leave

- 6.1.1 For information on Long Service Leave please see HRweb (<http://www.eduweb.vic.gov.au/hrweb/employcond/leave/lsISCH.htm>). You may also seek advice from the Principal or Business Manager.
- 6.1.2 Application forms for Long Service Leave are available from the staff room or the Business Manager and are to be submitted to the Principal.
- 6.1.3 Applications should be lodged not less than 2 full terms in advance of the requested period of leave. Please note that while no minimum period of Long Service Leave applies, leave will not normally be granted for periods of less than one calendar week.
- 6.1.4 It is expected that where leave is granted to a member of the teaching staff then that staff member will:
 - not be teaching VCE Units 3 & 4 in the year of leave unless the College Consultative Committee determines there are no other members of staff available to teach those units.
 - Not be a core member of a Year 7 teaching Team taking leave for a period of more than a term unless the College Consultative Committee determines no other members of staff are available to teach in the term.
- 6.1.5 Exceptional circumstances will be considered on a case by case basis.
- 6.1.6 The written application is to include the commencement and the return dates of the leave being sought, together with an indication of whether the leave is being requested on full pay or half pay.

LEAVE WITHOUT PAY:

6.2.1. For information on Leave Without Pay, please see HRweb (<http://www.eduweb.vic.gov.au/hrweb/employcond/leave/lwopTS.htm>)

You may also seek advice from the Principal or Business Manager.

6.2.2 Applications for Leave Without Pay (LWOP) are to be submitted to the Principal.

Note: Careful attention to the departmental policy on taking leave to work in a non DEECD workplace is recommended.

6.2.3 Whilst staff members may submit a request for Leave Without Pay at any time, to assist the school with workforce management the following arrangements are to apply:-

Applications should be submitted no later than the end of term 2 for LWOP for the following school year.

Applications should be submitted a minimum of two terms in advance for LWOP in the current year. LWOP for the current year will only be granted in exceptional circumstances.

Exceptional circumstances will be considered for late LWOP applications on a case by case basis at the discretion of the Principal.

LWOP may be granted for up to twelve months, with the possible extension of a second and third year, considered at the end of each twelve month period at the discretion of the Principal.

PERSONAL LEAVE:

6.3.1. For information on Personal Leave please see HRweb (<http://www.eduweb.vic.gov.au/hrweb/employcond/leave/slveTS.htm>)

You may also seek advice from the Principal or Business Manager.

6.3.2 Staff members must advise the Assistant Principal or delegate of their absence wherever possible, by no later than 7.00am (preferably earlier) on the first day of any such absence and provide advice of the anticipated duration of the absence. If additional Personal Leave is required, the staff member is requested to contact the Daily Organiser as soon as this is known or no later than 7.00am the following day.

6.3.3 Leave entry is to be submitted via Edupay immediately upon resuming duty. It is the responsibility of individual staff members to enter this leave and to supply a 'Required Document' if applicable. If the leave entry or *Required Document* is not supplied within 5 working days, the leave will be registered as Leave Without Pay.

A *Required Document* is a medical certificate, certificate in lieu or a statutory declaration. Refer to the *Personal Leave Policy Guide* on HRWeb for further details, or the attached document.

6.3.4 Staff members are responsible for monitoring their non-certificated leave days. If more than 5 days of non-certificated leave occurs in one year, then unpaid leave may result.

6.3.5 A 'Required Document' must be supplied for any absence either side of a public holiday, immediately before or after a school vacation or a period of Long Service Leave or on a day of Stop Work action.

PARENTAL LEAVE:

6.4.1 For information on Parental Leave please see HRWeb (<http://www.eduweb.vic.gov.au/hrweb/employcond/leave/parentive.htm>)

You may also seek advice from the Principal or Business Manager.

6.4.2 Parental Leave may comprise one or more forms of paid or unpaid leave including Pre-natal Leave, Maternity Leave, Partner Leave, Adoption Leave and unpaid parental absence.

6.4.3 Applications for all forms of Parental Leave must be submitted on Edupay as soon as practical, and must include required documentation. Further information on specific forms of Parental Leave can be found on HRWeb by consulting the A-Z index.

OTHER FORMS OF LEAVE:

6.5.1 Various specialised forms of leave are available in specific circumstances.

- Spouse Leave (leave to accompany spouse)
- Study Leave (including leave for examinations, graduations and practicums)
- Jury Service
- Sporting competitions Leave
- Defence Reserve Service
- Military Service Sick Leave
- Emergency Services Leave
- Community Activities Leave
- Sabbatical Leave

6.5.2 Further information on these forms of leave can be found on HRW by consulting the A-Z index, or seek advice from the Principal or Business Manager.

6.5.3 Discretionary leave*

All full time staff have a credit of 10 x 1 hour allowance for medical/personal appointments of which will not impact on their personal leave. This will be pro rata for part time staff. This allowance is for part day absences without a medical certificate only.

Funerals*

All staff are granted a ½ day leave for funerals. Where a staff member takes a full day, they are to enter a ½ day leave on Edupay.

For the above Leave categories marked with *, the Daily Organiser will keep a record and provide authorisation to the HR officer to ensure staff do not have these times recorded as LWOP on Edupay.

TIME FRACTION CHANGES:

All staff members are entitled to request consideration for a 'Time Fraction' change, at any time. Further information on time fraction changes is available on HRWeb at - <http://www.eduweb.vic.gov.au/hrweb/workm/appt/ptimeTS.htm>

7.2 Time fraction changes would normally only be considered for the following year, however a time fraction change for the current year will be considered on a case by case basis and only in recognition of exceptional circumstances.

7.3 If a staff member wishes to be considered for a Time Fraction Change they should put their request in writing outlining the reason for their request and submit the request to the Principal :-

- No later than the end of term 2 for a time fraction change to take effect the following year
- With at least two term's notice for a time fraction change to take effect in the current year.

Note: The Principal may grant a discretionary time fraction change to address situations of pressing necessity.

7.4 Applications will be considered having regard to the school's workforce needs and the reasons for the request.

7.5 When a time fraction change is granted, please note the following DEECD policy requirements: -

- Time fraction increases may be agreed to on either a temporary or permanent basis with a clear understanding between the employee and the employer, where the increase is temporary of the date of which the employee would resume his/her substantive time fraction.
- Under the terms of employment applicable to all employees it is not possible to pay employees at less than their substantive time fraction. As

a consequence, **an employee cannot temporarily reduce his or her time fraction. In circumstances where an employee seeks a time fraction reduction, he/she must agree to a permanent reduction in his/her time fraction.** Nothing precludes an employee and the employer agreeing to a subsequent time fraction increase at the same time.

- Notwithstanding the above an employee may request to return to duty after Parental Leave on a part-time basis until the child reaches school age to assist the employee in reconciling work and parental responsibilities. Any such request will be considered having regard to the employee's circumstances and provided the request is genuinely based on the employee's parental responsibilities, may only be refused on reasonable grounds related to the effect on the education program of the school.

Note –

There is a range of flexible work options of which part-time work is only one example and staff are encouraged to explore these options.

REVIEW:

- 8.1** This Leave Policy will be reviewed in line with the school's Triennial Policy Review process.

CUDGEE PRIMARY SCHOOL

PERSONAL LEAVE INFORMATION FOR STAFF

Personal leave is available to a staff member when he or she is absent due to illness or injury; or to care for an **immediate** family member who is sick and requires care or requires care due to an unexpected emergency.

Staff receive an entitlement of 15 days on commencement and are allocated 15 days on each completed full year of service (pro rata part time). Unused leave will accrue each year.

Except as set out below, applications for personal leave must be supported by a **required document**:

- Not more than 38 hours (5 days) in any **calendar** year
- Any one absence not exceeding three days

- Unless otherwise approved by the Principal in advance, a **required document** must be provided for absences:

- Immediately before and/or after **school vacation** period
- Immediately before and/or after a **public holiday**
- Immediately before and/or after a period of **LSL**
- On a day of **stop work** action

Except as set out above, any personal leave absence that is not supported by a required document will be without pay.

Where paid personal leave entitlements have been exhausted, supporting documentation must still be provided.

The entry of your absence must be entered on Edupay within 5 working days or the leave will be processed as leave without pay. The appropriate documentation must be given to the Business Manager or HR assistant within the 5 day period or the absence will be amended to leave without certificate

Where this entitlement has been exhausted it will be processed as **leave without credits (unpaid)**.

All sick leave documentation must be returned to the Business Manager

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.

Part Day Absences

Where staff leave the school during the day prior to 3.30pm they must inform the Daily Organiser or Principal of their need to leave the school.

This absence will fall under the requirements outlined above and appropriate leave must be entered on Edupay with the 5 day period.

Part day absence hours are calculated and deducted based on hours paid.
i.e. If you work a full time day and leave at 2pm you are utilising 2hours and 36mins of leave.

For any queries relating to Personnel matters go to :

<http://www.education.vic.gov.au/hrweb/aztopic/default.htm>