



# Local Leave Policy

(Ratified by School Council: November 2017)

## 1. PURPOSE:

The purpose of this policy is to provide guidelines for practice that are transparent, fair, equitable and reasonable, in regards to applications for local leave and the local leave approval procedures at Upwey South Primary School.

For the purposes of this policy, 'local leave' refers to a variety of leave provisions for which an employee must seek the approval of the Principal.

## 2. GUIDELINES:

A range of leave provisions are available to Department of Education and Training (DET) employees. The leave topics available provide details of the leave entitlements and policy surrounding the granting of each leave type. In determining whether leave may be granted, the Principal/manager will need to ascertain the entitlement of the employee to the leave for which he/she has applied and consider the impact the granting of leave will have upon the operations of the school/work unit.

Unless special circumstances exist, an employee is required to report an absence to his or her Principal/manager as early as practicable. The employee should advise the cause of the absence and the expected date of return.

All leave types can be accessed through the various DET [A-Z topic index](#) pages.

**Sourced from:** DET Human Resources Leave [http://www.education.vic.gov.au/hrweb/employcond/Pages/default\\_leave.aspx](http://www.education.vic.gov.au/hrweb/employcond/Pages/default_leave.aspx)  
Accessed: November 2017

Full details of Leave entitlements, regulations and limitations can be found in the DET Human Resources A-Z Topics available online and should be referred to by a staff member prior to making any applications for leave.

This Local Leave Policy must be read in conjunction with the information contained in the Victorian Government Schools Agreement 2017 and the DET Human Resources A-Z topics.

Within a school environment there may be varying conditions of employment which may need to be considered, including:

### ***2.1 Fixed Term Employment***

A fixed-term employee refers to a person covered by the Victorian Government Schools Agreement 2017 and employed under Part 2.4 of the Education and Training Reform Act 2006 (Vic) with a date fixed for the conclusion of that employment. An employee employed for a fixed term has no entitlement to any form of leave beyond the date employment would otherwise have ceased.

## **2.2 Substantive (Ongoing) Employment**

A substantive (ongoing) employee refers to a person covered by the Victorian Government Schools Agreement 2017 and employed under Part 2.4 of the Education and Training Reform Act 2006 (Vic) with no date fixed for the conclusion of that employment. An employee who is in a substantive position within a school is entitled to leave as per the DET guidelines referenced to above.

### **3. IMPLEMENTATION:**

#### **3.1 Calculations of Leave and Entitlement to Leave**

For each day that an employee is absent on approved leave, the hours of work for the purposes of debiting leave shall be taken as 7.6 hours (7 hours and 36 minutes).

#### **3.2 Leave Entitlement in which the Equivalent Full-Time (EFT) Load is less than 1.0**

At times, a school may engage an employee with a work load of less than EFT 1.0. In these circumstances, the leave entitlement of the relevant employee is calculated on a pro rata basis, which is based upon their EFT allocation. Where an alternative arrangement of days and hours is worked, leave shall be debited on the basis of the actual hours to be worked on the day of the leave.

#### **3.3 Merit and Equity**

Any decision regarding the granting of leave is to be made in line with relevant legislative obligations. In particular, principles of Merit and Equity shall be maintained. All procedures and decisions should ensure fair and equal consideration of all applicants without regard to their political affiliation, race, colour, religion, national origin, gender, physical disability, marital status or sexual preference.

#### **3.4 Applications in Writing**

All applications for leave in advance (refer to Appendix A), must be made in writing and must be submitted on Edupay within the timeline indicated in Appendix A.

For Edupay access refer to: <http://www.education.vic.gov.au/hrweb/Pages/resources/eduPay.aspx>

#### **3.5 Responses to Application**

Unless exceptional circumstances apply, all applications for leave will be responded to within 5 working days of the application being received by the Principal or delegate as listed in Appendix A.

#### **3.6 Acceptance or Cancellation**

Once any leave has been approved, the applicant will have a maximum of 14 calendar days to accept or cancel the leave. Any further requests for cancellation or amendments to dates may only be considered where special circumstances warrant it. No change of dates or cancellation will be granted once a substitute has been employed.

### **3.7 Early Resumption**

To resume duty early from any form of leave, a staff member must seek approval from the Principal. Approval of early resumption is dependent upon suitable staffing arrangements being made to accommodate the return to duty.

### **3.8 Certification of Leave**

Where a staff member takes leave and does not provide the required certification / documentation within 5 working days of resuming duty they will be automatically placed on leave without pay for the period of absence. This may be rectified in consultation with the Principal, upon receipt of a valid certification for absence (eg: Medical certificate).

### **3.9 Local Provisions**

Appendix A specifies application and approval procedures as well as any local additional provisions for the approval of leave specific to Upwey South Primary School. Where there are exceptional circumstances the Principal may take these into account in varying the applications of the provisions.

### **3.10 Appeals**

Any appeals against decisions regarding the non-approval of leave should be made in writing to the Principal. The applicant should specify any particular circumstances that may warrant special consideration and should submit the appeal in time for the matter to be reviewed in a timely and reasonable manner.

### **3.11 Leave and Superannuation**

Where extended leave without pay is approved and the staff member is a member of either the New or Revised superannuation scheme, the staff member should contact the Government Superannuation Office (GSO) in relation to superannuation arrangements for the period of the unpaid absence.

### **3.12 Types of Leave and Leave Entitlements**

There is a wide array of leave entitlements available to DET employees. Refer to **Appendix A**.

#### **4. RELATED LEGISLATION:**

Victorian Government Schools Agreement 2017

<http://www.education.vic.gov.au/hrweb/Documents/VGSA-2017.pdf>

DET Human Resources A-Z Topic Index

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

##### **4.1 State Legislation**

The following Victorian Acts and Regulations (<http://www.legislation.vic.gov.au/>) relate to the employment conditions and leave entitlements of staff in the Department:

*Charter of Human Rights and Responsibilities Act 2006*

*Constitution Act 1975*

*Education and Training Reform Act 2006*

*Equal Opportunity Act 2010*

*Freedom of Information Act 1982*

*Health Records Act 2001*

*Occupational Health and Safety Act 2004 and Regulations made under that Act*

*Privacy and Data Protection Act 2014*

*Racial and Religious Tolerance Act 2001*

*Workplace Injury Rehabilitation and Compensation Act 2013*

##### **4.2 Commonwealth Legislation**

The Department is also subject to Commonwealth legislation (<http://www.comlaw.gov.au>) in relation to employment and local leave, including:

*Age Discrimination Act 2004*

*Disability Discrimination Act 1992*

*Fair Work Act 2009*

*Fringe Benefits Tax Assessment Act 1986*

*Human Rights and Equal Opportunity Commission Act 1986*

*Racial Discrimination Act 1975*

*Sex Discrimination Act 1984*

**5. RELATED POLICIES:**

Equal Opportunity Policy

Staff Recruitment and Professional Learning Policy

**6. POLICY EVALUATION:**

Evaluation will be conducted every two years by the Educational Policies Subcommittee.

**7. DUE DATE FOR REVIEW:**

This policy is due to be reviewed in November 2019.

## Appendix A:

<b>Leave For Which <i>Prior Approval</i> Must Be Obtained (NB: not all leave categories are eligible for paid leave)</b>		
<b>Type of Leave</b>	<b>Time Line for Applications Additional</b>	<b>Local Provisions &amp; Documentation Required</b>
<b>Long Service Leave (LSL)</b>	<ul style="list-style-type: none"> <li>• For periods up to two weeks: at least one term prior.</li> <li>• For periods longer than two weeks: by the last day of Term 3 in the preceding school year.</li> <li>• Applications to be submitted via eduPay and in writing to the Principal.</li> </ul>	<p>LSL applications will generally be approved unless:</p> <ul style="list-style-type: none"> <li>• More than one teacher in the same area of responsibility applies to take leave at the same time.</li> <li>• More than two staff apply to take leave at the same time.</li> <li>• The timing of the leave will unduly impact on the efficient running of the school's educational program.</li> </ul> <p>Where it is not possible to grant LSL applications for all staff for a certain period the following criteria will be applied in order:</p> <ul style="list-style-type: none"> <li>• Length of service since last period of LSL</li> <li>• Length of service since any other form of extended leave.</li> <li>• Length of period of leave requested (preference will be given to whole term applications).</li> <li>• Any special circumstances which may be relevant.</li> </ul>
<b>Leave Without Pay (LWOP)</b>	<ul style="list-style-type: none"> <li>• For periods of more than one week: by the end of Term 3 the preceding school year.</li> <li>• Applications to be submitted to the Principal.</li> </ul>	<ul style="list-style-type: none"> <li>• LWOP will only be granted for a maximum period of one school year. Generally, extensions will not be granted.</li> <li>• Any extension will only be granted for one more school year, with a limit of three consecutive years. Applications in writing must be submitted regarding this.</li> </ul>
<b>Leave Without Pay (Short term)</b>	<ul style="list-style-type: none"> <li>• At least two weeks prior.</li> <li>• Application to be submitted in writing to the Principal and entered on Edupay.</li> </ul>	<p>In determining applications for leave without pay the following will be considered:</p> <ul style="list-style-type: none"> <li>• Length of service</li> <li>• The reason for the leave</li> <li>• The availability of a suitable replacement</li> <li>• Any other factor considered relevant.</li> </ul>

Type of Leave	Time Line for Applications Additional	Local Provisions & Documentation Required
<b>Parental/Family Leave (Unpaid)</b>	<ul style="list-style-type: none"> <li>• Providing fair and reasonable notice, at least one month notice where possible.</li> <li>• Application to be submitted in writing to the Principal.</li> </ul>	<p>Applications must be accompanied by evidence of the birth or placement of the child such as a:</p> <ul style="list-style-type: none"> <li>• medical certificate stating the expected birth date, or</li> <li>• medical certificate stating the actual birth date, or</li> <li>• certified photocopy of the extract of birth entry, or</li> <li>• statement from an adoption agency or other appropriate body of the expected date of placement, or</li> <li>• statement from the appropriate government authority confirming that the member of the Teaching Service is to have custody of the child pending application for an adoption order.</li> </ul>
<b>Maternity Leave</b>	<ul style="list-style-type: none"> <li>• At least one term prior.</li> <li>• Application to be submitted to the Principal</li> </ul>	<p>Medical certificate indicating anticipated date of confinement.</p>
<b>Paternity Leave</b>	<ul style="list-style-type: none"> <li>• At least one week if taking leave more than one week after the birth of the child otherwise as soon as possible prior to taking leave.</li> <li>• Application to be submitted to the Principal.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of birth certificate.</li> <li>• Leave must be taken within 6 weeks of date of birth.</li> </ul>
<b>Adoption Leave</b>	<ul style="list-style-type: none"> <li>• At least one term prior.</li> <li>• Application to be submitted to the Principal.</li> </ul>	<p>An application for leave must include a statement from:</p> <ul style="list-style-type: none"> <li>• an adoption agency or other appropriate body of the expected date of placement, or</li> <li>• the appropriate government authority confirming that the staff member is to have custody of the child pending application for an adoption order.</li> </ul>
<b>Study Leave</b>	<ul style="list-style-type: none"> <li>• By the end of Term 3 the preceding school year.</li> <li>• Application to be submitted to the Principal.</li> </ul>	<p>Study Leave With Pay will only be approved to undertake study in award bearing courses arranged / required to be undertaken under the direction of the Principal.</p>
<b>Leave to Attend Award Conferring Ceremonies</b>	<ul style="list-style-type: none"> <li>• At least two weeks prior.</li> <li>• Application to be submitted to the Principal.</li> </ul>	<p>Letter confirming conferral at ceremony.</p>

Type of Leave	Time Line for Applications Additional	Local Provisions & Documentation Required
<b>Jury Service Leave</b>	<ul style="list-style-type: none"> <li>• As soon as notice of call up is received.</li> <li>• Application to be submitted to the Principal.</li> </ul>	Copy of notice to be attached to application.
<b>Carer's Leave</b>	<ul style="list-style-type: none"> <li>• At least one term prior.</li> <li>• Application to be submitted to the Principal.</li> </ul>	Substantiating documentation mandatory.
<b>Defence Force Training Leave</b>	<ul style="list-style-type: none"> <li>• At least one term prior.</li> <li>• Application to be submitted to the Principal.</li> </ul>	Substantiating documentation mandatory.
<b>Sabbatical Leave</b>	<ul style="list-style-type: none"> <li>• Prior to entering the sabbatical leave scheme.</li> <li>• Application to the Principal.</li> </ul>	The employee must participate in the sabbatical leave scheme.
<b>Emergency services</b>	<ul style="list-style-type: none"> <li>• Upon joining the emergency service or the school staff, whichever is later.</li> <li>• Standing approval will generally be granted on application to the Principal.</li> </ul>	Evidence of membership of the emergency service and of attendance at the particular emergency.
<b>Religious Observances</b>	<ul style="list-style-type: none"> <li>• By the end of term 3 in the preceding school year.</li> <li>• Application to the Principal.</li> </ul>	A statement that the staff member is practicing member of the specific faith is required.
<b>Cultural and Ceremonial Leave</b>	<ul style="list-style-type: none"> <li>• At least two weeks prior.</li> <li>• Application to be submitted to the Principal.</li> </ul>	
<b>Bail Justice Training</b>	<ul style="list-style-type: none"> <li>• At least two weeks prior.</li> <li>• Application to be submitted to the Principal.</li> </ul>	
<b>Blood Donor</b>	<ul style="list-style-type: none"> <li>• At least one week prior.</li> <li>• Application to be submitted to the Principal.</li> </ul>	Proof of the attendance must be provided.
<b>Contesting Victorian State elections</b>	<ul style="list-style-type: none"> <li>• At least one term prior.</li> <li>• Application to be submitted to the Principal.</li> </ul>	
<b>Trade union training leave</b>	<ul style="list-style-type: none"> <li>• At least one month prior.</li> <li>• Application to be submitted to the Principal.</li> </ul>	

**Leave For Which Approval Must be Obtained Upon Resumption of Duty**

Type of Leave	Time Line for Applications Additional	Local Provisions & Documentation Required
<b>Sick Leave</b>	<ul style="list-style-type: none"> <li>• Upon resumption of duty.</li> <li>• Application to be submitted to the Principal via Edupay.</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 38 hours personal leave in aggregate may be granted in any calendar year without production of a required document subject to any one continuous absence without a required document not exceeding three days.</li> <li>• Medical certificate mandatory for sick leave beyond five days in a calendar year or adjoining a public holiday, another form of leave or school vacation.</li> </ul>
<b>Carer's Leave</b>	<ul style="list-style-type: none"> <li>• Upon resumption of duty.</li> <li>• Application to be submitted to the Principal via Edupay.</li> </ul>	Medical Certificate or Statutory Declaration required to be attached to application.
<b>Bereavement Leave</b>	<ul style="list-style-type: none"> <li>• Upon resumption of duty.</li> <li>• Application to be submitted to the Principal via Edupay.</li> </ul>	Copy of death certificate or death/funeral notice to be attached.
<b>Workcover Leave</b>	<ul style="list-style-type: none"> <li>• Immediately a Certificate of Work Capacity is issued by a medical practitioner contact should be made with the Principal.</li> </ul>	Certificate of Work Capacity mandatory
<b>Infectious Diseases Leave</b>	<ul style="list-style-type: none"> <li>• As soon as possible and upon resumption of duty at the latest.</li> <li>• Application to be submitted to the Principal.</li> </ul>	Medical Certificate mandatory