

POLICY – STAFF LEAVE

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1. National Quality Standards

Quality Area 4: Staffing arrangements		
Area	Concept	Descriptor
4.1.1	Organisation of educators	The organisation of educators across the service supports children’s learning and development.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

2. Purpose

- 2.1 Baringa Early Learning Centre (Baringa) recognises the importance of staff health and wellbeing. The investment in staff enables high quality early childhood education.
- 2.2 This policy aims to ensure Baringa supports staff to access leave entitlements, including additional entitlements beyond the minimum set out in Education and Care Services National Regulations, National Employment Standards and current Enterprise Bargaining Agreement.

3. Scope

- 3.1 This policy provides further detail to the clauses within the Enterprise Bargaining Agreement, and must be read and applied in accordance with the Enterprise Bargaining Agreement.
- 3.2 This policy applies to employees engaged as permanent staff, whether full-time or part-time, or on a fixed-term contract. This policy does not apply to casual staff, students or volunteers.

4. Implementation

General

- 4.1 Staff are entitled to leave in accordance with the relevant awards or agreements and statutory provisions. Where the entitlements or practices in this document conflict, the applicable award, workplace agreement, employment contract or employment law takes precedence.

- 4.2 All planned leave has to be mutually agreed by the staff and Management, taking into account operational requirements, workloads and the staff needs. Leave must be approved in advance, except when the staff cannot anticipate the absence. Management will maintain records relating to staff leave.

Annual Leave

- 4.3 Staff are entitled to annual leave as specified by the relevant Award and their employment agreement. The entitlement is pro-rated for part-time staff.
- 4.4 Leave entitlements are calculated from the date staff commenced the permanent employment agreement, and accrue in accordance with workplace relations legislation or industrial instruments.
- 4.5 Annual leave counts towards continuous service (used when calculating long service leave).
- 4.6 Applications for Annual Leave need to be lodged with at least two weeks' notice. In exceptional circumstances, applications for annual leave provided with less notice, may be approved at Management's discretion.
- 4.7 Staff are expected to take Time in Lieu (TIL) accrued for shutdown periods. If TIL is insufficient, staff may use accrued Annual Leave. If Annual Leave is insufficient, staff may take Leave Without Pay (LWOP).
- 4.8 Staff with excessive Annual Leave accrual will be supported by Management to reduce the leave and enable staff to utilise leave entitlements for personal and professional wellbeing. Any action regarding excessive Annual Leave must be documented in a written agreement.

This includes a plan in accordance with the [Children's Services Award 2010](#) (the Award)

- (a) As per cl 24.5-24.7 of the Award, an employee has an excessive Annual Leave accrual if they have accrued more than 8 weeks paid annual leave. The employer or the employee may seek to reach agreement on how to reduce the excessive leave accrual.
- (b) As per cl 24.9 of the Award, up to 2 weeks of accrued annual leave may be cashed out per year, provided that there remains at least 4 weeks of accrued annual leave.

This is also available for staff under the [Social, Community, Home Care and Disability Services Industry Award 2010](#) (the SCHADS Award):

- (c) As per cl 31.6 – 31.8 of the SCHADS Award, an employee has an excessive Annual Leave accrual if they have accrued more than 8 weeks paid annual leave. The employer or the employee may seek to reach agreement on how to reduce the excessive leave accrual.
- (d) As per cl 31.5 of the SCHADS Award, up to 2 weeks of accrued annual leave may be cashed out per year, provided that there remains at least 4 weeks of accrued annual leave.

Personal Leave

- 4.9 Staff are entitled to personal leave as specified by the relevant Award and their employment agreement. The entitlement is pro-rated for part-time staff.
- 4.10 Personal Leave includes leave towards absences due to sickness (Sick Leave) or caring for a sick family member or friend (Carers Leave). It is separate to workers' compensation, which is paid to compensate for an injury or illness incurred while at work.
- 4.11 Leave entitlements are calculated from the date staff commenced their permanent employment agreement, and accrue in accordance with workplace relations legislation or industrial instruments.
- 4.12 An employee should notify his/her manager as soon as possible if they are unable to attend work due to illness or injury.
- 4.13 To access Personal Leave, a medical certificate is required and must be supplied to Management. Alternatively, staff may use eligible Annual Leave, Time in Lieu or take Leave Without Pay.

Time in Lieu

- 4.14 Staff accrue Time in Lieu (TIL) throughout the calendar year for attending staff meetings, to be used during the end of year shutdown.

- 4.15 If applicable for operational and workload requirements, staff may request to enter an Individual Flexible Agreement, at Management's Discretion to accrue additional TIL beyond staff meetings.
- 4.16 Staff which accrue TIL as per s4.15:
- (a) Must use accrued TIL for absences prior to using Annual Leave. As such, prioritising maintaining Annual Leave balances where possible.
 - (b) Must use accrued TIL as per their Individual Flexible Agreement and refer to the relevant Award for guidance.

Long Service Leave

- 4.17 Staff are entitled to Long Service Leave as specified by the relevant Award and their employment agreement. The entitlement is pro-rated for part-time staff.
- 4.18 Applications for Long Service Leave must be lodged at least four weeks' notice.
- 4.19 Once approved by Management, staff must apply for Long Service Leave directly with the [ACT Leave Authority](#) to receive Long Service Leave payments.

Parental Leave

- 4.20 Employees (including a de facto or same sex partner, or single person) who are expecting a child or adopting a child are eligible for 52 weeks of unpaid parental leave if they are:
- (a) permanent full-time or part-time with at least 12 months service prior to the expected date of birth or adoption placement.
- 4.21 After birth or adoption, the parent with responsibility for the care of the child is entitled to unpaid parental leave. Employees who are pregnant may commence leave up to six weeks before the expected date.

Special Leave

- 4.22 Staff are entitled up to 4 days of Special Leave per financial year to be approved at Management's discretion based on operational requirements and financial capacity.
- 4.23 A day is defined as a staff member's regular rostered day as per their employment contract.
- 4.24 Special leave can be used for, but not limited to:
- (a) End of year shut down adjacent days
 - (b) Religious, cultural reasons, ceremonial leave
 - (c) Additional bereavement leave
 - (d) Volunteer leave, such as SES and donation of blood
- 4.25 Unused Special Leave at the end of each financial year does not roll over to the next financial year.

Leave Without Pay

- 4.26 Staff who may require absences, may choose to claim Leave Without Pay, if other leave entitlements have been exhausted, or if staff choose to preserve other leave balances.

Jury Duty

- 4.27 Staff are entitled to pay regarding jury duty as outlined in the Enterprise Bargaining Agreement.

Applying for Leave

- 4.28 The process for obtaining leave is as follows:
- (a) Leave applications must be submitted in Easy Employer at least two weeks prior to requested leave dates. With the exception of Personal Leave, by which s4.11 applies.
 - (b) Management will consider requested leave dates with approvals based on operational requirements and financial capacity.
 - (c) For Long Service Leave, s4.18 must also be undertaken by the requesting staff.

5. Feedback

Feedback about this policy may be provided by emailing admin@baringa.org.au.

6. Approval and Review Details

Approval and Review	Details
Approval Authority	Board
Administrator	Management
Next Review Date	31 December 2023
History	Details
Original Approval Authority and Date	31 January 2023
Amendment Authority and Date Modifications made	