

Leave Policy

Purpose

The Carrum Downs Secondary College Leave Policy has been developed in line with the current Victorian Government Schools Agreement (2013) and the Victorian Government School Policy and Advisory Guide. The Principal has the ultimate responsibility for the Human Resource Management of the College.

Applying for Leave at Carrum Downs Secondary College

Leave of all forms for teaching and non-teaching staff is processed at the school level following DEECD guidelines. This policy is aimed at making known to staff the procedures that will be used in applying for and the granting of leave. This document outlines the different types of leave available and application processes. These procedures will be adhered to in all but exceptional circumstances. Leave applications will be discussed by the Consultative Committee who will make recommendations regarding staff leave to the Principal. Granting of leave for emergency purposes or compassionate grounds will be at the discretion of the Principal.

Staff must note:

- An application for leave does not mean an automatic granting of leave. An objective, professional and compassionate approach, using these guidelines on a case-by case process, will be used
- It is important to point out that it is often extremely difficult to find replacement staff for short periods of leave or at certain points during the school year e.g. (a single school term or less, terms two and three together, term three only). The curriculum program for students must be the prime consideration.
- Staff members intending to undertake leave in the following year, in most circumstances, will not be allocated to teach a VCE-Year 12-subject in the year of their leave.

DEECD has determined that any leave of 30 school days or less is the school's financial responsibility. Any leave greater than 31 working days will be the financial responsibility of the DEECD.

In determining whether the leave should be granted the following key criteria will be taken into account.

- The needs of the students and their programs.
- The entitlement of the staff member to the leave for which they have applied.
- Duration and type of leave.
- Time of the school year during which leave is requested.
- Date of last approved Leave, and length of leave taken
- Whether the leave is discretionary or mandatory.
- How the granting of the leave will impact on the operation of the school and whether an appropriate replacement can be found.
- The legislative requirements in granting the particular leave.
- In general, the earlier a request is made and the longer the period of leave, the greater the chance of being granted leave.
- In many instances, for financial/school budget/staffing reasons, it may not be possible to grant long service leave for short periods of time for example periods of less than 31 days for teachers and less than 20 days for non-teaching staff. Periods longer than this and leave on ½ pay will be treated objectively, professionally and compassionately. For the effective operation of the school and student program it is desirable that staff take long service leave for a period of at least a school term
- This policy does not attempt to cover the multiplicity of leave that is available. Rather, it covers the main types of leave for which staff will usually apply. Details about leave such as sabbatical leave,

defence forces training leave, sporting competitions leave, marriage leave, religious observations leave, maternity/paternity leave, spouse leave, jury service etc. can be obtained from the Reference Guide or from the Principal

- Staff are free to consult the Victorian Government School Policy and Advisory Guide and the current Victorian Government Schools Agreement 2013 both of which are available from the DEECD website, to gain information on leave entitlements.

Please keep in mind that the Principal has power delegated from the Department and following DEECD guidelines regarding leave entitlements:

.....A range of leave provisions are available to Department 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. An employee employed for a fixed term has no entitlement to any form of leave beyond the date employment would otherwise have ceased.

Decision-making

The Principal will have the ultimate responsibility for the granting of leave of all types. The Consultative Committee will consider all leave applications (for Teachers and Educational support Staff) and make recommendations to the Principal. Leave for Principal Class Team members will be approved with by the Principal using the school Leave Policy guidelines.

Appeals

An appeal arising from an unsuccessful leave application can be made to the Appeals Committee. Membership of this Committee includes (Assistant Principal, Daily Organiser, Teacher or ESS representative from Consultative Committee). The Appeals Committee makes no final decisions other than making a recommendation to the Principal who will have the final say.

The usual right of appeal to the Merit Protection Board exists for appeals outside the school.

Cancellation or Withdrawal of Leave Application

Any cancellation or early return from any leave must be negotiated with the Principal. A decision by an applicant to withdraw an application for long service leave must be conveyed at least one term in advance of the date of the leave.

Types of Leave

There are many types of Leave that fall under Education Department Guidelines. To view all types of Leave please go to the Department Website or the current Victorian Government Schools Agreement 2013. Examples of the types of Leave include Personal Leave (Sick Leave/Immediate Family), War Service Leave, Accident Compensation, Infectious Diseases, Bereavement, Jury Service, Parental, Maternity, Partner, Long Service, Spouse, Sabbatical and Cultural and Ceremonial.

Most Frequent types of Personal Leave Requests

Long Service Leave

For long service leave to be granted, staff will need to make an application on the official school application form, available from the Business Manager, **by the published application end date in term 2 in the year prior to the year in which the leave is to be requested** e.g. for leave requested for term 4 in a given year, application must be made by the published application end date in term 2 in the previous year. It is helpful if a longer lead in time can be given. All applications for Long Service Leave need to be on the official school Long Service Leave Application Form (available from the Finance Office) and forwarded to

the Business Manager. A statement of leave entitlements must accompany any application. Supporting documentation may be attached.

It is understood that there may be exceptional circumstances such as compassionate grounds which makes it difficult to follow these processes and this will be taken into account and a short turn around process for approval may be necessary.

Staff may gain a statement of Long Service Leave Entitlement upon request to the Business Manager.

The key guideline in the granting of Long Service Leave will be that the leave will not adversely affect the operational running of the school and that suitable replacement staff members will be available.

Please Note:

Any staff member who has an emergency need or pressing compassionate grounds for leave must contact the Principal directly.

In granting Long Service Leave the following additional factors will be considered:

- Years of service of applicant
- Period of time elapsed since last leave taken
- Availability of replacement staff
- The location of the leave in the school term
- Length of leave requested
- Educational/curriculum requirements of the school
- Number of staff from each domain who have applied for leave
- Total number of staff who have applied for leave
- Time of the year when leave is requested
- The teaching of a VCE subject (Year 12)
- Extenuating circumstances e.g. compassionate grounds (need to be documented and will be treated confidentially as appropriate), spouse leave etc.
- Reasons for leave in the context of the teacher's career.
- **Pre-Booking a holiday before leave is granted is not grounds for applications to be approved or recognised as compassionate grounds**

All application documentation, including service history, will be treated with complete confidentiality and kept in the applicant's file. Leave applications will be discussed in confidence by the Consultative Committee. All decisions regarding the outcome of a request for leave will be conveyed in writing to the applicant by the Principal.

Maternity Leave, Family Leave and Adoption Leave

- The Principal should be notified as soon as possible of your intention to take leave. This may be in confidence.
- Formal notification, including the expected date of confinement, should be made as early as possible.
- It will be appreciated if an indication can be made of the likely return to work plans of the employee.
- Staff members on Family Leave must notify the Principal, in writing, of an intention to return to work by October 1st in the year prior to the anticipated date of return.
- Resumption will be at the same time fraction worked prior to any leave and must be on the first day of any term

Leave Without Pay

Applications for leave without pay are considered by the delegate under **Division 17 of Part 6 of Order 199**. With the exception of applications for leave without pay to count as service (see below), the principal has the delegation to approve leave without pay in respect of all staff employed at his or her school and the Regional Director has the delegation to approve leave without pay in respect of principals.

Applications for leave without pay must be made in by the published date in Term 3 of the previous year in which the leave without pay is to be taken. 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.

Leave without pay is not an entitlement. It may be granted by the Principal for professional development or for pressing personal reasons. Apart from the undertaking of a recognised course of study, leave without pay will not be granted for longer than a period of one school year. There will be no extensions of leave without pay beyond 12 months without further application and demonstration of need by the teacher. Leave without pay will not generally be granted for periods of less than two terms or half a school year. In the granting of leave without pay, the status of other leave entitlements will be considered. Applicants who are granted Leave without Pay must apply to the Principal to undertake employment outside of their usual teaching duties during this time. Teachers will not be granted permission to work in an Independent School or Private School during this time. The considerations listed above for the granting of leave without pay will be used by the Consultative Committee.

For leave of up to one school year and for leave without pay for a shorter period, applications must be forwarded in the same manner as for Long Service Leave.

Study Leave

The criteria for the granting of Study Leave fall under the Victorian Government School Policy and Advisory Guide.

Study leave is one of a range of professional learning options covering both formal and informal training and resources for members of the teaching service to build the capacity of the workforce to improve student learning outcomes. The purpose of study leave is to enable an employee to pursue a course of studies or training or to undertake research which would improve the capacity of the employee to serve the Education Department.

Written applications for Study Leave must be submitted to the Consultative Committee no later than the end of Week 2 at the start of each Semester

Members of the staff may be granted full or part time study leave, with or without pay. Applications for study leave are considered having regard to the following criteria:

- relevance of the study or research to the priorities of the school/Department;
- relevance of the study or research to the present or future duties of the applicant;
- the study or research is the most effective form of professional learning for the applicant;
- the study or research can be accommodated within the available budget;
- The staffing needs of the school can accommodate the proposed study leave.

Where study leave is granted without pay the period of leave is recognized as service for annual leave, personal leave and long service leave purposes.

Where an application for study leave does not satisfy the criteria set out above consideration may be given to granting a period of leave without pay provided the staffing needs of the school can accommodate the period of absence. In this case the period of leave without pay will not count as service.

The principal of each school is responsible for determining study leave applications from assistant principals, teachers and education support class employees in his or her school. The Regional Director is responsible for determining study leave applications from principals in his or her Region. Applications for study leave should include details of the course to be undertaken, a copy of the course timetable and details of leave required

Teacher Professional Leave

This is processed by the Department of Education and Early Childhood Development through an annual application process. Information is sent to schools each year.

Leave for Pressing Necessity

The Principal is able to exercise some discretion in this area and staff are requested to discuss this directly with the Principal.

Personal Leave

Staff should note that Personal Leave is **not** in addition to sick leave. Up to 5 days sick leave without a medical certificate can be taken in any one year. Sick leave with or without a medical certificate reduces accumulated sick leave.

The amount of personal leave to care for an immediate family member which may be granted in any one year with or without pay shall not exceed 10 days. If all personal leave credits have been exhausted in one year the employee shall be granted further personal leave to care for an immediate family member with pay for a maximum of up to 3 days.

Returning From Leave

(a) Sick Leave

It is the individual responsibility of the staff member to sign the relevant form attesting to the dates of leave. This should be done on the day of return to duty. Any essential documentation such as medical certificates should be appended upon resumption of duty and in accordance with the Edu pay requirements. It is not the responsibility of the General Office Staff or the Daily Organiser to seek medical certificates from staff.

(b) Long Service Leave, Family Leave, Leave Without Pay

A Resumption Notice has to be signed so that regular pay can be resumed.

Concluding Comment

The Principal receives recommendations from the Consultative Committee with respect to Staff Leave. It is the school administration's views that, where possible, leave applications will be granted. However, requests for short-term leave are extremely difficult to manage and it is likely they will be rejected or renegotiated due to inability to obtain satisfactory replacement staff at short notice. Leave requests for very short periods adjacent to the school holidays (term vacations during the year) or during the middle of terms may not be able to be accommodated. Apart from often being unable to find a suitable replacement, leave of this nature has an impact on student learning and with matters such as the preparation of reports, parent-teacher interviews and all other whole school programs leave may not be able to be accommodated.

In cases where applications for leave are not approved for a particular time period, staff are welcome to reapply. The criteria listed above will be applied again and the same process followed but some consideration of a previously unsuccessful application will be given.

Please note: When filling out the Leave Application Form if you can outline any exceptional/extenuating circumstances for leave that will assist the Consultative Committee and Principal in making their decisions please enter this in the appropriate section.

Evaluation: This policy will be reviewed as part of the College's review cycle

Related policies: School Policy Advisory Guide – <http://www.education.vic.gov.au>

This policy was endorsed by the College Council in June, 2016