

P4-09: Staff Leave Policy

Queanbeyan & District Preschool Association is committed to providing a safe and healthy workplace that supports employees to take breaks to balance work with rest, recreation, and family responsibilities.

The *Staff Leave Policy* aims to comply with Government legislation and workplace laws to provide clear guidelines in relation to employment conditions and entitlements set by Fair Work Australia through the National Employment Standards and relevant Awards, including but not limited to Children’s Services 2010 Modern Award and Education Services (Teachers) 2020 Modern Award.

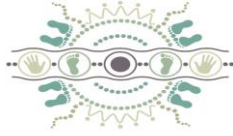
NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.1	Staffing arrangements	Staffing arrangements enhance children’s learning and development.
4.1.1	Organisation of Educators	The organisation of Educators across the Service supports children's learning and development.
4.1.2	Continuity of staff	Every effort is made for children to experience continuity of Educators at the Service.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
126	Centre-based services – general educator qualifications
135	Early childhood teacher illness or absence
151	Record of Educators working directly with children
152	Record of access to early childhood teachers
Division 5	Requirements for educators who are early childhood teachers.

RELATED LEGISLATION

NSW Anti-Discrimination Act 1977	Fair Work Act 2009
Federal and State Occupational Safety and Health Legislation	Federal and State Equal Opportunity Legislation and any other relevant industrial awards
Education and Care Services National Law Act 2010	Children and Young Persons Act 1998



Paid Parental Leave Amendment (More Support for Working Families) Act 2024	
--	--

RELATED POLICIES

Code of Conduct Policy Child Safe Environment Policy Dealing with Complaints Policy Governance Policy	Privacy and Confidentiality Policy Staff Selection, Recruitment & Induction Policy Student and Volunteer Policy
--	---

PURPOSE

This policy has been developed to communicate expectations and obligations regarding applying for leave including- Annual leave, Personal/Carer's Leave, Parental Leave Pay, Dad and Partner Pay, Long Service Leave, Community Service Leave, Family and Domestic Violence Leave, Compassionate Leave, Termination/Resignation of employment and Overtime/ Time in Lieu.

SCOPE

This policy applies to staff, educators, Approved Provider, Nominated Supervisor and management the Service.

IMPLEMENTATION

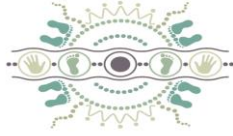
QDPA will commit to providing leave arrangements for all employees as legislated by the Australian Government through relevant industrial Awards and the National Employment Standards as set by Fair Work Australia. We will offer an opportunity for staff to access paid and unpaid leave for a range of purposes to support a healthy and productive workplace. This policy provides guidelines for staff to request and apply for leave.

DEFINITIONS

FAMILY MEMBER

Fair Work Australia defines an immediate family member as a:

- spouse or former spouse
- de facto partner or former de facto partner
- child
- parent
- grandparent
- grandchild



- sibling, or
- child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner).

This definition includes step-relations (e.g., step-parents and step-children) as well as adoptive relations. A household member is any person who lives with the employee.

TYPES OF EMPLOYMENT

Full Time/ Part Time/ Casual

A full-time employee is engaged to work an average of 38 ordinary hours per week.

A part-time employee is an employee who is engaged to work on a regular basis for less than 38 hours per week.

Casual employment means employment on a day-to-day basis. Casuals will be paid a minimum of three hours pay for each engagement.

NATIONAL EMPLOYMENT STANDARDS (NES)

The NES sets minimum employment standards and conditions for employees within Australia including maximum weekly hours, requests for flexible working arrangements, offers and requests to convert from casual to permanent employment, parental leave and related entitlements, annual leave, personal/carer's leave, compassionate leave and unpaid family and domestic violence leave, community service leave, long service leave, public holidays and notice of termination and redundancy pay.

ANNUAL LEAVE

You are entitled to accrue annual leave in accordance with the relevant legislation, unless otherwise stated in your contract of employment. For the avoidance of doubt, casual employees are not entitled to annual leave. Your annual leave pay will be at your normal basic pay unless shown otherwise in your contract of employment.

You are required to take your annual leave during the annual shut down period at the end of the year. Where practical, the Employer will provide 28 days' notice of this intention. If we do, you are required to reserve sufficient days from your annual leave entitlement to cover the shutdown period.



It is the employer's expectation that you will reserve sufficient annual leave to cover any planned shutdowns. Where you find that you have insufficient annual leave to cover a shutdown, leave without pay will be applicable for any remainder of the shutdown period.

PERSONAL LEAVE

You are entitled to be paid for personal leave in accordance with the NES, unless otherwise stated in your contract of employment. For the avoidance of doubt, casual employees are not entitled to paid personal leave.

Paid personal leave accrues over the course of your employment.

Employees (other than casuals) will accrue up to ten days of paid personal/carer's leave for each year of continuous service in accordance with the provisions of the Fair Work Act 2009.

In addition to the provision of personal leave under the NES the QPDA Management Committee have offered an additional 5 days' personal leave to full-time employees. Pro-rata for part-time employees. All notice periods and documentation are still required for these additional days.

This leave accrues, and will be credited to you, progressively throughout the year.

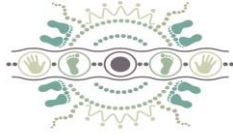
Unused leave will not be paid out on termination.

You are entitled to take this leave:

- because you are not fit for work due to a personal illness or personal injury affecting you or
- to provide care or support to a member of your immediate family, or a member of your household who requires your care and support because of:
 - a personal illness or injury affecting the member or
 - a sudden or unexpected emergency affecting the member.

If your entitlement to personal paid leave is exhausted, you may take two days' unpaid carer's leave for each occasion when a member of your immediate family or a member of your household requires your care and support because of:

- a personal illness or personal injury affecting the member or
- a sudden or unexpected emergency affecting the member.



NOTIFICATION OF PERSONAL LEAVE

You must notify the Employer by telephone on the first day of incapacity or at the earliest possible opportunity and, in any case, by no later than two hours before your usual start time.

Emails are not an acceptable method of notification.

Other than in exceptional circumstances notification should be made personally to your manager.

You should try to give an indication of your expected return date and notify the Employer as soon as possible if this date changes. The notification procedures should be followed on each day of absence, unless you are covered by a doctor's medical certificate.

If your incapacity extends to more than seven days you are required to notify us of your continued incapacity once a week thereafter, unless otherwise agreed.

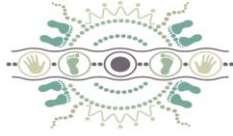
PARENTAL LEAVE

If you or your partner become pregnant or are notified of a match date for adoption purposes, you should notify management at an early stage so that your entitlements and obligations can be explained to you.

Under the NES, employees who will have at least 12 months of continuous service as at the expected date of birth of the child or placement of the child, are entitled to 12 months of unpaid parental leave. Casuals with at least 12 months of service on a regular and systematic basis with a reasonable expectation of continuing work with the Employer on a regular and systematic basis had it not been for the birth or adoption of the child are also entitled to unpaid parental leave. You may request up to an additional 12 months of leave which will only be refused by the Employer on reasonable business grounds after discussion with the Employer, a genuine attempt to reach an agreement about any extension, and consideration of the consequences of refusal for you. Any request to extend unpaid parental leave must be made to the Employer at least four weeks before the end of the available parental leave period.

Other forms of leave, such as annual leave and long service leave, may be taken concurrently with parental leave, but when combined with the unpaid parental leave must not exceed the 12-month period.

When advising of your intention to take unpaid parental leave you must provide the following:



- a medical certificate indicating the expected date of birth of the child, or, where the leave is adoption-related, the expected date of placement
- an expected return date, and
- for a child born or adopted before 1 July 2023 - details of any parental leave your partner intends to take.

COMPASSIONATE/BEREAVEMENT LEAVE

Full time and part time employees are entitled to two days' paid compassionate leave for each occasion when:

- a member of the employee's immediate family or a member of the employee's household:
- contracts or develops a personal illness that poses a serious threat to his or her life
- sustains a personal injury that poses a serious threat to his or her life
- dies or
- a child is stillborn, where the child would have been a member of the employee's immediate family, or a member of the employee's household, if the child had been born alive or
- the employee, or the employee's current spouse or de facto partner, has a miscarriage.

For casual employees, compassionate leave is unpaid.

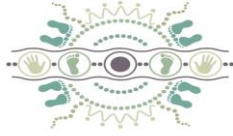
LONG SERVICE LEAVE

You are entitled to long service leave in accordance with the relevant laws of the state in which you are employed. Long service leave should be taken as soon as reasonably practicable after you become entitled to it.

COMMUNITY SERVICE LEAVE

You are entitled to community service leave in certain circumstances. Community service leave is for eligible community service activities such as SES and volunteer fire fighting. Community service is generally unpaid.

Your entitlement for payment for Jury Duty will depend on the relevant state and federal legislation.



FAMILY AND DOMESTIC VIOLENCE LEAVE

You are entitled to 10 days of paid family and domestic violence leave per annum.

This leave is available to you if you are experiencing violent, threatening or other abusive behaviour by a family member that seeks to coerce or control you and that causes you harm or fear. The leave can be taken where you need to do something to deal with this impact of this, and it is impractical to do so outside of your ordinary hours of work. For example, you may take this leave to:

- make arrangements for your safety, or the safety of a family member (including relocation)
- attend urgent court hearings or
- access police services
- attending counselling or
- attending related medical, financial or legal appointments.

For the purposes of this leave entitlement, family member includes:

- your spouse, de facto partner (including a former spouse or de facto partner), child, parent, grandparent, grandchild or sibling
- a child, parent, grandparent, grandchild or sibling of your spouse or de facto partner, or
- a person related to you according to Aboriginal or Torres Strait Islander kinship rules.

Your entitlement to family and domestic violence leave will reset to 10 days on the anniversary of your commencement each year.

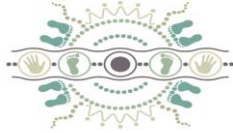
When you wish to take this leave, you are required to provide the Employer with notice as soon as reasonably practicable and advise of the period (or expected period) of the leave.

The Employer may require you to provide evidence that the leave will be, or was, taken for the purposes as outlined in this policy. Depending on the circumstances such evidence may include a document issued by the police service, a court or a family violence support service, or a statutory declaration.

The Employer will ensure, as far as reasonably practicable, that steps are taken to safeguard any information disclosed by yourself concerning family and domestic violence leave. This information will be kept confidential to the extent permitted by law. This policy does not override any legal obligations to disclose information.

TIME OFF IN LIEU (TIL)

The Employer recognises that from time to time there may be cause for an employee to work additional time at the end of a workday or week pursuant to the performance of your duties.



In certain circumstances, and subject to your eligibility, the Employer will recognise these hours through the provision of Time Off in Lieu (**TIL**) for any additional hours you work in excess of your ordinary hours, as stipulated in your contract of employment.

It is not expected that TIL will be a standard or regular occurrence. No employee will be required to work excessive overtime hours on a regular basis.

TIL may be offered to those employees who, by the nature of their role, are required or directed to work additional hours to complete their duties. These circumstances may include where an employee is required to travel for business reasons or attend a training course outside of business hours at the direction of management.

Additional hours worked to complete your ordinary duties, for example, staying back late to correct your own erroneous work, will not ordinarily accrue towards TIL.

TIL accrues at the following rate:

- one hour worked equals one hour of TIL.

You will only be entitled to TIL if this has been approved in advance by management.

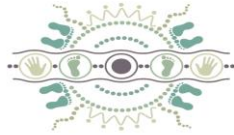
TIL is not to accrue more than two hours and is encouraged to be used by the end of each term. However, all TIL must be used within six months of the accrual.

TIL is not a tool to be used to accrue time to enable extra days leave to be taken. It is an exception, rather than a routine occurrence.

You must keep a record of any additional hours worked and, if necessary, a written agreement in the form required by the Employer. You must provide this to management by the end of the same pay period. This record must include the date and time on which the additional hours were completed, the nature of the tasks being performed during these hours, and the manager who approved these hours to accrue as TIL.

Any TIL must be taken at a mutually convenient time agreed between yourself and the Employer, but no later than as provided for in the industrial instrument.

Any fraudulent or dishonest attempt to claim TIL is considered serious misconduct and may lead to disciplinary action, up to and including the termination of your employment.



LEAVE WITHOUT PAY

Leave without pay is not an entitlement and may only be granted solely at our discretion and in exceptional circumstances. Any unauthorised leave will be subject to disciplinary action.

Leave without pay must be approved by the Director in advance of the leave being taken. Leave without pay in excess of two working days must be approved by the Executive Officer in every instance.

All leave entitlements accrued based on ordinary hours worked, which does not include time taken as leave without pay.

NON-TERM TIME

You may on occasions be required to attend the preschool during the non-term time period at the end of terms one, two and three to complete reports, attend meetings, supervise works and/or ensure the preschool is prepared for the first day of the next term.

Association training days may be held in each non-term time periods at which attendance is compulsory. You will be advised of dates as they become available, with a minimum of six months' notice.

Non-attendance when requested to attend is considered to be leave without pay, and deductions will be made accordingly in the next pay cycle.

TERMINATION OF EMPLOYMENT WITH NOTICE

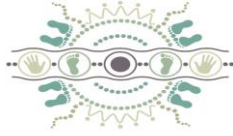
All resignations must be provided in writing, stating the reason for resigning your post.

Notice periods are required in accordance with the NES and is stated in each individual employee contract.

If you terminate your employment without providing the required period of notice, you may not be entitled to your full termination pay. Depending on the terms of your employment contract and any other terms governing your employment relationship, an amount may be withheld from your termination pay that is equivalent to all or part of the notice not provided, in accordance with the relevant industrial instrument.

On the termination of your employment, you must return all Employer property which is in your possession or for which you have responsibility. Failure to return such items within seven days will result in the cost of the items being deducted from any monies outstanding to you.

All Employer property should be returned to management.



TERMINATION OF EMPLOYMENT WITHOUT NOTICE

Occurrences of serious misconduct are significant because the penalty may be termination without notice, even without any previous warning being issued. It is not possible to provide an exhaustive list of examples of serious misconduct. However, any behaviour or negligence resulting in a fundamental breach of your contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute serious misconduct. Examples of offences that will normally be considered to be serious misconduct include serious instances of:

- theft or fraud
- any conduct that may constitute a criminal offence
- physical violence or bullying
- sexual harassment
- deliberate damage to property
- deliberate acts of unlawful discrimination or harassment
- possession, or being under the influence, of illegal drugs at work and
- breach of the Employer's health and safety policies and procedures and your general health and safety responsibilities or any actions that endangers the lives of, or may cause serious injury to, employees or any other person.

REQUESTING LEAVE

To request leave, employees must lodge a *Leave Request* within the OWNA app. The Preschool Director/Nominated Supervisor will review the application and confirm with the employee if the leave is approved or declined. The Executive Officer will then complete the final approval in OWNA. Leave request forms must be submitted at least 2 weeks before the leave is requested.

All leave will be subject to approval. The operational and key staff requirements of the business will be taken into consideration prior to leave being approved. This includes ensuring the Education and Care Services National Regulations (2011) requirements for staffing are met at all times.



REQUEST FOR FLEXIBLE WORKING CONDITIONS

Employers and employees can agree to change standard working arrangements to help employees balance work with other aspects of their lives. The employee must have worked with the employer for at least 12 months and the request fit into one of the following categories:

- a parent of, or have responsibility for the care of, a child who is school age or younger
- a carer (within the meaning of the Carer Recognition Act 2010)
- a person with disability
- aged 55 or older
- experiencing family violence, or
- providing care or support to a family member, or someone they live with, who is experiencing family violence.

The employee must make the request in writing and the employer must consider their request, discuss the request with the employee to try to reach an agreement about changes to their working conditions and respond in writing within 21 days.

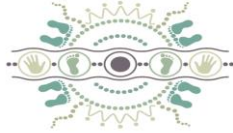
The employer must state whether the request is granted or refused and provide reasons if the request is refused and only refuse a request on reasonable business grounds.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Staff Leave Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators, and management.

SOURCES

- Australian Children's Education & Care Quality Authority. (2023). [Guide to the National Quality Framework](#).
- Australian Government. [Fair Work Ombudsman](#)
- Australian Government. Fair Work Ombudsman. [Community service leave](#)
- Australian Government. Fair Work Ombudsman. [Paid Family and domestic violence leave](#)
- Australian Government. Fair Work Ombudsman. [Flexible working arrangements](#)
- Australian Government. Fair Work Ombudsman. [Jury duty](#)
- Australian Government. Fair Work Ombudsman. [Long Service Leave](#)
- Australian Government. Fair Work Ombudsman. [Parental Leave](#)
- Australian Government. Fair Work Ombudsman. Modern Award. [Children's Services Award 2010](#)
- Australian Government. Fair Work Ombudsman. Modern Award. [Educational Services \(Teachers\) Award 2020](#)
- Australian Government- Fair Work Ombudsman [Parental Leave Best Practice Guide](#)
- Australian Government. Fair Work Ombudsman. [Sick & carer's leave](#)
- Australian Government Services Australia *Paid Parental Leave Scheme Employer Toolkit* (updated 2020). <https://www.servicesaustralia.gov.au/organisations/business/services/centrelink/paid-parental-leave-scheme-employers/what-resources-are-available/paid-parental-leave-scheme-employer-toolkit>
- Education and Care Services National Law Act 2010. (Amended 2023).



[Education and Care Services National Regulations](#). (2011). (Amended 2023)

NSW Government. NSW Industrial Relations. [Long Service Leave Entitlement NSW](#)

REVIEW

Version Control	Date	Author	Description of Change
1.0	Feb 2023	QDPA	Original document
2.0	August 2023	QDPA	Inclusion of TIL
3.0	December 2024	QDPA	<ul style="list-style-type: none">• updated changes to Paid Parental Leave scheme effective 1 July 2024• Significant adjustments to align content with employee handbook