

MORNINGTON SPECIAL DEVELOPMENTAL SCHOOL

LEAVE POLICY



INTRODUCTION

All staff have entitlements to leave, and the school supports applicants requesting leave provided the leave will not adversely affect the educational programs or school operations of the school. Leave application arrangements apply to all staff at Mornington SDS. Mornington SDS is committed to the principals of merit and equity for all staff.

The principal has the overall responsibility for managing all leave and leave requests and is entitled to approve leave at a time that least disrupts the ongoing educational and funding requirements of the school community. Thus, in some instances, it will be necessary to defer the granting of leave to another time.

Full details of all leave entitlements may be found on the website:

https://www.education.vic.gov.au/hrweb/employcond/Pages/default_leave.aspx

RATIONAL

The leave policy is designed to balance the rights and conditions of staff with the obligations to organize the school in the best way to achieve the highest of student learning.

IMPLEMENTATION

The guidelines for Leave apply to all members of the teacher service at mornington SDS.

To ensure continuity of the school program, factors to consider when approving leave include the number of staff from the same learning area or administrative or curriculum team.

Once approved, withdrawal of leave (or variation of length of leave) will only be allowed in some circumstances, the main consideration will be whether any contractual arrangements or other undertakings are in place and/or the budgetary costs of the proposed withdrawal or variation.

The principal will make the final decision on leave approval. The principal reserves the right to deny late applications for leave.

Extensions to leave or repeated short periods of leave will generally not be approved as this may unduly restrict:

1. The opportunity of others for leave,
2. The continuity of the school programs having a negative impact on students learning.

Consideration will be given to the following when considering applications for LWOP, LSL and Partner Leave:

1. Continuation of school programs
2. Previous period/s of leave
3. Special circumstances that may exist for the school
4. Length of leave applied for
5. Previous unsuccessful applications
6. Staffing contractual arrangements
7. Budgetary costs
8. Personal merit of the leave application

Assessment and reporting still need to be met in cases where leave is granted to teachers for less than 1 term.

All leave requests (with the exception of personal or carers leave) must be completed on the Mornington SDS leave request form and emailed to the HR Manager

Staff requesting LWOP or LSL who are intending to work during this period, must complete an other work (outside employment) Declaration and approval form.

<https://www2.education.vic.gov.au/pal/other-employment/resources>

Prior booking of accommodation, travel arrangements, booking flights etc. (before approval of leave) **Will not be a consideration** in granting or not granting a leave application. Leave must be approved prior to any bookings made.

STAFF PLANNING DURING LEAVE

Prior to consideration or approval, all leave requests must have a plan attached detailing the following:

- Teachers are required to plan programs for their class in their planned absence to minimise the impact on student learning.
- Classroom ES staff are required to notify the class teacher and PLC leader they are working with and leave information/planning on their role and responsibilities in the classroom for the replacement person to continue their work.
- Leadership, Allied Health and School Operations teams, must include a plan for how their role will be continued and covered in their absence. Staff responsible to complete school actions are still required to meet or make arrangements for other staff to do so on their behalf.
- Leave requests will not be considered without a detailed plan.
- Compassionate leave requests will have considerations around planning requirements.

LEAVE TYPES

Personal Leave

Applicants should enter their leave vis Edupay employee self service for all absences related to personal illness personal injury or to care for an immediate family or household member who is sick and requires care and support or requires care due to an unexpected emergency.

Required documentation for:

- Medical certificates should be provided when a Medical Practitioner have been consulted.
- All absences over 3 days
- More than aggregate of 5 days without a certificate in any one year.
- When the absence is immediately before or after a public holiday, LSL, school vacation period, a stop work day or when required by the Principal for a particular absence.

In the case of an application for personal leave (illness or injury) a required document is a medical certificate or, if it is not reasonably practicable to provide a medical certificate, a statutory declaration may be accepted at the discretion of the principal.

NOTE: Total number of days is restricted to 5 calendar days in any calendar year without a required document for sick and carers leave (i.e. not 5 days each or consecutive days)

It is the responsibility of each staff member to enter their leave within 7 days of returning to school. If leave is not entered in this time the leave will be entered as leave with out pay.

Relevant documentation (medical certificates) must be uploaded onto Edupay within 7 days of returning to work, otherwise leave will be changed to non-certified leave.

Please see the Business manager for leave such as bereavement leave.

Long Service Leave (LSL)

Whilst LSL is an entitlement the school will endeavour to meet the requests of staff at all times within the guidelines that follow. Leave may only be approved providing it will not unduly affect the running of the school, or the continuity of the teaching program.

Applications for LSL should be made at least two (2) terms in advance to ensure adequate staffing replacement. In the case where a replacement cannot be found the request may not be granted.

Wherever possible, a staff member who has had LSL applications refused will be given preference for an alternative period of time, provided their application meets the guidelines.

In some instances, it may be necessary to defer the granting of leave to another time.

In general, teachers who have LSL approved would not be allocated a graduating senior class for the year.

All applications received in the same year as the leave is requested will be considered on an ad hoc basis, with a decision made within 3 school weeks of lodgement. In general, applications within the current year will only be granted if they can meet the guidelines above and can demonstrate that the school program will not be unduly compromised, and that suitable replacement staff can be found.

Leave Without Pay (LWOP)

LWOP is not an entitlement but may be granted for professional development or for substantive personal reasons.

LWOP may be granted for periods usually of 12 months. Where exceptional circumstances arise, LWOP may be granted for periods of less than 12 months.

LWOP for personal holidays will most likely not be considered, staff can access school holiday periods for personal holidays.

LWOP applications must be made no later than one full term before the commencement of the requested leave.

In general, LWOP applications will be expected to meet the same guidelines as for LSL and should include supporting documentation. Wherever possible the school would prefer applications for LWOP are made in the year prior to the leave being sought, although it is recognised that exceptional circumstances may arise during a year that may warrant the granting of LWOP.

Criteria for assessing other LWOP applications will be similar to those for LSL applications although there will be greater emphasis on ensuring continuity of the teacher program and that the school operations (e.g. reporting and assessment) are not unduly compromised by the granting of the leave.

The extension of LWOP beyond 12 months is at the discretion of the principal and would be approved where suitable budgetary/replacement arrangements can be made and where the return date is convenient to the school programs.

Bereavement Leave

An employee may be granted leave on full pay of up to three days on account of the death of a member of their immediate family or household for the purpose of making funeral arrangements and/or attending the funeral.

For the purpose of this section "Immediate family" includes:

A spouse or domestic partner (including a former domestic partner) of the staff member. A domestic partner means a person to whom the staff member is not married but with whom the staff member is living as a couple on genuine domestic basis (irrespective of gender) ; and

A child or an adult child (including an adopted child, a stepchild or an ex-nuptial child), parent, grandparent, grandchild or sibling of the staff member or spouse of the staff member.

The Principal may grant paid leave in other cases where, in their opinion, special circumstances exist. Special circumstances include the death of a:

- Person with whom the staff member had a close relationship
- Step or foster parent or child
- Relative who has taken the place of a parent
- Relative residing with the staff member at the time of the death
- Person where the staff member at the time of the death
- Person where the staff member is the only relative of the deceased person and is the only person available to make the funeral arrangements.

Leave, with or without pay, in excess of that specified above may be granted if the principal is satisfied that three days is inadequate because of special circumstances (for example, funeral delay or extensive traveling involved).

In considering applications for bereavement leave, it is important to note that each case should be considered on its merits.

Bereavement leave would not normally be granted beyond the date of the funeral.

Any subsequent request for leave on account of grief would need to be granted as personal leave and supported by a medical certificate in accordance with personal leave provisions.

Annual Leave

- (1) (a) An employee is entitled to 152 hours (20 days for a full time employee) annual leave in respect of each twelve months of service and accrues progressively during a year of service according to the employee's ordinary hours of work.
 - (b) In addition to annual leave accrued under subclause (1)(a) an education support class employee is entitled to additional paid leave of 228 hours (30 days). This entitlement is reduced by any leave purchased under subclause 20(8).
 - (c) Employees will take annual leave at such times as the Employer determines provided that the wishes of the employee concerned will be taken into consideration as far as practicable.
- (2) An employee who becomes ill or injured during a period of leave under subclause (1), and subject to satisfying the requirements of subclause (3), may be granted personal leave and have the relevant period re-credited to their entitlement under subclause (1).

Leave for other purposes

Please refer to the HR web for guidelines for granting various forms of leave, e.g. Marriage, sporting competitions, emergency services, religious observance, transport strikes, contesting state elections etc.

<https://www.education.vic.gov.au/hrweb/Documents/VGSA-2022-Implementation-Guide.pdf>

Conclusion

Applicants should apply in writing by letter or email listing the details of the requested leave and any supporting information or special circumstances that might influence the approval of the requested leave should accompany all applications. Early notification of your intention to take leave is appreciated. It should be noted that only in exceptional circumstances will leave, once granted, be withdrawn.

Mornington Special Developmental School is committed to ensuring this policy is published and implemented and will monitor and review its effectiveness.

POLICY REVIEW AND APPROVAL

Policy last reviewed	24 th August 2022
Consultation	Leadership
Approved by	Principal David Newport
Next scheduled review date	24 th August 2026