

## Rationale

The College principal has the responsibility for managing all leave, leave requests and temporary transfers. The final decision on all leave/transfers is the responsibility of the College principal. The key factors in approving leave are as follows:

- a) The personal needs and entitlements of the individual.
- b) The effective operation of the College.

Please note that this policy must be read in conjunction with the Related Policies and Documents from the DET.

## Aims

The aims of this policy document are as follows:

- a) To provide guidelines and processes to accommodate leave/transfer requests of staff with minimum disruption to the daily organisation and administration of the College.
- b) To ensure discretionary leave or temporary transfers are granted on a fair, reasonable and equitable basis.

## Applying for Leave or a Temporary Transfer at Hazel Glen College

Leave and transfers of all forms for teaching and non-teaching staff are processed at the school level following DET guidelines. This policy is aimed at making known to staff the procedures that will be used in applying for and the granting of leave or transfers. This document outlines the different types of leave and temporary transfer available and application processes. These procedures will be adhered to in all but exceptional circumstances.

Please note that any staff member who has an emergency need or pressing compassionate grounds for leave or temporary transfer must contact the College principal directly.

The key criteria to be considered in the granting of leave or temporary transfers will be as follows:

- a) The needs of the students and their programs.
- b) The entitlements of the staff.
- c) Duration and type of leave or transfer.
- d) Time of the school year during which leave is requested.
- e) The ability of the school to replace staff on leave.
- f) Date of last approved leave, and length of leave taken.

Staff must note that an application for leave or temporary transfer does not mean an automatic approval. 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 or a temporary transfer in the following year, in most circumstances, will not be allocated to teach a Foundation class, Year 9 or VCE subject in the year of their absence.

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 4 school weeks for teachers and less than 20 days for non-teaching staff. Periods longer than this and leave on 1/2 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 2017 both of which are available from the DET website, to gain information on leave entitlements. Please keep in mind that the College principal has power delegated from the Department and following DET 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 College principal will have the ultimate responsibility for the granting of leave of all types. Leave for School Educational Support Staff and Principal Class Team members will be dealt with by the College principal.

### 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 2017. The following are examples of leave types: 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

### 1. Long Service Leave

For long service leave (greater than 4 school weeks) to be granted, staff will need to make an application using the official form, available from the College Administration Office, by the published application end date in term 3 in the year prior to the year in which the leave is to be taken. For example, if leave is to be requested for term 4 in a given year, application must be made by the published application end date in term 3 of the previous year. It is helpful if a longer lead time can be given. 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 make it difficult to follow these processes and these will be taken into account where a request for leave is made at short notice.

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

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

- a) Years of service of applicant.
- b) Period of time elapsed since last leave taken.
- c) Availability of replacement staff.
- d) The location of the leave in the school term.
- e) Length of leave requested.
- f) Educational/curriculum requirements of the College.
- g) Number of staff from each domain who have applied for leave.
- h) Total number of staff who have applied for leave.
- i) Time of the year when leave is requested.
- j) The teaching of a Foundation class, Year 9 or VCE subject (Year 12).
- k) Extenuating circumstances e.g. compassionate grounds (need to be documented and will be treated confidentially as appropriate), spouse leave etc.
- l) Reasons for leave in the context of the teacher's career.

All application documentation, including service history, will be treated with complete confidentiality and kept in the applicant's file. All decisions regarding the outcome of a request for leave will be conveyed in writing

to the applicant by the principal.

## 2. Leave Without Pay

Applications for leave without pay are considered by the delegate under Division 18 of Part 6 of Order 1038. With the exception of applications for leave without pay to count as service (see below), the College 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 sufficient time to enable the application to be determined prior to the commencement of the leave without pay. In determining applications for leave without pay the following matters will be considered:

- a) The length of service of the employee.
- b) The reason for leave.
- c) The availability of suitable replacement staff.
- d) Any other factor considered relevant.

Leave without pay is not an entitlement. It may be granted by the College principal for professional development or for 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. The considerations listed above for the granting of long service leave will be used by the College principal. 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.

## 3. 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 teaching service. Members of the teaching service 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:

- a) Relevance of the study or research to the priorities of the College/Department.
- b) Relevance of the study or research to the present or future duties of the applicant.
- c) The study or research is the most effective form of professional learning for the applicant.

- d) The study or research can be accommodated within the available budget.
- e) The staffing needs of the College can accommodate the proposed study leave.

Where study leave is granted without pay the period of leave is recognised 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 College can accommodate the period of absence. In this case the period of leave without pay will not count as service. 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.

#### **4. Teacher Professional Leave**

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

#### **5. 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.

#### **6. Personal Leave**

Staff should note that Personal Leave is not in addition to sick leave. Up to 5 days sick leave (or pro rata) 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.

#### **7. 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.

#### **8. Temporary Transfer**

A staff member requesting leave as part of a temporary transfer to a teaching position at another school should apply in writing to the principal. The principal's decision will be time bound and based on the staffing needs of the College. For a temporary transfer to be granted, staff will need to make an application on the official form, available from the College Administration Office, by the published application end date in term 3 in the year prior to the year in which the transfer is to occur. Temporary transfer release will be reasonably negotiated by the principals of both the base school and the transfer school, and only approved after the

respective needs of both schools and the employee have been considered.

## Appeals

An appeal arising from an unsuccessful leave or temporary transfer application can be made to the Appeals Committee. Membership of this Committee includes (Associate Principal, Daily Organiser, Teacher or ESS representative from Consultative Committee). The Appeals Committee makes no final decisions other than making a recommendation to the College principal who will have the final say. The usual right of appeal to the Merit Protection Board exists for appeals outside the school.

## Returning From Leave

### 1. 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. It is not the responsibility of the General Office Staff or the Daily Organiser to seek medical certificates from staff.

### 2. Long Service Leave, Family Leave, Leave Without Pay

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

## Related Policies / Documents

DET Guidelines:

School Policy and Advisory Guide: <http://www.education.vic.gov.au/school/principals/spag/Pages/spag.aspx>

Local Agreement Long Service Leave Act:

[http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol\\_act/lsla1992179/](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/lsla1992179/)

Victorian Government Schools Agreement 2017:

<https://www.education.vic.gov.au/hrweb/documents/vgsa-2017.pdf>

Leave Without Pay: <https://www.education.vic.gov.au/hrweb/employcond/Pages/lwopTS.aspx>

Long Service Leave: <https://www.education.vic.gov.au/hrweb/employcond/Pages/lslPSS.aspx>

## Evaluation

This policy was created in term 4 of 2016. This policy will be reviewed as part of the College's annual review cycle.

This policy was reviewed in Term 4 of 2018.