



LEAVE POLICY

If you need to or are intending to apply for some form of leave you should seek the advice of the Principal or Campus Principal regarding relevant regulations. The DETs A-Z Topic is an invaluable source of information and should be closely looked at to help you determine your entitlement. The web site is found at:

Department of Education & Training – A-Z Topic

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

The website has various details about leave.

Other areas that may be read in conjunction are:

Victorian Government Schools Agreement 2017

<http://www.education.vic.gov.au/hrweb/Documents/VGSA-2017.pdf>

Ministerial Order 1038

<http://www.education.vic.gov.au/hrweb/Documents/Ministerial-Order-1038.pdf>

And

The Ministerial Orders.

Teaching Service employees

The Teaching Service comprises employees in the executive class, principal class, teacher class, paraprofessional class and education support class employed under Part 2.4 of the *Education and Training Reform Act 2006*.

The following Orders currently apply to Teaching Service employees:

Teaching Service (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2009, *All applications for leave must be on the form available from the HR Administrator and must be submitted to the College Principal who will apply the following policy.*

1. Rationale

- 1.1. The school affirms the right of staff to access various forms of paid and unpaid leave.
- 1.2. The authority to grant leave rests with the Principal under delegation from the DET employees, and under delegation from the School Council in the case of School Council employees.

- 1.3. The allocation of classes to staff will take into account any leave that has been granted. The school affirms rights of students and parents to continued high quality educational programmes and so teachers who wish to take leave of longer than 10 school days, will not be assigned Year 12 classes in the year of their leave unless there are exceptional circumstances.

2. Guidelines for Action

- 2.1. Any member of staff wishing to take leave other than sick leave shall apply in writing, in advance, according to the schedule set out below and according to the information available in the A-Z Topic.

Type of Leave	Application date	Other Conditions
Long Service Leave (Voluntary Leave)	<p>Whilst long service leave is an entitlement, the timing of the leave is discretionary. An application for long service leave needs to be lodged with sufficient notice either in accordance with the school's policy or no later than two terms before the intended commencement of leave.</p> <p>In considering applications for long service leave, the principal will have regard to the operational requirements of the school, taking into account the availability of replacement staff and the number of staff who wish to take leave at the same time. Where long service leave is not granted, arrangements should be made with the employee to enable leave to be taken at an alternative date in the future.</p>	Where possible the start or finish of leave should correspond to either the start or end of a school term.
Leave Without Pay (Non-Entitled Voluntary Leave)	<p>Employees may be granted leave without pay for periods of up to twelve months for a range of reasons.</p> <p>Leave without pay in excess of twelve months, including extending a period of leave, may be granted where the delegate considers this is warranted.</p> <p>Applications for leave without pay are considered by the delegate under Division 17 of</p>	Where possible the start or finish of leave should correspond to either the start or end of a school term.

Type of Leave	Application date	Other Conditions
	<p>Part 6. With the exception of applications for leave without pay to count as service, 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.</p> <p>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:</p> <ul style="list-style-type: none"> • the length of service of the employee • the reason for leave • the availability of suitable replacement staff • any other factor considered relevant. <p>In general where leave without pay is sought for the school year, the period of leave would normally be granted from the first school day of one year to the day immediately preceding the first school day of the following year. Where the period of leave without pay sought is for less than a school year but spans a school vacation period, the period of leave would normally include the vacation period.</p> <p>The delegate may approve leave that commences during a term and may approve resumption at a time other</p>	

Type of Leave	Application date	Other Conditions
	than the beginning of a school term. Where leave without pay is approved for a person employed fixed term the leave would only be granted up until the conclusion of the fixed term period of employment.	
Pressing Necessity and Compassionate Circumstances	As soon as the circumstances arise.	Please see the relevant sections of A-Z Topic.

- 2.2. In deciding whether or not to approve leave the Principal (or delegate) shall apply the following criteria in strict order of priority:
- the staff member is entitled to and eligible for the leave requested.
 - the taking of leave by any staff member will not unduly disrupt any school programme.
 - in the case of Long Service Leave where there is more than one applicant for the same period the person for whom the longest period of service has elapsed since they last took either of these forms of leave shall have the highest claim to approval. Exceptional or special circumstances shall be considered at the discretion of the Principal.
 - leave should not normally be granted for periods of less than one calendar week.
 - Leave Without Pay is not an entitlement but may be granted in special or exceptional circumstances. The Principal has the discretion to grant such leave taking into account, issues such as disruption to school programs and the availability of a suitable replacement.
- 2.3. The Principal shall acknowledge the receipt of leave applications in writing no later than five working days after the application is received.
- 2.4. Where leave is not granted a written response will outline reasons for this.
- 2.5. Where leave is not granted the applicant may, within three working days, appeal to the Principal, in writing, outlining reasons why the decision should be reviewed and any new information, which is relevant.
- 2.6. The Principal will respond to appeals in writing within five working days of receipt of the appeal.
- 2.7. An extension of leave may be granted without the person returning to work at the discretion of the Principal. No extension will be for longer than 12 months.
- 2.8. Applicants may also exercise their entitlement to appeal to the Merit Protection Board.
- 2.9. Where Long Service Leave is not granted, arrangements should be made with the staff member to enable leave to be taken at an alternative date in the future.

- 2.10. Once leave has been approved, the staff member may cancel that leave up to 20 working days before the leave is due to commence.
- 2.11. Once leave has commenced neither the type of leave nor return to work date can be changed unless the Principal or Regional Director approves it in advance or sick leave provisions apply.
- 2.12. Copies of all correspondence regarding a leave application will be stored in the relevant staff member's personnel file maintained in the school office.

**What constitutes exceptional or special circumstances is dealt with in the relevant sections of the Schools' Reference Guide.*

EDUCATION AND TRAINING REFORM ACT 2006

MINISTERIAL ORDERS 2009

ORDER No. 199

- 6.17.1 (1) An employee may be granted leave without pay for any of the following reasons:
- (a) for family reasons;
 - (b) subject to section 2.4.30 of the Act, to undertake employment not covered by sub-clause (2) of this clause;
 - (c) to undertake study or training not covered by subclause (2) of this clause;
 - (d) to travel;
 - (e) to participate in, officiate at and/or train for sporting events;
 - (f) to pursue the development of personal interests;
 - (g) to undertake voluntary work, including participation in community and international aid programs; or
 - (h) for any other reason not covered by subclauses (1) or (2) of this clause approved by the Secretary.
- (2) An employee may be granted leave either with or without pay and subject to such other terms and conditions as the Secretary thinks fit in any particular case for the purposes of enabling an employee:
- (a) to pursue a course of studies or training or to undertake research which in the opinion of the Secretary would improve the potential of the employee to serve the State in the Teaching Service;
 - (b) to engage in employment with the Commonwealth or any State or Territory of the Commonwealth or any public statutory body constituted under the law of the Commonwealth or a State or Territory of the Commonwealth including any university or educational institution offering courses at tertiary level;
 - (c) to engage in any other employment or occupation which in the opinion of the Secretary would improve the potential of the employee to serve the State in the Teaching Service;
 - (d) to engage in employment in connexion with any joint enterprise in which the Commonwealth or a State or Territory of the Commonwealth is concerned; or
 - (e) to engage in employment in or in connexion with any other enterprise to which the State has agreed to provide assistance.
- (3) The Secretary may grant leave with pay subject to such terms and conditions as the Secretary thinks fit in any particular case for any purpose not covered in this Order.

This policy was last ratified by School Council on _____