

# STAFF ENTITLEMENTS POLICY

Our Service is committed to providing a safe and healthy workplace that supports employees to take breaks away from the workplace to balance work with rest, recreation and family responsibilities. We provide above-award pay and conditions to our employees at Alphabet Preschool.

The *Staff Entitlement 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 Award and Education Services (Teachers) 2020 Award. It also aims to provide information on the above-award conditions and entitlements provided to employees of Alphabet Preschool.

# 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.		

EDUCATI	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**

Equal Opportunity Act (Vic)	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 fo	Parental Leave Amendment (More Support for Working Families) Act 2024		

## **RELATED POLICIES**

Code of Conduct Policy	Privacy and Confidentiality Policy
Child Safe Environment Policy	Recruitment Policy
Dealing with Complaints Policy	Responsible Person Policy
Governance Policy	Student and Volunteer Policy
Pregnancy in Early Childhood Policy	

#### **PURPOSE**

This policy has been developed to communicate the paid time for employees along with the expectations and obligations regarding applying for leave from the Service including- Annual leave, Personal/Carer's Leave, Parental Leave Pay, Dad and Partner Pay, Long Service Leave, Banked leave, Community Service Leave, Family and Domestic Violence Leave, Compassionate Leave, Rostered Days Off, Superannuation, Termination/Resignation of employment and Overtime/Time in Lieu. The development and understanding of this policy supersedes any entitlements written in staff contracts (unless contract states better conditions than this policy).

#### **SCOPE**

This policy applies to staff, educators, approved provider, nominated supervisor and management of the Service.

#### **IMPLEMENTATION**

Our Service 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 along with clarification around paid overtime/Time in Lieu. All documentation relating to Leave Entitlements is to be stored confidentiality.

#### **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 two 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

Annual Leave will be accrued at the rate as stated in the relevant Award and NES.

The NES, Children's Services Award and Educational Services (Teachers) 2020 state full time employees will be entitled to 4 weeks Annual Leave every 12 months. Part time employees are entitled to Annual

Leave on a pro rata basis. For example, if an employee works 19 hours per week, they will be entitled to 2 weeks Annual Leave every 12 months. Casuals are not entitled to Annual Leave.

Annual Leave begins to accumulate from the first day of employment. Annual Leave accumulates when employees are on leave including paid leave, such as paid annual leave and paid sick and carer's leave, community service leave including jury duty, long service leave and Employer-Paid Parental leave.

Annual leave does not accumulate when the employee is on unpaid annual leave, unpaid sick/carer's leave, unpaid parental leave and unpaid family and domestic violence leave. Annual Leave does not accumulate when an employee is on leave on the Government Paid Paternity Leave Scheme. The balance of Annual Leave at the end of each year carries over to the next year.

# **REQUESTING ANNUAL LEAVE**

Annual leave must be accumulated before it can be taken as paid leave.

Leave requests must be submitted at least 4 weeks before the leave is requested.

The number of employees able to take leave at any one time ranges from two (2) people to a maximum of four (4) people depending on the time of year staff wish to take leave.

To request Annual Leave, employees must <u>first</u> check the approved leave diary to ensure the request is suitable [ie: there are less than 4 people already on leave].

<u>Then</u> submit a leave request via the employee timesheet app. Employees will then be notified via the app whether the request has been successful and approved.

The manager will then write the approved leave into the approved leave diary.

Once Annual leave is approved, it cannot be cancelled without prior consultation with the manager.

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.

#### **DIRECTION TO TAKE ANNUAL LEAVE**

Employees may be directed to take Annual Leave if the employee has an excessive accumulation of Annual Leave, usually if the balance of Annual Leave is over 8 weeks.

#### **CHRISTMAS SHUT DOWN**

Our Service closes over the Christmas holiday period. These dates of closure will be communicated to staff and families during term 1. During this time employees are directed to take Annual Leave. If the employee does not have sufficient Annual Leave accumulated, they will be directed to take Leave Without Pay during the shutdown period. If the employee becomes unwell during the Christmas closure, sick leave will be payable with receipt of a doctor's certificate.

# PERSONAL/ CARER'S LEAVE

Personal Leave will be accrued at the rate as stated in the relevant Award and NES.

The NES, Children's Services Award and Educational Services (Teachers) 2020 state Personal Leave will be accrued at the rate as stated in the relevant award or agreement. All permanent full-time staff are entitled to 10 days Personal Leave each year, and pro-rata for part-time staff. Casual staff are not entitled to Personal Leave. Evidence may be requested for any personal leave where a staff member is unable to work due to illness or injury or is caring for family member, and must be uploaded to the time sheet app before the end of the pay cycle in order to be paid sick leave.

Personal Leave provides provisions for an employee take time off to help them deal with personal illness, caring responsibilities and family emergencies. Personal Leave can be used when an employee is ill or injured. An employee may have to take time off to care for an immediate family or household member who is sick or injured or help during a family emergency. This is known as Carer's Leave, but it comes out of the employee's Personal Leave balance.

Personal Leave begins to accumulate from the first day of employment. Personal leave must be accumulated before it can be taken as paid leave. Personal Leave accumulates when employees are on leave including paid leave such as paid annual leave and paid sick and carer's leave, community service leave including jury duty and long service leave and Employer-Paid Parental leave.

Personal leave does not accumulate when the employee is on- unpaid annual leave, unpaid sick/carer's leave, unpaid parental leave and unpaid family and domestic violence leave. Personal Leave does not accumulate when an employee is on leave on the Government Paid Paternity Leave Scheme.

### NOTIFICATION OF ABSENCE

If you are unwell and cannot attend your rostered shift you must contact the Responsible Person in charge of the service by at least 6:30am the day of commencement of your shift. Under no circumstances

are messages to be left with a colleague. Text messages / emails / Private Messages are not an acceptable form of communication.

If you do not notify the Nominated Supervisor/Responsible Person and do not attend for your shift, it may be considered that you have abandoned your responsibilities and your employment may be terminated.

#### REQUESTING PERSONAL LEAVE

Personal leave should not be requested in advance. We encourage all medical appointments to be arranged outside of work hours. If a medical appointment or elective surgery is pre-arranged and it is advised the employee is unfit to work, then this will be discussed with the Nominated Supervisor prior to leave being approved.

# MEDICAL CERTIFICATE REQUEST

For those in permanent positions, evidence is requested for personal leave to state the staff member was genuinely entitled to personal leave and be provided by a registered medical practitioner. A statutory declaration is considered an acceptable form of evidence. Evidence must be uploaded to the time sheet app before the end of the pay cycle. If a staff member does not provide evidence they may not be entitled to paid personal leave.

#### **UNPAID PERSONAL LEAVE**

All employees, including casual workers, are entitled to 2 days unpaid Personal/Carer's Leave each year. Employees get 2 days unpaid carer's leave each time an immediate family member or household member of the employee needs care and support because of:

- illness
- injury or
- an unexpected emergency.

Full time and Part time employees are unable to use unpaid Personal leave if they have any accumulation of Personal Leave.

# **HEALTH OF EMPLOYEE**

Employees may be requested to provide a medical clearance if management is concerned that the employee may have an injury or illness that provides a risk to their own health or wellbeing or the health

or wellbeing of children or colleagues. The employee may be requested to take Personal Leave or Leave

without Pay until a medical clearance is arranged.

**PARENTAL LEAVE** 

Parental leave lets employees take time away from work for the birth or adoption of a child. The term

'parental leave' can include:

unpaid parental leave

• government-funded payments:

o Parental Leave Pay

**UNPAID PARENTAL LEAVE** 

Under the National Employment Standards in the Fair Work Act 2009, an employee employed with the

same employer for 12 months or more before they or their partner gives birth or adopts a child, may be

entitled to up to 12 months of unpaid parental leave. An employee can also request an additional

12 months' unpaid leave (including long-term casuals). Parents who experience a stillbirth or the death of

an infant during the first 24 months of life, can also take unpaid parental leave.

An employee who has been on unpaid parental leave is entitled to come back to the position and hours

they held before going on leave. Employees seeking to enrol their children at our service upon resuming

work after maternity leave should place their child on our waiting list as soon as possible. Employees

acknowledge that our service is not obligated to reserve positions for staff members' children. In the

event that enrolment at our service is not feasible, staff members may need to seek alternative childcare

arrangements.

An employee on unpaid parental leave can shorten their leave, if the employer agrees. If the employer

doesn't agree, then the employee has to return to work on the planned date.

Our Service requests 4 weeks' notice for any changes to the planned return to work date.

see: Employee Checklist for Parental Leave

PARENTAL LEAVE PAY SCHEME

For children born or adopted after July 1, 2025, a payment for up to 120 days, or 24 weeks is available to

assist parents care for a child.

See: Paid Parental Leave scheme changes

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#### 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.

# LONG SERVICE LEAVE

Long service leave applies to employees who are full-time, part-time or casual. If an employee has been working for the same employer for 10 years, they are entitled to 2 months (8.67 weeks) paid leave, to be paid at the employees ordinary gross weekly wage under the Long Service Leave Act 1955 (the Act). Employees are entitled to Long Service Leave as per state/territory laws or provisions. Contact the long service leave agency in your state or territory for further information.

To request Long Service Leave, employees must lodge a *Leave Request Form* via the time sheet. Employees will be notified via the app if the request has been successful and approved. Leave be granted under the provisions of annual leave above.

### LEAVE WITHOUT PAY

Leave Without Pay will not be approved unless all existing Annual and Personal Leave has been granted.

To request Leave Without Pay, employees must lodge a *Leave Request Form* via the time sheet app.

Employees will be notified via the app if the request has been successful and approved.

If the employee is on a period of unpaid leave and a public holiday falls within the period of unpaid leave, the employee is not entitled to payment for the public holiday.

#### **COMMUNITY SERVICE LEAVE**

Community Service Leave covers voluntary emergency management activities, such as RFS/SES. Community service leave is unpaid, except for Jury Duty.

An employee engages in a voluntary emergency management activity if:

- the activity involves dealing with an emergency or natural disaster
- the employee engages in the activity on a voluntary basis
- the employee was either requested to engage in an activity, or it would be reasonable to expect that such a request would have been made if circumstances had permitted, and
- the employee is a member of or has a member-like association with a recognised emergency management body.

An employee is entitled to take community service leave while they are engaged in the activity and for reasonable travel and rest time. There is no limit on the amount of community service leave an employee can take.

# JURY DUTY

Employees must advise their employers of the period or expected period of leave as soon as possible. If an employee requests leave, they need to provide evidence showing they attended jury selection or jury duty.

Employees are paid by the court a portion of their base pay rate per day. Employers may be required to provide make-up payment for the ordinary hours worked, for up to 10 days.

## FAMILY AND DOMESTIC VIOLENCE PAID LEAVE

The National Employment Standards (NES) provides conditions for all employees, including full-time, part-time and casual employees, to access 10 days of paid family and domestic violence leave within a 12-month period. The leave is not pro-rated for part-time or casual employees. Family and Domestic Violence Leave does not accumulate each year is it is not used; the 10 days of leave is renewed every 12 months.

The paid Family and Domestic Leave will renew each year on the employee's work anniversary.

Employees are able to take paid Family and Domestic Leave in accordance with the conditions set from Fair Work Australia.

#### **COMPASSIONATE LEAVE**

All employees (including casual employees) are entitled to compassionate leave.

Compassionate leave can be taken when a member of an employee's immediate family or household:

- dies
- contracts or develops a life-threatening illness or injury
- a baby in their immediate family or household is stillborn
- they have a miscarriage
- their current spouse or de factor partner has a miscarriage

Full-time and part-time employees receive paid compassionate leave and casual employees receive unpaid compassionate leave.

Full-time and part-time employees are paid at their base pay rate for the ordinary hours they would have worked during the leave. Compassionate leave cannot be cashed out.

# **SUPERANNUATION**

All employees who earn above the threshold limit will be entitled to superannuation paid at the statutory rate. If you wish to have your Superannuation paid to your fund of choice you will need to complete the "Superannuation Standard Choice Form". You can obtain a copy from the Nominated Supervisor or online

# ABSENCE FROM EMPLOYMENT WITHOUT NOTIFICATION

An employee may be taken to have abandoned their employment if they do not provide notification of absence. The Nominated Supervisor will make reasonable attempts to contact the employee; if the employee does not respond to these attempts the termination of employment procedure will be instigated.

# FLEXIBLE ROSTERED DAYS OFF

Our Service provides provision for Flexible Rostered Days Off (RDO's). Full time employees work additional hours each week which accumulate into a paid RDO. RDO's are rostered onto the roster where possible. RDO's cannot be requested, they are to be taken when operations of the service allow.

#### TIME IN LIEU

There are times when an employee may be required to work for a longer period outside of normal hours. This may include meeting National Law and Regulations, attending meetings or a work-related event.

Time in Lieu (TIL) allows for an employee to work overtime and instead of being paid an additional wage, the employee is granted paid time off by the employer, equivalent to the overtime worked.

- The number of TIL hours accrued cannot exceed 25 hours
- Time In Lieu is to be taken within 6 months of being accrued
- If the Time In Lieu has not been taken within the 6-month period, the employer will pay the employee for the overtime in the next pay period at the overtime rate applicable
- On termination of employment, Time In Lieu will be paid to the employee at the overtime rate
- An employee may request at any time for the employer to pay for overtime covered by the agreement but not taken as time off, at the overtime rate applicable to the overtime when worked. This payment must be made in the next pay period following the request
- Time in lieu worked by an employee is calculated as the same as the number of overtime hours worked, e.g. an employee who worked 2 hours overtime hours is entitled to 2 hours' time in lieu.

# OVERTIME/TIME IN LIEU AND PAID TRAINING

Overtime/Time in lieu may be paid in circumstances where the employee works over 8 hours per day or 38 hours per week or where employees are required to work or attend meetings or training outside of general ordinary hours. Overtime rates will be paid as per award and overtime must be approved by the Nominated Supervisor prior to the employee working additional hours. Time in Lieu (TIL) may be accepted by an employee in agreement for additional hours worked instead of overtime.

Our service provides regular training and professional development for our staff, all training courses are mandatory. Our service will pay for all training, professional development, first aid and CPR courses offered to staff.

Our service pays employees overtime/Time in Lieu in the following circumstances:

- staying back for ratio with approval from the responsible person. An employee must state the
  name of the person who approved this overtime in the note section of the time sheet app. If the
  employee does not provide this note, overtime will not be paid.
- Attendance at all staff meetings, training courses, professional development courses, first and CPR courses provided by the centre.

- Wages/time in lieu will not be paid to employees who seek alternative courses to suit their schedule because they are unable to attend training courses, professional development courses, first and CPR courses provided by the centre.
- Fees for First aid and CPR course sourced via employees to suit their schedule will be reimbursed by the centre.

# **BANKED HOURS LEAVE**

Alphabet Preschool aims to assist staff to balance work and personal commitments by allowing staff to bank hours of time worked for additional leave up to 4 weeks over one financial year.

Accrual of the banked hours additional leave is spread across the period of the financial year.

The staff member can maintain their superannuation benefit by continuing their normal employee and employer superannuation contribution for the period of the banked hours leave.

# Eligibility

- All staff employed at Alphabet Preschool who work a minimum of 15 hours per week.
- Staff who have excess annual leave (>20 days) or long service leave (> 65 days) are unable to apply for banked leave unless they have approved arrangements to clear their excess leave, e.g. as part of a planned long-term break.

#### Conditions

- 1. A staff member may bank hours for additional leave for a period of at least one (1) day up to a maximum of 4 weeks per banked leave cycle (financial year).
- 2. Eligible staff can apply once per banked leave cycle and a new application must be made each year.
- 3. The banked leave cycle runs for 12 months: from the first pay run in July till the last pay run in June of the following year.
- 4. Dates of proposed leave up to 4 weeks must be included in the application (called 'a block').
- 5. Staff are eligible to apply for one 'block' of time off per year.
- 6. Banked leave will commence in the first available pay period in the new financial year.
- 7. Banked leave cannot be rolled over from one period to the next. Employees are to utilize all banked leave by the 30th of June. Any unused banked hours remaining by the 30th of June will be paid out to the employee in the last pay cycle in the financial new year.

- 8. Banked leave can be taken in conjunction with all leave provisions. Where a public holiday falls within a period of purchased leave, the public holiday is not counted as a day's leave.
- 9. Banked leave cannot be accessed at half pay.
- 10. Banked leave does not accrue during any unpaid pay cycle i.e. during unpaid leave
- 11. Banked leave must be accrued before the planned leave.
- 12. A staff member with less than 12 months remaining on their fixed-term contract will have a reduced deduction period, consistent with the number of pays remaining before the expiration of the contract.

# Approval process

- Employees will submit a banked hours leave request form to the manager by the last day in March.
- 2. The manager will review and approve or deny the request by the last day in April.
- 3. Denial of request may be due to factors such as: excessive leave, no leave scheduled or other business-related reasons. Requests will be limited to one person per date or 'block' and will exclude holiday periods.
- 4. The manager will bank leave weekly as per the employee's request from the first pay run in the approved financial new year.
- 5. Employees are to utilize all banked leave by the 30<sup>th</sup> of June. Any unused bank hours remaining by the 30<sup>th</sup> of June will be paid out to the employee.

Any hours worked over 8 hours in a day or over 38 hours in a week should be coded as time in lieu. TIL will be paid as 1.5 hours on termination of contract whilst banked hours will be paid at ordinary rate.

# Example:

Emily would like to go on a holiday for six weeks with her family in September. Emily uses the banked hours leave request form to apply for an additional 2 weeks of leave over the banked hours leave cycle. She submits the completed form to her manager by 14th March. Emily currently works 30 hours a week, has two weeks of annual leave already accrued and has no long service leave. The manager reviews the request and assists Emily to work out how many hours of banked leave she will need so that she has enough leave by her intended leave date. Emily and her manager agree that 6 hours every week from Emily's pay will be banked to cover her leave request; Emily will work for 30 hours and be paid for 24 hours per week. Her manager approves the request by the last day in April and begins to bank the hours

from Emily's pay in the first pay run in the next financial year. Emily uses 2 weeks of banked leave along with her four weeks of annual leave to cover her whilst on leave.

# TERMINATION/RESIGNATION CONDITIONS

Notice of termination of employment will be as per relevant Award. In the event of instant dismissal, the notice period may be paid, and the employee asked to leave immediately.

Employees who fail to give the required notice must forfeit the relevant termination pay. Notice to terminate employment must be given in writing to the Nominated Supervisor.

# Children's Service Award 2010

Employee's period of continuous service with the employer at the end of the day the notice is given	Period of notice
Not more than one year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

An employer has to provide an extra week of notice if the employee is over 45 years old and has worked for the employer for at least 2 years.

# Educational Services (Teachers) Award 2020

Period of notice - 4 weeks' notice

An employer has to provide an extra week of notice if the employee is over 45 years old and has worked for the employer for at least 2 years.

# CONTINUOUS IMPROVEMENT/REFLECTION

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

# **RELATED RESOURCES**

Employment Contract Casual	Staff Leave Request Form
Employment Contract Permanent	

#### **SOURCES**

Australian Children's Education & Care Quality Authority. (2025). 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 and carer's leave

Australian Government Services Australia Paid Parental Leave Scheme Employer Toolkit (updated 2024)

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

Western Australian Legislation Education and Care Services National Regulations (WA) Act 2012

Western Australian Legislation Education and Care Services National Law (WA) Act 2012

#### **REVIEW**

POLICY REVIEWED	JUNE 2025	NEXT REVIEW DATE	JUNE 2026
VERSION NUMBER V10.06.25			
MODIFICATIONS	<ul> <li>annual policy maintenance</li> <li>updated changes to Paid Parental Leave scheme effective 1 July 2025</li> <li>sources checked and repaired as required</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE
JUNE 2024	<ul> <li>annual policy maintenance</li> <li>updated changes to Paid Parental Leave scheme effective 1 July 2024</li> <li>links checked and repaired as required</li> </ul>		JUNE 2025
FEBRUARY		JUNE 2024	