

LEAVE

Full leave provisions for school teachers contained in the ACT DET [Teaching Staff] Union Collective Agreement 2007-2009 can be found at Section D under the *Working Conditions* link.

Leave Without Pay [LWOP] for School Teachers

All applications for LWOP should be submitted well in advance. One term's notice would be considered appropriate except in exceptional circumstances.

LWOP is not an automatic right. Teachers' primary work commitment and responsibility is to their teaching duties with this Department and therefore teachers must be able to justify the need for such leave. Generally, applications for LWOP from officers with less than three years continuous service with this Department will not be approved.

Approval at the school level should not be given if the application for LWOP is not within the guidelines. The only exception would be where the principal considers that there are extenuating or unusual circumstances warranting special consideration. In these cases, the principal should forward the application to the Department together with a statement from the applicant and a principal's statement outlining clearly why the application should be considered.

LWOP is granted under Standard 17 of the Public Sector Management Standards and consistent with the policy of maximising the permanent appointment of teaching staff, it is necessary to set the conditions under which LWOP is granted to ensure that there is an adequate control over the number of officers seeking to return to duty at any time, in order to avoid a surplus staffing situation.

The conditions governing LWOP have also been devised to maintain a reasonable balance between the needs of schools and those of individual teachers. Schooling demands continuity of teaching throughout each school year and these conditions are aimed at minimising any adverse effect that the leave may have on the continuity of teaching.

However, approval can usually be given to applications which meet the guidelines set out below, provided adequate notice is given to arrange for a replacement teacher. Where insufficient notice is given, teachers may not be permitted to proceed on LWOP until a replacement teacher can be found. Where teachers intend applying for leave for a semester or more, it is best to submit an application by 31 August in the previous year, so that a replacement can be arranged via the Placement Round.

Applications for LWOP should be submitted on the standard leave form, with an accompanying statement providing all necessary details and reasons for the leave request, together with a supporting statement from the principal, so that the approving officer is aware of all the circumstances in each case.

It should be noted that where leave is approved for a semester or year or any shorter period just prior to a school vacation the end date of the LWOP will be the last day of the subsequent school vacation, that is, there is no entitlement to stand down with pay following a period of LWOP [study LWOP, which counts as service, is an exception to this].

The minimum period of LWOP is normally one semester. Also, to minimise disruption to students and schools, leave of twelve months or more will normally be granted only in complete school years. That is, LWOP commencing in June for example, would need to extend to the end of the following year to avoid the disruption to teaching and staff dislocation that a return mid year could cause.

In some cases, LWOP may be granted for periods of less than one semester but only where the school strongly supports the shorter period on the basis that interruption to teaching and parental concern would be minimised by taking the shorter period of leave.

Generally the maximum period of LWOP is for a twelve month period although it may be necessary to extend this period to minimise disruption to the school [as outlined previously]. In special circumstances an extension of twelve months may be granted.

Officers seeking LWOP to engage in employment outside the Department must provide full details of this employment when making application.

Following a period of LWOP, it is unlikely that further LWOP will be granted until after a period of at least two school years has elapsed.

Note that where the period of LWOP exceeds twelve months, the officer is expected to consent to becoming unattached but will retain the right to return to a suitable position within the Department. For the information of applicants, the implications of unattachment are outlined below.

An officer on LWOP may apply to return to work prior to the completion of the period of leave. However, approval will only be granted if a suitable placement can be found. It may be necessary to consider casual work if no suitable placement is available.

Implications of Unattachment

When a permanent officer becomes unattached while on long term leave, she/he ceases to hold a nominal position. On return from absence, an officer is required to be placed in a vacant position equal to their prior nominal classification. The responsibility for placement of teaching staff rests with the Teaching Service Section in the annual Transfer Round. The placement of unattached officers in a permanent position is dependent upon the availability of suitable vacancies. If a permanent position is not available, an unattached officer will be placed in a temporary position until a permanent position becomes available. In the event that all placement opportunities are exhausted, staff may be regarded as potentially excess; if this occurs redundancy provisions may ultimately apply.

Additional Guidelines for Specific Categories of LWOP

[a] *Special LWOP*

Special LWOP may be granted for compelling or compassionate reasons in exceptional circumstances where other forms of leave are not available. In addition to statements from the applicant and Principal supporting the application, it may be necessary to seek the support of the Staff Welfare Officer. Such leave would normally be for short periods and the restriction on frequency of applications does not apply in such special cases.

[b] *Parenting LWOP*

Teachers may make application for up to four years parenting leave in total for the first child. This parenting leave is available following the fifty two week period of maternity leave. This leave is designed to enable parents to care for their children until they reach school enrolment age. The leave may be taken at any time during the period outlined above but may only be taken in complete school years [except leave taken for the balance of the school year immediately following maternity leave] and on the condition that an application to return is made by 31 August in the year preceding a return to duty. Provided this notice is given, the teacher retains the right to return to duty on the first school day of the next school year.

If teachers seek LWOP for parenting for periods of less than a complete school year [except leave taken for the balance of the school year immediately following maternity leave], they may be granted Ordinary LWOP but only under the conditions applicable to Ordinary LWOP.

Parenting LWOP is available to either or both parents, either separately or at the same time.

An extension of up to a further three years may be granted to a teacher for any subsequent children. The extension is granted, provided the teacher becomes unattached from the beginning of the following school year. The maximum leave available under this provision is seven years.

[c] *Study LWOP*

LWOP may be granted to enable officers to take up a Study Award. Where the application is supported by the Professional Development Section, the leave counts as service for all purposes except recreation leave, with a prescribed discounting of portion of the sick leave benefit accrued during the period of leave. The restriction on frequency of application does not apply to Study Awards.

[d] *LWOP to Accompany Spouse*

LWOP may be granted to enable an officer to accompany their spouse on a temporary posting overseas or interstate. A copy of the posting documentation is required to support the application and the period of leave granted will be up to the length of the posting and should be in whole years.

[e] *Other LWOP*

Certain other categories of LWOP exist, which are only applicable to a very limited number of teachers and these will be dealt with as they arise.