

STAFF LEAVE ENTITLEMENT POLICY

Our Out of School Hours Care (OSHC) 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.

The *Staff Leave Entitlement Policy* aims to comply with Government legislation and workplace laws to provide clear guidelines on employment conditions and entitlements set by the Fair Work Ombudsman through the National Employment Standards (NES) and relevant Awards, including but not limited to the Children's Services 2010 Award and Education Services (Teachers) 2020 Award.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
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.

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S. 2A	Paramount consideration—safety, rights and best interests of children
S. 3A	Paramount consideration [NSW]
S.165	Offence to inadequately supervise children
S.167	Offence relating to protection of children from harm or hazards
126A	Illness or absence of a qualified educator who is required to meet the relevant educator to child ratio
135	Illness or absence of early childhood teacher or suitably qualified person
145	Staff records
147	Staff members
151	Record of educators working directly with children
152	Record of access to early childhood teachers
152A	Record of replacement of educator
152B	Record of replacement of early childhood teacher or suitably qualified person

168	Education and care service must have policies and procedures
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RELATED LEGISLATION

Children and Young Persons Act 1998 Child Safe Environment Policy	Federal and State Occupational Safety and Health Legislation
Education and Care Services National Law Act 2010	NSW Anti-Discrimination Act 1977
Fair Work Act 2009	Paid Parental Leave Amendment (More Support for Working Families) Act 2024
Federal and State Equal Opportunity Legislation and any other relevant industrial awards	

RELATED POLICIES

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

This policy has been developed to communicate expectations and obligations regarding applying for leave from the OSHC Service including- annual leave, personal/carer's leave, Parental Leave Pay, long service leave, community service leave, family and domestic violence leave, compassionate leave, rostered days off, superannuation, termination/resignation of employment and overtime/ time in lieu.

SCOPE

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

IMPLEMENTATION

Our OSHC 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 the Fair Work Ombudsman . 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. All documentation relating to leave entitlements is to be stored securely and in accordance with our *Privacy and Confidentiality Policy*.

DEFINITIONS

FAMILY MEMBER

The Fair Work Ombudsman 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

There are different types of employment depending on the applicable Awards. For detailed information, refer to the [Children's Services Award 2010 \[MA000120\]](#) and the [Educational Services \(Teachers\) Award 2020](#).

- Full-time employees are generally engaged to work an average of 38 ordinary hours per week.
- Part-time employees work regularly, but generally less than a full-time employee.
- Fixed-term employees are employed for a fixed period.
- Casual employees are typically engaged on a temporary or short-term basis, but they can also be employed on a regular, systematic basis, regular casual employees.

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 2010 and Educational Services (Teachers) 2020 state that full-time employees will be entitled to 4 weeks of 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. Casual employees 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, paid sick and carer's leave, community service leave, including jury duty and long service leave. The balance of annual leave at the end of each year carries over to the next year.

Annual leave does not accumulate when the employee is on unpaid leave, such as 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 unpaid leave, receiving the Australian Government Parental Leave Pay.

REQUESTING ANNUAL LEAVE

Annual leave must be accumulated before it can be taken as paid leave. To request annual leave, employees must lodge a *Leave Request Form* and hand it to the nominated supervisor. Employees will be notified in writing if the request has been successful and approved. Leave will not be granted to any two (2) employees for the same period. Leave request forms must be submitted at least 2 weeks before the leave is requested.

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 OSHC Service closes over the Christmas holiday period. 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.

PAID PERSONAL LEAVE OR 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 2010 and Educational Services (Teachers) 2020 state that 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.

Personal leave provides provisions for an employee to 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, paid sick and carer's leave, community service leave, including jury duty and long service leave and 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.

NOTIFICATION OF ABSENCE

Absences should not occur without prior notification where reasonably practicable. If the employee is unwell and cannot attend their rostered shift, the employee must contact the nominated supervisor or assigned nominee at least four (4) hours before the commencement of their shift. Under no circumstances are messages to be left with a colleague. Text messages/ emails/private messages are not an acceptable form of communication.

Failure to notify and attend a scheduled shift may be treated as abandonment of responsibilities and may result in termination of employment.

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 that 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 may be requested for personal leave to state that 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. If a staff member does not provide evidence when asked, they may not be entitled to paid personal leave.

UNPAID CARER'S LEAVE

All employees, including casual workers, are entitled to 2 days of unpaid carer's leave for each occasion when a member of the employee's immediate family or household requires care or support because of a personal illness, injury, or emergency. Employees can't take unpaid carer's leave if they could instead take paid carer's leave (this doesn't apply to casual employees who have no entitlement to paid carer's 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 poses 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
 - [Parental Leave Pay](#)
- [employer-funded paid parental leave payments](#)

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, or

employees who experience a stillbirth or the death of an infant during the first 24 months of life may be entitled to up to 12 months of [unpaid parental leave](#). This includes casual employees who have been working for their employer regularly and systematically for at least 12 months.

An employee can also request an additional 12 months' unpaid leave. This [checklist](#) helps employees follow all the steps required for taking unpaid parental leave under the NES.

PAID PARENTAL LEAVE SCHEME

For children born or adopted **after** July 1, 2026, a payment for up to 130 days, or 26 weeks, is available to assist parents in caring for a child. For children born or adopted after July 1, 2025, the payment is for up to 120 days, or 24 weeks. Furthermore, if an employee's child is born or adopted from 1 July 2025, the Australian Taxation Office will pay them a 12% superannuation contribution on this payment, paid after the relevant financial year has ended, starting from July 2026.

See: [Paid Parental Leave scheme changes](#)

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

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. This includes casual employees who have been working for their employer regularly and systematically for at least 12 months. The request must fit into one of the following categories:

- a pregnant employee
- a parent of, or has 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 and domestic violence, or
- providing care or support to an immediate family member, or someone they live with, who is experiencing family or domestic 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 and part-time. In some states and territories, [long serving casual employees](#) are eligible for long service leave. 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* and hand it to the nominated supervisor. Employees will be notified in writing if the request has been successful and approved. Leave will not be granted to any two (2) employees for the same period. Leave request forms must be submitted at least 2 weeks before the leave is requested.

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* and hand it to the nominated supervisor. Employees will be notified in writing if the request has been successful and approved. Leave will not be granted to any two (2) employees for the same period. Leave request forms must be submitted at least 2 weeks before the leave is requested.

[COMMUNITY SERVICE LEAVE/JURY DUTY](#)

Community service leave covers voluntary emergency management activities or jury duty. 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 is a type of community service leave under the NES. 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. In some circumstances, employees may be entitled to certain payments from their employer or from the court whilst attending jury duty. Go to: [Payment for full-time and part-time employees](#) and [Payment for casual employees](#).

FAMILY AND DOMESTIC VIOLENCE LEAVE

The National Employment Standards (NES) provide 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 if it is not used; the 10 days of leave are renewed every 12 months on the employee's work anniversary.

Employees are able to take paid family and domestic violence leave in accordance with the conditions set by the Fair Work Ombudsman.

COMPASSIONATE LEAVE

All employees (including casual employees) are entitled to 2 days of compassionate leave for each occasion. 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 facto 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](#).

TERMINATION/RESIGNATION CONDITIONS

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

An employee must give the employer notice of termination in accordance with the Children's Services Award, as outlined in the table below. The notice of termination required to be given by an employee is the same as that required of an employer, except that the employee does not have to give additional notice based on the employee's age. 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.

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

EDUCATIONAL SERVICES (TEACHERS) AWARD 2020

Period of notice - 4 weeks' notice. Employment of an employee (other than a casual employee) will not be terminated without at least 4 weeks' notice (inclusive of the notice required under the [NES](#)), or 4 preschool term weeks in the case of a preschool employee, or the payment of 4 weeks' salary instead of notice. The notice of termination required to be given by an employee is the same as that required of the employee's employer. 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.

Employees must provide written notice regarding resignation from employment as outlined within their *Employment Contract*. The resignation letter should state the employee's intended final working day. The

approved provider or nominated supervisor will provide confirmation of acceptance of the resignation and outline any final arrangements. Access to digital folders, accounts, systems and online platforms will be reviewed and restricted after the employee's final working day. Where there are concerns about security, confidentiality, or misconduct, access may be restricted immediately at the discretion of the approved provider or nominated supervisor.

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 initiated.

ROSTERED DAYS OFF

Our OSHC Service provides provision for Rostered Days Off (RDOs). Full-time employees work additional hours each day, which accumulate into a paid RDO. RDOs are rostered onto the roster each month. Each day, an employee would work 8 hours and get paid for 7.6 hours to get one paid day off every 20 days.

OVERTIME AND TIME IN LIEU (TIL)

Overtime may be paid in circumstances where the full-time employee works over 38 hours per week or where employees are required to work or attend meetings or training outside of general ordinary hours. Part-time and casual employees may be paid overtime rates for any hours worked over an 8-hour shift. Overtime rates will be paid as per the Award. All 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, in line with the relevant Award.

To request Time in Lieu leave, employees must lodge a *Leave Request* form and hand it to the nominated supervisor. Employees will be notified in writing if the request has been successful and approved. Leave will not be granted to any two (2) employees for the same period. Leave request forms must be submitted at least 2 weeks before the leave is requested.

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Staff Leave Entitlement Policy* will be evaluated and reviewed on an annual basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy. Feedback will be

requested from children, families, staff, educators and management, and notification of any change to policies will be made to families within 14 days.

RELATED RESOURCES

Employee Exit Guide	Employment Contract Permanent Staff Leave
Employment Contract Casual	Request Form

SOURCES

Australian Children's Education & Care Quality Authority. (2026). [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 best practice guide](#)

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 \[MA000120\]](#)

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 [Paid Parental Leave scheme Employer Toolkit \(updated 2026\)](#)

[Education and Care Services National Law Act 2010](#)

[Education and Care Services National Regulations 2011](#)

REVIEW

POLICY REVIEWED BY	Libby Haines	Director	June 2026
POLICY REVIEWED	JUNE 2026	NEXT REVIEW DATE	JUNE 2027
VERSION NUMBER	V7.06.26		
MODIFICATIONS	• annual policy maintenance • edits for clarity and consistency • updated changes to the Paid Parental Leave scheme, effective 1 July 2026 and other leave entitlements • sources and hyperlinks checked and updated as required		
PREVIOUS MODIFICATIONS			
JUNE 2025	• annual policy maintenance • updated changes to Paid Parental Leave scheme effective 1 July 2025 • sources checked and repaired as required		