Parental Leave Policy

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Threshold Standard	
Responsible person	CEO
Appendix A:	

1. INTRODUCTION

At Adelaide Central School of Art Inc (ACSA) we seek to reinforce the value we place on our people and our commitment to providing a family-friendly work environment, by ensuring that our people feel supported and appreciated when they have children.

(a) supporting eligible employees (Staff) during parental leave to enable them to take time away from work to care for their new born or adopted child;

(b) promoting equality between genders and balance between work and family life;

(c) enhancing family-friendly working conditions; and

(d) encouraging Staff to stay connected with the School when they become parents.

2. OBJECTIVES

The School's objective through this policy is to:

(a) recognise that Staff may at times require parental leave and that the taking of this leave does not diminish their commitment to the School;

(b) enable Staff to take leave for the birth, or following the adoption, of a child with the support of the School; and

(c) encourage and support the return to the School of Staff who have taken a period of parental leave.

3. UNPAID PARENTAL LEAVE (UPL)

3.1 Eligibility

The following Staff are eligible to take UPL:

(a) Permanent full time and part time Staff who have or will have completed at least 12 months' continuous service with ACSA before the date of birth or adoption of their child.

(b) Casual or Sessional Staff who have been employed with ACSA on a regular and systematic basis for a sequence of periods of employment over at least 12 months providing that they have a reasonable expectation of continuing this employment on a regular or systematic basis but for the birth or adoption of their child.

3.2 **Birth related leave**

Eligible Staff may take up to 12 months' UPL if the leave is associated with the birth of their child or the child of their spouse or de-facto partner and the Staff member has or will have a responsibility for the care of the child for the duration of their UPL.

3.3 **Adoption related leave**

Eligible Staff may take up to 12 months' UPL if the leave is associated with the placement of a child (under the age of 16) with them for adoption and the Staff member has or will have a responsibility for the care of the child for the duration of their UPL.

3.4 **Extension of UPL**

Staff may request to extend their UPL by a further period of up to 12 months immediately following the end of the initial 12 month UPL period. This is reduced by any period of UPL taken by the Staff member's spouse or de-factor partner, so that the combined total is a maximum of 24 months. The request must be made in writing at least 4 weeks before the end of the initial 12 month UPL period. The School may refuse the request on reasonable business grounds.

3.5 **Interaction with other leave, benefits and continuity of service**

Staff on UPL will not accrue any annual leave, paid personal / carer's leave, long service leave or any other benefits or entitlements during their UPL (including any periods during which they receive ACSA Parental Leave Pay or Government funded Parental Leave Pay). Similarly, UPL does not counts towards any service obligation period as may apply from any other policy.

Staff can apply to use some or all of their annual leave while they are taking UPL. However a Staff member may not take any paid personal / carer's leave, compassionate leave or community service leave to which they are otherwise entitled while on UPL.

Continuity of service with the School is retained through UPL.

3.6 **NATIONAL EMPLOYMENT STANDARD (NES)**

For Staff who have an entitlement to UPL under the NES in the Fair Work Act 2009 (Cth), all the UPL provisions under the NES will apply to them.

4. **ACSA PARENTAL LEAVE PAY**

In addition to any Government funded Parental Leave Pay or Dad & Partner Pay (as varied from time to time) to which a Staff member may be entitled, the School will pay the Staff member a (additional) benefit as set out in the sections below being the difference between:

(a) the Government funded Parental Leave Pay or Dad & Partner Pay that the Staff member is eligible to receive (whether or not they actually receive it); and

(b) the amount of ACSA Parental Leave Pay to which the Staff member would otherwise receive under this policy

in respect of the relevant period set out below.

4.2 **Primary carers**

The School will provide the benefit of 18 weeks' ACSA Primary Carer's Parental Leave Pay to permanent full time, sessional and part time Staff who are Australian Citizens or Permanent Residents and are eligible to and take UPL provided that the Staff member is the primary carer of the child throughout the period in respect of which the ACSA Primary Carer's Parental Leave Pay is payable.

4.3 **Secondary Carers**

The School will provide a benefit of up to 15 days' ACSA Secondary Carer's Parental Leave Pay to permanent full time, sessional and part time Staff who are Australian Citizens or Permanent Residents and are eligible to and take UPL provided that:

(a) the Staff member is the secondary carer for the child throughout the period in respect of which the ACSA Secondary Carer's Parental Leave Pay is payable; and

(b) the leave is taken within one month of the birth of the child (for birth related leave) or the day of placement (for adoption related leave).

4.4 **Calculation of ACSA Parental Leave Pay**

ACSA Parental Leave Pay will be calculated on the Staff member base salary (plus compulsory superannuation) immediately prior to commencing UPL.
For a part time Staff member the ACSA Parental Leave Pay will be calculated on a pro-rata basis in accordance with the amount of time worked by the Staff member immediately prior to commencing UPL.

Where a Staff member is eligible for Government funded Parental Leave Pay or Dad & Partner Pay (as varied from time to time), the School will only pay the difference between:

(a) the Government funded Parental Leave Pay or Dad & Partner Pay that the Staff member is eligible to receive; and

(b) the amount of ACSA Parental Leave Pay to which the Staff member would otherwise receive under this policy.

A Staff member must use best endeavours to obtain the benefit of the Government funded Parental Leave Pay or Dad & Partner Pay schemes. If a Staff member fails to do so, the amount of ACSA Parental Leave Pay provided by the School to the Staff member will not be increased to cover amounts that would otherwise have been paid to the Staff member under the Government schemes.

A Staff member who does not qualify for a benefit under the Government funded Parental Leave Pay or Dad & Partner Pay schemes will only be entitled to the difference between what that scheme would have paid if they did qualify and the ACSA Parental Leave Pay.

ACSA Parental Leave Pay will be calculated on the basis of information available to the School at the time of payment. Where amounts received by a Staff member under the Government schemes are different to the anticipated amounts, the School will adjust subsequent payments, or recover surplus monies paid to the Staff member, as necessary.

4.5 **Payment of ACSA Parental Leave Pay**

ACSA Primary Carer's Parental Leave Pay will be paid to the Staff member upon commencement of parental leave, in the Staff member's usual pay cycles across the period of entitlement outlined above unless they request otherwise (which requests will be considered in the School's complete discretion).

4.6 **Second and subsequent entitlement to ACSA Parental Leave Pay**

In order to be entitled to a second and any subsequent entitlement to ACSA Parental Leave Pay, the Staff member must return to work with ACSA and complete a further period of at least 52 weeks' work (not including any period(s) of unpaid leave).

4.7 **Service obligation and repayment of ACSA Parental Leave Pay**

If the Staff member ceases working for ACSA during a period of UPL or within 2 years of returning from that period of UPL, the Staff member will be required to repay to the School or authorise the School to deduct from any amounts owing to the Staff member, the pro rata share of all ACSA Parental Leave Pay paid by the School in respect of that period of UPL that reflects the balance of the 2 year period not worked following the period of UPL.

This service obligation is non-negotiable.

For example, if the Staff member leaves 18 months after returning from a period of UPL, the Staff member will repay to the School 25% of all ACSA Parental Leave Pay paid in respect of that period of UPL. If the Staff member leaves during the period of UPL, the Staff member will repay to the School 100% of all ACSA Parental Leave Pay paid in respect of that period of UPL.

5. **NOTIFICATION REQUIREMENTS**

In order to assist the School in planning for a Staff member's absence during UPL, the Staff member must as soon as possible advise the CEO of their intention to take UPL.

The Staff member must:

(a) discuss their proposed parental leave plans with the CEO;

(b) at least 10 weeks before starting UPL, provide the CEO with written notice of taking UPL and the intended start date and end date;

(c) provide one of the following:

(i) a registered medical practitioner’s certificate confirming the Staff member is pregnant and the date of birth or expected date of birth;

(ii) a registered medical practitioner’s certificate confirming that the Staff member's spouse or de-facto partner is pregnant and the date of birth or expected date of birth;

(iii) a statutory declaration which confirms the Staff member's status as an adopting parent of a child under 16 years of age and gives the day of placement or expected day of placement;

(d) provide a statutory declaration stating that they will be taking on the role of primary carer or secondary carer (as appropriate) for the period of UPL and that their partner is not receiving paid parental leave (other than secondary carer’s leave) from any employer or from any other source.

The Staff member is to immediately notify the CEO in writing of any subsequent changes which might affect their parental leave plans.

6. RETURN FROM LEAVE

Staff members should provide at least 4 weeks' written confirmation of the date they will be returning from UPL. It will assist in the Staff member's return to work if as much notice as possible is provided to the School.

On returning from UPL, the Staff member is entitled to the same position as held immediately before commencing leave. If the Staff member's former position no longer exists, they will be entitled to an available comparable position.

The School will consider requests to alter the terms and conditions of the Staff member's work arrangements upon their return to work – in particular, a request to return on a flexible work arrangement having regard to all relevant factors.

7. GOVERNMENT FUNDED PARENTAL LEAVE PAY AND DAD & PARTNER PAY

Parental Leave Pay and Dad & Partner Pay is a separate legislated government-funded entitlement which is paid in the first year after the birth of a child or, for adoption, the placement of a child.

The Government's current scheme is managed by the Department of Human Services and further information may be found online at:

http://www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay