

SICK AND CARER'S LEAVE GUIDELINES AND PROCEDURE

(Also known as Personal / Carer's leave, or Sick leave)

School age care services are quite unique in that it is a legal responsibility to replace a sick worker due to the required educator to child ratios. Additionally, an absent worker can create a great deal of stress for a co-worker who is required to care for children in an under-staffed OSHC Service. It is therefore vitally important that procedures are followed by all staff to minimise both stress and legal implications when taking sick leave.

Working in conjunction with the *Staffing Arrangements Policy and Sick Leave Entitlements Policy*, this procedure sets out processes for educators when requesting paid or unpaid sick leave due to illness or personal injury.

Personal/carer's leave is any time off work because you are sick, or you need to care for an immediate family member. It includes both sick leave and carer's leave.

Sick leave is any leave that you take when you cannot go to work because you are sick or injured.

Carer's leave is any time off work to look after a member of your immediate family or household who is unwell or if there is an emergency.

Education and Care Services National Law or Regulations (R. 122 and 123) NQS QA 4: Element 4.1.1, 4.1.2 Staffing practices and procedures

Related Policy: Staffing arrangements Policy

WHEN CAN SICK LEAVE BE TAKEN

Sick and carer's leave (personal leave) may be taken when an employee cannot work because of illness or personal injury, including stress and pregnancy related illnesses. An employee can also take paid carer's leave if required to care for a member of their immediate family, or member of their household (any person residing with the employee) who is sick, injured, or has an emergency. 'Immediate family' includes:

- Spouse or former spouse
- De facto partner or former de facto partner
- Child
- Grandchild
- Sibling
- Child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner (or former spouse or de facto partner)
- Step-relations (e.g., stepchildren or stepparents)
- Adoptive relations

ACCUMULATION OF SICK LEAVE	
1	Sick leave is accrued at ten (10) days per year for full-time employees, and a pro-rata number of days for part-time employees. Sick leave can be taken as soon as it is accrued, including during the probationary period.
2	Unused sick leave is not 'paid out' upon termination of employment.
3	Casual educators or staff are not eligible for paid sick leave (but are eligible for paid Family and Domestic Violence leave entitlements)
4	Educators or staff who have exhausted sick leave entitlements may apply for unpaid sick leave or utilise paid annual leave
5	An employee is unable to claim sick leave for illness/injury that falls on a Rostered Day Off.
6	Paid compassionate leave of 2 days (pro rata for part time educators) is available when a member of the educators' immediate family or household dies or is seriously ill. Casual educators/ staff are entitled to 2 days unpaid compassionate leave

EVIDENCE TO CLAIM SICK LEAVE	
1	A medical certificate or statutory declaration must be provided to substantiate any claim for paid sick leave.
2	A medical certificate or a statutory declaration will be required for incapacity or absences from employment: <ul style="list-style-type: none"> For any period of paid sick leave being accessed by an employee Or on the request of the Director/ Nominated Supervisor A medical certificate or statutory declaration must be provided within seven (7) days of accessing sick /carers leave. Where a medical certificate of statutory declaration is not provided by the employee, it will be unpaid sick leave.

SICK LEAVE PROCEDURE	
1	The Approved Provider, Nominated Supervisor and educators will review the Service's <i>Staffing Arrangements and Staff Leave Entitlements Policy</i> every 12 months
2	Notify the Nominated Supervisor / Responsible Person as soon as practical, and as early as possible to advise that you will be absent.

3	Emails, or any form of social media (e.g., Messenger) is not a suitable method to advise that you will be absent as the Nominated Supervisor / Responsible Person may not receive the message in time to make suitable replacement arrangements. If necessary, a member of your household or immediate family may contact the Nominated Supervisor / Responsible Person on your behalf.
4	After a medical appointment advise the Nominated Supervisor / Responsible Person if it is likely that you will be absent for more than one day. Where possible indicate how long you expect to be off work.
5	Notify the Nominated Supervisor/responsible person as soon as possible if circumstances change and you can return to work sooner than previously advised, or later than previously advised
6	Leave is to be submitted 2 weeks prior to leave being taken if applicable. Leave will be approved subject to operational requirements
7	The Director/ Nominated Supervisor may request an educator to provide medical evidence that they are able to resume full duties of the role and position description following time away from employment due to illness or injury
8	Educators who become unwell whilst at the Service are to notify the Nominated Supervisor/ Responsible Person as soon as possible to ensure child: educator ratios are always maintained
9	If the Director/ Responsible Person is concerned an educator is unwell or is unable to perform their duties of employment, the educator may be requested to obtain a medical certificate stating clearance to perform duties as outlined within job description
10	Where the Director of the OOSH centre requires access to sick/personal leave, the same conditions as listed in points 1-9 above are to be applied. The Director is to submit all requests to OOSH co-ordinator or any BBPS P&C Executive committee member for approval.

REVIEW OF PROCEDURE			
Date procedure created	22/06/22 14/02/2023	To be reviewed	22/06/23 14/02/2024
Approved by	Travis Broadhurst - President	Signature	<i>T. Broadhurst</i>
Procedure Reviewed Date	Modifications/Changes		
October 2022	New procedure developed for OSHC Services		