

Name of Policy	Personal/Carer's Leave Policy
Description of Policy	This policy covers the personal and carer's leave provisions for all staff at ACU.
Policy applies to	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific (<i>outline location, campus, organisational unit etc.</i>) <hr/>
	<input checked="" type="checkbox"/> Staff Only <input type="checkbox"/> Students Only <input type="checkbox"/> Staff and Students
Policy Status	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision of Existing Policy

Approval Authority	Vice-Chancellor and President
Governing Authority	Chief Operating Officer
Responsible Officer	Director, Human Resources

Approval Date	1 August 2012
Effective Date	1 August 2012
Approval date of last revision	11 March 2019
Effective date of last revision	11 March 2019
Date of Policy Review*	11 March 2022

* Unless otherwise indicated, this policy will still apply beyond the review date.

Related Legislation, Policies, Procedures, Guidelines and Local Protocols	Australian Catholic University Staff Enterprise Agreement 2017 – 2021 Delegations of Authority Policy and Register Abandonment of Employment Policy Compassionate Leave Policy Extraordinary Leave Policy Leave Without Pay Policy Long Service Leave Policy Recreation Leave Policy
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1. Purpose

This policy informs staff members of their entitlement to Personal/Carer's Leave and its application at ACU.

2. Policy Statement

This policy has been developed in support of the provisions for Personal/Carer's leave for all staff at ACU. Personal/Carer's leave is designed to enable staff to take leave needed to deal with a range of personal, health and other circumstances.

3. Application of Policy

3.1 Categories of Personal/Carer's Leave Entitlement

3.1.1 Category A includes:

- i. Continuing and fixed-term Academic Staff (up to and including Level E);
- ii. Continuing and fixed-term Professional Staff (up to and including HEW 10) whose conditions of employment are covered by the Australian Catholic University Staff Enterprise Agreement 2017 - 2021 (the Agreement);
- iii. Continuing and fixed-term Senior Executive, Executive and Senior Management staff members of the University;

A Category A staff member is entitled to Personal/Carer's Leave on full pay at the rate of twenty (20) working days per annum on commencement, and for each completed year of paid service. Fifteen (15) days of this leave is cumulative, based on leave utilised in the previous year.

The Carer's Leave component of Personal/Carer's Leave is ten (10) days per annum, which has accrued from 1 January 2010¹.

A staff member who becomes a grandparent is entitled to take up to ten (10) days personal/carer's leave for the purpose of support for their child or grandchild during the six (6) month period commencing from the date of birth of the grandchild.

3.1.2 Category B includes those staff whose conditions of employment derive from the National Employment Standards of the Fair Work Act (the NES). This includes but is not limited to:

- i. Teachers in Centres (who are staff employed under the Educational Services (Post-Secondary Education) Award 2010).

A Category B staff member is entitled to accrue Personal/Carer's Leave on full pay for each completed four (4) week period of continuous service at the rate of 1/26 of the number of nominal hours worked by the staff member during that four (4) week period. A full-time staff member will normally accrue up to ten (10) days paid Personal/Carer's Leave per twelve (12) months of continuous paid service. The Carer's Leave component of Personal/Carer's Leave is ten (10) days per annum, which has accrued from 1 January 2010.

3.1.3 Category C includes all Casual Staff, including casual Academic and Professional Staff, sessional staff, and casual Teachers in Centres.

A casual staff member is entitled to a period of up to two (2) days' Unpaid Carer's Leave for each permissible occasion when a member of the staff member's immediate family or household requires care or support during such a period because of:

- a personal illness, or injury or
- an unexpected emergency affecting the member.

¹ Under the National Employment Standards, staff members accrue a minimum of ten (10) days Personal/Carer's leave per annum from 1 January 2010. This leave is uncapped and, subject to evidentiary requirements, staff members are able to access the NES component (ie ten (10) days per annum accrued from 1 January 2010) of their total accrued Personal/Carer's leave. The Agreement's provisions of twenty(20) days personal leave per annum operate in parallel with staff members' NES entitlements but not so as to give staff members a double benefit (see S55(6)(a) of the Fair Work Act, 2009).

3.2 Pro Rata Entitlement

Staff engaged for a specific fraction of a full-time appointment are entitled to the amount of leave available on a pro-rata basis, relative to that staff member's fraction of employment.

3.3 Reasons for Taking Personal/Carer's Leave

A Category A and B staff member may be granted paid Personal/Carer's Leave to cover their absences due to the following circumstances:

- Personal illness of or injury to the staff member (sick leave);
- To provide short term care or support to a member of the staff member's immediate family², or to a member of the staff member's household, who requires care or support because of a personal illness or injury or because of an unexpected emergency (carer's leave);
- Medical or therapeutic appointments for the staff member or a member of the staff member's immediate family or household;
- Appointments and commitments associated with pre-natal and post-natal responsibilities;
- To deal with an emergency arising due to fire, flood, burglary or other unforeseen event beyond the control of the staff member (up to five (5) days per year);
- Where the carer of a staff member's child is unable to look after the child;
- Caring for a child on a pupil-free day (up to four (4) days per year) Note: Personal/Carer's Leave may not be used to substitute for childcare or dependent care arrangements during normal school holiday periods;
- Attendance at the staff member's own graduation, citizenship, and justice of the peace ceremony (up to one (1) day for each ceremony);
- Moving house (up to one (1) day per occasion);

² Immediate family means a:

- a) spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the staff member;
- b) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the staff member.

- Ceremonial leave for Aboriginal and Torres Strait Islander peoples (up to three (3) days per year);
- Observance of recognised religious/culturally significant days (up to three (3) days per year). The staff member must advise their nominated supervisor of their anticipated absence at the beginning of each calendar year.

3.4 Other Forms of Leave

3.4.1 Other Forms of Paid Leave and Leave Without Pay

Where all Personal/Carer's Leave entitlements have been exhausted, staff may apply for available accrued Annual Leave or Long Service Leave, or may apply for Leave Without Pay for personal reasons. The responsibility for a request to use available Annual or Long Service Leave rests with the individual staff member. If no such request is received, the staff member will be placed on Leave Without Pay when Personal/Carer's Leave credits are exhausted.

3.4.2 Unpaid Carer's Leave

Where all Personal/Carer's Leave entitlements have been exhausted, a staff member may apply for Unpaid Carer's Leave of up to two (2) days for each permissible occasion when a member of the staff member's immediate family or household requires care or support during such a period because of:

- a personal illness, or injury, or
- an unexpected emergency affecting the member.

3.4.3 Extraordinary Leave

Where a staff member has exhausted all paid leave entitlements, and because of extraordinary circumstances, requires further paid leave, the University may grant such further paid Extraordinary Leave as the University decides is warranted. For more information, please read the Extraordinary Leave Policy.

3.5 Long Term Illness, Injury or Medical Condition

In the event of a long-term illness, injury or medical condition of a staff member, and subject to the provision of a medical certificate to support such long-term absences, a staff member may elect to convert the period of the absence to half pay. In such circumstances, the staff member will be regarded as a part-time staff member for the purposes of leave accruals and superannuation contributions.

Where a staff member undertakes half pay Personal (sick) Leave, their normal superannuation contribution will reduce to 50 percent, with the University's contribution being equivalently adjusted. Alternatively, the staff member may elect, in writing, to maintain and pay their full contribution and top-up the University contribution from 50 percent to the full level of its normal contributions.

3.6 Medical Assessment

Where a staff member has exhausted their Personal/Carer's (Sick) Leave entitlement, and/or the staff member has been absent either for an extended period of time or is absent on a regular basis on Personal (Sick) Leave, and/or in circumstances where the University may have a doubt about a staff member's wellbeing, it is appropriate for the University to seek information about a staff member's health.

The University may request permission from the staff member to seek information from their treating doctor and/or specialist/s. In addition, the University may require the staff member to attend an independent medical assessment to ascertain the staff member's capacity to perform the duties of their position. The University will choose the medical practitioner to conduct the medical examination at the expense of the University. The University will give the staff member written notice of not less than four (4) weeks, except in exceptional circumstances, that a medical assessment is required.

4. Approvals

An application for Personal/Carer's Leave must be submitted for approval by the appropriate delegated officer. Information on delegated officers for leave approvals can be found in the Delegations of Authority Policy and Register.

5. Procedures

5.1 Notification of Absence to Supervisor

A staff member who is absent from work due to personal illness or injury or due to their being required to provide short term care or support to a member of their immediate family or household, or for any other type of Personal/Carer's Leave, should contact their nominated supervisor at the earliest opportunity to advise the supervisor of their absence from work.

If a staff member fails to make contact within a reasonable timeframe (normally one (1) day), the supervisor will make arrangements to contact the staff member as set out in the *Abandonment of Employment Policy*.

5.2 Requirement for a Medical Certificate

5.2.1 Personal (Sick) Leave

A staff member who is absent on a period of leave due to personal illness or injury for more than three (3) consecutive working days is required to provide proof of illness or injury to the University.

A staff member may be required to provide proof of illness for absences of less than three (3) consecutive working days in certain circumstances, such as:

- when the staff member has a pattern of recurring absences on personal sick leave; or
- when there is evidence that a staff member is not using personal leave for its proper purpose and notification has been provided.

The requirement for such notification will be reviewed after six (6) months.

5.2.2 Notice and Evidence Requirements

A staff member who takes Personal (sick) leave is required to provide the University with a medical certificate from a registered health practitioner or a registered medical practitioner.

Medical certificates for up to five (5) days absence will be accepted from the following registered health practitioners³:

- Medical practitioners
- Chiropractor
- Osteopath
- Optometrist
- Physiotherapist
- Psychologist
- Oral and Maxillo facial surgeon
- Registered midwife or
- Dentist

³ The current registration of a health practitioner can be verified by referring to the Australian Health Practitioner Regulation Agency web site at <http://www.ahpra.gov.au>

Where the absence is for longer than five (5) days, applications for further Personal (sick) leave must be supported by a medical certificate provided by a registered medical practitioner.

Medical certificates will be accepted from a registered health practitioner or registered medical practitioner if it relates to illnesses, accidents, etc in their expertise (for example, an osteopath would not be expected to provide a medical certificate in relation to a dental injury or procedure).

Medical certificates will also be accepted from Pharmacists, however, restricted to certificates for illness or injury that the Pharmacist is qualified to issue which are normally restricted to two (2) days or less. For the purposes of this policy a Pharmacist is not considered to be a medical practitioner.

If a staff member wishes to return to work during the period covered by a medical certificate, the staff member must obtain a certificate of clearance to work from a registered health or medical practitioner.

If the University believes that the medical certificate provided by a staff member does not comply with this clause, the staff member will be given a copy of this policy and will be asked to provide an amended certificate within a specific timeframe.

The University may contact the registered health practitioner or registered medical practitioner to seek verification of a medical certificate or to seek further information regarding the nature of a staff member's symptoms. The University will not seek information on the *cause/s* of the symptoms or seek identification of the illness, unless the staff member provides specific written permission for the University to do so.

If a complying medical certificate is not provided within the specified timeframe, the absence will be treated as leave without pay or another form of leave, if available, and if requested by the staff member.

If it is not reasonably practical for the staff member to provide a medical certificate, a statutory declaration by the staff member must be provided.

5.2.3 Carer's Leave

All staff (other than casual staff) are required to promptly complete and submit a leave application in respect of any absence on Personal (Carer's) Leave. A staff member who is absent on a period of leave because they are required to provide short term care or support to a member of their immediate family, child or grandchild, or a member of their household for three (3) or more consecutive working days, is required to provide proof of the illness or injury to the University in the form of a complying medical certificate, as outlined in clause 6.2.2. If it is not reasonably practical for the staff member to provide a medical certificate, a statutory declaration by the staff member must be provided.

5.3 Applying for Leave and Submitting Documentation

A staff member must submit their application for Personal/Carer's Leave via Staff Connect, indicating the type of Personal/Carer's Leave required. Where, for example, a staff member is on a period of Personal (sick) leave for more than three (3) consecutive working days supporting documentation, such as a medical certificate, must be included in their application for leave. It is the responsibility of the staff member and supervisor to ensure that a staff member's leave requests and approvals are registered on Staff Connect.

6. Revisions made to this Policy

Date	Major, Minor or Editorial	Description
15 December 2016	Minor	Updated with minor administrative changes to incorporate the provisions of the Australian Catholic University Staff Enterprise Agreement 2013 - 2017.
11 March 2018	Major	Updated to incorporate provisions of the Australian Catholic University Staff Enterprise Agreement 2017 – 2021.
11 March 2018	Editorial	Updated to incorporate new ACU branding and updated policy template as per the ACU Policy Development and Review Policy.

The University may make changes to this policy and procedures from time to time to assist statutory compliance and or to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to Human Resources.

7. Further Assistance

A staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of leave arrangements in their work area. Should further information or advice be required staff should visit [Service Central](#).