

<b>POLICY/PROCEDURE NAME &amp; REVIEW PROCESS</b>	<b>PARENTAL LEAVE POLICY</b> This policy and procedure has been created to provide all stakeholders with clear guidelines and transparency to our practices and procedures. We welcome feedback and input from all stakeholders at any time and this policy is subject to review based on feedback or due date of annual review.
<b>NATIONAL QUALITY STANDARD</b>	<b>QUALITY AREA 4- STAFFING ARRANGEMENTS</b> 4.1.1 Organisation of educators 4.1.2 Continuity of staff <b>4.2 PROFESSIONALISM MANAGEMENT</b> 4.2.1 Professional collaboration 4.2.2 Professional standards
<b>NATIONAL LAW AND REGULATIONS</b>	170-Policies and procedures to be followed 171-Policies and procedures to be kept available 172- Notification of change to policies or procedures
<b>RELATED POLICIES and RECORDS</b>	<ul style="list-style-type: none"> <li>Parental leave keeping in touch record.</li> <li>Parental leave notification record</li> <li>Parental leave return to work notification record</li> </ul>
<b>SCOPE OF POLICY</b>	This policy applies to all children, educators, families, management, students, volunteers, and visitors at our service.
<b>AIM OF POLICY</b>	To ensure that our service has strong guidelines, procedures, and practices in place regarding the health and safety of all employees and in particular pregnant employees. Our aim is to provide a clear policy, implement the policy, support practices relating to the policy, train staff regarding the policy and maintain and update the compliance of the policy for all our stakeholders.
<b>SERVICE IMPLEMENTATION</b>	<b>Implementation</b> In order for employees to receive parental leave at the service employees must meet certain criteria. <b>Eligibility</b> All employees in Australia are entitled to parental leave. Parental leave entitlements include: <ul style="list-style-type: none"> <li>Parental leave.</li> <li>Paternity and partner leave.</li> <li>Adoption leave.</li> <li>Special parental leave.</li> </ul> <b>Parental leave is leave that can be taken when:</b> <ul style="list-style-type: none"> <li>An employee gives birth.</li> <li>An employee's spouse or de facto partner gives birth.</li> <li>An employee adopts a child under 16 years of age.</li> </ul> <b>Employees are able to take parental leave if they:</b> <ul style="list-style-type: none"> <li>Have worked for their employer for at least 12 months.</li> <li>Before the date or expected date of birth if the employee is pregnant.</li> <li>Before the date of the adoption, or</li> <li>When the leave starts (if the leave is taken after another person cares for the child or takes parental leave)</li> <li>Have or will have responsibility for the care of a child.</li> </ul> <b>Casual Employees</b> For casual employees to be eligible for <b>unpaid parental leave</b> they need to have <ul style="list-style-type: none"> <li>Been working for their employer on a regular and systematic basis for at least 12 months.</li> <li>A reasonable expectation of continuing work with the employer on a regular and systematic basis, had it not been for the birth or adoption of a child.</li> </ul> <b>Stillbirth or Infant death</b> <ul style="list-style-type: none"> <li>Parents who experience a stillbirth or the death of an infant during the first 24 months of life can also take unpaid parental leave.</li> <li>An employer can't make an employee come back to work, or cancel any upcoming planned leave, after a stillbirth or an infant death. The employee can also take unpaid parental leave even if they haven't previously given notice to their employer (as long as they notify their employer as soon as practicable).</li> </ul>

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- An employee can also choose to return to work if they want to. They can reduce or cancel their planned parental leave if their pregnancy ends due to stillbirth or infant death.
- If the unpaid parental leave hasn't started, the employee can cancel the leave with written notice.
- If the leave has started, the employee can give at least 4 weeks written notice cancelling the leave and providing a return-to-work date. This date must be at least 4 weeks after the employer receives the notice.

#### **Premature birth and birth-related complications**

- Parents can agree with their employers to put their unpaid parental leave on hold if the child has to remain in hospital after birth or is hospitalised immediately after birth. This includes if the child was premature or developed a complication or contracted an illness during birth or following birth.
- This means that while their baby is hospitalised, a parent can return to work and the period where they are back at work will not be deducted from their unpaid parental leave. The parent can then resume their unpaid parental leave at the earliest of:
  - A time agreed with their employer.
  - The end of the day when the child is discharged from the hospital or
  - If the child dies, the end of the day when the child dies.
  - The period the employee works doesn't break their period of continuous unpaid parental leave.
  - Employers can request evidence that would satisfy a reasonable person that the child is in hospital and the employee is fit for work, such as a medical certificate.

#### **Having another child**

Employees who have taken parental leave don't have to work for another 12 months before they can take another period of parental leave with that same employer.

However, if they have started work with a new employer, they will need to work with that employer for at least 12 months before they can take parental leave.

#### **Immunisation**

In early childhood and care services it is recommended that all our employees have current up to date immunisation in order to protect themselves and the children that they work with. In the event of an employee falling pregnant this will ensure they are covered prior to their knowledge of pregnancy.

Employees who are pregnant need to be aware of how some infections can affect their unborn child. When an employee falls pregnant it is important that the service has measures in place to ensure the safety of the pregnant employee.

It is also the responsibility of the employee to follow the guidelines and policy to ensure that they are aware and taking responsibility themselves based on our guidelines.

#### **Cytomegalovirus - CMV**

Humans are the only source of CMV. The virus is found in urine, saliva, nasal mucous, breast milk, vaginal secretions, and semen of infected people.

CMV is spread through:

- Close contact with a person excreting the virus in their saliva, nasal mucous, urine or other body fluid.
- Handling children's toys that have saliva or mucous on them or handling contaminated items like dirty tissues or soiled nappies then touching the eyes, nose, or mouth without first washing hands.
- From mother to her unborn child as a result of maternal infection during pregnancy
- From mother to her unborn child as a result of virus reactivation during pregnancy
- Breast milk of an infected woman who is breast feeding.
- Sexual contact.

It is recommended that pregnant employee has a CMV blood test to check whether they are immune or not to this virus and if they are found to be not immune it may be necessary to remove them from any room that they are working in with under 2-year-old as the risk of infection in from this age group is higher.

#### **Guidelines for Parental Leave**

- When an employee falls pregnant the nominated supervisor should be informed as soon as possible, so that any potential risks can be averted, and alternative arrangements made if

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necessary. This will be completed in writing by the employee completing a **parental leave notification record**.

- We will relocate workers who are pregnant if required or who expect to become pregnant, to care for children aged over two to reduce contact with urine and saliva, providing the service can accommodate this request without detriment to another employee.
- We expect that our pregnant employee informs the service in writing of the pregnancy, and we require a doctor's certificate confirming the pregnancy and expected date of birth to prove entitlement to take parental leave.
- An employee is entitled to 12 months unpaid leave after 12 months of consecutively working for an employer.
- A further written notification is required of at least 4 weeks prior to the presumed date of confinement or the expected date of placement of an adopted child. This notice must include the start date and return to work date for the unpaid parental leave period.
- If an employee requests to continue working within 6 weeks of their expected delivery date a second medical certificate may be requested from their doctor with a clearance to ensure that they are fit to work.
- If a couple are employed at the service parental leave can be taken by both parents, but there can only be one 'primary care giver' at a time. Each eligible member of an employee couple may take a separate period of up to 12 months of unpaid parental leave. The amount of total parental leave taken for each birth or adoption can only total 24 months.
- An employee must provide at least 2 weeks' notice prior to their scheduled return to work date, it is expected that at this time the employee and nominated supervisor discuss the confirmation of their return to work, or any requested changes regarding their return-to-work arrangements (e.g., extensions, change of working conditions etc.). Employee must complete a **parental leave return to work notification record**.
- If an employee wishes to shorten the length of parental leave, we will consider the request but aren't obligated to fill this request.
- If an employee wishes to change the original status of their previous employment the nominated supervisor is not obligated to fulfill this, and it will be discussed with employee and approved provider and an outcome will be given in writing up to 7 days after request.
- An employee may take annual leave whilst on parental leave and we request this in writing on the parental leave record.
- Employees who are pregnant are entitled to sick leave entitlements although pregnancy is not considered an illness or injury, however if a woman experiences a pregnancy related illness or injury, sick leave can be taken.

#### Entitlements to Paid Parental Leave

On 1 July 2023, and in keeping with the decision in 2024 Parental Leave Pay and Dad and Partner Pay are combining into one payment. Parental Leave Pay will also increase from 90 days (18 weeks) to 100 days (20 weeks).

Single parents are able to get the full amount of Parental Leave Pay.

If you have a partner, 10 Parental Leave Pay days will be reserved for them to use. The birth mother, or first adoptive parent to claim, must give approval to share any Parental Leave Pay days with the other parent.

If your child's birth or entry into care is on or after **1 July 2024**, these changes will affect you. The total Parental Leave Pay available to families is increasing to 26 weeks by 2026. How many Parental Leave Pay days you are entitled to will depend on child's date of birth or adoption as per table below.

Childs date of Birth or Adoption	Parental Leave entitlement
1 July 2023	100 days
1 July 2024	110 days
1 July 2025	120 days
1 July 2026	130 days

You can reserve some parental leave days for your partner based on child's birth or adoption date as per table below based.

Childs date of Birth or Adoption	Parental Leave entitlement
1 July 2023	10 days
1 July 2024	10 days

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1 July 2025	15 days
1 July 2026	20 days

#### Who is entitled to paid parental leave?

You need to be caring for your newborn or newly adopted child, and one of the following:

- The birth mother of a newborn child
- The partner of the birth mother
- The child's biological father
- The partner of the biological father
- The adoptive parent of the child
- The partner of an adoptive parent
- Another person caring for a child under exceptional circumstances.

You also need to meet all of the following:

- An income test
- A work test
- Residency rules.

Parents wishing to claim parental leave will need to do so through their MY gov account or by visiting a Services Australia branch.

#### Keeping in Touch Days- KIT

An employee on parental leave is able to keep in touch with the service after they have had at least 42 days off after the birth of a child or adoption. It can only be earlier if the employee requests it. If a request is made, a keeping in touch day can't be worked earlier than 14 days after the birth or adoption. The employer and employee have to agree to the keeping in touch days.

An employee doesn't have to use keeping in touch days if they don't wish to.

An employee on unpaid parental leave gets 10 keeping in touch days. This doesn't affect their unpaid parental leave entitlement. An employee will complete and keep updated a **parental leave keeping in touch record**.

If the employee extends their period of unpaid parental leave beyond 12 months, they can take an additional 10 days.

Keeping in touch days can be worked:

- As a part day
- 1 day at a time
- A few days at a time, or
- All at once.

An employee gets their normal wage for each keeping in touch day or part day.

Returning to work after Parental Leave – (Fair work states)

- An employee who's been on unpaid parental leave is entitled to come back to the job they had before going on leave. They're entitled to this job even if another person is working in their role as a replacement.
- If the employee was transferred to a safe job before they took unpaid parental leave or they reduced their hours due to the pregnancy, then they're entitled to return to the job they had before the transfer or reduction.
- A parent returning to work after parental leave can request a flexible arrangement that is different to the position that they previously held however the employer is not obligated to on reasonable business grounds. This request must be given in writing, and an employer must respond in writing within 21 days.
- The employer must inform replacement employees engaged as a result of an employee taking parental leave of the temporary nature of the employment and the rights of the employee being replaced to return to work.
- Employees returning to work after the birth of their child will not be discriminated against in regard to accessing childcare within the service or breast feeding/expressing.
- Should issues arise in relation to caring for a staff member's child at the service, the options for a change in care arrangements will be discussed with the employee, with the aim of reaching an agreed resolution to the difficulties.
- The nominated supervisor will support the returning employee to settle back into the work environment and have concern for their physical and emotional wellbeing.

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### Breastfeeding in the workplace

Services can support employees who are breastfeeding by making sure they have suitable facilities available - examples include a private room for breastfeeding, somewhere where the employee can store a breast pump, and a fridge where they store any breast milk.

Employees should also be given appropriate breaks so that they can breastfeed or express.

Breastfeeding is a protected ground of discrimination. Making an employee feel uncomfortable about breastfeeding, or not providing adequate facilities or breaks, may constitute discrimination. It may also be a breach of work health and safety laws.

Action	Notice period
When must your employee notify you in writing of their intention to take unpaid parental leave under the Fair Work Act?	<b>At least 10 weeks</b> before they wish to commence unpaid parental leave (or as soon as practicable). Such notice must specify the intended start and end dates.
When must your employee confirm in writing the start and end dates of their unpaid parental leave or advise you of any changes?	<b>At least 4 weeks</b> before they start unpaid parental leave unless it is not possible (e.g. the child is born prematurely).
When does parental leave have to start?	The leave may start up to 6 weeks before the expected date of birth (or earlier if agreed). Where the employee is working within 6 weeks of the expected birth date, the unpaid parental leave under the Fair Work Act must not start later than the date of the birth of the child.
What if your employee wishes to shorten their original period of unpaid leave (e.g., from 12 months to 9 months)?	The original leave period can generally only be shortened by agreement with you.
When must your employee tell you in writing that they are extending their initial period of unpaid parental leave (e.g., from 9 months to 12 months)?	<b>At least 4 weeks</b> before their expected date of return. This is a right under the Fair Work Act and cannot be refused by you.
When must your employee request in writing an extension to their 12-month period of unpaid parental leave? (e.g., from 12 months to 18 months)	<b>At least 4 weeks</b> before the end date of the original leave period.
When must you respond to a request for an extension to the unpaid parental leave period beyond 12 months?	<b>Within 21 days</b> of receiving the request in writing. If you refuse, your response must include reasons for the refusal.
<i>Excerpt from Australian Human Rights Commission, 2015. Supporting working parents: Employee guide and Fair Work Australia Maternity and parental leave.</i>	

Each member of the team plays an important role in the implementation of each policies guidelines, and they are outlined as below but not limited to the following:

#### The Approved Provider

- Will ensure that obligations under the Education and Care Services National Law and National Regulations are met.
- Will ensure they take reasonable steps to ensure that the nominated supervisor, educators, staff, and volunteers follow the policy and procedures.
- Will ensure they provide the nominated supervisor, educators, staff and volunteers the documentation to perform their role, follow policy, procedure, and document according to regulatory and service requirements.
- Will ensure that adequate induction process is provided to all staff to ensure they have time to read and understand policies and procedures and seek further information if unsure.
- Will ensure that the nominated supervisor and staff are equipped with ongoing professional development and training they require to comply with this policy.

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	<ul style="list-style-type: none"> <li>Will encourage feedback from stakeholders regarding the policy's effectiveness, particularly in relation to identifying and responding to child safety concerns.</li> <li>Will ensure the policy is kept up to date with current legislation, research, and best practice.</li> </ul> <p><b>The Nominated Supervisor</b></p> <ul style="list-style-type: none"> <li>Will ensure where practicable, we will relocate pregnant women to work with older children to reduce their contact with urine and saliva.</li> <li>Will inform staff who are pregnant or considering pregnancy about CMV risks and how to protect against infection.</li> <li>Will adhere to and implement the obligations under the Education and Care Services National Law and National Regulations.</li> <li>Will ensure they take reasonable steps to ensure that the educators, staff, and volunteers follow the policy and procedures.</li> <li>Will ensure they provide the educators, staff and volunteers the documentation to perform their role, follow policy and procedure and ensure they are checking the documentation according to regulatory and service requirements.</li> <li>Will ensure that a rigorous recruitment process is completed, and a thorough induction process is provided to all staff to ensure they have time to read and understand policies and procedures and seek further information if unsure.</li> <li>Will ensure that the staff are supported with ongoing professional development and training they require to comply with this policy.</li> <li>Will encourage feedback from stakeholders and staff regarding the policy's effectiveness, particularly in relation to identifying and responding to child safety concerns.</li> <li>Will ensure the policy is kept up to date with current legislation, research, and best practice.</li> <li>Will conduct regular staff meetings to address policy compliance with legislation, policy implementation, changes to policy and or collect feedback for annual review of policy.</li> </ul> <p><b>Educators</b></p> <ul style="list-style-type: none"> <li>Who are pregnant must wash hands frequently, especially after contact with urine and saliva and after removing disposable gloves.</li> <li>Will use disposable hand wipes or alcohol-based hand rub for situations where hand washing facilities are not readily available.</li> <li>Will ensure pregnant employees use disposable gloves for activities that involve contact with urine and saliva.</li> <li>Will adhere to and implement the obligations under the Education and Care Services National Law and National Regulations.</li> <li>Will ensure they take reasonable steps to follow the service policy and procedures and seek advice or further support if unsure.</li> <li>Will ensure they complete and document any related records regarding the implementation of this policy and practice requirements of the service.</li> <li>Will attend any ongoing professional development, staff meetings and training they require to comply with this policy and practice requirements of the service.</li> <li>Will provide feedback to the nominated supervisor or approved provider regarding the policy's effectiveness, particularly in relation to identifying and responding to child safety concerns.</li> <li>Will provide feedback regarding policy review when required.</li> </ul>
	<p><b>REGULATION IMPLEMENTATION</b></p> <p>The following procedures outline and support all stakeholders to understand and implement the regulatory guidelines of this policy.</p>
	<p><b>In regard to regulation 170- Policies and procedures to be followed.</b></p> <p><b>Approved Provider will</b></p> <ul style="list-style-type: none"> <li>Ensure that all staff and volunteers are made aware of Regulatory policies and procedures by ensuring that this forms a part of the induction process.</li> <li>Ensure probationary reviews will be conducted once new staff are appointed at the 3- month and 6-month mark to ensure that they are following policy and procedure and to review and revise regulatory policies.</li> <li>Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure and further training and revision of procedural practices in relation to policy and procedure.</li> <li>Ensure annual review and revision of policies and procedures will be conducted, and all educators will be given the opportunity for input.</li> </ul>

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<b>In regard to Regulation 171- Policies and procedures to be kept available.</b>	<b>Approved Provider will</b> <ul style="list-style-type: none"> <li>Ensure that policies and procedures are available to all staff and the location and availability will form a part of the induction process.</li> <li>Ensure policies will be available on request for all staff members to have access when required.</li> <li>Ensure policies will be available when required for staff members to download copies and/or print out if required in order to complete assignments or to form part of their research and/ or update their knowledge.</li> <li>Ensure policies will be available for all stakeholders when requested and when updating.</li> </ul>
<b>In regard to Regulation 172- Notification of change to policies or procedures</b>	<b>Approved Provider will</b> <ul style="list-style-type: none"> <li>Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure, provide further training and allow for input if required in relation to policy and procedure.</li> <li>Ensure stakeholders will be invited to provide feedback for policies and procedures at any time, not just on annual review but will also be invited to add feedback at review time or after an event that may require change to policy or procedure.</li> <li>Ensure policies and procedures will be emailed or put on display in the foyer for stakeholders to have the ability to provide feedback.</li> <li>Ensure feedback will be considered from stakeholders and educators and may result in a change in policy.</li> <li>Ensure policy and procedure may be changed at any time if there has been an incident in the service that has required a change to be implemented for the safety and health of children and or educators.</li> <li>Ensure in the event of a change to a policy after feedback or a situation that occurs, we will provide 14 days' notice to all stakeholders before the change takes effect.</li> </ul>
<b>CONTINUOUS IMPROVEMENT</b>	<p>We are dedicated to the ongoing improvement of our practices and procedures through the following actions:</p> <ul style="list-style-type: none"> <li>Conducting regular reviews and updates of this policy with all stakeholders.</li> <li>Actively seeking feedback from children, families, and staff members.</li> <li>Providing targeted skill development and training for staff when areas for improvement are identified or when gaps in policy and procedure implementation are observed.</li> </ul>
<b>KEY TERMS</b>	<ul style="list-style-type: none"> <li><b>Stakeholder</b> - a person or group of people who have an interest in a business, a person such as an employee or customer. They have a sense of responsibility toward it and an interest in its success.</li> </ul>
<b>WE GRATEFULLY ACKNOWLEDGE THE FOLLOWING SOURCES</b>	<ul style="list-style-type: none"> <li>Australian Children's Education &amp; Care Quality Authority. ACECQA</li> <li>Code of Ethics</li> <li>Education and Care Services National Regulations.</li> <li>Education and Care Services National Law Act 2010.</li> <li>Fair Work Ombudsman <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a> (statements provided in this policy are extracted from this website and acknowledged) <a href="https://i.creativecommons.org/l/by/3.0/au/80x15.png">https://i.creativecommons.org/l/by/3.0/au/80x15.png</a></li> <li>Guide to the Education and Care Services National Law and the Education and Care Services National Regulations.</li> <li>Guide to the National Quality Framework.</li> <li>MyGov website - <a href="https://my.gov.au/en/services/raising-kids/having-a-baby/when-you-re-pregnant/payments-to-claim-when-having-a-baby/parental-leave-pay">https://my.gov.au/en/services/raising-kids/having-a-baby/when-you-re-pregnant/payments-to-claim-when-having-a-baby/parental-leave-pay</a></li> <li>National Quality Standard.</li> <li>United Convention on the Rights of the Child</li> </ul>

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