

Commissioner's Information Sheet

Foster and Kinship Carer Leave – new provisions 2020

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1. What is Foster and Kinship Carer Leave?

Foster and Kinship Carer Leave will give an Employee, who is an authorised Foster or Kinship Carer with the Department of Territory Families, Housing and Communities, access to leave entitlements to assist them in their role and responsibilities as an authorised Carer.

Foster and Kinship Carer leave is leave that can be taken when:

- An employee is required to undertake mandatory assessments and training associated with being a foster and kinship carer;
- A child/children are placed into the care of an employee for the first time;
- A Permanent Care Order application is being made for the placement of a child/children permanently into the care of an employee.

Foster and Kinship leave entitlements include:

- Carer Assessment and Training Leave;
- Primary Caregiver Parental Leave;
- Partner Parental Leave;
- Permanent Care Order Application Leave;
- Carer Placement leave.

2. Who can apply for Foster and Kinship Carer Leave

To be eligible to apply for Foster and Kinship Carer leave entitlements you must be:

- an authorised foster or kinship carer with the Department of Territory Families, Housing and Communities (or undergoing assessment to become a carer);
- entering into a care arrangement for a child/children that are under the care of the Chief Executive Officer of the Department of Territory Families, Housing and Communities.

3. Documentary evidence required

Employees must provide appropriate evidence, respecting the privacy of the child/children, from the Department of Territory Families, Housing and Communities to support their application for all Foster and Kinship Carer leave entitlements.

Evidence should include date of training/assessment days or placement commencement and, if in support of a Parental Leave application, the age of the child.

Employees who are applying for Primary Caregiver Parental Leave must also provide a statutory declaration stating that the employee will be the 'primary caregiver' at all times whilst on leave.

4. Personal Leave

Employees will be able to apply for personal leave to provide care and support for a child, who is in their care under an authorised foster or kinship care arrangement, as a member of their immediate family.

5. Carer Assessment and Training Leave

Employees will be able to access up to five days paid leave per year to attend mandatory assessments and training associated with being an authorised foster and kinship carer.

6. Primary Caregiver Parental Leave

Primary Caregiver Parental Leave is available if an employee is entering into a **long term or permanent care arrangement** for the care of an infant or child up to school age. It is taken where the employee meets the definition of 'primary caregiver' in the enterprise agreements and has that responsibility on and immediately following the placement of

the child into their family's care. If an employee does not meet these requirements they cannot take Primary Caregiver Parental Leave.

An employee is required to provide a statutory declaration stating that the employee will be the 'primary caregiver' at all times whilst on leave. Only one parent can be the primary caregiver at a time.

Where there is placement of more than one child into the family's care at the same time then only one application can be made for Primary Caregiver Leave.

Paid Primary Caregiver Parental Leave is available to employees with at least 12 months continuous service at time of commencing parental leave.

a. How much Primary Caregiver Parental Leave am I entitled to?

It depends on your length of continuous NTPS service:

Length of Continuous NTPS Service	Paid / Unpaid Leave
<12 months and eligible casual employees	Up to 52 weeks unpaid
12 months and <5 years	14 weeks paid + 142 weeks unpaid
5 or more years	18 weeks paid + 138 weeks unpaid

Paid Primary Caregiver Parental Leave can be taken at half pay.

b. When do I have to start my Primary Caregiver Parental Leave?

An employee who is entering into a **long term or permanent care arrangement** for an infant or child up to school age may commence Primary Caregiver Parental Leave at any time within two weeks before the day of placement or on the date of placement of the child.

c. Can I take other leave after my paid Primary Caregiver Parental Leave is finished?

Yes. You can access your entitlement to accrued recreation and long service leave after your paid Primary Caregiver Parental Leave finishes.

Employees eligible for 12 months unpaid Primary Caregiver Parental Leave may access accrued recreation leave at any time during a period of unpaid parental leave.

d. Who do I have to notify and when?

You need to advise your CEO/Manager as soon as possible before the start of the proposed parental leave with expected start and finish dates.

e. Planning your return to work

NTPS employment while on Parental Leave

If your manager or CEO agrees, while you are on unpaid parental leave you may request to return to work for specified periods within the agency or in another NTPS agency. When the period of work ceases you can recommence parental leave (up to the maximum period permitted and subject to notice requirements).

An employee on unpaid parental leave may only engage in outside employment (i.e. non-NTPS employment) in accordance with section 61 of the *Public Sector Employment and Management Act*.

Keeping in touch days

During a period of parental leave you can agree to attend the workplace on up to 10 separate occasions (up to one day per occasion) to keep up to date with any developments occurring in your workplace. This is to help you to gradually transition back to work. These days or part days are paid.

Return to work

There are some options to consider when returning to work such as:

- **Returning to Work Early:** If you are wanting to return to work earlier than you had originally agreed with your manager or CEO then you will need to apply, in writing, to your CEO to return earlier. You will need to provide four weeks notice before your requested return date if on parental leave of up to 52 weeks, or 12 weeks notice before your requested return date if you are on parental leave for a period longer than 52 weeks.
- **Returning at conclusion of leave:** If you are returning to work at the conclusion of your leave, on your expected date of return you should confirm this with your manager or CEO. This should be done four weeks before your expected date of return if you have been on parental leave for up to 52 weeks, or 12 weeks before your expected return date if you have been on parental leave for more than 52 weeks.
- **Flexible Work:** you can make a request for a flexible work arrangement (e.g. if you are a parent or have responsibility for the care of a child who is school aged or younger) as part of your return from parental leave.
- **Returning Part-Time:** you can make a request for a part time arrangement as part of your return from parental leave. The arrangement will need to be agreed with the appropriate delegate.

7. Partner Parental Leave

Partner Parental leave is available for an employee who will have a parental responsibility for the care of the child who has been placed in a **long term or permanent care arrangement**, but who is not the 'primary caregiver' of the child. Partner Leave entitlement consists of up to 8 weeks Partner Leave taken in the child's first year of placement at the same time as the primary caregiver of the child may be on leave and caring for the child.

a. Is the 8 weeks Partner Leave paid?

Some of the eight weeks can be paid. The amount of paid leave depends on your length of continuous NTPS service at the time of commencing parental leave:

Length of Continuous NTPS Service	Paid / Unpaid Leave <i>Leave must be taken in first 12 months since birth/placement of child</i>
<12 months and eligible casual employees	Up to 8 weeks unpaid leave.
12 months and <5 years	Up to 8 weeks including 1 week paid.
5 or more years	Up to 8 weeks including 2 weeks paid.

Paid Parental Leave entitlement can be taken at half pay.

b. Who do I have to notify and when?

You need to advise your CEO/Manager as soon as possible before the start of the proposed parental leave with expected start and finish dates.

8. Permanent Care Order Application Leave

Up to two days **unpaid** leave is available to an employee to attend interviews or assessments required to support a Permanent Care Order application for a child in their care.

The two days can be taken as a block or on separate occasions.

9. Carer Placement Leave

Carer Placement leave is available to employees where there is no entitlement to Parental Leave.

Carer Placement leave is available when commencing the placement of a child/children into the Employee's care for the first time, to help carers and children settle.

Leave can be accessed in single or multiple days on each occasion however a maximum of 10 days paid leave is available to an employee per year.

Employees can apply for up to an additional 10 **unpaid** leave per year if the 10 days paid entitlement is exhausted.

10. Relevant Legislation

- Determination 7 of 2020 – Foster and Kinship Carer Leave
- Northern Territory Public Sector 2017 – 2021 Enterprise Agreement [AE427964]: clause 37.6(b); 37.6(c)(i)-(iii); 37.6(d)
clause 37.7(b)(i)-(iii)