

# FOSTER AND KINSHIP CARE LEAVE

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## Authority and Application

Clause 57 of the *Victorian Public Service Enterprise Agreement 2020* (the Agreement) applies to Victorian Public Service Departments and Agencies (Employers) and their Employees covered by the Agreement.

## Overview

An Employee who provides short-term foster or kinship care as the primary caregiver to a child who cannot live with their parents as a result of an eligible child protection intervention is entitled under clause 57 of the Agreement to up to two days paid leave on up to five occasions per calendar year to be taken at the time the placement of the child with the Employee commences.

## Relevant provisions of the VPS Agreement

### Clause 57. Foster and Kinship Care Leave

## Supplementary Guidance Information

### 1. Definitions

- 1.1. **Foster care** is the temporary care of a child up to 18 years by an accredited foster carer.
- 1.2. **Kinship care** is the temporary care of a child by a relative or a member of the child's social network when the child cannot live with their parent
- 1.3. **Aboriginal Kinship Care** is temporary care provided by an Employee who is a relative or friend of an Aboriginal child who cannot live with their parents, where Aboriginal family and community and Aboriginal culture are valued as central to the child's safety, stability and development.

### 2. Privacy and confidentiality

- 2.1. The privacy and confidentiality of the Employee must be maintained at all times. The Employee has the right to discuss their short-term foster or kinship care as the primary caregiver to a child arrangement openly, or to keep information private. It is the decision of the Employee, when, with whom and how much they share about their private information throughout their short-term foster or kinship care arrangement.

### 3. Overview of leave entitlements

- 3.1. An Employee is entitled to paid Foster and Kinship Care Leave of two days paid leave on up to five occasions (maximum 10 days) per calendar year if:
  - (a) the Employee is employed on an ongoing or fixed term basis, and
  - (b) the Employee provides Foster or Kinship care to a child; and
  - (c) the Employee is the primary caregiver of the child; and
  - (d) the child cannot live with its parents due to an eligible child protection intervention; and
    - the Employee is an accredited foster carer; or
    - the Employee is related to the child or part of the child's social or cultural network.
- 3.2. Foster and Kinship Care Leave does not accrue from year to year. Any unused occasions in a calendar year are not carried forward to the following calendar year.
- 3.3. An eligible Employee may seek approval during a calendar year, to use one of the five occasions for foster care accreditation purposes.

### 4. Evidence requirements for Foster and Kinship Care Leave

- 4.1. An eligible Employee seeking to access Foster and Kinship Care Leave may be required to provide reasonable evidence as soon as reasonably practicable to support and justify access to the entitlement. Information to be provided by the Employees should include:
  - (a) the intended start and end dates of the leave,
  - (b) if known, any other paid or unpaid leave entitlements the Employee is seeking approval to take in conjunction with their Foster and Kinship Care Leave, and
  - (c) reasonable evidence that supports their request for the leave as a foster or kinship carer.

- 4.2. The Employer may require the Employee to provide further reasonable evidence to satisfy themselves of the Employee's entitlement to leave under clause 57 of the Agreement where needed.

## **5. Foster carer's accreditation**

- 5.1. An eligible Employee may request from the Employer up to two days paid leave for one occasion in a calendar year to undertake activities for the purposes associated with obtaining accreditation to be a foster carer, which may include, attending compulsory interviews or training.
- 5.2. An eligible Employee seeking paid leave for accreditation purposes to become a foster carer, must provide the Employer with sufficient information to support the request.
- 5.3. The Employer may seek additional information from the Employee to support their request for paid leave where needed.

## **6. Flexible work arrangements**

- 6.1. An employee who is providing foster or kinship care may wish to discuss flexible working arrangements with their Employer to assist them to manage their work and family responsibilities.

### **Making decisions under this policy**

Under section 20(1) of the *Public Administration Act 2004*, the public service body head has all the rights, powers, authorities and duties of an Employer, which will usually be delegated to staff within their Department or Agency. Employers should ensure that any actions under this policy are only taken by an Employee with the delegation to do so. Each Department and Agency should give effect to this policy in accordance with its own delegations.

### **Dispute resolution**

An Employee who is directly affected by a decision made or action taken pursuant to clause 57 may apply for a review of actions under the Employer's review of actions policy or seek to resolve a dispute through the Resolution of Disputes procedure at clause 13 of the Agreement.

## **Further Information**

Employees should refer to their Department or Agency's intranet for information on procedural requirements, systems and approval delegations.

For further information and advice please contact your local Human Resources or People and Culture Unit (or equivalent).

## **Related policies or documents**

### **VPS Enterprise Agreement Common Policies**

- Annual Leave
- Flexible Working Arrangements – Specific Circumstances
- Other Leave
- Annual Leave

- Long Service Leave
- Review of Action

All policies in the VPS Enterprise Agreement common policies collection can be found at <https://www.vic.gov.au/common-policies-victorian-public-service-enterprise-agreement>

Authorised by Industrial Relations Victoria:

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