

**Employer Support Payment Scheme
Advisory Notice**

**ESPS Claims – Absences on Defence service during
school holidays**

Last Updated 21 May 13

ESPS Advisory Notices provide advice or more detailed explanations concerning aspects of the Employer Support Payments Scheme (ESPS).

ADVICE

To be eligible for ESPS payments, an employer must release their employee on leave to undertake the Defence service.

If the employee is released on leave for a reason other than to undertake Defence service, ESPS payments are not payable. Defence Determination 2012/68 provides examples of types of leave for which ESPS payments are not payable:

- annual leave;
- personal or carer's leave, sick leave, family leave, bereavement leave, compassionate leave and cultural leave;
- parental leave, maternity and adoption leave; or
- long service leave

Service while on these forms of leave is also not counted towards satisfying the qualifying period.

School Holidays

The Defence Determination does not have any specific provisions for Reserve members, who are teachers, undertaking Defence service during school holidays. So, the general provisions must be applied.

If a member undertakes Defence service during school holidays, then the school is entitled to ESPS payments as long as:

- the member is released on leave to undertake the Defence service – i.e. the member is not available to undertake any work at the school during the period of Defence service except as authorised by the Defence Determination;
- the form of leave is not one of those types of leave that is not allowed; and
- all other eligibility criteria have been met - eg periods of service that are five days or longer, genuine employment etc.

In some cases, school leave policies provide considerable flexibility regarding those days that are pupil free days or not teaching days. These days can

encompass a variety of purposes including annual leave and staff days (and teachers may not apply for specific days of annual leave each year).

In these circumstances, it would be advisable for delegates to request:

- the school to confirm in writing that the member was released on leave to undertake the Defence service;
- the school to confirm in writing that the member was not on annual leave or other forms of accrued leave (as detailed above) when undertaking the Defence service as an ESPS payment is not payable in such circumstances;
- the school to record the member's annual leave days separately from the other days that are pupil free days or not teaching days. This will clearly record, at the time, whether a day is on annual leave or not (ie is a staff day, non-attendance day etc) and thus whether an ESPS payment can be paid or not. Recording of annual leave days is only proposed for staff members for whom the school is submitting ESPS claims.

FURTHER QUERIES

If ESPS staff have any queries about this topic, they are encouraged to ring the ESPS Directorate on 1800 001 696.