

Christmas closure pay and leave, in plain words

What the two awards say about pay and leave while a preschool closes over Christmas.

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If your preschool closes over Christmas, this guide sets out what the awards say about pay and leave.

Each point names the clause or page behind it, so you can check it yourself.

First, check which rules apply

Check which award covers each person.

The 2027 guidelines refer to teachers and directors under the Educational Services (Teachers) Award 2020 (section 4.5).

For educators, they refer to the Children's Services Award 2010 (section 4.5).

If an enterprise agreement applies, check its terms for shutdowns.

Educators on the Children's Services Award

- The shutdown rules apply to a closure during the Christmas vacation (clause 24.4(a)).
- The award lets the employer direct staff to take paid annual leave they have built up (clause 24.4(e)).
- The direction must be in writing (clause 24.4(f)).
- It must also be reasonable (clause 24.4(f)).
- Affected staff must get 28 days' written notice, or a shorter period most of them agree to (clause 24.4(c)).
- Someone who starts after the notice goes out gets written notice as soon as reasonably practicable (clause 24.4(d)).
- For days no direction covers, the employer and employee may agree in writing to unpaid leave (clause 24.4(h)).
- An employee may also take annual leave in advance, by agreement (clause 24.4(i)).
- Paid annual leave carries a leave loading of 17.5% (clause 24.3).
- A shutdown in any other vacation period is paid at the ordinary rate (clause 24.4(b)).

Term-time educators

- The award lets a preschool employ an educator as a term-time employee (clause 21.9(a)).
- A term-time employee's entitlements are no less than other employees' (clause 21.9(b)).
- The exception is that no ordinary wages are paid for weeks they are not engaged to work (clause 21.9(b)).
- Those weeks still count as service for annual leave, personal and carer's leave, and pay steps (clause 21.9(c)).
- A public holiday on a term-time employee's normal work day is paid at the ordinary hourly rate (clause 21.9(d)).
- Annual leave does not count a public holiday the employee would ordinarily have worked (clause 21.9(e)).
- The award does not intend to stop other arrangements for non-term weeks agreed with most staff (clause 21.9(h)).

Teachers on the Teachers Award

- A teacher in a preschool must take annual leave during non-term weeks (clause 21.2).
- For a teacher staying on, leave is generally the 4 weeks after the final term week (clause 21.2).
- The teacher and the employer can agree on other timing (clause 21.2).

- The annual salary covers the school year, or the part of it worked (clause 15.9).
- Non-term weeks are deemed to include the teacher's annual leave (clause 15.9).
- For this award, a preschool usually runs to hours and terms like a school's (clause 2).
- A teacher in a service open 48 weeks or more a year is covered by Schedule A (clause 15.2).
- A teacher who served the whole school year gets a 17.5% loading on 4 weeks' annual leave (clause 23.2).
- Someone paid above the award gets that higher rate on paid annual leave (the note to clause 21.1).

Public holidays in the closure

- Staff, other than casuals, who normally work on the day a public holiday falls are paid their base rate.
- That pay is for the ordinary hours they would have worked.
- Someone who does not normally work on that day is not paid for it.
- A public holiday during paid annual leave must be paid.
- Under the National Employment Standards, it is not taken off the leave balance.
- That may not apply to leave given above the minimum.
- An award or agreement can also set other rules.
- Check that payroll does not deduct the public holidays from annual leave.
- Someone on agreed unpaid leave in a shutdown may still be paid for public holidays.
- That depends on their ordinary hours, the award, the leave's circumstances and any agreement.

Questions to settle before the closure

- Which award covers each person, and does an enterprise agreement apply?
- Who is a term-time employee, and who works through the year?
- Has written notice of the closure gone to everyone it affects?
- Does anyone have too little leave to cover the closure?
- Is payroll set up for the public holidays inside the closure?

Sources

[Fair Work Commission, Children's Services Award 2010, amended to 1 July 2026](#)

[Fair Work Commission, Educational Services \(Teachers\) Award 2020, amended to 1 July 2026](#)

[Fair Work Ombudsman, Direction to take annual leave during a shutdown, updated 7 August 2026](#)

[Fair Work Ombudsman, Not working on public holidays, updated 15 October 2026](#)

[NSW Department of Education, 2027 Universal Preschool Funding program guidelines, 19 October 2026](#)

This is general information for NSW community preschools, current at the date shown. For advice on your own service's position, ask a qualified adviser.

The Forum's HR theme covers the essentials of both awards: [book a place](#), \$500 + GST (\$550 total) per person.