



catholic education commission of victoria ltd
ACN 119 459 853

GUIDELINES ON THE

Engagement of Contractors

IN CATHOLIC SCHOOLS

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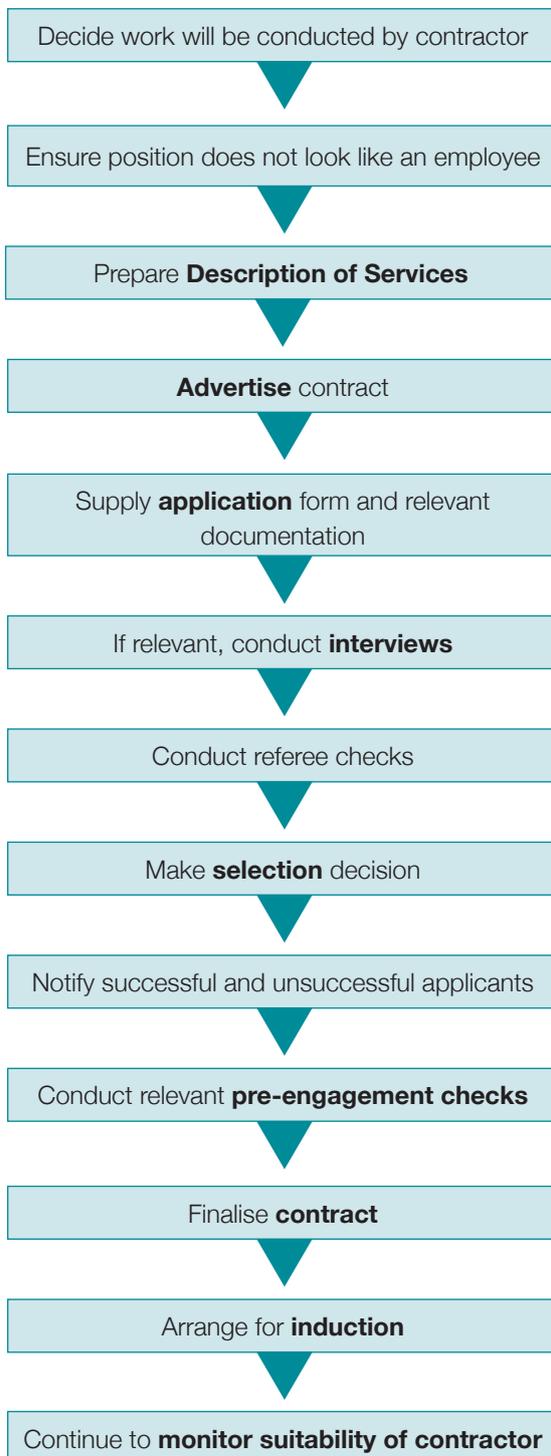
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Flowchart – Selection of Contractor Process



Be aware of requirements relating to:

- Difference between contractor and employee
- Child safety
- Anti-discrimination and adverse action
- Privacy

See also [Attachment 1: Checklist for the Engagement of Contractors Engaged in Child-Connected Work in Catholic Schools](#)

General

1. Introduction

The Catholic Education Commission of Victoria (CECV) Guidelines on the Engagement of Contractors in Catholic Schools (Guidelines for Contractors) are designed to assist employing authorities and principals with the process of selecting and engaging suitable contractors in Catholic schools. A key focus of the Guidelines for Contractors is to assist schools to meet minimum legislative requirements in relation to contractors and child safety.

The Guidelines for Contractors apply to the engagement of contractors in schools. These guidelines do not relate to the engagement of employees or volunteers. Specific information on the engagement of employees and volunteers is contained in the CECV Guidelines on the Employment of Staff in Catholic Schools and the CECV Guidelines on the Engagement of Volunteers available from the CECV website at www.cecv.catholic.edu.au.

It is important for schools to ensure that genuine contractor relationships are established and that such arrangements are not employment relationships by another name. For further information on the options available to schools when engaging contractors, external labour providers or casuals, including consideration of which is the most appropriate option, explanation of the differences between contractors and employees and information about the legal entitlements of contractors, schools should refer to *Engaging External Labour Providers and Casuals – A Guide for Schools* available from the CECV website (www.cecv.edu.au / industrial relations / policies and guidelines). If employing authorities and principals are uncertain if the engagement is one of a contractor, employee, casual or volunteer they should seek information from the IR Unit on (03) 9267 0228.

It is recommended that principals and employers discuss and agree that the processes outlined in the Guidelines for Contractors document will be applied in relation to the engagement of contractors at the school.¹ Often, the responsibility for contractors in a school falls to the school business manager or deputy principal. Principals should ensure that the person responsible for the engagement and supervision of contractors is familiar with the Guidelines for Contractors and, in particular, the relevant child safety requirements.

Attachment 1 contains a checklist that summarises the key steps from the Guidelines for Contractors, which apply when a school engages a contractor to undertake child-connected work in circumstances where it is intended that the contractor will have direct /indirect contact with children. The checklists should not be considered a substitute for reading the Guidelines for Contractors.

While these guidelines are intended to assist schools with the engagement of contractors, they are not intended to be legally binding.



Attachment 1: Checklist for the Engagement of Contractors Engaged in Child-Connected Work in Catholic Schools

2. Child safety

Catholic schools have a responsibility to create nurturing school environments where children and young people are respected, their voices are heard and where they are safe and feel safe. This commitment to protecting children must be embedded in the school's culture and policies.

As a result of the new Victorian Child Safe Standards, schools are now required to undergo more vigorous screening and monitoring of contractors. Under the Child Safe Standards schools must make reasonable efforts to gather, verify and record certain information about a person whom it proposes to engage to perform child-connected work.

¹ Child Safe Standard 4 requires that: 'The school must implement practices that enable the school governing authority to be satisfied that people engaged in child-connected work perform appropriately in relation to child safety.'

The Ministerial Order no. 870 and the Victorian Child Safe Standards specify the following requirements that relate to school staff (including contractors) involved in child-connected work, all of which are incorporated into the processes in the Guidelines for Contractors:

1. *Subject to the requirements of the Education and Training Reform Act 2006 (Vic.), ETR Act, the school governing authority must ensure that the school implements practices for a child-safe environment in accordance with the Child Safe Standards.*
2. *Each job or category of jobs for school staff that involves child-connected work must have a clear statement that sets out:*
 - a) *the job's requirements, duties and responsibilities regarding child safety; and*
 - b) *the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.*
3. *All applicants for jobs that involve child-connected work for the school must be informed about the school's child safety practices (including the code of conduct).*
4. *In accordance with any applicable legal requirement or school policy, the school must make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work:*
 - a) *Working with Children Check status, or similar check;*
 - b) *proof of personal identity and any professional or other qualifications;*
 - c) *the person's history of work involving children; and*
 - d) *references that address the person's suitability for the job and working with children.*
5. *The school need not comply with the requirements in clause (4), above if it has already made reasonable efforts to gather, verify and record the information set out in clauses (4)(a) to (4)(d) above about a particular individual within the previous 12 months.*

6. *The school must ensure that appropriate supervision or support arrangements are in place in relation to:*
 - a) *the induction of new school staff into the school's policies, codes, practices, and procedures governing child safety and child-connected work; and*
 - b) *monitoring and assessing a job occupant's continuing suitability for child connected work.*
7. *The school must implement practices that enable the school governing authority to be satisfied that people engaged in child-connected work perform appropriately in relation to child safety.*

Child safety must be a key focus in the selection of contractors in Catholic schools. It is envisaged that the processes outlined in the guidelines not only help to identify the most suitable people to work in an environment with children, but also deter unsuitable people from applying for contract work in Catholic schools.

3. Contractors and schools

The types of contractors who may be engaged by a school include the following:

- instrumental music tutors
- sports coaches
- canteen staff
- IT consultants
- photocopier and other technicians
- contract cleaners, gardeners, plumbers, painters, builders and other maintenance workers.

4. Individuals and company, partnership or trust

Schools can engage contractors in a variety of ways. The main two include:

1. directly as an individual
2. through a company, partnership or trust.

When engaging a contractor directly as an individual, the person who is applying for the contract at the school will be engaging in the work. In contrast, when engaging a contractor through a company, partnership or trust, the

person applying for the contract may not be performing the duties at the school. Below is an example of the two scenarios:

Type of engagement	Example
Directly as an individual	A music tutor applies for an instrumental music tutor contract at a school and will be performing the work of a contractor music tutor.
Through a company, partnership or trust	A company applies for a cleaning contract at the school. The company has over 200 employees who could be servicing the school under the contract.

It is important for schools to be aware of the above two distinctions as it will impact on the process of engaging the contractor (See Part 1 and Part 2 of the Guidelines for Contractors).

5. Contractors and contact with students

Under the Child Safe Standards, 'Child-connected work' means:

work authorised by the school principal or governing body and '*performed by an adult in a school environment while children are present or reasonably expected to be present*'.

The 'school environment' means:

any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours including a campus of the school, online school environments or other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions and other events).

These broad definitions in the Child Safe Standards means that most contractors engaged to perform work in a school will be subject to the Child Safe Standards, even in circumstances where the contractor does not have direct contact with children.

In general, contractors engaged by a school and their contact with students can fall within three categories:

1. **Contractors who, as part of their role, have direct/indirect contact with students.**

This includes both:

- contractors who work with children, e.g. instrumental music tutors, sports coaches, canteen staff, IT consultants who provide direct assistance to students
- contractors who work when children are reasonably expected to be present, e.g. IT consultants who do not directly assist students but may perform work in the same computer centre; gardeners who perform work on school grounds while students are at recess or moving from one class to another; cleaners whose start time overlaps with times at which students are still reasonably expected to be in the school grounds; painters working while students are rehearsing in the same school hall; tradespeople such as plumbers who may be fixing facilities during school hours.

2. **Contractors who have no contact with students as part of their role.**

This includes contractors who do not perform work while students are reasonably expected to be present, e.g. painters who repaint the school over the Christmas holidays when no students are present.

3. **Contractors who are engaged in emergencies where there is insufficient time to undertake relevant child-safety checks.**

This includes contractors who provide services in an emergency situation of which the school has no notice and which is usually a one-off occurrence. For example, an electrician coming to the school library to fix a power surge.

The Guidelines for Contractors have been developed considering the above three categories.

6. Anti-discrimination and adverse action

During all stages of the selection and engagement process (including during the contractual relationship), the principal and any representatives of the school must be mindful of the equal opportunity, anti-discrimination and general protections laws which apply in Victoria and

federally in relation to contractors (in the provision of services) and contractor's personnel (contract workers), and must avoid any conduct that could be construed as unlawful discrimination² or unlawful adverse action.³

Anti-discrimination

Unlawful discrimination is conduct prohibited by state and federal equal opportunity and anti-discrimination laws. In general terms, unlawful discrimination in relation to contractors occurs when a person engaging a contractor:

- treats a contractor with an *attribute* (see below) unfavourably because of that attribute (this is known as 'direct discrimination'); or
- imposes a requirement, condition or practice that has the effect of disadvantaging contractors with an *attribute* and that is not reasonable (this is known as 'indirect discrimination').

Attributes are the grounds on which discrimination is prohibited under state and federal equal opportunity and anti-discrimination laws. They are age, breastfeeding, disability (mental or physical), gender identity, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race or national extraction, religious belief or activity, sex, sexual orientation, social origin or association with a person with one of the above attributes.

In general, throughout the selection process, employing authorities/principals and their representatives should not ask a contractor to state their religion or ask other questions with the intent of determining whether the contractor is Catholic (e.g. requiring the applicant to name their parish priest).

Exemptions

There are certain exemptions to unlawful discrimination that apply to religious bodies and religious schools. Under the *Equal Opportunity Act*

2010 (Vic.), an act done because of someone's religious belief/activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity that would otherwise be discriminatory may be lawful if the act:

- (a) conforms with the doctrines, beliefs or principles of the religion; or
- (b) is reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion.⁴

Given the complexity of these exemptions and the risk of claims of unlawful discrimination, schools should obtain industrial and/or legal advice before taking any action in reliance on these exemptions.

Adverse action

The *Fair Work Act 2009* (Cth) contains general protections provisions which prohibit a person who has entered (or proposes to enter) into a contract for services with an independent contractor to take unlawful 'adverse action' against the independent contractor, or a person employed or engaged by the independent contractor for a prohibited reason.⁵ Examples of the type of adverse action that could be taken by a person against an independent contractor, or person engaged by an independent contractor include:

- refusing to engage the independent contractor or terminating the terms of agreement in relation to the provision of services
- changing the terms of the engagement to their disadvantage
- treating them differently to other contractors
- offering them different (and unfair) terms and conditions, compared to other contractors.

Taking the actions described above is not of itself unlawful. Adverse action is unlawful only if the action is taken because the person has or proposes to exercise a 'workplace right' (meaning they are entitled to a benefit under a workplace instrument or workplace law).

² The relevant Acts include the *Equal Opportunity Act 2010* (Vic.), *Sex Discrimination Act 1984* (Cth), *Equal Opportunity for Women in the Workplace Act 1999* (Cth), *Racial Discrimination Act 1975* (Cth), *Disability Discrimination Act 1992* (Cth), *Age Discrimination Act 2004* (Cth); *Australian Human Rights Commission Act 1986* (Cth) and *Fair Work Act 2009* (Cth).

³ *Fair Work Act 2009* (Cth).

⁴ Section 83 of the *Equal Opportunity Act 2010* (Vic.).

⁵ See Chapter 3, Part 3-1 of the *Fair Work Act 2009* (Cth).

For example, a school cannot end a contract with a contractor because they complained to the school of an occupational health and safety risk such as a fence falling on the school oval.

7. Privacy

Schools need to be mindful of privacy laws and any obligations under their school privacy policies that relate to the engagement of contractors. Privacy laws, namely the Australian Privacy Principles,⁶ may be relevant to contractor screening processes because they contain obligations regarding the use, storage and disclosure of 'personal information' and 'sensitive information'. This information should be treated with respect in aid of protecting the person's privacy. Schools need to develop appropriate safeguards for the collection, retention, use and disclosure of personal information.

In summary, schools are required to do the following:

- **Notify** the contractor that they are collecting personal and/or sensitive information (this is incorporated into [Attachment 3: Template Contractor Application Form](#)).
- **Obtain consent** for the collection of such information (this is incorporated into [Attachment 3: Template Contractor Application Form](#)).
- **Use** the information only for purposes that are directly related to the purpose of collecting the information, i.e. for the purposes of determining the person's suitability for work at the school.
- **Ensure accuracy** of the information contained in any records.
- **Protect** the information from misuse, interference, loss, unauthorised access, modification or disclosure.

8. Other legal obligations

Other legal obligations may apply in relation to the engagement of contractors, including obligations relating to health and safety, WorkCover and

other insurance and payment of superannuation. Principals are advised to refer to *Engaging External Labour Providers and Casuals – A Guide for Schools* available from the CECV website (www.cecv.edu.au / industrial relations / guidelines).

For further information on health and safety obligations in relation to contractors, see Contractor Safety Management available from the CECV website (www.cecv.edu.au / OHS & WorkCover / Resources / Staff, Visitor & Contractor Safety / Contractor Safety Management).

9. Record keeping

In relation to all contractors, schools should maintain accurate contractor management records. The following information (depending on the availability to the school) should be recorded:

- personal details for the contractor personnel including full name, address, date of birth and emergency contact information (this information should be kept in an accessible place and separate from other confidential information in relation to the contractor)
- selection/screening process documentation
- copy of Working with Children Check (WWCC)
- National Police Certificate (if relevant)
- contract
- each day on which the contractor is participating at the site (the date and hours of participation)
- rolls taken of the students working with the contractor
- names of staff members to whom the contractor reports
- dates and details of any concerns raised by others about the contractor and action taken
- attendance and training records.

Schools should retain all documents relevant to the screening and selection process, including any unsuccessful applications for contract work for at least seven years after the selection process has concluded. Employers need to ensure that they comply with privacy legislation and any relevant policies in relation to the storage and use of personal records.

⁶ Privacy Act 1988 (Cth).

PART 1:

Engaging Contractors – Direct/ Indirect Contact With Students

10. Selection and engagement of contractors

Schools obtain the services of contractors in a variety of ways including:

- formal tender process
- advertisement by school for a contract position
- request for services by a school in response to an advertisement
- referrals or 'word of mouth'.

Regardless of the process used to engage a contractor, wherever possible, communications seeking contractors should demonstrate the school's commitment to safeguarding children. It is recommended that any written communications include a statement as follows:

This school community promotes the safety, wellbeing and inclusion of all children.

Any written communications should inform potential contractors of the requirement for themselves or their personnel to hold, or be willing to acquire, a Working with Children Check (WWCC).

11. Description of services

The school must ensure that for each job or category of jobs that involve child-connected work (including contractors), the school prepares a clear statement or description of the job.

It should set out:

- the job's requirements, duties and responsibilities regarding child safety (including the fact that duties and responsibilities extend to employees of a contractor, if applicable)
- the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.

If there is an existing description of services, this should be reviewed to ensure that it accurately reflects the position in consideration of the ongoing needs of the school.



Attachment 2: Example Description of Services for Contractors

12. Advertising

Once the description of services is prepared, the school may proceed to advertise the position. The advertisement/tender process should emphasise that the contractor (and if applicable, their staff) must be suitable to be engaged in child-connected work.

A written statement should be included in all written communications as follows:

This school community promotes the safety, wellbeing and inclusion of all children.

Written communications should also state that the contractor (and if applicable, their staff) must hold, or be willing to acquire, a WWCC.

13. Application process

The process outlined below is the ideal process for schools to follow in order to comply with their child-safety obligations in relation to contractors. However, it may not always be possible, especially with large companies, to gather all of the necessary personal information regarding contractors. For this reason some specific information regarding company, partnerships or trusts is contained in Part 2.

The Child Safe Standards require schools to gather, verify and record a person's history of work involving children.⁷ For this reason, it is recommended that individual contractors be required to list their recent work history and their entire work history involving children.

It is recommended that schools require all potential contractors (regardless of the selection process) to complete a Contractor Application Form. This is the first stage of the screening process.

⁷ Child Safe Standard 4 requires a school to 'make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work ... (c) The person's history of work involving children ...'

The form also explains that, prior to working at the school, the person will be asked to meet with the principal (or relevant staff member) and bring proof of personal identity (and if relevant, copies of qualifications or registration). Contractors should be informed that all contractors at the school must obtain a WWCC.

Prospective contractors should be provided with an application form (see [Attachment 3](#): Template Contractor Application Form) that requests the basic information necessary to screen the potential contractor.

The Contractor Application Form should be accompanied by:

- the Description of Services for Contractors
- the school's child-safe policy and code of conduct.

Child-safe policy and code of conduct

Provision of the school's child-safe policy and code of conduct complies with the Child Safe Standards in informing potential contractors about the school's child safe practices and emphasising that the school is committed to child safety.⁸ Provision of the CECV Commitment Statement to Child Safety emphasises the system-wide importance placed on child safety within Catholic education in Victoria. The Template Contractor Application Form requires contractors to confirm that they have read and understood the school's child-safe policy and code of conduct.

 [Attachment 3: Template Contractor Application Form](#)

14. Assessing the application/information gathering

The Contractor Application Form is a screening tool for the school. The school should review the completed form, remembering that child safety is paramount. If the form indicates that the individual contractor or the personnel the company intends to send to the school are unsuitable for contract work at the school, the contractor should not be permitted to proceed.

Interview and reference checks

The contractor should be interviewed by the principal or relevant staff member prior to

commencing work at the school. The nature of the interview will depend on the particular task.

Where positions are likely to be long-term or have significant contact with students (for example, instrumental music tutor) the interview should be as rigorous as an employee position. This includes undertaking relevant referee checks.

 [Attachment 4: Template Contractor Assessment Sheet](#)

 [Attachment 5: Template Referee Report for Contractors](#)

Pre-engagement checks

It is important that schools conduct pre-engagement checks prior to the contractor commencing work at the school. The key check is a WWCC. For some positions, a National Police Record Check (Police Check) may also be relevant. If the potential contractor does not pass a WWCC or does not produce a satisfactory result from the Police Check (if required) they should not be permitted to work at the school.

Principals must be mindful that such checks are only one part of building a child-safe organisation. WWCCs and Police Checks do not assess a person's suitability to work with or care for children in a particular role. It is the responsibility of the principal to assess whether a person is suitable to engage in child-connected work and to monitor their behaviour around children. Pre-engagement checks should be combined with other strategies, such as those outlined in these Guidelines for Contractors, for selecting and engaging suitable contractors in schools.

Working with Children Check

The *Working with Children Act 2005* (Vic.) requires that any person doing child-related work, and who is not exempt, must have a valid WWCC. A WWCC helps protect children from physical and sexual harm. It does this by screening a person's criminal records and professional conduct records, and preventing people who pose an unjustifiable risk to children from working with or caring for children.

If the contractor does not already have a current WWCC, they should obtain this prior to commencing work at the school and present the WWCC card to the school as soon as practicable.

⁸ Child Safe Standard 4 requires that: *All applicants for jobs that involve child-connected work for the school must be informed about the school's child safety practices (including the code of conduct).*

WWCC cards are valid for five years. Schools need to ensure that they have processes in place for regular checking of WWCCs.

National Police Record Check

A Police Check is different to a WWCC. A WWCC considers 'relevant offences' as listed in the *Working with Children Act 2005* (Vic.), such as sexual, violent and drug offences. A Police Check is a list, at any given point in time, of the offences a person has committed.

The principal needs to decide whether a particular contract position requires the contractor to undergo a Police Check. For example, a principal may decide that a Police Check is required for a role where the contractor has access to money or expensive goods, as it will report on fraud and theft offences.

If a Police Check is required, the contractor should be required to provide the resulting National Police Certificate to the school as soon as practicable. The school should ensure they sight the original National Police Certificate and retain a photocopy of such. National Police Certificates do not have an expiry date. The National Police Certificate is the result of a check of police records only up until the day it is issued. Unlike a WWCC, there is no ongoing monitoring. It is recommended that schools require contractors to undergo a Police Check every five years (consistent with the timeframe for the WWCC).

15. Selection of contractor

If the potential contractor does not pass the WWCC or does not produce a satisfactory result from the Police Check (if relevant) the person should not be permitted to work at the school. If the principal is satisfied with the pre-engagement checks, the principal should confirm the engagement in writing.

In addition to child-safety obligations, the school should consider the experience, qualifications and skills of the contractor; the costs, services to be provided; as well as the length of engagement. Section 4.7 in *Engaging External Labour Providers and Casuals – A Guide for Schools* provides information regarding contractual matters that

should be considered by the school. It is available from the [CECV](#) website.

Confirmation of engagement

If the principal is satisfied that the person is suitable for contractor work at the school, they should confirm the engagement in writing. The letter (hard copy or email) should confirm details of the specific task/job at the school.

The letter should attach:

- the school's child-safe policy and code of conduct
- the CECV Commitment Statement to Child Safety.

16. The contract

The terms of the engagement between the School and the Contractor is set out in *Engaging External Labour Providers and Casuals – A Guide for Schools*. Template contracts are available from the CECV website at www.cecv.edu.au / industrial relations / policies and guidelines.

17. Induction

Both contractors who are engaged directly and through a company, partnership or trust must be inducted properly into the school, both from an OHS and a child-safety perspective.

Induction is a structured and supportive method of introducing a new contractor or contractor personnel to a school. The transition to a new workplace is made easier and more effective for both the individual and the school if there is a comprehensive induction process in place, aimed at introducing the new contractor to the workplace.

An induction process should communicate the school's ethos, policies and procedures to new contractors and include an introduction to their task and their immediate work area. It is also a means by which information and resources are provided to a new contractor in a timely manner.

Induction is an ideal opportunity to have discussions with new contractors about child safety. Schools need to ensure that contractors understand the importance of child safety. In accordance with the Child Safe Standards, contractors should be provided with:

- the school's child-safe policy
- the school's child-safe code of conduct
- information on other relevant practices and procedures.⁹

Schools are encouraged to require contractors to sign and confirm that they have read and understood the documents child safety documents provided.

It is important that the discussion about child safety includes practical matters. For example, contractors must be advised that they should not work alone with children, they should not have unnecessary physical contact with children; they should avoid having 'favourites' among students; and they should be told which toilet facilities they can use. Contractors should be given an opportunity to ask questions about relevant policies, procedures and practices. It is important that contractors know whom to contact if they have concerns.

Depending on the circumstances, the induction may also include discussion on:

- how to identify and reduce child abuse risks
- how to detect signs of potential child abuse
- how to handle a disclosure or suspicion of child abuse
- what constitutes inappropriate behaviour between children, such as inappropriate sexualised play, bullying and fighting
- what is inappropriate behaviour between children and adults, with reference to the code of conduct
- legislative requirements that apply, e.g. mandatory reporting
- where relevant, specific training to promote the cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability.

The induction should also include OHS information regarding:

- school layout/map
- parking arrangements
- emergency procedures and emergency assessment areas

- school amenities such as toilets and lunchrooms
- sign in/sign out procedures
- appropriate work areas and prohibited areas within the school
- school hours
- liaison persons, including child safety contacts at the school
- safety hazards at the school
- how to report safety hazards, injuries and incidents;
- first aid
- housekeeping and waste disposal
- policies regarding child safety, discrimination, bullying, smoking, drugs, alcohol etc.

To assist in reducing risks, schools should also ask the contractor to complete a Job Safety Analysis (JSA) or Safe Work Method Statement (SWMS) before work is undertaken and provide a copy to the school. This must be signed off by both parties. This document can be used in court and will outline the tasks to be conducted so that both school and contractor are clear on the tasks to be completed as well as the risks, controls and responsibilities of each party.

A JSA can be downloaded from the Worksafe website: www.worksafe.vic.gov.au/safety-and-prevention/health-and-safety-topics/job-safety-analysis

To assist with the induction of contractors, the CECV website has a Template Contractor OHS Induction Checklist to assist with the induction of contractors.



Attachment 6: Template Contractor OHS Induction Checklist

Post first week

Beyond the initial induction, it is important to keep communication flowing and to address any concerns. Where contractors are likely to be engaged on a long-term basis, the principal or relevant delegated staff members should regularly 'touch base' with the contractor. Where a contractor is engaged on a short-term basis (for a day or a week) touching base will provide an opportunity for concerns to be shared where they may otherwise go unreported.

⁹Child Safe Standard 4 requires that: 'The school must ensure that appropriate supervision or support arrangements are in place in relation to: (a) The induction of new school staff into the school's policies, codes, practices, and procedures governing child safety and child-connected work ...'

18. Ongoing monitoring and review

The Child Safe Standards impose ongoing obligations on schools in relation to staff and this extends to contractors.¹⁰ Specifically, schools must ensure that appropriate supervision or support arrangements are in place to enable schools to monitor and assess a person's continuing suitability for child-connected work.

Information sessions

As a basic starting point, contractors/contractor personnel should be able to easily access and understand the school's commitment to child safety and relevant policies. It is recommended that contractors who have direct/indirect contact with students should receive refresher information relevant to child safety each year.

Support, supervision and monitoring

Schools should pay particular attention to new contractors who have direct contact with students to ensure they understand their job. New contractors should be supervised regularly to ensure that they understand their role and that their behaviour towards children is appropriate. For new contractors at the school, this may include having a mentor or other staff member present in the classroom on occasions (for example, a staff member supervising music lessons conducted by the contractor).

In addition, schools are advised to:

- provide clear expectations about roles and responsibilities and give contractors the best support to perform their roles
- ensure that contractors have regular opportunities to meet and talk with their relevant coordinators/managers/the principal. In this way, contractors are more likely to share observations or talk about concerns that may otherwise go unsaid.

19. Record keeping

Schools are encouraged to keep accurate contractor management records (see Section 9).

20. Re-engagement

If a school re-engages a contractor, the school should verify and update the information collected every 12 months to ensure the contractor continues to comply with the child-safety requirements. If the contractor has been engaged within the previously 12 months, schools do not need to re-gather, verify and re-record the information.

For example, an IT consultant who has not been engaged within a school for a period greater than 12 months should go through the 'Assessing the application/information gathering' process outlined above (Section 13) to ensure the contractor remains a suitable person to be engaged as a contractor at the school.

¹⁰ Child Safe Standard 4 requires that: 'The school must ensure that appropriate supervision or support arrangements are in place in relation to: ... (b) Monitoring and assessing a job occupant's continuing suitability for child-connected work.'

PART 2:

Engaging Contractors – Company, Partnership or Trust

This part covers the application process for schools when engaging contractors through a company/partnership or trust where there the contractor will have direct/indirect contact with students. The application process for a company, partnership or trust may be different to the process for engaging a contractor as an individual because the person providing the services to the school may not be the same as the person applying for the contract.

When engaging a company, partnership or trust, the school may be able to alter the process outlined in Part 1 by requiring the contractor, as part of the terms of engagement, to obtain necessary documentation from the contractor's personnel regarding child safety.

Schools are encouraged to follow the process outlined in Part 1 – Engaging Contractors – Direct/Indirect contact with students. However, given the difference between engaging a company, partnership or trust and engaging an individual, schools can alter the following for the processes contained in Part 2:

- Application process (Section 13)
- Assessing the application/information gathering (Section 14)
- The contract (Section 16)
- Re-engagement (Section 20).

Schools are encouraged not to alter the processes in Part 1 in relation to:

- Description of services (Section 11)
- Advertising (Section 12)
- Selection of contractor (Section 15)
- Induction (Section 17)
- Ongoing monitoring and review (Section 18).

21. Application process

As part of the application process the school can specify that the contractor is required to ensure that:

- the school is provided with confirmation that personnel engaged by the contractor hold and maintain a valid WWCC card under the Working with Children Act 2005 (Vic), during the period in which the personnel perform the services
- the school is provided with proof of each of the contractor's personnel's professional or other relevant qualifications and that these are provided to the school
- the school is provided with each of the contractor's personnel's history of work involving children
- the contractor complies with any request by the school to undertake referee checks of the contractor personnel to determine the suitability of the contractor personnel to work with children
- the contractor provides the school with referee details for the contractor's personnel so that the school may undertake its own referee checks (upon request).

22. Pre-engagement checks

The pro forma terms of engagement also oblige the contractor to provide the contractor's personnel (prior to the contractor personnel engaging in the services) with a copy of the school's child-safety policy and code of conduct, description of services and the CECV Commitment to Child Safety. The contractor must sign and confirm in writing that they have read and understood the documents. Pro forma terms of engagement are available from the CECV website at www.cecv.edu.au / Industrial Relations / Policies and Guidelines / Independent Contractors.

23. Interviews

The school should also, at its discretion, consider whether it is necessary or preferable to undertake the same interview process set out in Section 13 above for contractor personnel. The school may wish to do so because it will ultimately be responsible for ensuring that the contractor's personnel comply with child safety laws while engaged in the school.

24. Referee checks

Given the importance of referee checks as well as the ultimate responsibility of the school for child safety under the Child Safety Standards, it is preferable for the school to undertake its own referee checks of contractor personnel in accordance with [Attachment 5: Template Referee Report for Contractors](#). However, this may not always be practicable. In such circumstances, the school may provide the contractor with Attachment 5, and ask that the contractor undertake the inquiries in that report on the school's behalf.

25. Larger companies

Larger contracting companies are likely to have their own standard terms and there may be little capacity for amendments. However, the school should ensure that the contract between the contractor and the school contains the relevant provisions regarding child safety, as contained in the template contracts, in order to comply with the Child Safety Standards. Compliance with the Child Safety Standards is of paramount importance.

26. The contract

The contract engaging the contractor should require the:

- school is provided with confirmation that personnel engaged by the contractor hold and maintain a valid WWCC card under the *Working with Children Act 2005 (Vic.)*, during the period in which the personnel perform the services
- school is provided with proof of each of the contractor's personnel's professional or other relevant qualifications and that these are provided to the school
- the school is provided with each of the contractor's personnel's history of work involving children
- contractor complies with any request by the school to undertake referee checks of the contractor personnel to determine the suitability of the contractor personnel to work with children
- contractor provides the school with referee details for the contractor's personnel so that the school may undertake its own referee checks (upon request).

The terms of the engagement between a School and a Contractor are set out in *Engaging External Labour Providers and Casuals – A Guide for Schools*. Template contracts are available from the CECV website at www.cecv.edu.au / industrial relations / policies and guidelines.

27. Change of personnel or re-engagement

Where the personnel of a contractor changes; for example, the cleaning contractor personnel that service the school changes, schools are encouraged to follow process in this Part (2) and request the company provide the same information in relation to the new personnel.

PART 3:

Engaging Contractors – No Contact With Students

This part applies to contractors who are engaged to work at the school, who have no contact with students, but who may perform work in the school environment (for example, gardeners who perform work on school grounds on weekends when students are not present).

28. Pre-engagement checks

It is important for schools to be aware that, even though such contractors will not have direct contact with children, the Child Safety Standards apply to the school and such contractors because of the broad definition of ‘child-connected work’ in the Child Safety Standards.

Specifically, ‘child-connected work’ means:

work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

‘School environment’ includes:

any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours.

Ideally, the school will have required any contractor who comes onto the school’s premises to undertake all relevant checks as provided for by the Child Safety Standards. When schools are preparing for maintenance works to be undertaken they will need to factor in the time required to ensure that all personnel engaged at the school have undertaken the applicable child safety checks prior to engagement.

The school should follow the processes set out in Parts 1 or 2 above (depending on whether the contractor is to be engaged directly or through a company, trust or partnership) in circumstances where the contractor will be engaging in child-connected work at the school.

There are, however, two scenarios where it may not be necessary or practicable for the school to undertake the necessary child safety checks in relation to the contractors or contractor personnel. They are as follows:

- where the school is satisfied that the contractor/contractor personnel will not be engaged to come onto the school’s premises when children are present or reasonably expected to be present
- where it is possible for the children to be removed or separated from the location of the works (in which case precautions will need to be made to ensure that children are not able to access the area).

These exceptions are explored in further detail below.

29. Works undertaken when children are not present or reasonably expected to not be present

If the contractor can be engaged to complete work on the premises when children are not present (i.e. after school hours, on weekends or during school holidays) and there is no likelihood that children will be present (or, at the least, children are not reasonably expected to be present), the school may engage a contractor who has not undertaken the relevant checks under the Child Safe Standards.

Schools should be aware that it is always preferable that the formal application is completed in the event a student does enter the school premises unexpectedly during these periods and that the school has ongoing responsibilities regarding child safety. For that reason, it is also always preferable for works to be supervised at all times by teaching staff or other school personnel.

If the contractor is to come onto the school grounds when children are not present or reasonably expected to be present, a risk assessment should be conducted (see [Attachment 7](#), Child Safety Risk Assessment) before the contractor is engaged to

ensure that the school has identified and taken all necessary steps in response to any risks that arise in relation to the works from the perspective of child safety.



Attachment 7: Template Child Safety Risk Assessment

To assist in reducing risks, schools should also ask the contractor to complete a Job Safety Analysis (JSA) or Safe Work Method Statement (SWMS) *before* the work is undertaken and provide a copy to the school. This must be signed off by both parties. This document can be used in court and will outline the tasks to be conducted so that both school and contractor are clear on the tasks to be completed as well as the risks, controls and responsibilities of each party.

A JSA can be downloaded from the Worksafe website: www.worksafe.vic.gov.au/safety-and-prevention/health-and-safety-topics/job-safety-analysis.

30. Where children can be removed or separated from an area in which works are being undertaken

If it is not possible for contractors to come onto the school premises when children are not present, schools may consider whether the area in which works are required to be undertaken can be cordoned off or separated entirely from children.

For example, if a new wing is being built in the school, it may be possible to remove students entirely from the area in circumstances where the building site is gated off, has its own toilets and access to the street. If this is possible schools may consider not going through all of the child safety engagement checks. However, schools should be aware that it is always preferable for the formal application processes set out in Part 1 or 2 to be followed.

In situations where children cannot be removed or separated (for example, a building renovation or extension that cannot be gated off or that requires access to areas where children are present) schools should follow the processes set out in Parts 1 and 2 for the engagement of contractors.

The school should undertake the Child Safety Risk Assessment for Contractors ([Attachment 7](#)) prior to the engagement, to ensure that any risks are appropriately addressed by the school prior to the works commencing. Schools should also ask the contractor to complete a Job Safety Analysis (JSA) or Safe Work Method Statement (SWMS) *before* the work is undertaken and provide a copy to the school. This must be signed off by both parties.

PART 4:

Engaging Contractors in Emergencies

In urgent or emergency situations it may be impracticable or impossible for schools to undertake the relevant child safety checks under the Child Safe Standards. In this situation extreme care must be taken by schools to ensure that adequate steps are taken to ensure the protection of children at the school while such urgent works are being undertaken.

When emergency works are required, the school should ensure that the contractor or contractor personnel are subject to supervision at all times including at entry and exit points to school and in all places accessed by the contractor or contractor personnel.

Where emergency works are required, the following additional steps should be taken by schools:

- ask the contractor to complete a Job Safety Analysis (JSA) or Safe Work Method Statement (SWMS).
- if possible, prior to works commencing, provide personnel (or require contractor to provide personnel) with the school's child-safety policy, code of conduct, CECV Commitment Statement to Child Safety and description of services.
- provide contractor/contractor personnel with an induction, which identifies areas of school contractor or personnel are permitted to enter.
- notify all teaching staff that a contractor will be at the school, the location of the works and the time the works are to be conducted so that appropriate care and supervision of children can be exercised.
- if possible, provide additional supervision of students.
- keep children as far away as possible from the location of the works.

PART 5:

Engaging Contractors as Part of an Off-campus Activity

31. Application process

Schools are encouraged to follow the relevant processes set out in Part 1, 2 or 3 of these Guidelines for Contractors. Below is specific information for engaging a contractor as part of an off-campus activity.

The Child Safety Standards apply to contractors who are engaged by the school on off-campus activities in areas that are provided by the school for the child's use, including school camps, sporting events, excursions, competitions and other events.

The school will therefore be required to ensure that any contractor with whom a child comes into contact at any of these events complies with the Child Safety Standards.

Children will also come into incidental contact with people who are not contractors while on offsite excursions etc. It is important that schools put in place risk-minimisation strategies to protect children while they are offsite.

32. Child safety planning for excursion/activity

The teacher/s allocated to arrange the excursion should develop and provide to the school a very detailed plan of the proposed off-campus activity. This plan should include (at a minimum) the following information:

- location/s to be visited by students
- time at which students will arrive at each location and the duration of their time at each location
- mode of transport that will be utilised, the name of the company operating that transport and the time students will be using transportation
- names of all staff members who will be accompanying the children during the off-campus activity.

Further, the plan should, in accordance with the Child Safety Standards, provide in respect of contractors who have been expressly engaged by the school, a description of the job's requirements, duties and responsibilities regarding child safety and the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.

Schools should complete the relevant diocesan excursion/off-site planner or checklist and consider the risks for child safety and the Child Safety Standards requirements regarding engagement of contractors. These documents are available on the [CEVN](#) website.

33. Contact providers

Prior to the engagement of the contractor associated with the offsite excursion, the school should contact each company/organisation engaged by the school during the off-campus activity and request relevant information required to be obtained under the Child Safe Standards. Attachment 9 is a template letter for this purpose.

Provision of the school's child-safe policy and code of conduct complies with the Child Safe Standards in informing potential contractors about the school's child-safe practices and emphasising that the school is committed to child safety.¹¹



Attachment 8: Template Letter to Contractors/Service Providers

34. Referee checks

The school can request references from the contractors in respect to the personnel the children will have contact with, and contact the referees themselves. Alternatively, and more practically, the school can request referees for the contracting company generally and then contact those referees.

¹¹Child Safe Standard 4 requires that: 'All applicants for jobs that involve child-connected work for the school must be informed about the school's child safety practices (including the code of conduct)'.

PART 6:

Existing Contractors

The processes outlined in the Guidelines for Contractors are primarily designed for the engagement of new contractors.

Many schools will have existing contractors. In order to comply with the Child Safe Standards and ensure child safety, it is recommended that the principal:

- ensure there is a contract which includes a description of services (see [Attachment 2](#))
- request that the contractor complete the contractor application form for school records (see [Attachment 3](#))
- ensure the contractor has a WWCC
- ensure the contractor has passed a Police Check (if relevant)
- provide the contractor with a copy of the school's child-safety policy, code of conduct and the CECV Commitment Statement to Child Safety
- meet with the contractor for a general discussion about child safety and outline the school's expectations
- explain who the contractor should report child safety concerns to
- provide the contractor with refresher information relevant to child safety each year.

PART 7:

Further Information

Contact

Industrial Relations Unit
Catholic Education Commission
of Victoria (CECV) Ltd
228 Victoria Parade
East Melbourne VIC 3002
Phone: (03) 9267 0228
www.cecv.catholic.edu.au

Catholic Education Office Ballarat
5 Lyons Street
Ballarat VIC 3350
www.ceoballarat.catholic.edu.au

Catholic Education Melbourne
228 Victoria Parade
East Melbourne VIC 3002
www.cem.edu.au

Catholic Education Office Sale
6 Witton Street
Warragul VIC 3820
www.ceosale.catholic.edu.au

Catholic Education Office Sandhurst
120 Hargreaves Street
Bendigo VIC 3552
www.ceosand.catholic.edu.au

Victorian Registration and Qualifications Authority
Level 4, Casselden
2 Lonsdale Street
Melbourne VIC 3000
www.vrqa.vic.gov.au

CECV resources

[CECV Commitment Statement to Child Safety](#)
[CECV Guidelines on the Employment of Staff in Catholic Schools](#)
[CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)
[Engaging External Labour Providers and Casuals – A Guide for Schools](#)

Legal resources

[Ministerial Order No. 870 – Child Safe Standards – Managing the risk of child abuse in schools](#)
[The Code of Canon Law](#)
[Age Discrimination Act 2004 \(Cth\)](#)
[Australian Human Rights Commission Act 1986 \(Cth\)](#)
[Child Safety and Wellbeing Act 2005 \(Vic.\)](#)
[Disability Discrimination Act 1992 \(Cth\)](#)
[Equal Opportunity Act 2010 \(Vic.\)](#)
[Equal Opportunity for Women in the Workplace Act 1999 \(Cth\)](#)
[Fair Work Act 2009 \(Cth\)](#)
[Privacy Act 1988 \(Cth\)](#)
[Racial Discrimination Act 1975 \(Cth\)](#)
[Sex Discrimination Act 1984 \(Cth\)](#)

External resources

[Department of Education and Training](#)
[Victorian Department of Human Services](#)
[Commission for Young People and Children](#)
[Work Safe Victoria](#)

Attachments

[Attachment 1](#): Checklist for the Engagement of Contractors Engaged in Child-Connected Work in Catholic Schools

[Attachment 2](#): Example Description of Services for Contractors

[Attachment 3](#): Template Contractor Application Form

[Attachment 4](#): Template Contractor Assessment Sheet

[Attachment 5](#): Template Referee Report for Contractors

[Attachment 6](#): Template Contractor OHS Induction Checklist

[Attachment 7](#): Template Child Safety Risk Assessment for Contractors

[Attachment 8](#): Template Letter to Contractors/Service Providers