

Externally funded service providers delivering health, disability and wellbeing services to students

Information for providers and provider checklist

Requesting access to students and agreements with schools

The primary purpose of schools, under the *Education Act 1990*, is to deliver the curriculum to all students.

The NSW Department of Education recognises that externally funded service providers may have a role in delivering services to children and young people with additional health, disability and wellbeing needs that support their participation in school. In some circumstances it may be appropriate for these services to be delivered at school.

The department has established processes to support schools to meet legislative and policy requirements when considering whether to grant access to an externally funded provider to deliver its services to students on school premises and during school hours.

Decisions around whether to provide access to externally funded providers are a matter for the school principal, based on whether it is in the best educational interests of the student, and considering the school's duty of care towards all staff and students. Principals have the discretion to grant or not grant school access to an external provider, taking a range of important factors into consideration. These considerations include:

- the impact of the service on curriculum requirements and the student's participation in teaching and learning activities,
- the extent to which the service supports the student's learning needs or enhances access to education,
- the impact of the service on other students and/or the operations of the school.

Before a provider can deliver a service to students in a school, the provider must demonstrate that it has the necessary checks, protections and training in place. These include completing, within the last year, the department's Mandatory Child Protection Training 2017, or a suitable alternative training program delivered by the provider for its staff.

The department's [Mandatory Child Protection Training](#) is free and available publicly on the MyPL page of the Department's website. External provider staff first need to [register](#) as a 'community member' on MyPL and create a login ID and password to access the training. Once successfully registered on MyPL, click on the 'browse learning' tab, and use the search facility to locate 'child protection' training. A certificate is awarded upon completion of the training, which can be provided as evidence that the training has been undertaken.

Where providers deliver their own child protection training, the provider will need to confirm, by signing the External Provider Engagement Agreement, that this training covers the following content:

- child protection mandatory reporting and professional conduct legal responsibilities
- recognising child abuse and neglect indicators
- understanding reporting processes for suspected risk of significant harm
- acceptable and unacceptable practice in:
 - care and discipline of children
 - provider – child relationships
 - interactions with children with identified needs.

A school may also require provider staff to have completed specific health training based on the nature of the service, the level of direct supervision of the provider's activities at the school or where relevant to the child or young person's specific health care needs (e.g. first aid, CPR, [ASCIA anaphylaxis training](#)).

Attached is a checklist of mandatory requirements providers need to address before a school will consider any request.

Unless an External Provider Engagement Agreement already exists with the school, the school will enter into an agreement with the provider (one agreement for each school where the provider delivers services), setting out the responsibilities of each party. Only one agreement is required per school.

Once the provider has satisfied these mandatory requirements, the school will discuss with the student's parents/carers the proposed service delivery arrangements. Schools will not be liable for any provider costs associated with participating in these discussions.

Separate schedules (one schedule per student) with specific details relating to the delivery of services to each individual student will be added to the External Provider Engagement Agreement.

Induction requirements

Following the provider signing the External Provider Engagement Agreement and before services are delivered, all provider staff involved in delivering services within a school must participate in a school-based induction program. Provider staff should familiarise themselves with the department's [Code of Conduct](#) and [Controversial Issues in Schools Policy and Guidelines](#) prior to the induction.

The induction will clarify the responsibilities of all parties and provide important information including, but not limited to:

- a general induction of the school site, including entry and workplace safety procedures
- confirmation that provider staff are aware of the department's Code of Conduct and Controversial Issues in Schools Policy and Guidelines
- child protection and mandatory reporting procedures within the school

- supervision arrangements
- privacy requirements
- managing disputes and complaints
- records management requirements.

Schools will not be liable for provider costs associated with attending/participating in school induction.

Code of Conduct and child protection responsibilities

The External Provider Engagement Agreement makes compliance with the department's [Code of Conduct](#) a condition of the continuation of that Agreement. Conduct assessed as being a serious breach of the Code of Conduct may result in the arrangement being terminated and/or a decision being made to place the provider on the department's *not to be employed* list, thereby denying access to any school sites in the future.

In NSW, a person who in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, has a mandatory reporting responsibility under the *Children and Young Persons (Care and Protection) Act 1998*. This responsibility is to report behaviour where the person suspects that a child is at risk of significant harm.

External service providers engaged to deliver services to students are mandatory reporters when they deliver the service in the school. This means they are to disclose any such reports directly to the principal, or to the Child Protection Helpline if the child is at risk of significant harm. External providers are to inform the principal of any allegations of a child protection nature made about a Department of Education employee.

Child protection-related allegations may also require mandatory reports to external bodies such as the Department of Family and Community Services, NSW Police, the NSW Ombudsman or the Office of the Children's Guardian. Risk management and sustained allegations may result in the contract or arrangement being suspended, terminated and/or a decision being made to not permit the individual access to any school sites in the future (i.e. being placed on the *not to be employed* list).

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Provider checklist - Mandatory requirements to be met before a provider can operate within a school

Note: all staff employed by an external service provider to deliver services to students at the school must individually meet the following requirements (a blanket clearance for all staff employed by a provider is not sufficient).

Mandatory requirements	
<p>If seeking to deliver services at the first school, provide the school with:</p> <ul style="list-style-type: none"> • a Completed declaration. • Working With Children Check clearance details. • 100 point proof of identity documentation. <p>If seeking to deliver services at a subsequent school:</p> <ul style="list-style-type: none"> • Provide photo identification with date of birth details (eg driver's licence) to allow the school to check this against previously provided identity and clearance details. 	<input type="checkbox"/>
Provide evidence confirming successful completion by all relevant staff of the department's Mandatory Child Protection Training 2017, or a suitable alternative training program developed by the provider, within the last year.	<input type="checkbox"/>
Provide details of any school accommodation/equipment requested as part of the delivery of services, and/or provider equipment to be used on school premises (including details of relevant training and maintenance undertaken to ensure safe operation on school premises).	<input type="checkbox"/>
Provide evidence that all relevant provider staff have undertaken relevant health care training where required by the school (e.g. first aid certificate, CPR certificate, ASCIA anaphylaxis training certificate).	<input type="checkbox"/> <input type="checkbox"/> N/A
<p>Provide the school with certified copies of the following current insurance policies:</p> <ul style="list-style-type: none"> • Workers compensation insurance (or personal injury insurance in the case of sole traders undertaking the work themselves) • Professional indemnity insurance for not less than \$2 million • Public liability insurance for not less than \$20 million. 	<input type="checkbox"/>
Enter into a written agreement with the school	<input type="checkbox"/>