



# Contractor Management Policy

## Context

St Patrick's College is a Catholic day and boarding school for boys in the Edmund Rice tradition, established in 1893. St Patrick's College is committed to providing a caring, supportive, and safe environment where every student has a place, a voice and their story is known. Edmund Rice Education Australia is committed to providing safe and supportive environments where all children and young people entrusted to our care are affirmed in their dignity and worth as a person.

## Background

Edmund Rice Education Australia – Victorian Schools Limited (EREA-VSL), as St Patrick's College's governing authority, sets the policy framework for all EREA-VSL schools. These policies have been contextualised for St Patrick's College's particular school environment so that our policies reflect the needs of our students\*.

\*Student includes any person enrolled in the College, either as a day pupil or as a boarder.

## Rationale

On occasion it may be necessary for the College to engage outside, independent contractors to perform specific tasks. These Contractors are not employees of the College and run their own businesses and invoice the College for the services they provide. Contractors may include, for example, maintenance and building personnel, consultants, photographers, tradesmen, and cleaners.

Contractors within any of these categories may be engaged in "child-connected" work within the meaning of Ministerial Order 1379. Ministerial Order 1379 defines "child-connected work" as work authorised by the College and performed by an adult in the College's environment while children are reasonably expected to be present.

St Patrick's College may also be jointly responsible for the health and safety of workers and students with other employers or other businesses. In this context, this includes St Patrick's College's employees, as well as contractors, consultants, labour hire or others who are performing work on college premises or engaged by the College. For example, where the employees of a contractor (the Contractor) are performing work for the College, both St Patrick's College and the Contractor have a duty to ensure the health and safety of all College personnel to the extent of the control each one has over the particular activities being undertaken.

The policy provides the framework for:

- The child safety protection for all contractors working at the College;
- The procedures and guidelines to be followed by all staff and contractors when they enter the College school grounds;

- Compliance with all laws, regulations, and standards, including the Working with Children Act 2005 and Occupational Health & Safety Act 2004 (Vic).

### **Scope**

This policy and procedures applies to staff engaging the services of third-party Contractors for maintenance, repair works or service provision at the College.

This policy applies to all College activities during and outside of school hours. This includes College that are occurring on school campus, offsite, online, extracurricular, sport activities and programs, excursions, camps, interstate, and overseas travel.

### **Definitions**

#### **Direct Contact Contractors**

Direct Contact Contractors are individuals who provide contractor services to the College where, in the normal course of providing the services, they could potentially have direct contact with students in circumstances where they:

- may be left alone, one-on-one, with a student (for example, 1:1 tutor or learning support);
- a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, casual teacher, coach of a sports team, music tutor, canteen worker, regular maintenance worker);
- a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, casual teacher, music tutor).

Direct Contact Contractors are engaged in child-connected work within the meaning of Ministerial Order 1379.

Examples of Direct Contact Contractors may include:

- maintenance workers who regularly work at times when students are present;
- tutors;
- specialist music or drama teachers;
- casual teachers;
- sporting team coaches;
- outdoor education specialists;
- physical education service providers.

This also includes music tutors and other extra-curricular tutors and instructors who are engaged by students and their families directly, rather than the College, but have an agreement with the College to use the College facilities.

Due to the nature of Direct Contact Contractors' contact with students, they will have more comprehensive Child Safe responsibilities and obligations within our Child Protection Program.

### **Regular Contractor**

Regular Contractors are individuals who provide contractor services to the College more than seven times in any one year and are not Direct Contact Contractors. They may have some indirect or limited contact with students when providing their services.

Examples of Regular Contractors may include:

- consultants;
- umpires, referees, or linesmen at sporting events;
- maintenance workers who regularly work at times when students are not expected to be present;
- regular caterers for Staff events.

Due to the regular nature of Regular Contractors' attendance at the College or College events, even though their contact with students may be indirect or limited, they will have some Child Safe responsibilities and obligations within our Child Protection Program.

### **Casual Contractor**

Casual Contractors are individuals who provide contractor services to College, seven times or less in any one year, during which they may have indirect or limited contact with students, but only in circumstances where they:

- are not left alone, one-on-one, with a student;
- a reasonable person would not consider the contact to enable the individual to form a relationship or trust with a student;
- a reasonable person would not consider the contact to create a risk to the safety of a student.

Casual Contractors may or may not be engaged in child-connected work within the meaning of Ministerial Order 1379.

Examples of Casual Contractors may include individuals who, less than seven times a year:

- provide one-off emergency maintenance work;
- give a speech, performance, or presentation at the College ;
- provide assistance with activities at a St Patrick's College sports day (e.g., lifeguards).

Due to the limited nature of Casual Contractors' contact with students, they do not have the same comprehensive role, responsibilities, and obligations as College staff members or Direct or Regular Contact Contractors.

**College Environment** means any physical or virtual place made available or authorised for use by a child during or outside school hours, including:

- a campus of the College;
- online College environments (including email and intranet systems);
- other locations provided by the College for a child's use (including, without limitation, locations used for college camps, sporting events, excursions, competitions, and other events);
- College sporting ovals;
- Remote Learning Systems.

The **Worker Screening Act 2020 (Vic)** defines "**direct contact**" as any contact between a person and a child that involves:

- physical contact;
- face to face contact;
- contact by post or other written communication;
- contact by telephone or other oral communication; or contact by email or other electronic communication.

### **Policy Statement**

St Patrick's College is committed to providing a safe workplace for all workers, including independent contractors.

It is our policy that:

- Direct Contact Contractors prior to commencement undergo a Child Safety Screening interview, provide a valid Working With Children Check and photo identification, provide a police check (if applicable) and provide evidence of completion of the Department of Education and Training Mandatory Reporting eLearning Module and attend annual Child Safety Training;
- All Contractors execute agreements that specify mutual obligations with respect to Child Safety, Occupational Health and Safety and Workers Compensation insurance;
- Tasks to be performed by the contractor be reviewed and the contractor be provided with any workplace safety information that relates to the specific tasks the contractor is likely to undertake.

At St Patrick's College, we have zero tolerance for child abuse and are committed to acting in children's best interests and keeping them safe from harm. The College regards its child protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child protection laws and regulations and maintain a child-safe culture.

St Patrick's College is committed to providing a safe and child friendly environment where children feel safe and participate in decisions that affect their life.

### **Roles and Responsibilities – Contractors and Sub-Contractors**

All contractors and sub-contractors engaged to perform work on St Patrick's College premises are required to comply with St Patrick's College Occupational Health & Safety Policy and Program, Child Protection and Safety Policy, Child Safety Code of Conduct and to observe directions on health and safety from St Patrick's College staff.

Direct Contact Volunteers must sign in on arrival to the College and sign out on departure from the College.

Failure to comply or observe a direction will be considered a breach of contract and sufficient grounds for termination of a contract.

All Third-Party Contractors engaged by the College are responsible for contributing to the safety and protection of children in the College environment.

### **Engagement of Contractors**

College procedures for the engagement of Contractors ensures vigorous screening and monitoring on Contractors in accordance with the Child Safe Standards. This includes gathering, verifying, and recording information about the Contractor and their personnel who will be performing child-connected work at the College.

Where a staff member would like to engage a contractor to assist with any services conducted online, onsite, or offsite staff must follow the processes as directed by the Business Manager and/or Director of Risk and Compliance.

For any new contractor who has not previously engaged in any services for the College staff are required to obtain history of working with children or in a child connected environment and validation of licences, registrations, and insurances. Processes will include as follows:

Completion of the following:

- Checklist for the Engagement of Contractors;
- Description of Services;
- Contractor Application Form;
- Template Contractor Assessment Sheet;
- Template Referee Report for Contractors;
- Alongside PassTab.

### **Compliance checks**

Obtain the following for every contractor before they commence work:

- Working with Children Check

Undertaking that workers have read and understood:

- Child Protection and Safety Policy;
- Child Protection and Mandatory Reporting Policy;
- Child Safety Code of Conduct;
- Where appropriate National Police Check;
- Copies of licenses/registrations;
- Where appropriate, copies of safe work method statements, or undertaking that they have developed safe work methods or their equivalent and will be following them.

Certificate of Currency for the following insurance:

- Public Liability (minimum cover of \$10 million);
- Worker Compensation Insurance;
- Professional Indemnity Insurance - In case of supplying advice (i.e., architects, engineers minimum \$5 million).

### **Contract for Service**

The college requires all contractors to complete a Contract for Service which specifies the mutual obligations and a written undertaking requiring the contractor to comply with Child Safety and OHS requirements.

Pro forma documents that may be used when engaging a contractor that will assist in the preparation of final contracts.

### **Agreed Services to be Provided**

Determine whether the College has the potential to control the work being undertaken including location, timing, type of work or method used.

Ensure the contractor has necessary training or accreditation to safely conduct the work (PassTab)

## **Record Keeping**

The College will maintain accurate contractor management records including:

- Details of Contractors and the services being provided;
- Personal details on contractor personnel attending onsite including WWCC information;
- Contractor's registrations and/or licences;
- Incidents reports involving contractors;
- Keep records of referee checks;
- Maintain a Contractor register including company name, services provided, contractor name, address, phone, email, insurance expiry, licensing details, SWMS provided, compliance status and induction details (PassTab).

Records kept will be managed in accordance with the Privacy laws and the College Privacy Policy. Contracts for Services. Engagement documents for approved contractors will be stored as part of the records in the College Synergetic Database or in the finance department file library contracts file.

## **Contractor Safety**

Under OHS legislations, the College is responsible for health and safety of contractors while on campus including:

- Eliminate/minimise risk to health and safety;
- Contractors not expected to take primary responsibility for risky activities;
- Provide safety inductions covering hazards, safe work procedures, emergency procedures (PassTab);
- Our Property Manager is our main point of contact for our Contractors;
- Ensure contractors are included in emergency management procedures;
- Contractors must accept Compliance Manual for Providers of Onsite Goods or Services (PassTab).

## **PassTab**

PassTab is a secure Risk and Compliance Management system for schools and providers of on-site goods or services. PassTab Register includes the following information:

- company name;
- individual contractor name;
- services provided;
- address;
- telephone number;
- email address;
- contractor compliance status;
- license details (for example, electrician license number);
- Public Liability Insurance expiry date;
- Workers' Compensation Insurance expiry date (not required for sole traders);
- completion of Safe Work Method Statement (SWMS).

All authorised staff can view the list of pre-approved compliant contractors by logging into PassTab. PassTab sends a notification to the Business Manager, Director of Risk and Compliance or Property Manager if any contractor's compliance requirements are approaching renewal or not compliant. To be marked as compliant by PassTab the register must have current records of WWCCs, currency certificates for public liability and work cover insurance as well as relevant licenses. The system sends regular reminders where updates are required.

### **Safe Work Method Statements (SWMS)**

St Patrick's College's Key Contact engaging the Contractor is to ensure that a contractor supplies a *Safe Work Method Statements* (SWMS) or equivalent template, prior to the commencement of works, based on the level of risk or **as mandated by the principal** for the following high-risk work:

- confined space entry;
- demolition works;
- hazardous manual handling;
- hot works (e.g., welding);
- powered mobile plant (e.g., forklift);
- removal or disturbance of asbestos ;
- temporary supports for structural alterations;
- tilt-up or precast concrete;
- trenches or shafts deeper than one and half metres;
- use of explosives;
- use of Hazardous Substances and Dangerous Goods;
- working at height (two metres or more);
- works in tunnels.

Work that is in, on or near:

- artificial temperature extremes (e.g., work in an operating cool room or freezer)
- chemical, fuel or refrigerant lines
- contaminated or flammable atmospheres
- electrical installations or services
- pressurised gas distribution mains or piping
- roads
- telecommunications towers
- water / liquids that pose a drowning risk.

If the proposed work requires a SWMS, the works cannot proceed until the has been reviewed and approved by St Patrick's College Property Manager. A new SWMS will be required if scope of works change.

A copy of the completed SWMS is stored in PassTab.



### **Supervision of Contractors**

St Patrick's College Property Manager is responsible and has a general supervisory power over general work undertaken by a contractor.

St Patrick's College Property Manager or delegate will ensure they inspect the area where the works took place to ensure that the area is left free from hazards. In the case of an ongoing contract such as a contract cleaner, the Property manager or delegate will ensure they perform regular inspections of any storage areas that the cleaners have control over.

A contractor is expected to comply with any reasonable direction of the principal. This will include the requirement to agree and abide by College Child Protection and Safety Policy, Child Safety code of conduct and our emergency management procedures.

If it is found that a contractor poses a risk of child sexual abuse to a student at St Patrick's College, the Principal holds the discretion and will immediately remove the contractor from the child-related work pending investigation.

All contractors engaged to perform work on St Patrick's College premises are required to comply with St Patrick's College Occupational Health and Safety program and to observe directions on health and safety from School staff. Failure to comply will be considered a breach of contract.

### **Engaging Contractors as part of Off-Campus Activity**

Teachers arranging an excursion or other off-site activity are to develop a risk assessment. The risk assessment is to include with respect of contractors who have been expressly engaged by St Patrick's College, 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.

The risk assessment should consider all the risks for child safety and ensure compliance with this Policy and Procedures.

Prior to the engagement of the contractor associated with the offsite excursion, the teacher 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.

### **Induction**

Contract workers performing work onsite, are to be provided with a site induction prior to starting work. The induction must inform contractors of key contacts, site access areas, amenities, occupational health and safety management, emergency management, incident reporting and other information relevant to the specific services being conducted.

A record of Induction is to be completed within PassTab and here it is stored.

### **Working with Children Check requirement (WWCC)**

If the WWCC provided by a Contractor has expired, or if the number doesn't match the name, an alert will pop up on college systems and prompt review. If unable to provide a valid WWCC, the contractor will be advised that they are not permitted onsite or if already onsite be asked to leave the premises. This will be actioned by the Administration Officer and any issues that may arise will be escalated to the principal in the implementation of this policy.

All Contractors WWCC are stored on PassTab and are continually reviewed, and alerts received if expired or no longer valid.

### **Sign in/Sign out**

Contractors will be required to sign in when arriving at the College to commence their services. Sign in can be completed at the College reception desk or at the Property Manager's office via our iPad PassTab system. The sign in system at each reception desk requires a WWCC number to be entered, the purpose for their visit, and a photo ID will be taken and captured on the software. The sign-in system will also ask the Contractor personnel to read, acknowledge, and sign off on our child safety code of conduct and our emergency management procedures. It will only ask for this to occur on their first sign in and then annually or if any changes are made, it will keep a record of details including your WWCC if they are a repeat service provider to our college. Each year or earlier if their WWCC expires or our policy changes, they will be asked to provide these details and acknowledgements again.

The Contractor will then be assigned a 'Visitor's badge / sticker which is to be worn at all times while on the school premise. Similarly, contractors will be required to report to the administration office at the end of their visit to sign out.

St Patrick's College reserves the right and has the authority to prohibit any potential contractor from entering or remaining within the College grounds and has the authority to invite or exclude people from using or being within the College boundaries outside operating hours.

### **Child Safety Code of Conduct**

College Advisory Board members, staff, direct contact contractors and direct contact volunteers must adhere to the EREA Child Safe Code of Conduct and the St Patrick's College Child Safety Code of Conduct. The College requires all College Advisory Board Members, staff, direct contact contractors and direct contact volunteers to sign the College Code of Conduct on an annual basis as an indication of their ongoing understanding of acceptable and unacceptable behaviours, and their commitment to the College's culture of child safety.

### **Mandatory Reporting Training**

All staff, College Advisory Board Members and, where the College deems it appropriate, \*direct contact volunteers and direct contact contractors, and all Mandatory Reporters, are required to complete the 'Victorian Education Department Mandatory Reporting and Other Obligations eLearning Module' ('the eLearning Module') when they first commence their role at the College as part of the induction process, and annually thereafter, to ensure ongoing understanding of their obligations.

\*Direct contact volunteers and direct contact contractors required by the College to undertake the eLearning Module on an annual basis include sessional music staff, outdoor education specialists and direct contact volunteers such as parent classroom helpers.

All members of the College Advisory Council are expected to attend an annual induction training session conducted by the Director of Risk and Compliance. This training will take place in term one each year.

### **Child Protection Training Record Keeping**

The College maintains a Child Safety Screening/Training Register to record the completion of child safety screening and training. This Register is overseen by the Deputy Principal (Senior Child Safety Officer) and Director of Risk and Compliance and is maintained by the Education Support Officer Administration officers.

## **POLICY COMPLIANCE MONITORING**

### **Policy Breach and Incident Reporting**

A breach of this policy or procedure may lead to disciplinary action which is outlined further in our:

- Consequence and Breach policy

All breaches, near misses and risks related to this policy should be reported to the Director of Risk and Compliance.

Compliance with this policy will be monitored by the Principal, Director of Risk & Compliance and Business manager, this may include independent audits and reviews.

### **Policy Compliance**

Compliance with this policy will be monitored by the Director of Risk & Compliance, and this may include independent audits and reviews.

## **References**

- Child Protection and Safety Policy
- Procedures for Identifying and Responding to Abuse
- Staff Recruitment Procedures
- Obligations to Report and Protect Policy
- Child Safety Code of Conduct
- Child Protection Program
- Working With Children Checks Policy
- Occupational Health & Safety Policy
- Occupational Health & Safety Program
- Reportable Conduct Scheme Policy
- Child Protection Training Policy
- Staff and Student Professional Boundaries Policy
- Ministerial Order No. 1379 – Child Safe Standards

- Education and Training Reform Act 2006 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Victorian Occupational Health and Safety (OHS) Act 2004
- Victorian OHS Regulations 2017

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### Status of Policy

This policy has been downloaded from CompliSpace, is endorsed by EREA-VSL and is reviewed annually.

<b>Policy owner</b>	St Patrick's College - Ballarat
<b>Approving authority</b>	Principal
<b>Approval date</b>	June 2022
<b>Risk rating</b>	<b>HIGH</b>
<b>Date of next review</b>	June 2024
<b>Publication details</b>	School website

POLICY DATABASE INFORMATION	
<b>Assigned TERE Board Framework</b>	Child Safety
<b>Related policies</b>	<a href="#">Volunteer Recruitment Policy</a>
<b>Superseded documents</b>	<a href="#">Replaces previous policy for MO870</a>