

Engaging Contractors in Catholic Schools

Procedure



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1 Purpose

The purpose of this procedure is to provide guidance in the selection, management and monitoring of Contractors engaged by Catholic Schools.

The Procedure for Engaging Contractors will assist Principals and Leaders in the application of leading practice to engage suitably qualified Contractors while ensuring all the required practices to protect children and young people are implemented.

Catholic Education South Australia (CESA) aims to engage external Contractors who are suitably skilled, trained and or qualified to provide a service or services to the School (either at the School location or elsewhere as directed by the School). The Contractor's services provided to the school are payable on invoice, in lieu of an employee / employer relationship.

The Principal, or their nominee (e.g., Business Manager or Bursar) would authorise the engagement of a Contractor to undertake the services required by the school.

2 Scope

This procedure applies across CESA. This procedure also applies to other contracted services engaged by the School such as maintenance and repair work and incursions.

This procedure is not intended to apply to capital works involving a tender or formal contract process.

3 Policy Supported

This procedure is to be read in conjunction with the following documents:

- [Catholic Archdiocese of Adelaide Safeguarding Children and Young People Policy](#)
- [CDPP Child Safeguarding Policy](#)
- [Contractor Management Procedure \(6\) in the Catholic Church Safety Manual](#)
- [Duty of Care Policy](#)
- [Protective Practices for staff in their interactions with children and young people Guidelines for staff working or volunteering in education and care settings](#)
- [SAVA – Working with Children Checks Screening Policy](#)
- [Screening and Verification Authority \(SAVA\) – Working with Children Check Guidelines](#)

4 Definitions

Contractor – includes any service provider / individual who is not a direct employee and is providing services / works. This includes Contractors, sub-Contractors and sub-Contractor's employees. Services can be of a long or short-term duration.

Catholic Education South Australia (CESA) – any School or CEO site where the School / CEO requires services to be provided.

5 Responsibility

The **Principal / Leader** (known as “Employer”) or their nominee is responsible for:

- maintaining a local register of approved Contractors and making the register available to their nominees as appropriate;

- reviewing workers compensation and public liability insurances of Contractors prior to them working on site;
- inducting Contractors in the school's WHS specifications and requirements and behavioural expectations while on site;
- familiarising Contractors with their work environment and the specific hazards they may be potentially exposed to;
- sighting a Safe Work Method Statement (SWMS) for tasks identified as high risk;
- investigating and reporting any hazards identified by Contractors or their employees;
- ensuring relevant work permits where applicable are obtained prior to commencing work;
- ensuring all screening requirements are in place including a current relevant Working with Children Check (WWCC), electronic screening, and Referee Checking as applicable;
- acting on identified non-compliance of Contractors with CESA procedures.
- only engaging reliable and licenced Contractors;
- making sure that all Contractors have a valid site induction (ranging from 12 months up to 3 year validity period depending on the nature and frequency of the work they undertake).

A **Contractor** is responsible for:

- ensuring compliance with CESA specifications, requirements and expectations;
- ensuring they have evidence of the required qualifications, training, experience and certificates of competency required for the job;
- ensuring a SWMS has been completed for tasks identified as high risk;
- maintaining the school's workplace in a safe and healthy manner for themselves, sub-Contractors and other staff and visitors;
- supervision and the WHS of sub-Contractors and their employees;
- communication on a regular basis with the school;
- raising any issue that is or may become a WHS concern.

Government Directive for COVID-19 vaccinations

Prior to an Agreement being considered, the Principal (or their nominee), must ensure that all contractors entering the school / site meet the mandatory requirements of the *Emergency Management (Education and Early Childhood Settings Vaccination (COVID-19) Direction* and any other related Government Directive issued in the future.

6 Contractor Agreement

It is recognised that the practices for engaging Contractors may vary. This procedure provides a minimum standard when engaging Contractors.

An [Agreement for Services Catholic Schools](#) should be in place outlining the agreed terms and conditions of the agreed contract for service arrangement.

If there is an emergency or one off need to engage a Contractor at a School / CEO, the Agreement for Services Catholic Schools may need to be foregone.

It is unlawful to offer work on an independent contracting basis, where the nature of the relationship under law is one of employment.

There are a number of factors that contribute to determining the difference between an Employee and an Independent Contractor. However, it is important to note that no single indicator can determine if a person is a Contractor or an Employee. Each determination is based on the individual merits of the work arrangement in place. Further information relating to this topic is detailed at 12.1.

7 Prior to Commencement

7.1 WHS

All Contractors should be supervised where practicable especially where children are present. Any area that is deemed unsafe and areas identified as out of bounds by the Contractor during the repair (e.g., burst pipes – Plumber required, in roof cavity – Electrician required), may not be able to be supervised by the School. In this situation the Contractor will direct the School on the appropriate WHS requirements to ensure the safety and welfare of all parties are maintained.

A risk assessment of the worksite and the work to be undertaken must be considered in accordance with the CESA Health & Safety protocols.

Schools and CEO should refer to the Catholic Safety Health and Welfare [SA Contractor Management Procedure](#) for relevant WHS forms and as a basis before a contractor commences work on site.

Forms of relevance include:

- [Contractor Register](#)
- [Contractor Example Letter](#)
- [Contractor Induction Checklist](#)
- [Contractor Safety Handbook](#)

7.2 Child Protection

The School is required to perform a risk assessment using [the Screening Decision Chart](#) to identify if a Working with Children Check (WWCC) is required. The purpose of the visit, frequency of the visit, length of time on site and whether the Contractor will be required to interact with or be in close proximity with children or student information will be assessed in making a determination.

The Screening Decision Chart should be applied in all service provision scenarios. [SAVA – Working with Children Check Guidelines](#) are located on CESAShare.

In addition, a CESA electronic screening is required to be completed for all Contractors prior to any work being agreed or work commencing on the site.

All Contractors and Sub-Contractors are required to provide a copy of the following documentation prior to commencing any work:

- Current Trade Licence and / or Competency Certificate;
- Current Public Liability Insurance Certification;
- Original SAVA screening clearance letter and/or card (as applicable to the School).

The Contractor must present their original SAVA screening clearance letter and/or card (as applicable) to the School prior to commencing any work on the site. Copies of the clearance letter and/or card can be made but only with the permission of the Contractor. The date of expiry of a WWCC is the most relevant piece of information for site records and should be recorded in Preceda (or an alternative location).

A printed copy of the CESA electronic screening clearance should be retained by the School.

Contractor induction is an important part of safely undertaking work. The more complex the work to be undertaken, the more thorough and detailed the induction should be refer to 12.3 & 12.4.

Inductions must be completed, which include all aspects of WHS requirements in accordance with the CESA WHS requirements and an opportunity to share relevant policies such as the CESA Code of Conduct which should also be provided to Contractors. If a Contractor is deemed unfit for the work or if they are unable to undertake the work safely, further advice should be sought prior to any work commencing.

7.3 Screening Procedures

Detailed information on Screening Procedures is detailed at Section 10.

8 Undertaking Works

In accordance with WHS requirements Contractors are required to provide a Safe Work Method Statement (SWMS) for tasks identified as high risk, providing details of how the work is to be carried out and a detailed Risk Assessment for the job they will be performing.

The SWMS is to be provided to the Principal prior to any work commencing on the premises.

9 Procedures

9.1 Requesting a Contractor

It is leading practice for the School to maintain a list of regularly engaged (preferred) approved contractors. The School will have a local procedure regarding the authority to engage preferred contractors.

9.2 Approving a Contractor

The Principal, or their nominee authorises the engagement of non-approved Contractors.

If the Contractor has not been inducted on the site previously or within the last 12 months to 3 years (as applicable depending on the nature and frequency of the work they undertake), the Contractor is required to complete an induction using the [Contractor Induction Checklist – Catholic Safety Health and Welfare SA](#) or the local site Induction at a School.

The checklist requires the Contractor to provide verification of their insurances (workers compensation and public liability), current acceptable Working with Children Check (WWCC) (where applicable) and specific Safe Work Method Statement (SWMS) that are relevant to the work being undertaken.

It is the responsibility of the Principal or their nominee to evaluate whether or not the Contractor complies with the WHS requirements. If the Contractor is assessed as non-compliant, the Contractor may be asked to submit further evidence; otherwise, the Contractor is not to be used.

9.3 Contractor Induction Checklist

Contractor inductions are valid for a period ranging from 12 months up to 3 years, depending on the nature and frequency of the work they undertake. The School / CEO must keep records of the date of the induction of all Contractors. Where the applicable induction period has expired, a Contractor is required to undergo the induction process again.

Topics covered in the induction must include:

- WHS policies, procedures and requirements;
- Code of Conduct;
- Emergency procedures;
- Hazard and incident reporting;
- First aid;
- Personal Protective Equipment (PPE);
- Security and access;
- Privacy and confidentiality;
- Contractor behaviour / conduct while on site;
- Any other matters of local relevance.

9.4 Contractor Permit to Work

The School / CEO is responsible for ensuring the specific WHS Procedure including Permit to Work is followed for the work to be completed if it includes any of the following (refer Catholic Church Safety Manual):

- Hot work
- Working at height
- Confined space entry
- Destructive or Asbestos Based Work (as per CESA Asbestos Management Plan template).

All associated Permit to Work must be approved and signed by the Principal, or their nominee.

9.5 Sign In / Sign Out

After the above steps have been completed, the Principal, or their nominee (contact person) engaging the approved Contractor, is responsible for ensuring the Contractor signs in and for escorting the Contractor to the work site in order to familiarise them with the work environment and the specific hazards they may face.

The Contractor must also sign out prior to leaving the premises or site.

9.6 Non-Conformance

If the Contractor fails to comply with legislative WHS requirements, School and CESA policies, the Contractor's services are to be concluded immediately. Non-conformances may include:

- Working in an unsafe manner;
- Not wearing the visitors badge or Personal Protective Equipment (PPE);
- Non-conformances generated as a result of poor workmanship or inappropriate behaviour in the workplace.

Please note: that failure of the Contractor to comply with Catholic Education WHS requirements can lead to termination of their approval status. Terminating Contractors may only be done by the contact person in consultation with the Principal, or their nominee.

10 Screening Procedures

There are two critical elements of the screening procedures that must be complied with. These elements are:

1. Holding a current valid Working with Children Check (WWCC);
2. Electronic Screening.

10.1 Working with Children Check

This document, together with the Screening and Verification Authority – Working with Children Check, Screening Policy – Working with Children Checks and the Screening Decision Chart outline the screening requirements for all CESA employees.

In every situation where a WWCC is required, a CESA electronic screening is also required:

[SAVA – Working with Children Checks Guidelines](#) and [Screening Decision Chart](#) are located on CESAShare.

If the Contractor is new to Catholic Education or if the Contractor does not hold a current valid clearance for Catholic Schools, the Contractor must provide to the location, their Full Name, Date of Birth, a contact number, an email address and a Postal Address along with a staff member (NAP) siting the originals for a 100 point check for identification.

The school (NAP) will then complete the required 'Initiation Check Request Form' and lodge it with the Screening and Verification Authority (SAVA). The Applicant will receive a notification to apply for their WWCC from the Department of Human Services (DHS) to be completed online. The SAVA will commence the check process which will enable the Applicant to then complete their online application. The SAVA will finalise the submission process and will continue to monitor the progress of the check. It is a legal requirement that all staff, contractors and volunteers engaging in child related work require a current valid WWCC issued by DHS.

10.2 Electronic Screening

An electronic screening must be undertaken prior to any offer of engagement being made. Clearance notification must be received from the Human Resources team at the CEO and filed and recorded as a valid clearance. This screening process is undertaken through a web-based application through the landing page at: <https://screening.cesa.catholic.edu.au/Login.asp> . Refer to 12.2.

Principals must ensure that they provide access to the electronic screening information and log in details to an Acting Principal and or Acting Leader during periods of leave.

11 Responsibility

Work Health and Safety Act 2012

Work Health and Safety Regulations 2012

Child Safety (Prohibited Persons) Act 2016

Teachers Registration and Standards Act 2004 (SA)

Teachers Registration and Standards (Miscellaneous) Amendment Bill 2020

12 Related Documents / Links

12.1 [Difference between an Employee and an Independent Contractor](#)

12.2 [Procedures for Electronic Screening of Applicants](#)

12.3 [Contractor Induction Checklist – Catholic Safety Health & Welfare SA](#)

12.4 [Contractor Safety Handbook – Catholic Safety Health & Welfare SA](#)

12.5 [CESA Engaging Independent Contractors Process Flow Chart](#)

12.6 [PROFORMA Child Protection Third Party Providers \(Contractors\)](#)

Links to [CESA Share](#) and [People Leadership & Culture \(Human Resources\)](#) (Recruitment)

PLC (HR) Contractors: [Agreement for Services Catholic Schools \(Contractors\)](#)

Electronic screening through the landing page at:

<https://screening.cesa.catholic.edu.au/Login.asp>

[Procedures for Electronic Screening of Applicants](#)

Contractor Management Procedure:

<https://www.cshwsa.org.au/download/799/>

13 Revision Record

The following roles provide a point of contact for the procedures and are responsible for its ongoing review and revision.

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