

Department of Education Guidelines

The Department of Education have released the above-mentioned guidelines as a comprehensive package of information for schools, parents and service providers.

Newcastle School have been operating under local guidelines for some years. We have adjusted our local guidelines and practices to ensure all elements of the new Department of Education guidelines are included.

The main area requiring attention will include the extension of our WWCC processes. All external service providers will now need to be "screened" by our department to ensure the currency and status of their WWCC. This screening process will only need to be completed in **one** NSW Public School. Once your screening has been cleared and verified all Public Schools will be able to view your clearance through their employee system called eCPC.

Additional areas include evidence around currency of insurances, including, Workers Compensation, Professional Indemnity and Public Liability. Service providers will also need to enter into an External Provider Agreement with the school. Please fill out the attached paperwork and return to school before commencement of your therapy sessions.

The complete package of information can be found on the Department of Education website;

<https://education.nsw.gov.au/teaching-and-learning/disability-learning-and-support/resources/external-providers>

It may be beneficial to familiarise yourself with all sections of the guidelines to better understand the roles and responsibilities of each stakeholder.

Yours sincerely

G. Finch

Graham Finch

Lead Principal (Relieving)

Enclosures:

1. Information for Providers and Provider Checklist
2. Declaration for Child Related Work
3. Engagement Agreement

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

Information and checklist for providers engaged by parents / carers to deliver services to students

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 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 discretion to grant or not grant school access to an external provider, taking into consideration:

- 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.

The Specialist Allied Health and Behaviour Support Provider Scheme (the Scheme)

The [Specialist Allied Health and Behaviour Support Provider Scheme](#) is a pre-qualification scheme established by the department for specialist allied health service providers.

The Scheme supports schools that may need to directly engage specialist allied health services to ensure learning adjustments are appropriate and effective for students.

Allied health services procured through the Scheme are funded by the school and not by an external third party such as a parent or carer. This means that separate arrangements apply for providers approved under the Scheme. Where a provider approved under the Scheme is engaged by a parent / carer to deliver services to a student, and is seeking approval to deliver these services at the school, some evidence requirements may be waived if they have already been met as part of the Scheme approval process.

Providers approved to deliver services through the Scheme will have met some organisational requirements for accessing

schools as part of the pre-qualification process.

Requirements for providers under the Scheme include:

- Working with Children Check status and completion of Mandatory Child Protection Training
- business credentials and insurances
- organisational and staff experience and ability to deliver services to schools
- NDIS registration.

Pre-qualified providers should refer to the checklist below to ensure all other mandatory requirements have been met prior to service delivery as an externally funded provider.

Before services begin

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 in the last year the department's Mandatory Child Protection Training, or a suitable alternative training program delivered by the provider for its staff.

How to access the department's child protection training

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, select 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 and child relationships
 - interactions with children with identified needs.

For providers on the [Specialist Allied Health and Behaviour Support Provider Scheme](#), completion of child protection training is a contractual requirement under the Scheme. The school may request evidence of completion before services begin.

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 (eg. first aid, CPR, ASCIA anaphylaxis training).

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

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

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.

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.

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Induction requirements

After 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. This requirement applies to all provider staff, including those engaged through the [Specialist Allied Health and Behaviour Support Provider Scheme](#).

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
- communication arrangements between the parties, including the need for providers to raise issues / concerns about school staff and operations with the school principal in the first instance
- 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.

Externally-funded providers engaged to deliver services to students are mandatory reporters when they working in schools. They must 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 Communities and Justice, 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 (ie. being placed on the not to be employed list).

Checklist for providers engaged by parents / carers

Checks / requirements to be met prior to service delivery	Pre-qualified provider Providers on the Specialist Allied Health and Behaviour Support Provider Scheme engaged by parents / carers	Non pre-qualified provider All other Allied Health and NDIS service providers engaged by parents / carers	Comment
<p>All provider staff must have their WWCC status screened by the department before they can deliver services at a NSW public school. Provider staff who have never delivered services in a school before need to provide the school with:</p> <ul style="list-style-type: none"> • a completed the Declaration for Child Related Work: Specified Volunteers and Contractors • Working With Children Check (WWCC) clearance details • Proof of identity documentation 	<p>As part of the Scheme, provider staff are pre-screened by the department. For new provider staff not previously pre-screened by the department, clearance and proof of identity documentation can be provided to the department directly (at sahs@det.nsw.edu.au) for processing.</p>	<input type="checkbox"/>	<p>Provider staff that have been cleared in the department's screening database don't need to be re-screened by schools. In such cases, provider staff only need to show photo ID with date of birth details (eg. driver's licence) on arrival at the school.</p>
<p>Evidence has been provided to the school of successful completion by all relevant staff of the department's Mandatory Child Protection Training, or other suitable alternative training program developed by the provider, within the last year.</p>	<p>Not required</p>	<input type="checkbox"/>	<p>For providers under the Specialist Allied Health and Behaviour Support Provider Scheme, completion of this training is a contractual requirement of the Scheme. Schools may request evidence of completion before services begin</p>

Checks / requirements to be met prior to service delivery	Pre-qualified provider Providers on the Specialist Allied Health and Behaviour Support Provider Scheme engaged by parents / carers	Non pre-qualified provider All other Allied Health and NDIS service providers engaged by parents / carers	Comment
Details of any school accommodation / equipment requested as part of the delivery of services, and / or provider equipment to be used on school premises have been provided to the school (including details of relevant training and maintenance undertaken to ensure safe operation on school premises).	<input type="checkbox"/>	<input type="checkbox"/>	
Evidence has been provided to the school that all relevant provider staff have undertaken additional health care training as required by the school (eg. first aid, CPR, ASCIA anaphylaxis training).	<input type="checkbox"/>	<input type="checkbox"/>	
<p>The school has been provided with copies of the following insurance policies:</p> <ul style="list-style-type: none"> • Workers Compensation, or, if the provider is an individual or sole trader performing the work themselves, evidence of personal insurance cover in the event they have an injury • Professional Indemnity (no less than \$2 million) • Public Liability (no less than \$20 million). 	Not required	<input type="checkbox"/>	Providers under the Specialist Allied Health and Behaviour Support Provider Scheme have already satisfied this requirement as part of the Scheme's pre-qualification process. Re-submission to the school is not required.

Checks / requirements to be met prior to service delivery	Pre-qualified provider Providers on the Specialist Allied Health and Behaviour Support Provider Scheme engaged by parents / carers	Non pre-qualified provider All other Allied Health and NDIS service providers engaged by parents / carers	Comment
The provider has entered into an External Provider Engagement Agreement with the school.	<input type="checkbox"/>	<input type="checkbox"/>	Each provider only needs to enter into one written agreement with each school. This agreement can cover engagement with multiple students. A provider and a school still need to enter an agreement even if a provider is already approved under the Specialist Allied Health and Behaviour Support Provider Scheme as this agreement documents a different legal relationship between the provider and the school.

