

CONTRACTOR MANAGEMENT POLICY

Rationale

- Where works or services are identified that cannot be completed by a Department employee, a contractor may be engaged. Examples include:
 - air conditioning maintenance
 - plumbing and electrical repairs
 - painting
 - roof plumbing
 - window cleaning and repairs
 - pest control
 - music lessons
 - physical education coaching
 - workshops and incursions
- School Councils must provide and maintain a working environment that is safe and without risks to health for all employees, independent contractors and contractor's employees.
- School Councils must ensure that independent contractors are competent and able to control their own systems of work. School Councils retain a general supervisory power over any work undertaken by a contractor and must define the contractor's respective areas of responsibility, particularly where there is more than one contractor involved and the interrelationships may give rise to risks, and examine carefully the contractual relationships that are entered, and ensure that the activities undertaken do not put staff, students or the contractors at risk.
- It is important to understand that employers have the same duty of care towards contractors as they do for their employees. To ensure the contractors you engage work safely when on site and do not introduce any unmanaged risks when undertaking the work, plans must be put in place to manage contractor activities. This includes conducting pre-commencement Contractor Induction, advising contractors of specific site hazards, sighting Safe Work Procedures and acting on identified non-compliance of contractors to the DET's procedures.

Purpose

- To ensure the School Council meets its legal obligations to provide a safe working environment for employees and contractors.
- To ensure the Northern School for Autism complies with DET guidelines and the provisions of the *Occupational Health and Safety Act 2004* - Section 21
- To ensure the school complies with Child Safe Standards 1 & 2.

- To outline the Occupational Health and Safety (OHS) requirements in DET schools for the selection, management and monitoring of contractors.
- To ensure the school minimises risk to children when contractors are on site.

Definition

A contractor is a person, or an organisation, that provides a service for a fee but is not a direct employee of the DET. Most schools are likely to engage specialist contractors from time to time to perform certain kinds of work such as maintenance, repair, cleaning and gardening.

Implementation

- The School Council will:
 - provide and maintain a working environment that is safe and without risks to health for all:
 - employees
 - independent contractors
 - contractor's employees.
 - ensure that independent contractors are:
 - competent
 - able to control their own systems of work.
 - retain a general supervisory power over any work undertaken by a contractor
 - define the contractor's respective areas of responsibility, particularly where there is more than one contractor involved and the interrelationships may give rise to risks
 - examine carefully the contractual relationships that are entered, and ensure that the activities undertaken do not put staff, students or the contractors at risk.
- The school will develop a checklist for arranging for a contractor to work in the school.
- A register of all approved contractors will be recorded in a Register.
- Contractor inductions are valid for 12 months except where a SWMS is required for high risk work. In this instance induction is as mandated by DET. Refer to website below.
- The school will appoint a Coordinator who will
 - ensure the Contractor Induction Checklist is completed for each contractor engaged at the school
 - coordinate all contacts and requirements, carry out the preparatory work and explain the requirements of the school to the contractor
 - ensure that contractors have been provided with a copy of school policies pertaining to health and safety
 - ensure that the contractor complies with all applicable health and safety and other legislation and DET's health and safety policies and guidelines
 - ensure that contractors are made aware of the requirements of other school policies, including smoking, drug and alcohol requirements
 - check the requirement for appropriate protective equipment to be worn depending on the type of work being performed e.g. pesticide spraying
 - obtain evidence ensuring compliance measures are taken to meet requirements for licensed operators, compliance with regulations or codes of practice are required e.g. asbestos removal, forklift driving, working overhead
 - check the contractor's approach to safety requirements, provision of equipment such as barricades and warning lights
 - maintain corridors, doorways and staircases so they are clear of obstructions
 - ensure that equipment, materials and substances are safely stored and guard equipment on electrical tools is used
 - ensure there is a process for the entry into the school for trucks, cars, cement and sand trucks and that staff and students have been alerted to any works being carried out and that they know of any safety requirements.
- The School Council will use the standard contracts available from the Legal Services Unit which cover the following:
 - gardening, maintenance or painting services
 - cleaning services



- school canteen licence
 - hiring school premises by third parties
 - personnel, financial and administration services and student and curriculum services
 - school uniforms
 - pre-school licence
 - letter offering employment as a School Council employee.
- Contracts must contain the following clause:
"The contractor hereby indemnifies the State of Victoria its employees, servants and agents and the School Council and its employees, servants and agents against all claims, liability or expenses (including legal costs) relating to any injury to persons or any loss or damage to any property caused (or to the extent contributed) by any act or omission of the contractor or its employees, servants or agents, except to the extent that the loss is directly attributable to the negligence of the State of Victoria, the School Council or their employees, servants or agents. It is not necessary for the State of Victoria or School Council to incur expense or make payment before enforcing a right of indemnity conferred by this contract."
- All contractors must have Public Liability Insurance in an amount no less than \$10 million any one event and must produce evidence from their insurer before starting work that shows the insurance is current and covers the service being supplied. Where a contractor cannot produce evidence of current public liability cover then the contract should not commence.
- Contractors supplying advice, for example architects or engineers must supply evidence of Professional Indemnity Insurance in an amount of no less than \$5 million per any one event and in the aggregate produce evidence from their Insurer showing that the insurance is current and covers the professional services being supplied.
- As a practical means of managing contractors regularly engaged by the school, a Preferred Contractor List may be developed.
- All contractors must sign in/out at the general office prior to the commencement of any works or services. A visitor's badge will be issued and must be worn at all times the contractor is on the premises.
- This requirement is indicated on signage located at all entrances to the school.
- The Principal can cease works if a Department engaged contractor fails to comply with OHS requirements and/or is working in an unsafe manner. In this instance, the Principal will contact the relevant department, who will work to rectify the non-conformance with the contractor in consultation with the Principal.
- The Principal can cease works and/or terminate the engagement of the contractor if a school engaged contractor fails to comply with OHS requirements and/or is working in an unsafe manner. The Principal also can issue the contractor with *Contractor OHS Non-conformance Report*, [if deemed required](#).
- The safety of children at the school is the highest priority. Please refer to the Child Safe Standards and the *Working with Children Checks – Volunteers & Visitors*.

Evaluation

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest update late June 2018).

This policy was first ratified by School Council on February 2016

This update was ratified on 6 December 2018



Northern School
for Autism

"Learning for Life"

References:

www.education.vic.gov.au/school/principals/spag/governance/Pages/contractors.aspx

www.education.vic.gov.au/Documents/school/Principals/management/contractormanage.aspx