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CRESWICK NORTH PRIMARY SCHOOL

DET SCHOOL COUNCILS AND CONTRACTORS POLICY

Purpose of this policy

To ensure school councils meet their legal obligations to provide a safe working environment for employees and contractors.

Policy

School councils must:

- 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.

Checklist

Each school should develop its own checklist for arranging for a contractor to work in the school. This table describes items that could be included:

Item	Description
Coordinator	A person within the school to coordinate all contacts and requirements, and who is to carry out the preparatory work and explain the requirements of the school to the contractor.
Health and safety	Ensure that: contractors have been provided with a copy of the school's health and safety policy there is a contractual provision requiring contractors to comply with: - all applicable health and safety and other legislation - the Department's health and safety policies and guidelines.
School policies	Ensure that contractors are made aware of the requirements of other school policies, including smoking, drug and alcohol requirements
Protective equipment	Check the requirement for appropriate protective equipment to be worn depending on the type of work being performed. Example: Pesticide spraying.
Licenses	Obtain evidence ensuring compliance measures are taken to meet requirements for: licensed operators compliance with regulations or codes of practice are required. Examples: Pesticide spraying, asbestos removal, forklift driving, working overhead
Safety	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 - guard equipment on electrical tools is used - there is a process for the entry into the school for trucks, cars, cement and sand trucks - staff and students have been alerted to any works being carried out and that they know of any safety requirements.

Insurance requirements

This table describes the indemnity and insurance requirements that must be written into all contracts.

Item	Description
Indemnity	Contracts must contain the following clause:

Item	Description
	<p>'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.</p> <p>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.'</p>
Public liability insurance	<p>All contractors must: have Public Liability Insurance in an amount no less than \$10 million any one event produce evidence from their insurer before starting work that shows the insurance is: - current - covers the service being supplied.</p> <p>Where a contractor cannot produce evidence of current public liability cover then the contract should not commence.</p>
Professional indemnity insurance	<p>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 - covers the professional services being supplied.</p>

Standard contracts

School councils should use the standard contracts available from the Legal Division 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.

For these contracts and Legal Division contact details see the Legal Division website at: [Purchasing, Contracts & Licensing](#)

Related policies

- [Fetes](#)
- [Public Liability Insurance](#)

Related legislation

- Occupational Health and Safety Act 2004 - section 21

Department resources

- For occupational health and safety information see: [Health, safety and workers' compensation](#).