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

Information and checklist for providers engaged and funded 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 (the department) 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 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.

Before services begin

Child protection and other training

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

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 sign the External Provider Engagement Agreement, which confirms 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.

Further information can be found in this fact sheet on child protection roles and responsibilities.

A school may also require provider staff to complete specific health training depending on the type of the service, the level of supervision needed, or health care needs of the student (e.g. first aid, CPR, ASCIA anaphylaxis training).

Consent to share information

In line with privacy legislation, schools will seek the consent of parents and carers to allow the school to share relevant student information with the provider. To further ensure compliance with privacy legislation, the External Provider Engagement Agreement stipulates that a provider must also seek the consent of the parent/carer to share service delivery information with the school (template form attached to the Agreement).

Providers will be required to give schools an update at the conclusion of each service, detailing what took place during the service (template form attached to the Agreement). This is to ensure that the service aligns with the student's education goals.

Meet other mandatory requirements

Attached is a checklist of mandatory requirements that providers need to meet before a school will consider their request.

Once these requirements are met, the school will discuss the proposed service delivery arrangements with the student's parents or carers. Schools will not be liable for any costs the provider incurs during these discussions.

If there is no existing External Provider Engagement Agreement with the school, the provider must enter one (one agreement per school). This agreement outlines the responsibilities of both parties. Only one agreement is needed per school.

Induction requirements

Before services begin, all provider staff who will be delivering services within a school must complete a school-based

induction. This 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.

In NSW, a person who during 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 are 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 (i.e. being placed on the not to be employed list).

Externally funded providers who are approved under The Specialist Allied Health and Behaviour Support Provider Scheme

The Specialist Allied Health and Behaviour Support Provider Scheme (the Scheme) is a pre-qualification scheme established by the Department of Education for allied health service providers.

The Scheme allows schools to engage approved specialist allied health services to ensure appropriate and effective learning adjustments for students. Services procured under the Scheme are funded by the school, not by external parties such as parents or carers. As a result, different engagement processes apply to providers approved under the Scheme.

When a parent or carer engages a provider who is approved under the Scheme to deliver services at school, some evidence requirements may be waived if they have already been met during the provider's pre-qualification process. These include:

- a valid Working with Children Check status and completion of Mandatory Child Protection Training (the school may request evidence of completion before services begin)
- necessary business credentials and insurance
- demonstrated organisational and staff experience in delivering services to schools.

Pre-qualified providers should review the checklist below to confirm that all other mandatory requirements are fulfilled before delivering services as an externally funded provider.

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**
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: • a completed Declaration for Child Related Workers • Working With Children Check (WWCC) clearance details • Proof of identity documentation	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.	☐	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 (e.g. driver's licence) on arrival at the school.
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.	Not required	☐	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

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).	☐	☐	
Evidence has been provided to the school that all relevant provider staff have undertaken additional health care training as required by the school (e.g. first aid, CPR, ASCIA anaphylaxis training).	☐	☐	
The school has been provided with copies of the following insurance policies: • Workers Compensation (unless provider is a sole trader) • Professional Indemnity (for at least $2 million for any single occurrence and in the aggregate) • Public Liability (for at least $20 million for any single occurrence and in the aggregate).	Not required	☐	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. The required insurances must be in the name of the provider, not in the name of the individual therapists engaged by the provider.

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.	☐	☐	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. The person(s) signing on behalf of the provider must have authority to bind the provider.
Provider has submitted consent form signed by parents/carers to allow the provider to share information with the school.	☐	☐	