

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

Information for principals

This document identifies the matters principals should consider when making decisions about providing access to the school for the provision of externally funded specialist health, disability or wellbeing services.

This information sheet is part of a package of materials that has been developed to support principals in their role and responsibilities for managing access to students by externally funded service providers. It draws together relevant information from existing policy and related obligations of principals toward students, staff and other persons who access the school.

Feedback on this material can be provided at any time to ExternalProviderFeedback@det.nsw.edu.au.

Three key steps for principals in managing requests from externally funded services to deliver services at the school:

1. Requests for the delivery of an externally funded service are considered against the needs and interests of the student or group of students who are the intended service recipients, other students in the school and the operational requirements of the school.
2. If agreed, providers need to meet all legal and policy requirements and enter into an agreement with the school.
3. Service provider staff undergo an induction at the school prior to commencing services.

Access to the school by an externally funded service provider is determined by the principal

The principal has discretion to decide whether or not an external service provider can enter the school and how arrangements will be managed for the provider's activity with students, where access is agreed.

Decisions should be made on a case-by-case basis considering the individual circumstances of the student or group of students concerned and the wider needs of the school. Any decision should take into account the educational needs and priorities of the student or group of students, including access to the curriculum, the impact on student's learning programs, the school's operational context and duty of care obligations towards all students and staff.

Providers do not have an automatic right of access to a school

Decisions are made on a case by case basis. External providers do not have an automatic right of access even if the provider is already delivering a service to another student at the same school, or the provider has been granted access to another school.

Services funded through the National Disability Insurance Scheme (NDIS)

Some external providers seeking access to schools will be funded by money that has come through an NDIS package of supports for an individual child or young person to meet their disability support needs. In providing this funding to parents and carers for these children and young people, the NDIS does not direct who should deliver those supports or where and how they are delivered.

The delivery of NDIS services should not interfere with the provision of education in schools. Nor should students be taken out of school to attend an NDIS-funded provision. However, there may be occasions where the delivery of an NDIS-funded service at the school may be appropriate.

The contract for an NDIS-funded disability service is directly between the Scheme participant (or their parents and carers) and their chosen service provider. Therefore, any discussion around where and how an NDIS-funded service is provided should primarily take place between the child's parent or carer as the purchaser of the service and the NDIS-funded service provider.

Requests must come from parents or carers

Any request for access to a student by an external provider funded by the NDIS (or other scheme that provides funding to individuals) must come from the student's parent or carer in writing, or with the student's express consent, where appropriate. External providers should only make a direct request to a school where they can demonstrate that they have parent or carer consent to request access to the student.

Where a student's parent or carer requests the delivery of externally funded services at school, a meeting should take place between school staff and the parent or carer to discuss service delivery arrangements.

The meeting may also involve the service provider, if required. Where a provider is involved in this meeting, the school will not be liable for provider costs associated with attending this meeting.

If the student has an NDIS package, parents should be encouraged to share those elements of the package that have a relationship with their child's learning.

This provides an opportunity for schools to consider how NDIS-funded services can be aligned with the learning supports being provided by the school. These discussions also provide an opportunity to determine if any of the disability supports funded by the NDIS are best provided at school or outside of school time.

A separate information sheet on NDIS-funded disability support service providers in schools has been prepared for parents and carers.

Parents and carers should be made aware that the provision of services by an external provider on school premises is at the principal's sole discretion. Discussions should also cover the school's option to limit provider access where there are concerns about the service or the school's ability to provide appropriate facilities to enable the delivery of the service.

A written record of these discussions should be retained on the student's file.

The principal determines whether the service can be provided in the school

The principal will consider the following key considerations in exercising their discretion about access to students by externally funded service providers.

Disability Standards for Education

All schools have obligations under the Disability Standards for Education 2005 to provide reasonable adjustments to enable students with disability to access and participate in education. A request for externally funded services to be delivered during school hours or on school premises does not replace the schools' legal obligation to provide reasonable adjustments. These services may align with or complement the reasonable adjustments being provided by the school to facilitate the student's access to education.

More information on the [Disability Standards for Education and obligations of schools](#) is available on the department's website.

Impact of the service on a student's access to the curriculum

An externally funded service delivered in school should support the student's participation in education and access to the curriculum. Where the service does not link with the student's learning needs or enhance access to education, the service should be delivered outside of school time.

Principals need to consider:

- the relationship between the externally funded service and the student's personalised learning and support provisions and other educational adjustments
- the impact of the student being withdrawn from the classroom to access the service and the impact this will have on their access to the curriculum and their educational program
- whether the service needs to be delivered over a long period of time or at a particular time of day
- whether provision of the service at school is for the benefit of the student or more for the convenience of the provider, and
- whether denial of access within the school setting will result in a student not receiving necessary services (for example, where there are limited opportunities to access services in a rural or remote area, or where family circumstances may limit a child's access to a service outside school hours).

Impact of the service on other students

Principals need to consider the impact of the service being provided in the classroom on all students in that class. If the service provision is to occur in class, principals need to consider:

- the potential impact of additional adults in the classroom environment, in particular the impact on delivery of the curriculum to other students, and
- if the provision of the service to one student is likely to interfere with the learning of other students.

Ability to maintain the ordinary running of the school for the benefit of all students

The benefits of ensuring the delivery of externally provided services in the school need to be balanced against the need to ensure that the school continues to be managed and administered for the benefit of all students.

Principals need to consider:

- whether the externally funded service can be delivered in a way that does not interfere with the running of the school
- whether the school has a suitable space where the service can be provided
- whether the provision can be adequately supervised or observed, and
- the provider's need to use school equipment or facilities.

Capacity to observe or supervise the delivery of the service

Where service provision is not taking place in the student's classroom, the service must be provided in a space that is readily accessible and can be observed, either directly or through a window or doorway. The ability for school staff to observe the service provision enables the school to meet its duty of care and child protection obligations to students.

Services that specifically require confidentiality or discretion in their delivery, such as counselling or psychology services, are an exception. These providers must be registered psychologists or accredited social workers. Rooms set aside for these types of services should be in an active area of the school, such as the administration block or close to staff or class rooms.

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.

Engagement of allied health providers via the Scheme are funded through the school's existing budget and not by an external third party such as a parent or carer. This creates a different legal relationship between the provider and the school.

External providers engaged by a parent/carer who are also approved to deliver services through the Scheme will have met some organisational requirements for accessing schools as part of the pre-qualification process.

These requirements include:

- Working with Children Check (WWCC) clearance status in eCPC for provider staff
- completion of Mandatory Child Protection training for provider staff
- evidence of insurance policies.

Schools are not required to obtain evidence of Mandatory Child Protection training or insurance policies for providers approved under the Scheme.

Providers must meet all legal and policy requirements before they can operate in the school

If a principal has determined that a provider can deliver the service, the school will enter into an agreement with the provider, and the provider must demonstrate that it has all of the necessary checks, protections and training in place.

Prior to delivering a service at the school, the relevant provider staff must participate in a site induction.

If a provider has been approved to deliver services through the department's [Specialist Allied Health and Behaviour Support Provider Scheme](#), some mandatory requirements will have been completed as part of their pre-qualification process. These requirements will be maintained centrally through the department and do not need to be checked again. Provider participation in the Scheme can be checked through the database of allied health providers.

For further guidance, refer to the following documents:

- [Principal checklist](#)
- [External provider engagement agreement](#)
- [School induction checklist](#)
- [Information for providers and provider checklist](#)
- [Specialist allied health and scheme – user guide for schools](#)

Schools may withdraw external provider access approvals

Schools may withdraw external provider access to a school where it has been determined that the service being delivered is no longer in the student's educational interest. Schools should discuss the matter with the student's parents or carers prior to a decision to withdraw provider access.

Possible reasons for principals to consider withdrawing provider access approvals include:

- the service is no longer compatible with the student's educational needs
- unintended adverse consequences for other students, staff and the general running of the school
- high turnover of external providers or their staff delivering a service to a student
- unreliable service provision
- significant concerns about the quality of service provision
- services not being delivered according to the External Provider Engagement Agreement
- inappropriate conduct by the provider.

External providers are subject to the same code of conduct and complaints processes and requirements as school staff when they are at the school. For guidance and support on external provider conduct issues, principals should contact Professional and Ethical Standards.

If the service is NDIS-funded, schools may also raise issues of concern with the National Disability Insurance Agency (NDIA).

Service delivery arrangements are documented

Where the principal agrees to the delivery of externally funded services in the school, written consent for the service delivery arrangements from the parent/carer is placed on the student's file. This consent should also include a requirement for the parent/carer to notify the school if the parent/carer terminates the provider's services.

Duty of Care

The principal has primary responsibility for the day-to-day management and control of the school. This includes the actions of any person on school grounds. Principals remain responsible for the care and wellbeing of all students during school time.

All external providers, including those providing externally funded services, owe a duty of care towards the students to whom they are giving a service. In addition, principals and other school staff maintain their duty of care responsibilities to protect children from harm and cannot delegate this responsibility to the service provider.

When determining externally funded service provider access to the school, the principal needs to consider whether this access is compatible with their obligations of [duty of care](#).

Child Protection

Principals are responsible for the safety and wellbeing of all students at the school. Service providers seeking access to the school must be able to demonstrate valid Working With Children Checks.

Any provider working in the school is subject to mandatory reporter legislation. They will need to undertake child protection training and be made aware of the need to report any child safety concerns to the principal.

Health and Safety

Principals remain responsible for the health and safety of all people on school grounds.

Privacy

Privacy obligations apply to information sought by a provider from the school. Schools should only disclose information to a provider that is directly related to services being delivered to that student. Privacy obligations also apply to information shared with school staff by a provider.

For more information about:

Child protection

Child Protection, Health and Mental Wellbeing:
education.nsw.gov.au/student-wellbeing/child-protection

Complaints handling and provider conduct

Professional and Ethical Standards:
education.nsw.gov.au/epac

Supporting students with disability and the NDIS

Inclusive Education:
education.nsw.gov.au/teaching-and-learning/disability-learning-and-support

Health and safety issues, including duty of care and risk assessments

Health and Safety:
education.nsw.gov.au/inside-the-department/health-and-safety

Legal matters, including use of the template agreement, privacy obligations and duty of care

Legal Services:
education.nsw.gov.au/inside-the-department/legal-services