

NOVEMBER 2023

Working with External Support Providers in Schools Procedure

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1 Purpose

The Department for Education, Children and Young People (DECYP) was established on 1 October 2022 bringing together the former Department of Education with Children, Youth and Families, and the Tasmanian Autism Diagnostic Services from the former Department of Communities Tasmania.

Work is currently underway to develop consistent policy and guidance about managing our duty of care across all DECYP services and contexts.

This Procedure applies to Department for Education, Children and Young People (DECYP) school staff (including Principals, student support, teachers and administrative staff) where there is a request for an External Support Provider (ESP) to **work directly one-on-one with a student, at a school site during school hours.**

The Procedure provides guidance for Principals to follow when considering allowing External Support Providers (ESPs) to deliver direct support and services to students **at DECYP school sites, during school time.**

This Procedure also sets out the requirements for:

- managing ESPs delivering direct support and services to students, once access is approved by the Principal
- communication with parents/carers/guardians, safeguarding, information sharing and other related policies and procedures.

The Procedure does not cover External Support Providers working within Youth Justice, Child Safety and Out of Home Care settings. Work is being undertaken to align principles underpinning this Procedure across other DECYP services.

2 Overview

There are a range of situations in which ESPs may work directly with a student, where additional health and/or wellbeing services are required to support positive educational outcomes for students.

The school retains its duty of care and child safety obligations when a student is receiving services from an ESP.

In circumstances where it is appropriate for services to be delivered at schools, DECYP has established processes to ensure schools meet legislative and policy requirements, ensuring that the services of ESPs contribute to positive educational outcomes for students.

This Procedure outlines:

- the process for Principals when considering requests from ESPs to deliver supports directly to students at school, during school time;
- the requirements for obtaining parent/carer/guardian consent prior to the ESP providing services to a student; and
- the requirements ESPs must meet prior to accessing the school, and when delivering support to students at schools.

3 Roles and Responsibilities

3.1 Principals must:

- Consider and make the final decision about whether an ESP can deliver direct support to a student at school, during school time.
- Consider the context and views of the student in seeking consent from a parent/carer/guardian.
- Ensure that consent has been obtained from a parent/carer/guardian before an ESP can provide their service to a student (see Section 5 of this Procedure).
- Provide a local induction and/or training for relevant ESP staff before commencing at the school and complete the Working with External Support Providers in Schools Induction Checklist.
- Ensure that any ESP providing services or support to a student can be, and is, observed by a member of staff while the provision is taking place, consistent with Section 6 below.
- Maintain appropriate records in the Student Support System (SSS) (including decision making, consent and records of visit). See Section 6.2 of this Procedure.
- Communicate with relevant DECYP staff about the requirements and processes for ESPs working one-on-one with students at school.
- Undertake a risk assessment and risk management plan if required (as per the [Risk Management Policy](#)).
- Ensure both the school and ESPs meet their obligations to keep children safe from abuse (including ESP requirements under Section 6 of this Procedure).

3.2 Student Support staff must:

- Work in collaboration with senior school staff to assess the risk of harm to a student, if the student does not consent to the school seeking parent/carer/guardian consent (Section 5).
- Provide support to a student through the school support process or program requirements, if there is risk of harm to the student in not receiving support from an ESP.
- Seek specialist advice from ESPs through professional consultations, as appropriate.

3.3 Teachers and school staff must:

- Understand the requirements for ESPs working with students at the school.
- When requested, provide advice to the Principal about whether the proposed ESP service supports positive educational outcomes for the student.
- Ensure the support provided by the ESP is delivered to the student as agreed with the Principal.

3.4 Parents/carers/guardians must:

- Receive and respond to requests for consent.
- Where requesting ESP support for a student, provide all necessary information to the school to enable the Principal to consider the request for ESP support and make a decision.

3.5 External Support Providers (and their staff) must:

- Work with the Principal, school staff and other DECYP staff, as required, to ensure compliance with this Procedure.
- Undertake a school induction prior to engaging with any students.
- Supply equipment, qualified personnel, and any materials necessary to deliver the support/service during school times, where appropriate.
- Work collaboratively with the Principal and school staff, respecting that the provision of education is a priority for students.
- In considering the context and views of the student, share important and relevant information as agreed to by the parents/carers/guardians of students receiving support.
- Provide their services in accordance with DECYP's Safeguarding Framework, Child and Youth Safe Organisations Framework and legislation, as applicable.
- Comply with their legal, organisational and ethical obligations to safeguard children and young people from abuse as per DECYP's [Safeguarding Framework: Safe, Secure, Supported.](#)

4 Process

4.1 Request received

- A request is received from a parent/carer/guardian, ESP, student or staff member to deliver a direct support or service to a student at school, during school time.
- The request needs to provide sufficient detail including the purpose and intended outcome/s of the ESPs service provision at school, to allow the Principal to make a considered decision.
- If further information is required, the Principal may request further information from the parent/carer/guardian, ESP or student via email, phone or during a face to face meeting.

4.2 Consider the request

The decision to allow ESPs to deliver direct support and services to students should be made on a case-by-case basis, considering the individual circumstances of the student.

ESPs do not have automatic right of access to a school, even if they are already providing support to another student at the same school, or the ESP is working in another school.

As part of the decision-making process, the Principal **MUST** assess whether the intended service is best delivered by the ESP at school, during school time, or better provided outside of school and school time. Principals may seek advice from relevant staff members and parents/carers/guardians of the student to make this determination.

Principals **MUST** consider the delivery of support provided by ESPs in relation to the identified learning and developmental needs of the student.

In considering requests, Principals may take into account the following:

- Whether the student receiving support from the ESP at school, during school time is in their best interests
- Whether the student is willing to engage with the ESP
- Work Health and Safety Policy
- Ability or options for the student to access the support through existing DECYP programs
- Impact on current support structures in place for the student within the school
- Whether denial of access in the school setting will result in the student not receiving support services from the ESP, and the subsequent risk of harm to the student
- The type of support and the professional qualifications and role of the ESP in delivering the services and the benefit to the student's educational outcomes
- The ability of the ESP to meet the requirements under Section 6 of this Procedure
- Impact of ESP provision at school on the student's access to the curriculum and learning program, including educational needs and priorities
- Timing and duration of the access needed to provide the services
- Duty of care to the safety, wellbeing and privacy of all students
- Impact/s on other students and their learning
- Impact/s on school staffing and school operations.

If the benefits of an ESP delivering support in the school do not balance the benefits to the student, and it is likely the service will impact on other students, staff and school operations, the service may be better provided outside of school and school hours.

To allow Principals to ensure ESP services continue to support positive educational outcomes for the student, termly reviews are recommended.

4.3 Decision communicated

- The Principal informs the parents/carers/guardians, ESP and/or student of their decision and if access is:
 - approved, the conditions of access, including key requirements of the ESP
 - refused, the reasons for refusal.

The decision and a copy of the communication with the parent/carer/guardian, ESP and/or student MUST be recorded in the Student Support System (SSS).

5 Consent Requirements

5.1 Seeking consent

The best interests of the child or young person are paramount and must always be the first and main consideration when seeking consent.

Where a Principal has determined an ESP can deliver support to a student at the school and engage with the student as outlined above, the written consent of a parent/carer/guardian MUST be obtained before the ESP can work with a student. If the student is aged 18 or over, and there are no current court orders relating to their decision making, they can provide their own consent.

Consent is considered valid for one year from the date of signing and may be withdrawn at any time by notifying the school in writing.

Prior to seeking consent from a parent/carer/guardian, schools are to engage the student to determine whether they have any objections to seeking parental consent.

If the student declines the school seeking parental consent, the school **MUST** assess the risk to the student if they do not receive the service of the ESP. This is to be done in consultation with the Professional Support Staff (also see Section 5.3).

In seeking permission from a parent/carer/guardian, schools should use the Working with External Support Providers in Schools Parent/Carer/Guardian Consent Form.

The consenting parent/carer/guardian does not need to be the enrolling parent/carer/guardian.

It is not the responsibility of schools to ensure that the parents/carers/guardians have consulted with each other and come to an agreed decision in the provision of consent.

Where the school is either:

- notified by a parent/carer/guardian that they object to the student receiving support by an ESP; or
- becomes aware that parents/carers/guardians have an opposing view over services being provided

the school **MUST** not allow the ESP to provide support to the student until the issue is resolved by the parents/carers/guardians. It is not the responsibility of the school to broker a resolution in a dispute between parents/carers/guardians in this instance.

If consent is not provided by a parent/carer/guardian and the school deems there is risk of harm to the student in not receiving support, a Professional Support Staff (PSS) member or School Nurse **MUST** provide support through the standard processes.

Where immediate access to a specific ESP (e.g., counselling services provided by the Sexual Assault Support Service) is required, school Social Workers or School Psychologists, in consultation with the school Principal and staff, will approve these visits (in line with Section 6).

5.2 Court Orders

If there are Court Orders in place relating to the student, a copy of the order **MUST** be obtained and consent sought from all persons who have parental responsibility.

If the student is under the care of a court-appointed guardian, a copy of the order **MUST** be obtained and consent sought from all persons who have guardianship.

Where Court Orders are in place that determine contact with only one parent/carer/guardian (e.g., Family Violence Order or a Parenting Order), consent from that parent/carer/guardian is solely required.

5.3 Support from Professional Support Staff or School Nurse

There are circumstances in which it may be unsafe for consent to be sought from a parent/carer/guardian, especially where students have not disclosed the reason for seeking this support to their parent/carer/guardian or where it is a sensitive subject for them.

In situations where:

- the student does not wish for the school to seek consent from a parent/carer/guardian; or
- parent/carer/guardian consent is sought but not provided; and
- a DECYP staff member establishes that there is risk of harm to the child or young person in not receiving support,

a Professional Support Staff (PSS) member **MUST** provide support to the student and is not required to seek the consent of a parent/carer/guardian.

In situations where parent/carer/guardian consent has not been provided, PSS members can seek specialist advice from ESPs through professional consultations, but without direct contact with the student.

6 Requirements for ESPs

6.1 Prior to delivering services at the school

Where a Principal has determined an ESP can deliver support to a student at the school, the ESP staff delivering the service **MUST** participate in a site induction with the school Principal (or delegate). During the induction, ESP staff will be required to demonstrate they agree to and have met the requirements of this Procedure prior to delivering services at the school.

Principals **MUST** document the induction took place using the Working with External Support Providers in Schools Induction Checklist and keep a record in the Student Support System (SSS).

6.2 School Visits

- The ESP is to confirm the date and time of the visit with the key contact person at school at least two days prior to the visit.
- The key contact person at the school is to notify relevant school staff regarding the intended visit of the ESP.
- The key contact **MUST** enter a record of contact into the Student Support System (SSS) which relates to the student, including:
 - Date and time
 - Name of ESP and staff member providing the service
 - Location of service provision, i.e., room.

6.3 Mandatory Reporting

ESPs that are 'prescribed persons' under Part 3 of the [*Children, Young Persons and Their Families Act 1997 \(Tas\)*](#) must comply with their mandatory reporting obligations under that Act.

ESPs holding **any concerns** about the neglect or abuse, including child sexual abuse, of a child or young person **MUST** discuss this with the Strong Families Safe Kids **Advice and Referral Line (ARL) by phoning 1800 000 123**. The ESP should also notify their key contact/principal/manager and together follow the [step by step guidance for concerns, information and incidents of child abuse](#).

6.4 Supervision of External Support Providers

The Principal MUST ensure that any ESP providing services to a student can be, and is, observed or supervised by a member of staff while the provision is taking place.

This does not necessarily mean constant supervision, but this does mean the service must be provided in a classroom or in a space that can be observed, for example through a window or in an active area of the school.

The Principal has discretion as to the level of supervision required, depending on the nature of the service provided and the role and professional qualifications of ESP staff delivering the service.

6.5 Requests to use school accommodation and/or equipment

School-based programs have absolute priority over the use of school facilities and resources during school hours.

An ESP seeking to access accommodation or school equipment (other than the basic provision, such as tables and chairs) needs to discuss their requirements with the Principal at the site induction. The decision to allow an ESP access to school facilities and resources is at the discretion of the Principal.

7 Information Sharing

ESPs may only collect information about a student that is directly relevant to their role in the provision of the support or service, and MUST adhere to the *Personal Information Protection Act 2004* and [Personal Information Protection Policy](#).

DECYP requires that ESPs providing support to a student at school must share important and relevant information with the parent/guardian/carer of the student. As part of consenting to an ESP providing support, parents/carers/guardians agree and understand how ESPs report, share and store personal and health information collected about the student.

Where there is risk of harm to a student, or the support provided directly affects the educational outcomes of a student, there is an expectation that the ESP will share relevant information with the school.

In the event that the school requires a copy of the information collected, the ESP MUST provide all documentation and records, to be managed by the school in accordance with the [Records Management Policy](#).

7.1 Complaints

Principals can deny or withdraw access to an ESP if:

- The service no longer supports the student's educational needs or is no longer in their best interests
- The service is impacting other students, staff or school operations
- There are concerns regarding the provider's conduct or service quality

If a request for access is not approved or access is suspended or terminated, the parent/carer/guardian or ESP can request a meeting with the school Principal to discuss the decision.

Any complaints about the ESP will be managed in accordance with the [Enquiries and Complaints Management Policy](#).

8 Related policies

- [Chaplaincy and Student Wellbeing Services in Tasmanian Schools Policy](#)
- [Enquiries and Complaints Management Policy](#)
- [NDIS Providers in Schools Policy and Procedure](#)
- [Partnering with External Organisations Policy](#)
- [Personal Information Protection Policy](#)
- [Records Management Policy](#)
- [Registration to Work with Vulnerable People Policy](#)
- [Risk Management Policy](#)

9 Related procedures

- [Duty of Care for Students on Departmental Education Sites Procedure](#)
- [Mandatory Reporting Procedure](#)

10 Supporting information/tools

- [Registration to Work with Vulnerable People](#)
- [Registration for Working with Vulnerable People Risk Assessment Process](#)
- [Safeguarding Framework: Safe, Secure, Supported](#)
- [Step by step guidance for concerns, information and incidents of child abuse](#)
- [Working with External Support Providers in Schools Induction Checklist](#)
- [Working with External Support Providers in Schools Parent/Carer/Guardian Consent Form](#)

11 Definitions

Child

Child means anyone under the age of 18; any reference to a child or children has the same meaning as a young person or young people.

External Support Provider (ESP)

An individual or organisation, independent of the Department for Education, Children and Young People that provides a direct one-on-one support to student at a Tasmanian Government school, at a school site, during school hours.

Parent/s, Carer/s, Guardian/s (as defined in the *Education Act 2016 Tas*)

- (a) a legal guardian of a child
- (b) another person who has the care, control or custody of a child
- (c) another person who generally acts in the place of a parent of a child and has done so for a significant length of time.

Principal

The person in charge of a school or their delegate.

Responsibilities: Must and May

Meaning of 'MUST,' 'is to' and 'may':

- The word 'MUST' is to be construed as being mandatory.
- The words 'is to' and 'are to' are to be construed as being directory.
- The word 'may' is to be construed as being discretionary or enabling, as the context requires.

School hours

The daily hours during which school operates. In Tasmania, most schools hold classes from 9 am to 3 pm Monday to Friday, except for public and school holidays and student-free days. Principals may change school hours to suit local arrangements.

Student Support Staff

Includes Professional Support Staff, School Health Nurses and Student Wellbeing Leads.

Student Support System (SSS)

Student Support System (SSS) is a reporting and data entry system designed as an electronic file for all student supports.

12 Legislation

- [*Child and Youth Safe Organisations Act 2023*](#)
- [*Children, Young Persons and Their Families Act 1997*](#)
- [*Emergency Management Act 2006*](#)
- [*Personal Information Protection Act 2004*](#)
- [*Registration to Work with Vulnerable People Act 2013*](#)
- [*State Service Act 2000*](#)

Authorised by: Jodee Wilson, Deputy Secretary for Development and Support

Contact: Child and Student Wellbeing Unit, wellbeing.unit@decyp.tas.gov.au

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