



# Volunteers in Schools Policy

## **Purpose of this policy**

To explain the legal rights of volunteer school workers.

## **Policy**

Volunteer school workers are not liable in any civil proceedings for anything done, or not done, in good faith in providing a community service.

## **Definition of volunteer**

A volunteer school worker is a person who voluntarily engages in school work or approved community work, without payment or reward. School work means:

- carrying out the functions of a school council
- any activity carried out for the welfare of a school, by the school council, any parents' club or association or any other body organised to promote the welfare of the school
- any activity carried out for the welfare of the school at the request of the principal or school council
- providing any assistance in the work of any school or kindergarten
- attending meetings in relation to government schools convened by any organisation which receives government financial support.

This is a broad definition, and means that volunteers who participate in school community activities, such fundraising and assisting with excursions, are well protected from legal action by others.

## **School Procedures:**

Volunteers must sign in when entering the school and regular volunteers and school events (fete, hiring of school facilities) must be approved by School Council

## **Trades Persons / Contractors**

All persons providing service or repairs to the school facilities must sign in using the Contractor Sign-In and Fire Register. A job analysis checklist (Safe Work Method Statement) and Manual Handling Risk Assessment should be completed prior to any work being started. Contractors are also provided with a copy of the Asbestos Management Program which must be complied with at all times and completed prior to the commencement of work.

## **Personal injury**

Volunteer school workers are covered by the Department's Workers Compensation policy if they suffer personal injury in the course of engaging in school work.

## **Property damage**

If a volunteer school worker suffers damage to their property in the course of carrying out school work, the Minister may authorise such compensation as the Minister thinks reasonable in the circumstances. Claims of this nature are to be directed to:

Legal Division  
People and Executive Services Group  
Department of Education and Training  
2 Treasury Place  
East Melbourne 3002

## Related policies:

### Fetes

Fetes to raise funds for school purposes can be organised by:

- school councils, or
- parent associations or clubs organised under Part 4 Division 2 of the Education and Training Reform Regulations 2007.

It is generally preferable for fetes to be organised by the school council, as they are a legal entity and parent associations or clubs are not.

**School council**                      School councils are incorporated bodies with specific powers to enter into contracts. The *Education and Training Reform Act 2006* provides a comprehensive statutory indemnity for members of councils.

**Volunteers/school staff**                      Volunteer workers are:

- protected against personal legal actions on similar terms as teachers when working:
  - for the welfare of the school
  - at the request of the principal or school council.
- entitled to compensation (as if they were state employees when injured in their course of employment) if they suffer personal injury from:
  - engaging in school work
  - travelling to or from the place where school work is occurring.

**Commercial operators**                      There should always be a written agreement with a commercial contractor setting out the:

- terms upon which the school council will permit the operator to come onto the school premises and set up their equipment including complying with indemnity and insurance requirements

- particular service to be provided
- if there is a specific location for the operator to set up
- financial arrangements
- Department's standard indemnity and insurance wording so the school council and the state will not be liable for injuries sustained.

## Related policies:

### Amusement Rides and Structures

To ensure amusement rides and structures used by schools are safe.

#### Policy

When hiring amusement rides and structures school councils should obtain the following from the supplier:

- any information about the safe use of the item that the supplier can provide
- the class and the plant registration number of the structure  
**Note:** Only Class 2 structures must have registration.
- the hazard identification, risk assessment and control of risks that have been carried out in relation to the design and manufacture of the plant within the control of the supplier.  
**Note:** If it is not practicable for the supplier to provide this information, then the supplier must be able to ensure the risk arising from use is eliminated or reduced so far as is practicable.
- evidence that inspections and maintenance have occurred on the item between hirings and leasings, and the records of inspections and maintenance
- evidence prior to the supply of Public Liability Insurance in an amount of not less than \$10 million for any one event.

**Note:** The insurance must be current, cover the ride or activity supplied and note the Department. School must report notifiable incidents to WorkSafe Victoria

#### External providers and public liability

Ensure that external providers have public liability insurance. Before a service starts, request a copy of the certificate of currency and check the policy is:

- current and with a reputable insurer
- for the minimum sum per occurrence of \$10 million.

## Related Policies:

### Hiring of school facilities

When a school makes their facilities available for use by third parties; this arrangement falls into two categories:

- activities for community benefit such as specific interest clubs, book reading societies or foreign language tuition, all of which are not-for-profit
- activities carried out for private use such as birthday parties and barbeques and for-profit organisations.

The Department has removed the requirement for not-for-profit community groups, engaged in low risk activities, to have \$10 million public liability insurance when hiring school facilities and school councils will continue to be covered through the Department's public liability insurance with the Victorian Managed Insurance Authority.

Groups that will be required to have \$10 million public liability insurance include those:

- conducting high risk activities such as fireworks displays, bouncing castles, horse riding and fun fair activities involving machinery
- required to have insurance by their association (e.g. incorporated sporting clubs)
- required to have insurance for regulatory purposes or
- Commercial entities.

Note: School councils and principals should use discretion in deciding whether to require community groups to have their own public liability insurance. Previous advice given by the Department insisted that all third parties using school facilities should have public liability insurance and proof of this should be obtained prior to allowing them on the school property. This advice has since been revised to enable greater use by community groups. It is now recommended that only groups whose activities pose a significant risk to school property, personnel, students or other members of the public need have public liability insurance.

The same discretion should be also used in allowing private use of school facilities. However if a for-profit organisation wishes use school property then proof of public liability insurance must be obtained.