

# Guidelines for assessing requests for community use of school facilities

*Every  
child,  
every  
opportunity*



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and Early Childhood Development,  
2 Treasury Place, East Melbourne, Victoria, 3002.

## Background

In 2008-09, the Department of Education and Early Childhood Development ('Department') undertook research and stakeholder consultation to identify barriers to meeting Government's commitments to promote and use schools as community hubs.

This work identified that some community groups were being excluded from using school facilities because they did not hold \$10 million of public liability insurance.

In response the Department conducted a review of risk and insurance arrangements between school councils and third parties with a view to increasing community use of school facilities.

In addition to the Victorian Government commitments to promoting schools as community hubs, community use of school facilities is a Commonwealth Government requirement for schools funded through the Building the Education Revolution (BER) program.

## Changes to insurance requirements

The review of risk and insurance arrangements resulted in the Department **removing the requirement for all not-for-profit community groups, conducting low risk activities, to hold \$10 million public liability insurance cover** to use school facilities. The changes also mean that school councils no longer need to purchase public liability cover for third parties.

School councils will continue to be covered under the Department's public liability insurance and will **not be exposed to any additional risks**.

While insurance coverage for low risk activities is no longer mandatory, **community groups are still encouraged to obtain their own public liability insurance** where deemed appropriate (see Frequently Asked Question 8 in Attachment 2).

## About community use of school facilities

These guidelines provide advice to school councils on assessing the use of school facilities by community groups that do not hold current or adequate public liability insurance cover.

These guidelines relate to not-for-profit organisations and groups or individuals who wish to use school facilities for their activities.

These groups will be required to enter into a 'Hire agreement' or 'License agreement' with the school council (see 'Useful References' for more information).

School councils retain the right to exclude any groups or individuals who wish to use school facilities if they deem the proposed use as inappropriate.

Commercial or for-profit groups and unincorporated sporting groups using school facilities must continue to hold current public liability insurance.

## Benefits of community use of school facilities

The use of school facilities by community groups can provide benefits to the school including:

- Increased access to quality facilities for a range of purposes in one location
- Stronger social networks and greater community involvement in school activities and student learning
- Enhanced reputation of schools within the community and a shared sense of pride in local schools
- Improved school security as a result of increased use of school premises outside of school hours.

## Common activities of community groups

Community groups using school sites participate in a range of activities. Some of these may include:

- Meetings
- Language classes
- Sporting activities – indoor (basketball, martial arts) and outdoor (netball)
- Dance classes
- Church services
- Theatre/performance groups

## Are any activities excluded?

School councils should not permit their facilities to be used for activities that interfere with student learning or are against the ethos of the school. This includes activities that:

- infringe on the delivery of school programs
- might bring the school into disrepute
- are likely to cause damage or unmanaged risk to students, school buildings or property
- create excessive noise or pose a nuisance to nearby residents
- may involve the use of firearms
- are illegal.

Activities that involve the consumption of alcohol require the judgement of the school council and appropriate liquor licencing arrangements.

## Examples of high risk activities

Generally, the following activities may be considered high risk and therefore require insurance:

- High impact sporting activities;
- Horse or pony riding;
- Animal shows
- Motor cycle leisure riding;
- Abseiling and rock climbing activities
- Woodwork, mechanical and generally trade classes
- Amusement rides and equipment; and
- Fireworks or pyrotechnical displays

However, this list is neither exhaustive nor mandatory. Because of the many and varied school environments, it is not possible to anticipate every activity which a hirer may want to conduct. Thus if a school council assesses a particular activity to be high risk, but it is not one of the activities listed above, the school council can still require a community group to have their own insurance.

Alternatively, if a school council considers a specific proposal not to be high risk even though it would fall within one of the above categories

the school council has the discretion to waive the public liability requirement.

For example, a proposed activity may involve a cooking demonstration only.

The Portfolio Risk Branch on 9637 3401 or the Insurance Unit can be contacted on 9637 3533 to discuss the activity and level of risk to decide if insurance is required.

## Useful references

Hire agreement template:

<https://edugate.eduweb.vic.gov.au/Services/Govt/DocumentsForms/Agreement%208%20School%20One%20Off%20Hire.doc>

Licence agreement template:

<https://edugate.eduweb.vic.gov.au/Services/Govt/DocumentsForms/Agreement%204%20School%20Premises.doc>

## Attachment 1

### Checklist for assessing requests for community use of school facilities

The following checklist has been developed to support school councils to assess the appropriateness of community use of school facilities by community groups which do not hold public liability insurance. Lack of \$10 million public liability insurance is no longer a barrier to community use of school facilities.

Questions that will exclude a community group	Yes	No
<i>If you answer <b>yes</b> to any of the questions below, the group should not be offered use of school facilities.</i>		
Could this group's activities involve the use of firearms or illegal activity?		
Could this group's activities include illegal activities?		
Questions that could exclude a community group	Yes	No
<i>If you answer <b>yes</b> to any of the questions below, it is likely the group should not be offered use of school facilities.</i>		
Does the community group's activity interfere with the delivery of school programs?		
Could this community group or their activities bring the school into disrepute?		
Could the activities of this community group cause damage to facilities or unmanageable risk to students, school buildings or property?		
Could this group create excessive noise or pose a nuisance to nearby neighbours?		
Questions that may require groups insurance	Yes	No
<i>If you answer <b>yes</b> to any of the questions below groups will be required to have insurance to use school facilities</i>		
Does the group's national/state body require them to have insurance (e.g. sporting clubs)		
Is the group required to have insurance for regulatory purposes (e.g. early childhood facilities)		
Is the group a commercial organisation?		
Is the group conducting high risk activities?		
Defining high or low risk		
<i>Things to consider when defining high or low risk</i>		
<p>Is there a high risk of injury associated with the activity (see above for examples of high risk activities)? High risk could include:</p> <ul style="list-style-type: none"> <li>- Use of machinery or sharp objects</li> <li>- Use of fire or activities that could cause fires</li> <li>- Alcohol consumption (groups only require a liquor license if they sell alcohol)</li> <li>- Contact sports</li> <li>- Water sports</li> </ul>		

## Attachment 2

### Frequently Asked Questions

#### Change to policy

##### 1. ***What changes have been made?***

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.

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;
- required to have insurance by their association (e.g. incorporated sporting clubs);
- required to have insurance for regulatory purposes; or
- commercial entities.

##### 2. ***Why has the Department changed its policy requiring hirers of school facilities to produce evidence of insurance?***

The Department is aware that certain not-for-profit community groups who would like to use school facilities are disadvantaged as they are unable to purchase \$10 million public liability insurance because it is uneconomical or not available in the commercial market.

In addition, the Department seeks to support school councils in sharing their facilities with the community groups. The changes to the public liability insurance requirements are designed to make it easier for councils to share their facilities with the community, while ensuring adequate precautions are taken when groups undertake high risk activities.

The changes will also support school councils in meeting the Commonwealth Government's requirements that facilities built or refurbished as part of the Building the Education Revolution - Primary Schools for the 21<sup>st</sup> Century Program be made available for community use.

Finally, school councils that are currently purchasing public liability insurance from the commercial market for third party users will no longer need to do so.

### **3. *What assistance will the Department provide to school councils?***

These Guidelines for assessing requests for community use and the attached checklist will provide school councils with a starting point for assessing the risk.

School councils can also contact the Portfolio Risk Branch on 9637 3401 or Insurance Unit on 9637 3533 for further advice on assessing requests for community use.

If a school council receives a liability claim as a result of a hirer's activity, as per current arrangements the Department will manage the claim on behalf of the school council. All inquiries in relation to a potential or actual liability claim should be directed to the Liability Services Unit on 9637 3033.

### **Department's public liability policy**

#### **4. *What exactly is covered by the Department's public liability policy?***

This policy provides the Department with cover against -

- death or injury claims by people who are not employees (employees are covered by Workcover); and
- claims for damage to or destruction of other people's property.

School councils, school councillors, school staff and volunteers are also protected by the Department's public liability policy, as well as by specific indemnities provided by the State of Victoria.

The Department (or a person protected by the policy as described above) must be legally liable for the policy to respond. The policy does not provide accident insurance cover for any person on school premises. Nor does it cover external hirers of school facilities against any claims for death, injury or damage they have caused to others.

For example -

Any commercial provider at a school fete who is providing an activity or entertainment for a fee or is selling goods should hold insurance. A school volunteer running a similar activity does not require insurance.

### **School level insurance**

#### **5. *Should school councils still purchase insurance from the commercial market to protect hirers of school facilities against claims?***

No. School councils should not purchase public liability insurance from the commercial market.

Changes to the public liability requirements mean that all community groups will have reasonable access to school facilities and will not be excluded on the basis of being unable to afford public liability insurance.



It is the responsibility of the group hiring the school facilities to obtain adequate public liability insurance if they are not deemed to be a community group conducting low risk activities.

**6. *What do school councils do if they have recently purchased a public liability insurance policy to cover hirers?***

School councils may choose to terminate their current public liability policy or allow it expire in due course.

School councils should not renew their public liability policies.

**7. *How will these changes affect the insurance arrangements for current and future joint use (and funded) agreements?***

These changes do not affect the insurance arrangements for current and future joint use agreements.

School councils should contact Legal Services on 9367 3165 if they have any concerns regarding joint use agreements.

### **Insurance requirements for hirers**

**8. *Is it mandatory for community groups to have their own insurance when hiring school facilities?***

No, unless they are:

- conducting high risk activities;
- required to have insurance by their association (e.g. incorporated sporting clubs);
- required to have insurance for regulatory purposes; or
- commercial entities.

The Checklist at Attachment 1 provides advice on assessing requests for community use.

For example:

A commercial operator which is providing an activity such as language classes on school premises on the weekend is required to hold public liability insurance. A community group running a similar activity would not be required to hold insurance.

Where insurance is required, the school council should ask for evidence of insurance, such as a copy of the certificate of currency.

While insurance coverage for low risk activities is no longer mandatory, community groups are still encouraged to obtain their own insurance where deemed prudent.

**9. *What happens if a community group which is traditionally 'low risk' wants to conduct a once off sporting event or another 'high risk activity'?***

Schools councils will be required to make a judgement, taking into account the considerations outlined in the Checklist (Attachment 1).

If additional advice and/or support is required regarding assessment of individual situations the Portfolio Risk Branch can be contacted on 9637 3401 or Insurance Unit on 9637 3533

**Other requirements for hire of facilities**

**10. *What changes need to be made to the way school councils hire out facilities?***

There are no changes other than allowing community groups with low risk activities to use school facilities without having to provide evidence of public liability insurance.

**11. *Does a member of staff have to be present while a community group uses the school's facilities?***

There is no requirement that a staff member be present while a community group uses the school's facilities unless the activity is being conducted for students at the school at the request of the school council or it is part of a school run activity. It is recommended that school councils clearly communicate to the hirer the terms and conditions for use of the facilities.

**Liability for damage or injuries caused by hirers**

**12. *Will school councils be liable for any damage or injuries that result from hirers' use?***

The Department's public liability insurance, which provides coverage to school councils, school councillors, school staff and volunteers, is not affected through these changes.

Depending on the circumstances surrounding the incident a school council may be found liable for damage or injuries that result from a hirer's use of the school premises, if they are at fault. School councils are covered under the Department's public liability insurance with the Victorian Managed Insurance Authority. The Department will continue to manage claims on behalf of school councils.

**13. *How will a liability claim be made?***

A liability claim can be made simply by a person approaching the school council or Department and claiming expenses they have incurred that they consider the school council or Department to be responsible for.

These can include the cost of repairing or replacing damaged property or the cost of medical expenses for an injury where school councils are liable. They should be asked to put in writing exactly what they are seeking and why they consider the school council or Department to be liable.

Sometimes lawyers will write to the school council or Department seeking payment on behalf of their clients. On other occasions, the first notice of a liability claim will be when the school council or Department is served with a Writ, which the school councils should forward to the Department for appropriate action.

School councils should contact the Liability Services Unit on 9637 3033 if they receive a claim.

**14. *What will happen if a school council is sued over an incident which was the fault of the community group?***

The school council must refer the Writ to the Family Payments & Insurance Unit which will administer the claim and protect the interests of the school council. Depending on the circumstances, the Department may consider contributing to any out of court settlement.

**15. *What will happen if a school council is sued over an incident which was the fault of the school?***

The School Council must refer the Writ to the Liability Services Unit which will administer the claim and protect the interests of the School Council (which is covered under Department's public liability insurance cover with the Victorian Managed Insurance Authority).

**16. *Is the school council covered if a hirer damages school facilities?***

The funding for minor damage caused by a hirer is the school council's responsibility. If the loss or damage is considerable and will impact on the school's financial viability they may approach the Regional Office for assistance.

For further information on insurance, school councils should refer to the Department's Insurance Guidelines.

**17. *Will school councils have to pay an excess in the case of a public liability claim?***

No. If a Court awards damages to the Claimant or an out of court settlement is reached, the Department will pay compensation plus legal costs.