

Independent Professional Services Charter Policy

Policy Number	Date Approved	Date Last Amended	Review Date	Status
CA-2.7	February 2017	September 2022	September 2024	APPROVED

1. Purpose

CA have a requirement to ensure that all services delivered at all facilities adhere to industry best practice, are delivered at a high standard, meet insurance requirements and abide by the facilities health, safety and emergency action policies.

This policy outlines the extent of services permitted for delivery by volunteers and/ or professionals at a facility managed by CA; but not engaged nor employed by CA.

1.1 Definition: Any person, other than a person engaged by Community Aquatics, that intends to deliver a service, program and/ or coordinate an activity at a Community Aquatics location will be known as a Service Provider under this policy.

2. Policy

The CA Independent Professional Services Charter will cover the below topics as a minimum at each facility:

- Permissible Services
- Conflicting / Permission Required Services
- Expectations of Independent Professional Service Providers (Service Provider)
- Child Protection Requirements
- Policy Application and Review
- Underpinning Policy Philosophy

3. Procedures

- This Independent Professional Services Policy is reviewed annually and applies equally to persons acting or describing themselves as “Volunteers” or any other “Service Provider” type.
- CA retains the exclusive rights to perform and/ or coordinate all commercial and non-commercial services and activities at its facilities for the duration of any Lease with a Facility Owner, according to the conditions of its Lease agreement.

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Purpose

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This policy outlines the extent of services permitted for delivery by volunteers and/ or professionals at a facility managed by CA; but not engaged nor employed by CA. *Any person, other than a person engaged by Community Aquatics, that intends to deliver a service, program and/ or coordinate an activity at a Community Aquatics location will be known as a Service Provider under this policy.*

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Permissible Services

If you fall under one of the following categories you are automatically approved; pending, i) the facility has appropriate & available space/ access, ii) activities do not conflict with CA activities, and, ii) that all conditions of hire are met;

- ✓ Sports coaching and competition by not-for-profit organisations or an incorporated club
- ✓ School programs delivered by department of education employees
- ✓ Registered church, community group and similar recognised not-for-profit organisations

Conflicting / Permission Required Services

If you fall under one of the following categories your services are strictly NOT permitted (to be performed) without express written approval by the CA facility manager.

- ✓ Professional Physiotherapy Supervision (services)
- ✓ Workcover approved rehabilitation programs and supervision
- ✓ Learn to Swim Lessons, including Stroke Correction and Water Safety (or similar) classes
- ✓ Swim coaching and other training & fitness activities
- ✓ Personal Training, including fitness, conditioning and recovery
- ✓ Group Fitness Instruction, including conditioning, recovery and holistic fitness classes
- ✓ School programs delivered by non-school personnel (i.e. persons other than teachers)
- ✓ Sports programs that are not delivered by an incorporated club
- ✓ Any activity that is broadly delivered by CA
- ✓ Any activity that is broadly delivered by an existing facility Sub Lessee or Hirer
- ✓ Any program or service for which business is occurring

Expectations of Independent Professional Service Providers (Service Provider)

Professionalism and Standards

The Service Provider shall ensure that their services are managed:

- ✓ Efficiently & Effectively
- ✓ In accordance with sound business practice
- ✓ In accordance with relevant statutes, laws (including Regulations and local laws), and codes of practice relating to the services being offered
- ✓ To deliver an excellent level of customer service

The Service Provider shall:

- ✓ Ensure that all staff employed, or voluntary, in the Facility hold/ have qualifications, skills, knowledge and training necessary to carry out their duties and functions in a competent manner
- ✓ The service provider shall not enter into any sub-contract agreement with any third party without the prior written approval of CA
- ✓ Ensure all staff uphold CA's reputation and the rules of the facility
- ✓ Ensure all CA forms are completed and submitted, as requested by CA staff

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Insurance and Indemnity

The Service Provider shall;

- ✓ Must hold and maintain appropriate insurances, including; a public liability insurance and professional indemnity insurance
- ✓ A copy of these insurance documents must be provided to CA management on commencement of the activity and as requested
- ✓ Ensuring that all of their employees have and maintain appropriate levels of professional indemnity and public liability insurance in accordance to their specific discipline and professional standards
- ✓ Must indemnify CA against any claim or action arising from its operations and activities at the facility

Safety and Quality Standards

The Service Provider shall;

- ✓ Ensure that any industry standards applicable to the quality and safety of programs, systems and services are observed
- ✓ Comply with the laws and requirements of relevant authorities relating to essential safety measures, occupational health and safety and disability discrimination relevant to the premises or the building
- ✓ Conduct its own Risk Assessment in relation to its activities, and if required supply and clearly train and identify safety personnel specifically tasked to assist maintain an appropriate level of safety.

The CA facility manager, appropriately qualified Council staff or other delegated persons representing CA may inspect the service, programs, equipment and storage areas at any reasonable time to test the quality systems being used by the Service Provider.

Maintenance & Repairs

To assist with the effective repair and upkeep of the facility the Service Provider should report all faulty items to CA staff and assist CA staff to ensure all items/ areas are safe for continued use or isolated.

Financial Arrangement: Continuous or Systematic Bookings

Upon acceptance of the booking by CA, the Service Provider shall;

- ✓ Be required to pay all invoices within 7days of issue
 - ✓ All fees and charges under \$100 are to be paid on the day - prior to the event.
 - ✓ Fees and charges totally more than \$100, at CA facility managers discretion, may be paid via invoice.
 - ✓ Maintain their own financial records as required by the Australian Taxation Office
- Note: A financial deposit maybe requested at the discretion of any CA facility manager

Bookings maybe cancelled without notice should a Service Provider fail to pay an account. CA must abide by all GST requirements.

Financial Arrangement: Casual or One-Off Bookings

Upon acceptance of the booking by CA, the Service Provider shall;

- ✓ Pay the fees as required by CA
- ✓ All fees shall be paid prior to commencing the activity; unless prior arrangements have been made in writing with the CA facility manager
- ✓ Maintain their own financial records as required by the Australian Taxation Office

Bookings maybe cancelled without notice should a Service Provider fail to pay an account. CA must abide by all GST requirements.

Signage and Advertising

At the discretion and prior approval of the CA facility manager:

- ✓ Signage or advertising within the facility can be erected or displayed
- ✓ Brochures and flyers can be placed and displayed at customer service areas
- ✓ Exposure can be provided in the facility's normal promotion program
- ✓ The Service Provider can provide information for the Facility website

All cost associated to signage and advertising remains with the Service Provider.

Program Uniqueness

Service Provider programs and/ or activities should provide our customers with a service that is not currently available at the facility and that our customers could not reasonably participate in through existing activities (exclusive of scheduling, pricing and personnel preferences).

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Conditions of Entry & Supervision

General Conditions of Entry for Service Providers

All persons participating in the Service Providers activities and entering the facility must agree to abide by the facilities Conditions of Entry, plus those listed below. It is the sole responsibility of the Service Provider to ensure their participants/ customers/ clients/ staff are made aware of the Conditions of Entry:

- ✓ All persons must follow the directions of CA Staff
- ✓ Any behaviour deemed by CA Staff to be inappropriate to them or other patrons is strictly prohibited
- ✓ Any behaviour deemed by CA Staff to disturb the peace is strictly prohibited
- ✓ All persons entering the facility authorise CA Staff to obtain and/ or administer any medical assistance they deem necessary (and permitted by the patient) should the need arise. All persons entering the facility must also agree to pay all medical expenses incurred on their behalf
- ✓ All persons entering the facility understand that it is their responsibility to gain relevant medical clearance or necessary advice for participation within an activity the facility. Service Providers assume full responsibility for all their own participants and take full responsibility of any injury, illness, loss or damage to them personally and/ or property that may directly or indirectly result from participation in the Service Providers program. In doing this, Service Providers guarantee to hold CA, Council staff and CA representatives indemnified, to the fullest extent permissible by law against any claim or demands made by or on my behalf for any injury, loss or damage from any cause whatsoever, while participating in the Service Providers program.
- ✓ Persons with infectious or contagious disease are not be allowed in the water, change rooms or fitness centre
- ✓ Service Providers, nor their representatives, are permitted to engage or act towards any person whilst in the facility; that lures, encourages or promotes that person away from attending any similar programs offered by the facility. *Special Note: Service Providers found acting in this manner will have their current and future bookings terminated without notice.*

Participant Supervision

- ✓ The Service Provider is responsible for participant supervision at all times
- ✓ Service Provider representatives should actively always supervise participants and as such should be dressed ready to take action, including unexpected entry to a pool
- ✓ At minimum the Service Provider will assume full parental/ guardian responsibilities for all persons participating within their program - according to the RLSSA Keep Watch Program (www.rlssa.com.au)
- ✓ CA Staff CAN NOT to be used as a substitute for proper Service Provider program supervision

Child Protection Requirements

The Service Provider must be aware of their responsibilities for child protection under NSW Legislative requirements: Principal Acts: Children and Young Persons (Care and Protection) Act 1998.

All Staff or volunteers engaged by a Service Provider must meet the screening requirements of the above stated Act. CA staff;

- ✓ May request evidence of appropriate staff/ volunteer screening at any time
- ✓ May conduct their own investigation about a person's Child Protection check accreditation. The Service Provider must provide additional information as required to complete this process
- ✓ Maintain full independence from the Service Provider regarding Child Protection requirements. CA Staff may report any actions by the Service Provider to the appropriate authorities according to the concept of "Reasonable Grounds".

Policy Application and Review

This Independent Professional Services Policy is reviewed at the discretion of CA. This policy applies equally to all Service Providers and/ or persons acting or describing themselves as either "Professional or Volunteer".

Underpinning Policy Philosophy

Upon application, all prospective Service Providers must not assume that their activities/ programs will be accepted in full. CA facilities are community assets, and as such; access is shared between many users. Facility access is not confirmed until CA has provided advice in writing.