



Procedure

Community use of school facilities

Audience

All state schools

Version effective: 14/11/2017
Version: 1.1

Purpose

This procedure provides the responsibilities and processes to facilitate community use of school facilities.

Overview

State schools are recognised as valuable community resources which should be available for community use, when not required for school purposes. Outside school hours, when not required for school purposes, the use of school facilities by members of the local community for appropriate purposes is encouraged. State school facilities include ovals, grounds, halls, swimming pools, cyclone shelters, classrooms and school equipment.

This procedure applies to the hire of all school facilities whether on a single or regular basis.

Arrangements where a [Hire agreement](#) is **not** suitable and will require a different form of agreement include:

- a) joint development arrangement
- b) lease
- c) commercial contract with service provider (eg commercial operator of tuckshops/canteens, uniform shops, bookshops or dedicated use of buildings for purposes such as Outside Hours School Care and Vacation Care Programs)
- d) utility service agreement (e.g. proposals by adjoining land owners, developer, local council or a utility service provider to construct or install service infrastructure or easement on DET land)
- e) trustee permit for the hire of school facilities located on trust land.

Note: The principal does **not** have the delegated authority to enter into these types of agreements. Advice and approval must be sought from the regional infrastructure manager and regional director before entering into any negotiations with a third party.



Responsibilities

Principals

- assess, evaluate and decide outcomes of applications for community use of school facilities (including the completion of a [risk assessment](#))
- ensure the [Hire agreement](#) has been executed by the principal on behalf of the school and by the community user or a duly authorised delegate of the community user
- ensure implementation of a system at the school for retaining a record of each *Hire agreement* entered into, diarising important dates (including the commencement date and the termination date), retaining a copy of the executed *Hire agreement* and reporting to regional and central office staff as required
- monitor compliance by approved community users of school facilities within the terms of the *Hire agreement* and all relevant Government policies and procedures
- establish relevant fees and charges in accordance with the Community use of school facilities – Guidelines and related documents
- collect and account for fees and charges payable from each community user of school facilities, and
- report to the relevant regional and central office staff in relation to the receipt of these funds as required by the department's policies and procedures.

Regional Directors

- support principals to enable them to administer and manage community use of school facilities
- ensure that regional infrastructure staff are familiar with and adhere to the community use of school facilities policy, procedure and guidelines, and provide guidance and training to principals in relation to the policy and all related procedures and other support, as required
- support principals in the resolution of any disputes that arise in relation to the community use of school facilities. This includes seeking legal or other specialist advice on behalf of the principal through central office as required.

Regional Infrastructure Managers

- liaise with, support and provide advice to principals and regional directors in assessing and evaluating any community use request to hire school facilities
- support and assist principals to conduct an appropriate risk assessment of each community use application
- seek legal or other specialist advice on behalf of the principal through central office as required.

Community user (e.g. P&C Association, community group, corporation or individual)

- provide all information to assist the principal to complete all of the relevant fields of the [Hire agreement](#) as required and consider the completed application
- abide by the *Part 2 Standard conditions* and *Part 3 Special conditions* stated in the *Hire agreement* for the term of the *Hire agreement*
- comply with all relevant laws, regulations and the requirements of any statutory authority while using the school facilities



- obtain any development application or other approvals and funding all costs associated with any compliance requirement and local council authority by-law requirements, for the permitted use of the school facilities
- provide details of all public liability insurance and any other insurance held as required

Use by the school Parents and Citizens' Association (P&C Association)

A school and the P&C Association **must** enter into a [Hire agreement](#) if:

- it involves a commercial activity
- it requires additional insurance
- it requires compliance and approval with local authority by-laws; or
- it involves third party providers.

For example, running the tuckshop/canteen, bookshop, uniform shop, swimming pool, weekend markets or fete.

A P&C subcommittee cannot enter into the *Hire agreement* as it is not a separate legal entity. The department's Legal and Administrative Law Branch (LALB) may only provide legal advice to departmental employees and so cannot provide any legal advice to the P&C Association or its officer bearers. The P&C Association will need to consult P&C Qld for assistance and if required, seek their own legal advice.

Process

1. Application

Community user

- Complete *Part 1 – Application form* of the appropriate [Hire agreement](#) in accordance with the *Guidelines* and in consultation with the applicant
- Provide the following documentation to the principal for consideration and review:
 - a certificate of currency of public liability insurance (not less than \$20M per occurrence)
 - a certificate of currency of workers' compensation insurance (if required)
 - documentary evidence of the community user's compliance with 'blue card' requirements
 - documentary evidence of all approvals, permissions, licences, certificates and consents required by the community user to use the premises for the proposed use (including any local council permits and development applications)
 - documentation required in order for the community user and their personnel to legally carry out the proposed use (e.g. training certificates and qualifications).



Principal

- Provide a copy of any of the school facility's existing risk management information to the community user and request the community user to complete the [Community user risk management assessment for community use of school facilities](#)

2. Consideration of application**Principal**

- Consider all requests by a community user to hire school facilities provided the proposed activity:
 - is for a term that does not exceed twelve (12) months or for the hire of the school swimming pool, does not exceed three (3) years
 - does not interfere with the school's provision of quality teaching and learning programs for its students
 - meets an identified need in the local community
 - is consistent with the provision of a safe, secure and supportive learning environment for students, staff and the school community
 - is not a prohibited use set out in section 8 of the *Guidelines*
 - is not supported or subsidised by school funds. The fees and charges must ensure, at a minimum, a full cost recovery to the school of operating and maintenance costs.
- consider the impact of the proposed use on the privacy, protection and management of students and staff personal Information held at the school and whether measures should be implemented to protect personal Information
- consider the administrative issues and the financial issues set out in the *Guidelines*
- complete the [Checklist - Consideration of proposals](#) to ensure the correct process has been undertaken and relevant issues have been considered prior to entering into a [Hire agreement](#)
- consult with other stakeholders including P&C Association, School Council and/or third party as required
- seek advice and consult with, the department's appropriate business units including Regional Infrastructure staff, Legal and Administrative Law Branch and Finance Branch
- conduct a risk assessment to [review the risk factors](#) associated with approval of the proposed activity. The review does not need to be a formal written assessment but a review of the proposed activity to assess potential risks involved with the activity. The principal should identify risks and mandate requirements in the *Hire agreement* to address those risks. See [Guidelines](#) for further information on risk management
- determine the fees and charges to be paid by the applicant in relation to the proposed activity in accordance with the [Policy](#) and [Guidelines](#). The scale of the fees and charges should take into consideration the nature of the hire (sharing of school facilities for a community meeting, compared to a commercial or small business activity such as karate, dance, tennis, basketball etc.). See [Guidelines](#) for further information on fees and charges.
- determine whether the school requires a security bond from the applicant
- determine any special conditions (*Hire agreement*: Part 3 – Special conditions). For example: a condition providing that the sports equipment located in the area to be used, must not be used by the hirer or a condition stipulating the particular times that the hirer is able to use the school facilities.



- offer the opportunity for the applicant to inspect the school facilities to be hired, to ensure suitability for the proposed activity.

3. Decision

Principal

- advise the applicant as soon as possible after the application is made, whether it is approved or not approved
- if the application is not approved, the principal must advise the applicant in writing of the reasons for declining the application.

4. Hire agreement

Principal

- once the [Hire agreement](#) and supporting documentation meets with the principal's approval, the principal must ensure that the community user:
 - signs the *Hire agreement* in duplicate, initials the base of each page and any amendments or additions
 - pays the hire fee
 - provides the security bond (if required).
- the principal has the delegated authority to approve and sign the *Hire agreement* on behalf of DET and therefore must sign the *Hire agreement* and initial the base of each page and any amendments or additions.
- provide to the community user one complete copy of the signed original *Hire agreement* (including a plan of the school and school facilities to be hired – Part 4 of agreement).

5. Use and compliance

Principal

- during the period of use, the principal must monitor the use and ensure compliance with the terms of the [Hire agreement](#)
- address any issues of non-compliance by the community user with the community user as soon as possible after it arises
- non-compliance and disputes arising with a community user should be dealt with in accordance with the terms of the *Hire agreement*
- if a dispute cannot be resolved at school level within a reasonable timeframe, advice should be sought from the regional infrastructure manager
- the principal is to make the hirer aware of the safety and security responsibilities in relation to the use and access to school facilities as per the department's [School security procedures and School security handbook](#) (DET employees only)
- all documents regarding the negotiation and operation of the community use arrangement between the school and the community user must be retained by the school for at least seven (7) years.



Definitions

Hire agreement	<p>Hire agreement governing the right to occupy or use school facilities for a particular purpose in accordance with agreed terms and conditions.</p> <p>The principal must use one of the following three hire agreement templates:</p> <ul style="list-style-type: none"> • Hire agreement • Hire agreement – Swimming pool • Hire agreement – Cyclone shelter.
Community use	Third party use of school facilities by non-school groups, associations, corporations or individuals on a one-off or regular basis.
Personal information	Information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion.
Principal	Means the principal for the time being of the state school at which the community use is proposed who holds powers delegated by the Minister for Education and the Chief Executive in relation to the use of school facilities. The principal may delegate functions under this procedure to school staff from time to time. However, the principal is the only person at the state school who can make decisions in relation to applications for community use of school facilities and sign the <i>Hire agreement</i> .
School facilities	Includes the land and facilities at a Queensland state school which are available for community use including ovals, grounds, halls, swimming pools, cyclone shelters, classrooms and school equipment.

Legislation

- [Education \(General Provisions\) Act 2006 \(Qld\)](#) Chapter 2 Part 6 Section 47
- [Education \(General Provisions\) Regulation 2017 \(Qld\)](#) Part 3 Section 13
- [Tobacco and Other Smoking Products Act 1998 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)

Delegations/Authorisations

- Nil

Related policies

- [Community use of school facilities policy](#)



Related procedures

- [Enterprise risk management](#)
- [Purchasing and procurement](#)
- [Student protection](#)
- [Working with children check - Blue cards](#)

Guidelines

- [Community use of school facilities - Guidelines](#)

Supporting information/websites

- [Hire agreement](#)
- [Hire agreement - Swimming pool](#)
- [Hire agreement - Cyclone shelter](#)
- [Checklist - Consideration of proposals](#)
- [Checklist - Caravans and camping](#)
- [Fact sheet - Notes for completion of Hire agreement](#)
- [Fact sheet - Community use of school facilities - Swimming pools and drowning risks](#)
- [Fact sheet - Notes for completion of Hire agreement - Swimming pool](#)
- [Fact sheet - Community use of school facilities - Cyclone shelters](#)
- [Fact sheet - Caravans and camping](#)
- [Brief for inclusion in Hire agreement - For caravans and camping on school sites](#)
- [Community user risk management assessment for community use of school facilities](#)
- [School principal risk management assessment for community use of school facilities](#)
- [After hours school use - Fire safety advisory note 4](#) (DET employees only)
- [School security](#) (DET employees only)

Contact

For further information or assistance with community use of school facilities, please contact:

- [Regional Infrastructure Manager](#)

For procurement advice, DET employees please contact:

- Procurement – Infrastructure Operations
Email: procurement.facilities@det.qld.gov.au



For legal advice, DET employees please contact:

- Legal and Administrative Law Branch (LALB)

Email: advicerequest.legal@det.qld.gov.au

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19/10/2019

Superseded versions

Previous seven years shown. Minor version updates not included.

Not applicable

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