

GLEN HUNTLY PRIMARY SCHOOL 3703



Community Use of School Facilities – Hiring and Leasing Policy

GLEN HUNTLY PRIMARY SCHOOL

OVERVIEW

This policy explains how Glen Huntly Primary School can enter hire and licence agreements to facilitate community use of its school facilities.

- The Glen Huntly Primary School (GHPS) School Council can enter:
 - hire agreements – for occasional or one-off community use of school facilities
 - licence agreements – for regular community use of school facilities.
- School councils are advised to use the correct template when entering into hire or licence agreements. Templates for all hire and licensing arrangements can be found on the [Resources tab](#).
- The GHPS School Council must upload copies of all hire and licence agreements to the Department of Education and Training (DET/Department)) Asset Information Management System (AIMS) or retain copies and evidence of insurance (where necessary) on site until they have access to the AIMS.
- Fees paid by third parties to our School Council for the use of school facilities must allow schools to recover additional maintenance and operational costs (for example, for electricity, water, cleaning, insurance, maintenance), and lifecycle costs proportional to each party's use of the facility, but must not be set higher than required for cost recovery.
- The GHPS School Council is required to annually to review all their hire and licence agreements to ensure they continue to follow all Departmental policies and processes. This includes ensuring that parties hiring or licencing the facility are using the facility for an approved purpose.

Hire and licence agreements facilitate strong partnerships with the community by setting out each party's rights and responsibilities, minimise risk and create certainty for all parties. They also ensure key rights and obligations are clearly outlined and allow the GHPS School Council and the community users to discuss and agree on specific clauses such as cleaning of facilities, cost of utilities and insurance requirements.

Hire and licence agreements must comply with the Department's legal requirements and clearly outline each party's responsibilities to protect the school council against liability. Our

School Council has the power to enter into agreements with third parties for the use of school facilities when they are not required for ordinary school purposes.

Before signing any agreement with a third party for the use of school facilities, Glen Huntly Primary School is encouraged to consult with all key parties to the agreement and the DET's Legal Division, particularly regarding any long-term agreement such as a licence that may impact the school community or neighbourhood.

Proposed use

School facilities subject to hire and licence agreements must only be for the purpose of educational, recreational, sporting, or cultural activities for students, the local community or young persons. Any other purpose requires the Minister's approval.

Hire agreements

Hire agreements are suitable for occasional or one-off community use of school facilities. Examples include a local youth group hiring a school hall for an awards night, or a theatre group wanting to stage a play over four nights.

The GHPS School Council must use the [School council hire agreement template \(DOCX\)](#) when entering into a hire agreement. Refer to [Completing a school council hire agreement template](#) for advice on how to complete the template.

Licence agreements

Licence agreements should be used for regular, ongoing (but not more than 5 years) community use of school facilities by third parties. Examples include a local drama group using a school performing arts centre every Wednesday evening for a year, or a local football club hiring the school oval for a season.

If the GHPS School Council is seeking to enter into licence agreements to place advertising on school sites then it is advisable to refer to the [Advertising Policy](#).

Glen Huntly Primary School may also be required to be/will be included on a public domain DET website, under the heading of Hire or License of School Facilities found at: <https://www.vic.gov.au/hire-or-license-school-facilities?Redirect=1> which lists DET schools with available facilities.

The GHPS School Council must use the [School council licence agreement template \(DOCX\)](#) when entering into a licence agreement. Refer to [Completing a school council licence agreement template](#) for advice on how to complete the template.

Community joint use agreements

Community joint use agreements are more detailed, long-term agreements used for constructing or upgrading jointly used community facilities such as stadiums, sporting

grounds and theatres. The initial term of such an agreement would usually be 20 to 30 years. For more information about community joint use agreements, refer the [Community Use of Schools – Community Joint Use Agreements Policy](#).

Insurance

As a general rule, the DET requires third parties using school premises to supply proof that they are adequately covered by insurance. This is provided by way of a Certificate of Currency (also known as a Confirmation of Cover) which is a summary of the cover provided by an insurance agency.

Most third parties need to provide a Certificate of Currency that demonstrates that they have public liability insurance for a minimum of \$10 million in place throughout the period of the hire agreement or licence. Not-for-profit community groups and private individuals seeking to hire or licence school facilities for low-risk activities are not required to provide a Certificate of Currency. However, these entities must be informed that the school's own public liability insurance does not extend to cover them when they hire out school facilities and they are still encouraged by the DET to obtain their own public liability insurance where deemed appropriate.

The requirement to provide a Certificate of Currency remains for all commercial entities and for all community groups who are:

- engaging in high-risk activities
- required to have insurance by their association (for example, incorporated sporting clubs)
- required to have insurance for regulatory purposes (for example, state law requiring certain business to have insurance).

For further information on insurance requirements for third parties please refer to the [Insurance for Schools Policy](#) and/or contact the DET's Legal Division for advice and assistance.

Fees

Licence fees paid to our School Council by community users must:

- allow Glen Huntly Primary School to recover additional maintenance and operational costs (cleaning and utilities), and lifecycle costs proportional to each party's use of the facility
- not be set higher than required for cost recovery.

Leasing

A lease is another type of agreement involving use of school facilities. Leases differ from other types of shared use arrangements in that the third party is not a hirer or licensee, but a tenant with exclusive possession to the leased area.

The GHPS School Council is *not permitted to enter into or sign leases*. The Minister for Education or authorised delegate enters into a lease on behalf of the School Council. For example, ministerial approval is required to grant a leasehold to construct a childcare facility on a school site. School property may be leased to a third party where schools have over-entitled space that is not required for ordinary school purposes or the school may seek to lease additional property from a third party to operate an alternative education setting.

This restriction on leasing does not apply to the leasing of school equipment.

If Glen Huntly Primary School is considering a new leasing arrangement, it should contact their regional office and the Victorian School Building Authority's Property Unit – refer to the contacts section of this policy.

Schools as polling places

The Victorian Electoral Commission and the Australian Electoral Commission may use schools as polling places during state and federal elections. For more information, refer to the Department's [Elections – Schools as Voting Centres and Polling Places Policy](#).

Compliance and monitoring

The [Buildings and Grounds Maintenance and Compliance Policy](#) sets out the Department's compliance and monitoring process that applies to all key asset management activities, including hiring and licensing of school facilities. This section of the policy sets out the compliance and monitoring requirements that apply to hiring and licensing, in line with the three major steps of the Buildings and Grounds Maintenance and Compliance Policy: *Identify, Manage and Monitor*.

Identify

The first step to ensure Glen Huntly Primary School is meeting the school's compliance obligations when hiring or licensing school facilities is to understand which type of agreement you are seeking to put in place and the requirements specific to that type of agreement.

Glen Huntly Primary School with access to the AIMS must upload all hire and licence agreements into the school documents folder on the AIMS.

In the event that Glen Huntly Primary School has not yet been provided access to the AIMS, the school will continue to retain hire and licence agreements and evidence of insurance (where necessary) on site until they have access to the AIMS.

Manage

Glen Huntly Primary School is required to review all its hire and licence agreements annually to ensure they meet the following criteria:

- that Departmental policies and processes have been followed, including ensuring that the party seeking to hire or licence the facility will be using the facility for an approved purpose
- that the correct template is used when entering into an agreement
- that the party seeking agreement ensures the third party holds the required level of public liability insurance.

Monitor

The Department monitors compliance with mandatory requirements (using the AIMS where possible) and responds to non-compliance at a school and system level through direct intervention or revision of policies and procedures.

The Department will monitor compliance with the mandatory requirements for community use of school facilities using information, including community use agreements, uploaded to the AIMS.

The Department also monitors compliance with this policy through the Integrity and Assurance Division (Annual Financial Audit).

Support and Resources

A suite of standard hire and licence agreement templates are available on the [Resources tab](#).

The AIMS will assist schools to manage their assets and related compliance obligations within a single portal. Schools not yet provided access to the AIMS must continue to maintain manual records that reflect the completion of compliance obligations.

As schools gradually transition to using the AIMS they will be provided with a transition date, staff training and support. Refer to the [AIMS Advice](#) for further information.

Hire agreements

- [School council hire agreement template \(DOCX\)](#)
- [School council hire agreements – template completion checklist \(PDF\)](#)

Licence agreements

- [School council licence agreement template \(DOCX\)](#)
- [School council licence agreements – template completion checklist \(PDF\)](#)

Related policies

- [Advertising](#)
- [Community Use of Schools – Community Joint Use Agreements](#)
- [Competition Grade Sporting Facilities](#)
- [Elections – Schools as Voting Centres and Polling Places](#)

- [Insurance for Schools](#)

Contacts:

South eastern Victoria region offices

General enquiries

Phone: [1300 338 738](tel:1300338738)

email: sevr@education.vic.gov.au

Dandenong office: Phone: [1300 338 738](tel:1300338738)

Postal address: PO Box 5, Dandenong, VIC 3175

Location: 165-169 Thomas Street, Dandenong 3175

Area: Southern Melbourne

Frankston office: Phone: [1300 338 738](tel:1300338738)

Location: 1 Petrie Street, Frankston 3199

Area: Bayside Peninsula

Victorian School Building Authority

email vsba@education.vic.gov.au.

Telephone: [1800 896 950](tel:1800896950)

Relevant legislation

[Education and Training Reform Act 2006 \(Vic\)](#)

Review

As outlined above under “Manage” where Glen Huntly Primary School is required to review all of its hire and licence agreements annually to ensure it is compliant with all relevant DET policies, processes and criteria, it is advised that this policy should be reviewed annually as well.

This policy was last ratified by School Council in March, 2023.