

Working with providers & can they waive their responsibilities

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Karakia

**Tūtawa mai i runga
Tūtawa mai i raro
Tūtawa mai i roto
Tūtawa mai i waho
Kia tau ai
Te mauri tū, te mauri ora
Ki te katoa
Haumi e, hui e, tāiki e**

Come forth from above
..below, within,
and from
the environment
Vitality
and wellbeing for all
Strengthened in unity

Engaging external providers

- **When schools engage an external provider to deliver EOTC to their ākonga, both school and provider must be crystal clear on their respective and shared responsibilities.**

Having a safety culture

Everyone has responsibility for safety

Don't think "Do I have a responsibility?"

Think "What is it I am responsible for?"

Consult - Cooperate - Coordinate = COMMUNICATION

What are your arrangements with providers?

Task:

- List all the EOTC Providers your school uses
- For each summarise the arrangements you have in place with them regarding your respective responsibilities for learning/instruction, supervision, and emergency response



Dive!Tutukaka Lessons Learnt

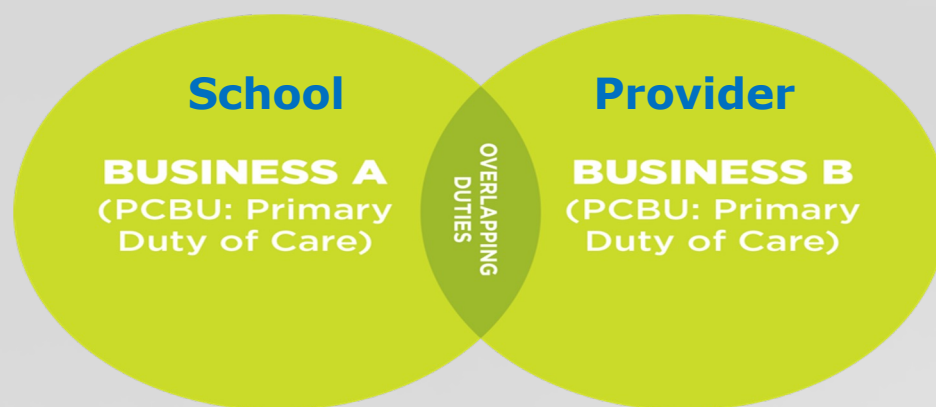
- Working with Schools

Dive!Tutukaka has been held accountable for their role in the Tararua Area School incident

Lessons Learnt [video clip](#) provides a very good explanation of the shared responsibility requirement when schools and providers work together.



PCBU HAS A DUTY TO CONSULT, COOPERATE AND COORDINATE



PCBUs must discharge their duty to the extent possible based on ability to influence and control the matter

Multiple PCBUs with overlapping duties



- Different businesses working together on the same project eg construction on school grounds, school camps or EOTC experiences
- PCBUs need to **consult, co-operate and co-ordinate** activities to meet shared responsibilities
- Extent of PCBU's duty depends on **its level of influence and control** over workplace H&S
- Less influence and control over workers of another PCBU
- Need to make arrangements with the PCBU that's closer to the work

(Ministry of Education www.education.govt.nz/)

How do we set up the relationship?

- ▶ External Provider Agreement [form 6](#)
- ▶ Remember: CONSULT - COOPERATE - COORDINATE!!!
and DOCUMENT

See also

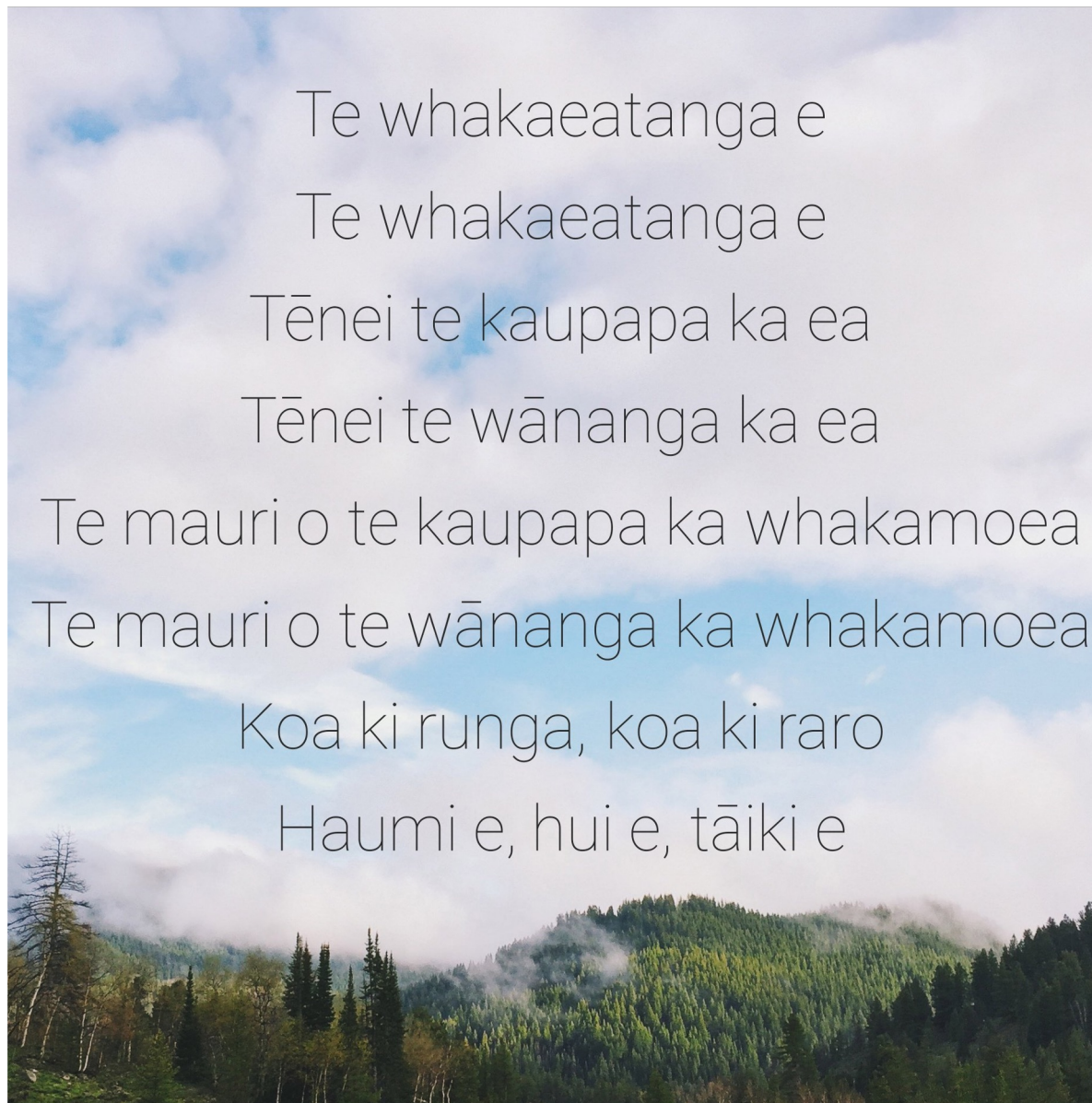
[EOTC Zoom series](#) (Working with Providers)

Waivers

Discuss in a small group. What examples have you seen where providers have waived responsibility, or said “we do not take responsibility for...”?

- ▶ **“NZ law doesn’t allow an operator to contract out of their responsibilities. Use of terms such as ‘waiver’ or ‘release’ give the appearance that the operator won’t take the responsibility for client safety that they’re legally required to do.” (Stu Allan, Chairperson, Register of Safety Auditors (ROSA))**

Refer: EOTC Coordinator Update - Term 1 2024.



Te whakaeatanga e
Te whakaeatanga e
Tēnei te kaupapa ka ea
Tēnei te wānanga ka ea
Te mauri o te kaupapa ka whakamoea
Te mauri o te wānanga ka whakamoea
Koa ki runga, koa ki raro
Haumi e, hui e, tāiki e

“More food for thought...”

