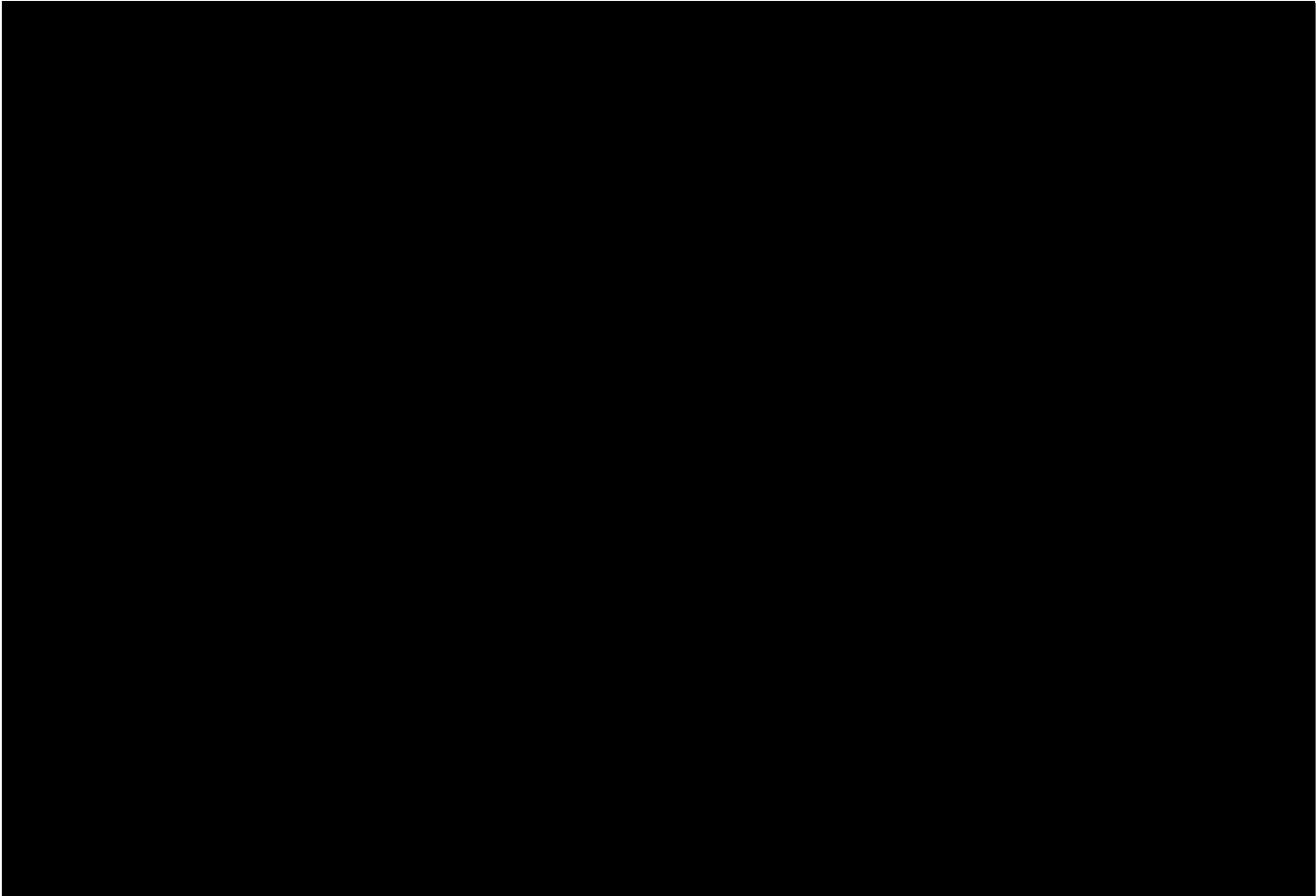


Document 6 is exempt under section 42  
of the *Freedom of Information Act 1989*







**From:** Wynants, John  
**Sent:** Friday, 18 November 2016 11:45 AM  
**To:** Whitten, Meredith <Meredith.Whitten@act.gov.au>  
**Subject:** FW: MIN18-858 - School Cleaning Contracts [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]  
**Importance:** High

**Meredith**

Did your changes get save? I can only see my amendments in the attached draft of the brief.

John W

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**From:** Whitten, Meredith  
**Sent:** Friday, 18 November 2016 10:18 AM  
**To:** Wynants, John  
**Cc:** Daly, Lynette; Gstrein, Kylie; Budnick, Vivienne  
**Subject:** FW: MIN18-858 - School Cleaning Contracts [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]  
**Importance:** High

Hi John

Thank you for this brief and attachments which I have slightly amended the recommendations and added in the clean start rates.

Kylie – would you please TRIM and print a copy of brief and attachments for my clearance. With thanks

Meredith Whitten | Deputy Director-General |

Phone 620 70384 | Mobile 0419 426 308

Organisational Integrity and Infrastructure | Education Directorate | ACT Government

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**From:** Wynants, John

**Sent:** Friday, 18 November 2016 9:08 AM

**To:** Whitten, Meredith <[Meredith.Whitten@act.gov.au](mailto:Meredith.Whitten@act.gov.au)>

**Cc:** Daly, Lynette <[Lynette.Daly@act.gov.au](mailto:Lynette.Daly@act.gov.au)>; Gstrein, Kylie <[Kylie.Gstrein@act.gov.au](mailto:Kylie.Gstrein@act.gov.au)>; Budnick, Vivienne <[Vivienne.Budnick@act.gov.au](mailto:Vivienne.Budnick@act.gov.au)>

**Subject:** MIN18-858 - School Cleaning Contracts [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

**Importance:** High

**Meredith**

As discussed, I have amended the brief to include discussion of the Noud report and letter from Minister Rattenbury to UV. The amendments are in track change.

For your consideration and clearance.

Kylie

In Viv's absence, can you TRIM these documents and void the existing documents in the TRIM folder. Thanks

John Wynants | Director | Email: [John.Wynants@act.gov.au](mailto:John.Wynants@act.gov.au)

Phone: +61 2 6207 6541 | Fax 02 62059333 | Mobile 0407 929 955

Infrastructure and Capital Works Branch | Education | ACT Government

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## MINISTERIAL BRIEF

UNCLASSIFIED

To:	Minister for Education and Early Childhood Development	Tracking No: MIN16/858
CC		
From:	Director-General	
Date	17 November 2016	
Subject:	School Cleaning Contracts	
Critical Date:	Nil	
Critical Reason:	Nil	

**Purpose**

To provide a brief on priority issues concerning school cleaning contracts.

**Recommendations**

That you:

1. Note the information contained in this brief, in particular:

[REDACTED]

- b. legal actions taken by United Voice are continuing.

Noted / Please Discuss

[REDACTED]

Yvette Berry MLA ...../...../.....

UNCLASSIFIED


Tracking No: ~~Tracking No:~~ Tracking No:

MIN16/858 1

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## Minister's Office Feedback

**Background**

1. The Education Directorate manages eighty-eight (88) school cleaning Services Contracts under a Panel Deed which encompasses twenty-three (23) cleaning contractors (i.e. 87 schools plus the Hedley Beare Centre for Teaching and Learning (HBCTL) centre).
2. Over the last eighteen months there have been multiple allegations by the cleaning employees union, United Voice (UV), and legal disputes involving three cleaning contractors. This extended to include a Freedom of Information request by UV.
3. 

**Issues**General Matters

4. Infrastructure and Capital Works branch (ICW) manages the contracts with cleaning contractors. This is focussed on compliance matters, including the annual Ethical Suppliers Declaration and police checks for cleaning employees. A current review of police checks is being finalised. When requested, annual Ethical Supplier Declarations are submitted by cleaning contractors, with no matters of concerns identified from those declarations.
5. Schools undertake twice yearly performance reviews with cleaning contractors. These identify a high level of satisfaction by schools with the performance of cleaning contractors (in the range 75% to 98%). This has been consistent for period 2014 to 2016.
6. Where school cleaning performance is not satisfactory, these issues are addressed by the contract manager and schools. Where warranted, cleaning contractor services have been terminated.

Complaints and Allegations

7. Complaints and allegations were first raised by UV on 17 July 2015, and involved three cleaning contractors – Phillips Cleaning Services, Rose Cleaning Services and Rose Cleaning Group. The concerns by UV relate to contract compliance and industrial relations matters:
  - unauthorised sub-contracting;
  - non-payment of wages during school stand down periods;
  - underpayments to cleaning employees; and
  - intimidation of cleaning employees.

Subsequent allegations regarding workplace health and safety (WHS) practices and possible fraudulent activity were also received.

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8. The actions taken by the EDU to address those complaints are:
- an initial review by EDU of the information provided by UV found no evidence of sub-contracting. [REDACTED]
  - all cleaning contractors were reminded of their responsibilities under the Panel Deed and the Service Contract, in particular employee relations matters;
  - cleaning contractors had been required to return an amended form of the Ethical Suppliers Declaration, with a focus on industrial and employee relation matters. There were no issues of concern to the Directorate arising from those returns;
  - a compliance checking program was implemented by EDU which had focussed on employee entitlements and the relationship between the employee and contractor – this included 28 schools (30 sites) and 8 contractors. Again, there were no issues of concern arising from the compliance checks, with employee entitlements correctly paid (wages rates, long service leave and superannuation);
  - an independent audit review was commissioned of EDU's processes to address the allegations made by UV. [REDACTED]
  - legal counsel was engaged on behalf of the Directorate to review the matters investigated by EDU. [REDACTED]
  - some allegations were also presented to the Commissioner for ACT Revenue;
  - on behalf of the former Minister for Education, the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) completed a review of EDU's processes in investigating UV's allegations. [REDACTED]

9. The review undertaken by CMTEDD was completed by the Director, Public Sector Workplace Relations (Mr Russell Noud). The report was delivered directly to the then Minister for Education (Attachment A). The review included an assessment of the chronology of complaints and allegations made by UV and the actions taken by EDU. The conclusions include:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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