

know risk

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Working with children check - Queensland

Suitability notice (Blue card) – working with children check

A blue card is issued by the Commission for Children and Young People and Child Guardian. When a person applies for a blue card the commission conducts a working with children check which is a detailed national check of a person's criminal history, including any charges or convictions. Also considered is disciplinary information held by certain professional organisations and police investigation information (into allegations of serious child-related sexual offences, even if no charges were laid because the child was unwilling or unable to proceed). A person is disqualified if they:

- have been convicted of a disqualifying offence (including a child-related sex or pornography offence, or the murder of a child), or
- are a reportable offender with current reporting obligations under the Child Protection (Offender Reporting) Act 2004, or
- are subject to a child protection offender prohibition order, or
- are subject to a disqualification order prohibiting them from applying for or holding a blue card.
- are subject to a sexual offender order under the Dangerous Prisoners (Sexual Offenders) Act 2003

A disqualified person may apply to the commission for an 'eligibility declaration' and in very limited and defined circumstances may be declared eligible to apply for a blue card.

A person whose application is approved is issued with a positive notice letter and a blue card.

If a person's application is refused, they are issued with a negative notice which prohibits them from carrying on a business or providing child-related activities in the categories regulated by the Commission's Act.

Authorisation to confirm a valid blue card application form

From 1 April 2010, an employer or volunteer coordinator must submit an authorisation to confirm a valid blue card form for any new employee or volunteer who has an existing blue card. This ensures that the Commission has current employment details for all blue card holders and can notify employers and volunteer coordinators of the following information:

- whether an application for a blue card has been and is being processed;
- whether an application has been or is subsequently withdrawn;
- whether an applicant holds a current blue card;
- whether an applicant has been issued with a negative notice;
- whether an applicant's blue card has been or is subsequently suspended;
- relevant information about any change in an applicant's police information which the Commissioner considers relevant to child-related employment as provided for in the Commission for Children and Young People and Child Guardian Act 2000;
- notification of the final outcome of any assessment or reassessment of an applicant's application.
- Authorisation to confirm a valid blue card form

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Volunteer to paid employment transfer application form

From 1 April 2010, this form must be submitted with the prescribed fee for volunteer blue card holders transferring into regulated paid employment or business.

- use only the latest blue card application forms (which include a new declaration that it is an offence for a disqualified person to apply for a blue card)
- warn every person applying for a blue card that it's an offence for a disqualified person to sign the application form. For example, "I am legally obliged to warn you that it is an offence for a disqualified person to sign a blue card application form."
- sign the declaration on the application form stating you have warned the applicant, and check that the applicant has signed the declaration stating they are not a disqualified person before lodging an application on their behalf.

Risk management obligations

It is also mandatory for every organisation covered by the Commission's Act to have a risk management strategy in place to keep children and young people safe. This means employers must develop and implement a written child protection risk management strategy and review it each year. The strategy should include a register of all paid and volunteer staff in your organisation that carry out regulated child-related activities. The commission provides free risk management workshops around the state. For more information call the commission on 1300 113 611 or visit the website at www.ccypcg.qld.gov.au/about/risk_management.html

Who needs a blue card?

Anyone who proposes to work, in a paid or voluntary capacity in a child-related area regulated by the Commission's Act will require a blue card. Regulated employment activities include: Both paid employees and volunteers may need a blue card if they fall under one of the following categories:

- residential facilities
- school boarding houses
- schools – employees other than teachers and parents
- child care
- churches, clubs and associations involving children
- health, counseling and support services
- private teaching, coaching or tutoring
- education programs conducted outside of schools
- child accommodation services, including home-stays
- religious representatives
- sport and active recreation
- emergency services cadet programs, and
- school crossing supervisors

- care of children under the Child Protection Act 1999
- volunteers

A volunteer, unless exempt, must have a blue card before they start volunteering in one of the above categories, regardless of how often they come into contact with children and young people.

Paid employees

Paid employees must apply for a blue card if they work, or are likely to work, in one of the above categories over 12 months, for at least:

- eight consecutive days; or
- once a week, each week, over four weeks; or
- once a fortnight, each fortnight, over eight weeks; or
- once a month, each month, over six months.

Note: A paid employee can commence work pending the outcome of their blue card application.

Trainee students

A student, irrespective of their age, studying at a registered training organisation, university or TAFE, will require a blue card if they carry out work in one of the above categories as part of their study.

Note: A trainee student must have a blue card before they start volunteering in one of the above categories, regardless of how often they come into contact with children and young people.

Checking blue cards

When a new employee or volunteer starts work in your organisation, you should;

- check the card holder's name and signature on their blue card with other signature or photo identification to satisfy yourself of their identity, then lodge an 'Authorisation to confirm a valid blue card' form.
- This will allow the commission to validate the blue card produced and notify you of any change to their blue card status considered relevant to their child-related employment.
- Don't forget to notify the commission when an applicant or blue card holder stops working for your organisation, or the contact person for your organisation changes.
- To do this, an authorised person from your organisation should write to the commission on official letterhead advising the name and contact details of the new contact person.

How long is the check valid?

The check is valid for 3 years unless there is a change in the person's criminal history.

Cost of the blue card The cost is \$70.00 for paid and self employed people and is free for volunteers and students. Replacement blue cards are \$10.30

Mandatory reporting

Legislation which specifies who is required by law to report suspected cases of child abuse and neglect is known as mandatory reporting. The people mandated to report in the State of Queensland are:

- Doctors; nurses - aware of or reasonably suspects a child has, is, or is likely to suffer harm.
- Officers employed to implement the Act 1999; all staff of residential care services - reasonable suspicion of abuse or neglect to a child in residential care.
- Educational staff (teaching and non-teaching staff in government and non-government schools) - aware of or reasonably suspects sexual abuse of a child under 18 by an employee of the school.
- family court personnel and counsellors

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm, you should contact Child Safety Services:

- During normal business hours - contact your local child safety service centre or contact the Enquiries Unit on 1800 811 810, for assistance to locate your nearest child safety service centre. Child safety service centres have professionally trained child protection staff who are skilled in dealing with information about harm or risk of harm to children.
- After hours and on weekends - contact the Child Safety After Hours Service Centre on 1800 177 135 or (07) 3235 9999. The service operates 24 hours a day.

Sources

Commission for Children and Young People and Child Guardian <http://www.ccypcg.qld.gov.au>
Health Act 1937 s76k The Criminal Code Act 1899
The Commission for Children & Young People Act 2004
<http://www.childsafety.qld.gov.au/child-abuse/report/index.html>

Summary

While the Working with Children Check must be complied with, it cannot solely be relied upon to determine the suitability of a worker or volunteer. The check is only ONE of the strategies that organisations must establish to ensure that people who work with children are suitable to do so. Organisations must ensure that other measures are in place to assess a person's suitability to work with children, including interviews, thorough reference checks, a code of conduct, vigilant supervision and regular training.

This material is for information purposes only. It is not intended to give specific legal or risk management advice nor are any suggestions, checklists or action plans intended to include or address all possible risk management exposures or solutions.

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