

SLSQ Policy

Title: Blue Card Screening Policy - Members	Division: Membership Services
Policy No: MS06	Version: 4
Effective Date: 12.01.2022	Approved Date: 12.01.2011
Revision Date: 01.09.2022	Approved by: SLSQ Board of Directors

1. Introduction

This policy supports Surf Life Saving Queensland's (SLSQ) commitment to the safety and welfare of members and others who engage with SLS. It has been created to safeguard SLSQ members who are under 18 years of age from all forms of harm while under the care of SLSQ or its affiliates.

This policy provides direction to all SLS Clubs, Branches and SLSQ regarding the legislative and compliance requirements of the Blue Card System administered under the *Working with Children (Risk Management and Screening) Act 2000 (Act)* and its amendments. This policy is also a mandatory component of the SLSQ Child and Youth Risk Management Strategy.

2. Purpose

The purpose of this policy is ultimately to maintain the safety and wellbeing of children and adults engaged with Surf Lifesaving in Queensland, through the provision of robust organisational practices and procedures in line with the legislative requirements for Working with Children Screening.

The most important consideration when making an employment screening decision is the safety and wellbeing of children, and in particular a child's entitlement to be cared for in a way that protects them from harm and that promotes their wellbeing.

What is a Working With Children screening?

The Working with Children Check (also known as the blue card check) is a check that assesses:

- any national charge or conviction (including spent convictions and pending and non-conviction charges) for an offence (even if no conviction was recorded)
- child protection prohibition orders (whether a person is a respondent or subject to an application)
- disqualification orders
- if a person is subject to reporting obligations under the *Child Protection (Offender Reporting) Act 2004* or *Dangerous Prisoners (Sexual Offenders) Act 2003*
- disciplinary information held by certain professional organisations including teachers, child care licensees and foster carers and
- information that the Police Commissioner may provide in relation to police investigations into allegations of serious child-related sexual offences, even if no charges were laid.

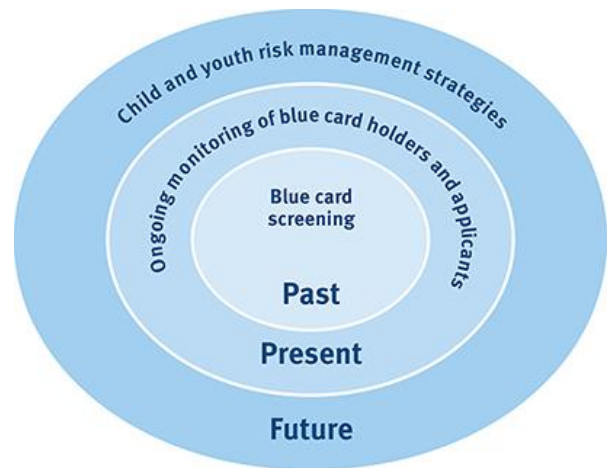
The Blue Card System aims to contribute to the creation of safe and supportive environments for children and young people when receiving services and participating in activities which are essential to their development and wellbeing, such as child care, education, sport and cultural activities.

The initial Working With Children screening is only the first component of a three part system which considers past, present and future risks. This system comprises:

- Working With Children screening to determine a person's eligibility to work with children and young people based on their known **past behaviour**
- **Ongoing monitoring** of all card holders and applicants which enables action to be taken to protect children and young people if the person is charged with a concerning offence, and
- Mitigating **future** risk through the requirement for organisations providing child related services to develop and implement child and youth risk management strategies.

Key benefits:

- the **past** is risk managed through the initial assessment, which determines a person's eligibility to work with children, based on known police or disciplinary information
- the **present** is risk managed through police information of all Working With Children card holders, which is continuously monitored so any changes are actioned appropriately, and
- the **future** is risk managed by service providers (SLSQ and its affiliated or recognised entities), who are required to implement **child and youth risk management strategies** and review them annually.



Individuals who already hold a valid Working With Children Check with another organisation, **must link their card to SLSQ** by submitting a *request via the Blue Card Services portal*. This allows SLSQ to receive any important updates about an applicant or card holder's status.

If an individual's Working With Children Check is refused, they are issued with a **negative notice** which prohibits them from providing regulated services. A negative notice remains current until it is cancelled.

Should a card **expire**, be **withdrawn**, **discontinued**, **suspended** or **cancelled** there may be ramifications regarding continuing volunteering with a surf life saving activity/ organisation, such as being placed on leave restricted duties, suspension, or expulsion of membership. SLSQ and its affiliated or recognised entities must take steps to ensure that the person is no longer engaged in regulated employment by following procedures outlined in Appendix A – Blue Card Policy Procedures.

3. Definitions

Cancellation – There are two types of cancellation that may occur: self request or via Blue Card Services.

A person can request cancellation of their Working with Children clearance at any time. For example, the person is no longer intending to work with children, they're moving to another state or country or they're retiring. In other cases, it may be because the person has had a change in their police information and they do not want to go through a re-assessment and they are not proposing to continue in child-related employment.

Blue Card Services can also cancel a card when a person's eligibility to continue holding a Working with children clearance following a change in their police information has been reassessed and it has been determined that they are no longer able to work with children. In these cases, the person's working with children clearance is cancelled and they are issued with a negative notice.

Discontinuance – this means that an application for a working with children check has been discontinued due to an applicant not responding to a request for further information from Blue Card Services.

Disqualified person - The Act states that a person is disqualified if they:

- have been convicted of a disqualifying offence. This may include having sex with a child (irrespective of the type of relationship e.g. teenage boyfriend/girlfriend, unlawful carnal knowledge) or other child-related sex or pornography offences or the rape or murder of a child or adult (irrespective of the penalty and regardless of when and where it occurred), or
- are the subject of:
 - reporting obligations under the *Child Protection (Offender Reporting) Act 2004*, or
 - an offender prohibition order under the *Child Protection (Offender Prohibition Order) Act 2008*, or
 - a disqualification order issued by a court prohibiting them from applying for or holding a blue card, or
 - a sexual offender order under the *Dangerous Prisoners (Sexual Offenders) Act 2003*.

Disqualifying offence – A list of disqualifying offences can be found on the BCS website: <https://www.bluecard.qld.gov.au/disqualifying-offences.html>

Employment - A person employs another person if there is an agreement with the other person to carry out work, irrespective of the nature of that work and regardless of the following:

- whether the agreement is written or unwritten, and
- whether the work is carried out voluntarily or for financial reward, and
- what a person's motivation is for carrying out the work, and
- the time for which the person is engaged to carry out the work, and
- whether the agreement provides for the person to carry out work on 1 (one) occasion or on an ongoing basis, whether regularly or irregularly.

Negative Notice - If a person's application is refused, they are issued with a negative notice which prohibits them from carrying on a business or providing regulated child-related activities. Negative Notices remain current until cancelled.

Ongoing monitoring - The police information of all card holders and applicants is monitored. If the information changes, immediate steps can be taken to protect children from harm. Service providers and card holders are also monitored to ensure they are meeting their blue card system obligations and providing safe environments for children.

Police Check - is only current on the day of issue and is a list of offences from a person's criminal history which can be disclosed. It does not involve an assessment by a government agency.

Regulated services – also referred to as “Regulated Employment” - refers to work where the usual functions of the employment (including volunteer work) include or are likely to include:

- Providing services at a Club or Association (i.e. Surf Life Saving) that are directed mainly towards children; or,
- Conducting activities at a Club or Association that mainly involve children; and,
- The services are provided, or the activities are conducted, by or within a Club, Association or similar entity.

Restricted activities – means either part or full restriction to participate or engage in surf lifesaving activities. The scope and conditions of such restricted activities will be determined in accordance with this Policy.

Restricted Employment – includes:

- Infrequent employment which does not meet the minimum frequency of seven days in a calendar year;
- The unpaid employment of a person under the age of 18; and
- Volunteer parents who undertake regulated employment in SLSQ clubs and associations or sports.

Restricted Person – includes:

- Negative notice holders;
- Persons with a suspended working with children authority;
- A disqualified person; and
- A person charged with a disqualifying offence.

Student – A student refers to someone whom an education provider arranges to carry out work as part of a course. The student would be considered staff of SLSQ rather than that of the educational institution.

Volunteer - A volunteer is a person who is employed by another person not for financial reward but who may receive reimbursement for out of pocket expenses.

Withdrawal – A withdrawal notice may be issued if the:

- blue card applicant does not provide the information requested by Blue Card Services by the stated time (for example, documents to establish the identity of the applicant, or
- employer has not sighted the employee’s proof of identity documents, or
- applicant has not declared that he or she is not a disqualified person), or
- applicant is charged with a disqualifying offence, or
- applicant withdraws their consent to employment screening, or

- applicant is no longer employed by the employer stated in the application, or
- applicant is not engaged in employment or carrying on a business that falls within the scope of the blue card system.

Working with Children Check (previously known as a Blue card screening) - This assesses a person's eligibility to hold a Working With Children clearance based on their known past police and disciplinary information. This process also disqualifies certain people upfront and prevents people from working with children whose past behaviour indicates they are not eligible to enter regulated child-related employment.

Working with Children Exemption Card - Registered teachers and police officers in Queensland, do not need to apply for a blue card and should instead apply for an exemption card when providing regulated services to children which are outside of their professional duties.

Working With Children Clearance (previously known as a Blue Card) - A person whose application is approved is issued with blue card. These are valid for 3 (three) years, unless cancelled earlier.

4. Application

This policy applies to all members and volunteers of SLSQ and its affiliated or recognised entities during the conduct of surf lifesaving activities within Queensland. This policy does not apply to SLSQ staff, nor staff of SLSQ clubs or affiliated entities. SLSQ recommends that clubs and affiliated entities develop their own policies and procedures for managing paid staff Working with Children Checks. SLSQ staff should refer to HR036 – SLSQ Blue Card Screening Policy- Staff.

This policy outlines the application of *the Act* for the purposes of conducting screening for members and volunteers involved in surf lifesaving activities throughout Queensland. This includes: who must hold a card; who doesn't require a card; who is prohibited from applying or renewing; what positions SLSQ deem a valid card as mandatory; and when people can begin work in regulated employment.

4.1. Who must hold a Working with Children Check ?

4.1.1. Volunteers:

Volunteers over the age of 18 years who work with children and young people must hold a Working with Children Check if their work falls into a category of regulated employment, regardless of how often they will come into contact with children and young people, unless an exemption applies.

Due to Surf Lifesaving's unique nature and large, varying scope of activities, SLSQ has recognised and accepted that parent members who are actively involved in working with and/or supervising children are not, or are very unlikely to be, involved in activities without their children from week to week. Therefore, parent members who are not involved in roles or functions listed in section 4.2 below are not required to complete the Working With Children Check requirements.

This exemption **does not** apply to:

- (i) negative notice holders (someone who has had a blue card declined)
- (ii) persons with a suspended working with children authority;
- (iii) a **disqualified** person; and

(iv) a person charged with a disqualifying offence.

A person can apply for a Working With Children Check three months prior to turning 18 years in readiness to begin/ continue volunteering at the age of 18.

4.2. What positions in SLS must apply for a Working With Children check?

The following is a list of positions in Surf Lifesaving where the people in those positions, if over 18 years of age, must complete the screening procedures:

- Committee Members
- Junior Activities Chairperson and Committee Members
- Junior Activities Team Managers
- Junior Activities Assistant Team Managers
- Junior Activities Chaperones
- Age Managers and Assistant Age Managers
- Junior Activities Coaches
- Junior Activities Assistant Coaches
- Cadet / Youth Officers
- Chief Training Officer and Training Officers
- Assessors
- Patrol Captains
- Patrol Members
- Coaches
- Assistant Coaches
- Chaperones
- Senior Team Managers
- Officials
- Water Safety Personnel (including IRB Crew)
- Photographers
- Peer Support Officers
- All leaders, instructors and chaperones involved in a “live-in” situation
- Administrators
- Caretakers (including Live-in)
- Grievance Officers/Complaint Officers/MPIOs
- Nipper Adult Assistants
- All members who are participating in any surf life saving educational course (accredited or non-accredited). This includes awards for lifesaving, surf sports and membership/junior activities.
- All members applying for a credit transfer/RPL

SLSQ’s affiliated or recognised entities including Branches, Clubs and Supporters Clubs shall not add any further positions to this list without the prior written approval of SLSQ.

4.3. Who doesn't need a Working with Children Check?

Volunteers under 18 years of age are exempt from requiring a Working with Children Check unless they are a trainee student doing a practical placement as part of their studies with an education provider.

A Working with Children Check is not required if the person is a volunteer at a national or state event organised by SLSQ or affiliated entities (for example: Australian Titles when held in Queensland):

- for a sporting, cultural or skill based activity, and
- the event is attended by more than 100 people, and
- the work is for seven (7) days or less per calendar year, and
- the person is unlikely to be alone with a child without another adult present.

You don't need a Working with Children Check if your work is less than 7 days per calendar year.

If the regulated child-related work is **more than 7 days**, then a Working with Children Check will be needed.

For this test, a 'day' includes a full day or part of a day (e.g. 2 hours of work on 1 day is considered to be a day).

The 7-day frequency test only applies to volunteers, paid employees and students doing practical placements for their course.

Exemptions **do not** apply to:

- (i) negative notice holders (someone who has had a blue card declined)
- (ii) persons with a suspended working with children authority;
- (iii) a **disqualified** person; and
- (iv) a person charged with a disqualifying offence.

4.4. Which people are prohibited from applying for, or renewing a Working with Children Check?

Disqualified persons are prohibited from applying for or renewing a Working with Children Check. A **disqualified person** must not:

- sign a blue card application, or
- make an application to run a regulated child-related business, or
- work in child-related employment or carry on a child-related business that is regulated by *the Act*.

The above offences may attract a penalty that could include imprisonment and a fine as determined by the current legislation.

Find the current list of penalties here: <https://www.bluecard.qld.gov.au/offences-and-penalties.html>

4.5. When can a person begin work?

Under the Act a **volunteer, trainee student** of SLSQ's affiliated or recognised entities including Branches, Clubs and Supporters Clubs **must not commence** regulated child-related work until they hold a valid blue card that is linked to SLSQ

This valid linked Working with Children Check must be verified and recorded in SurfGuard **before** work can begin.

Once the working with children clearance is received it must be verified and recorded on Surf Guard by the respective entity.

4.6. Renewals:

Volunteer Working With Children cards have an expiry date of three (3) years if not cancelled or suspended during this time. The card holder is responsible for renewing their card under the following conditions.

Blue Card Services should send a reminder to renew Working with Children Checks 10 weeks prior to the expiry of the current card.

If a volunteer or trainee student fails to make an application prior to the expiry of their clearance, they will be subject to the 'No Card, No Start' requirement and will not be able to continue in regulated employment until a new clearance has been issued.

5. Obligations

The Act places obligations on applicants and card holders. Failure to comply with these obligations may attract **penalties** (<https://www.bluecard.qld.gov.au/offences-and-penalties.html>). The following section outlines the responsibilities of cardholders, clubs, branches and SLSQ.

5.1. Responsibilities of Working with Children Check / exemption card holders:

- b. Once you have applied for or hold a working with children clearance, you must notify Blue Card Services of any of the following changes:
 - change of address;
 - change of employment circumstances (such as starting a new job);
 - change of name (including name changes due to marriage/divorce);
 - if your notice or card is lost or stolen;
 - if you stop working in child-related employment;
 - if there is a change in your police information.
- c. Card holders must monitor their expiry dates and act accordingly to ensure they can continue to volunteer in regulated employment. Should a card expire, be withdrawn, discontinued, suspended or cancelled there may be ramifications regarding continuing volunteering with a surf life saving activity/ organisation such as being placed on leave restricted duties, suspension, or expulsion of membership which are outlined in Appendix A – Blue Card Policy Procedures.
- d. If your working with children clearance or exemption is suspended:
 - you must not:
 - apply for or start in regulated employment; or
 - continue work that is regulated employment; or
 - start or continue to carry on a regulated business.
 - you must return your blue card to Blue Card Services within 7 days.

- once the charge is finalised in court and your eligibility to hold a card is re-assessed, you and your volunteer organisation/education provider (if applicable) will be notified of the outcome of the re-assessment (i.e. whether your card is continued or the suspended card is cancelled and a negative notice is issued).
- e. If your blue card or exemption card is cancelled you:
- must not:
 - apply for or start in regulated employment, or
 - continue work that is regulated employment, or
 - start or continue to carry on a regulated business.
 - must return your Working with Children card to Blue Card Services immediately.

5.2. Responsibilities of Clubs (both surf life saving clubs and SLS supporters clubs)

- a) Required to implement child and youth risk management strategies which address the eight minimum legislative requirements.
- b) Maintain an employee register of all volunteers.
- c) Audit Club position holders, officials and volunteers required to hold a card.
- d) Advise Blue Card Services immediately if a volunteer, student or person defined as working in regulated employment proposes to commence child-related work with the club by lodging the appropriate form with SLSQ.
- e) Advise Blue Card Services if the volunteer ceases employment with the club.
- f) Advise Blue Card Services and SLSQ if they receive notification that there is a change in the person's police information.
- g) Clubs must not employ a person whose card has been suspended, a disqualified person or negative notice holder in regulated child-related employment within your organisation.
- h) It is an offence not to provide every applicant with a warning that they must not sign an application form if they are a disqualified person. Further information is available on the Blue Card Services website www.qld.gov.au/bluecard If an applicant is unsure whether they are a disqualified person, they should not complete an application form and you should direct them to contact Blue Card Services immediately for further information.

5.3. Responsibilities of Branches

- a) Required to implement child and youth risk management strategies which address the eight minimum legislative requirements.
- b) Maintain a register of all volunteers.
- c) Audit Branch position holders, officials and volunteers required to hold a card.
- d) Advise Blue Card Services immediately if a volunteer or student proposes to commence child-related work with your organisation by lodging the appropriate form with SLSQ.
- e) Advise Blue Card Services if a member ceases employment with the Branch.
- f) Advise Blue Card Services if you receive notification that there is a change in the person's police information.
- g) Branches must not accept a person whose card has been suspended, a disqualified person or negative notice holder in regulated child-related employment within your organisation.

- h) It is an offence not to provide every applicant with a warning that they must not sign an application form if they are a disqualified person. Further information is available on the Blue Card Services website www.qld.gov.au/bluecard If an applicant is unsure whether they are a disqualified person, they should not complete an application form and you should direct them to contact Blue Card Services immediately for further information.

5.4. Responsibilities of SLSQ

- a) Required to update (annually or as required) and implement child and youth risk management strategies which address the eight minimum legislative requirements.
 - b) Audit State Position holders and key volunteers and staff engaged in the delivery of regulated services.
 - c) Maintain an employee register of all volunteers.
 - d) Advise Blue Card Services immediately if a volunteer or student proposes to commence child-related work with your organisation by lodging the appropriate form.
 - e) Advise Blue Card Services if the member ceases employment with SLSQ.
 - f) Advise Blue Card Services if you receive notification that there is a change in the person's police information.
 - g) SLSQ must not accept a person whose card has been suspended, a disqualified person or negative notice holder in regulated child-related employment within your organisation.
- h) It is an offence not to provide every applicant with a warning that they must not sign an application form if they are a disqualified person. Further information is available on the Blue Card Services website www.qld.gov.au/bluecard If an applicant is unsure whether they are a disqualified person, they should not complete an application form and you should direct them to contact Blue Card Services immediately for further information.

6. Legislative Framework

The Blue Card Screening process is regulated under Chapter 8 of the Act. Surf Lifesaving is a complex organisation and therefore fits under the following categories of regulated employment (defined in Schedule 1, Part 1 of the Act):

- Churches, clubs and associations involving children; and
- Health, counselling and support services.

7. Related Policy Instruments

The following documents can be found on the Members Portal (<https://portal.sls.com.au>):

- SLSQ Child Youth Risk Management Strategy and supporting resources
- SLSQ Policy MS03 – Dealing with Police Investigations, Criminal Charges, Guilty Pleas and/or Convictions
- SLSA Member Protection Policy 6.05

Further information regarding Blue Card Services:

- Blue Card Services Website: <http://www.bluecard.qld.gov.au/>
Phone 1800 113 611 or 07 3211 6999

A handwritten signature in black ink, appearing to read "D Whimpey". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'D'.

Dave Whimpey
Chief Executive Officer
Surf Life Saving Queensland

APPENDIX A – Working with Children Check Policy Procedures

