

## SLSQ Policy

<b>Title:</b> Blue Card Screening Policy	<b>Division:</b> Member Services
<b>Policy No:</b> MS06	<b>Version:</b> 1
<b>Effective Date:</b> 1 July 2017	<b>Approved Date:</b> 23 June 2017
<b>Revision Date:</b> May 2020	<b>Approved by:</b> SLSQ Board

### 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 protect all SLSQ individual members who are under 18 years of age from all forms of physical or mental violence, injury, exploitation and abuse (including sexual abuse) while under the care and conduct of any SLS leader, instructor/trainer, manager or coach.

### 2. Policy

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). This policy is also a mandatory component of the SLSQ Child and Youth Risk Management Strategy.

### 3. 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 Blue Card 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.

#### 3.1. What is Blue Card Screening?

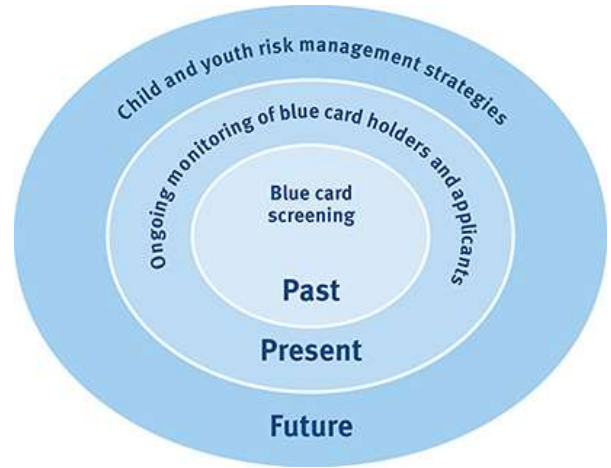
The blue card system contributes to the creation of safe and supportive environments for children and young people when receiving services and participating in activities which are essential to their development and wellbeing, such as child care, education, sport and cultural activities.

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

- Blue card screening to determine a person's eligibility to work with children and young people based on their known **past behaviour**
- **Ongoing monitoring** of all blue 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 blue card or exemption 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.



3.2. Outcomes

The process for deciding whether or not a person is eligible to hold a blue card is governed by Chapter 8 of *the Act*. Generally the test to be applied to the assessment process is determined by the type of assessable information provided to the *Blue Card Services* in relation to the applicant. The following table outlines the different tests which apply.

Type of information	Assessment process
Assessable information of the following nature: <ul style="list-style-type: none"> <li>- conviction for a serious offence;</li> <li>- the person was previously a relevant disqualified person but is no longer (other than a person who was a relevant disqualified person by reason of a conviction, sentence or order that was set aside on appeal).</li> </ul>	A negative notice must be issued <b>unless</b> the decision maker is satisfied that there is an exceptional case in which it would not harm the best interests of children to issue a positive notice and blue card.
Assessable information of the following nature: <ul style="list-style-type: none"> <li>- Investigative information;</li> <li>- Disciplinary information;</li> <li>- Charge (other than a current charge for a disqualifying offence where the application will be withdrawn);</li> <li>- Conviction for an offence other than a serious offence.</li> </ul>	A positive notice and blue card must be issued <b>unless</b> the decision maker is satisfied that there is an exceptional case in which it would not be in the best interests of children to issue a positive notice and blue card.
No police information or disciplinary information	A positive notice and blue card must be issued.

A person, whose blue card application is approved, is issued with a **positive notice and a blue card**. This will allow them to provide regulated services. A positive notice and blue card remains current for three years (unless cancelled earlier), after which time they must be renewed to remain valid.

Persons who already hold a valid blue card or exemption notice with another organisation, **must link their card to SLSQ** by submitting a *Link an applicant/cardholder to this organisation form*. This allows SLSQ to receive any important updates about an applicant or card holder's status.

If a person's blue card application 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.

Where a negative notice is issued, the applicant must be provided with written reasons as to why the notice was issued. Additionally, where the person has a right to apply to the Queensland Civil and Administrative Tribunal for a review of the decision the applicant must be provided with information about how to apply to have the decision reviewed.

Should a card **expire**, be **withdrawn**, **discontinued**, **suspended** or **cancelled** there may be ramifications regarding continuing employment / 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.

#### 4. Application

This policy applies to all members, volunteers, and staff of SLSQ and its affiliated or recognised entities during the conduct of surf lifesaving activities within Queensland.

This policy outlines the application of *the Act* for the purposes of conducting screening for members, volunteers and staff 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 Blue Card?

###### 4.1.1. Volunteers:

Volunteers over the age of 18 years who work with children and young people must hold a blue card 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 the same or similar activities as 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 blue card screening requirements.

A person can apply for a blue card at the age of 17.5 years in readiness to begin/ continue volunteering at the age of 18.

#### 4.1.2. Paid employees:

Regardless of age, paid employees of SLSQ and its affiliated or recognised entities who work with children and young people must hold a blue card or an exemption card if their work falls into a category of regulated employment and they work, or are likely to work, for at least:

- eight consecutive days, or
- once a week for each week during a period of four weeks, or
- once a fortnight for each fortnight during a period of eight weeks, or
- once a month for each month during a period of six months unless an exemption applies.

#### 4.2. What positions in SLS must apply for a Blue Card?

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)
- All Surf Lifesaving Paid Employees (including under 18’s).

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 Blue Card?

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

A blue card 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 ten (10) days or less on no more than two occasions per year, and
- the person is unlikely to be alone with a child without another adult present.

#### 4.4. Which people are prohibited from applying for, or renewing a blue card?

**Disqualified persons** are prohibited from applying for or renewing a blue card. 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** or **trainee student must not commence** regulated child-related work until they hold a valid blue card that is linked to SLSQ

This valid linked blue card must be verified and recorded in SurfGuard **before** work can begin.

A **paid employee** of SLSQ's affiliated or recognised entities including Branches, Clubs and Supporters Clubs can commence regulated child-related work **once** their application is **lodged** with Blue Card Services.

Once the positive notice is received it must be verified and recorded on the employee files/ register by the respective entity.

#### 4.6. Renewals:

Volunteer and paid blue 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.

**Volunteers** and trainee students must submit their renewal form **at least 30 days before their blue card expires** in order to continue working in regulated work after the expiry of their blue card. Their current blue card must not have been suspended or cancelled.

If a volunteer or trainee student does not renew their blue card and it expires, they cannot continue to work or volunteer in child-related employment, or carry on a child-related business.

If a volunteer or trainee students blue card expires and has not been submitted for renewal application at least 30 days before the expiry date, once the card expires they cannot continue in regulated employment until after they have been issued a new blue card.

**Paid** employees may continue to work in child-related employment after the expiry of their blue card, but *only if* they have lodged a renewal application form.

Blue Card Services should send a reminder to renew volunteer and paid blue cards 10 weeks prior to the expiry of the current card.

**Exemption cards** have no expiry date and remain valid as long as the person is a registered teacher or police officer.

## 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 blue card / exemption card holders:

- a. Once you have applied for or hold a positive notice and card, 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.
- b. Card holders must monitor their expiry dates and act accordingly to ensure they can continue to work or volunteer in regulated employment. Should a card expire, be withdrawn, discontinued, suspended or cancelled there may be ramifications regarding continuing employment / 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.
- c. If your blue card or exemption card 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 positive notice letter and 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 employer/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).
- d. 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 positive notice letter and blue 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 staff and volunteers.
- c) Audit Club position holders, officials, volunteers and staff required to hold a card.
- d) Advise Blue Card Services immediately if a paid employee, volunteer or student proposes to commence child-related work with the club by lodging the appropriate form with SLSQ.
- e) Advise Blue Card Services if the employee/ volunteer ceases employment with the club.
- f) Advise Blue Card Services and SLSQ if 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.

#### 5.3. Responsibilities of Branches

- a) Required to implement child and youth risk management strategies which address the eight minimum legislative requirements.
- b) Maintain an employee register of all staff and volunteers.
- c) Audit Branch position holders, officials, volunteers and staff required to hold a card.
- d) Advise Blue Card Services immediately if a paid employee, 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 an employee 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 employ a person whose card has been suspended, a disqualified person or negative notice holder in regulated child-related employment within your organisation.



#### 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 staff and volunteers.
- d) Advise Blue Card Services immediately if a paid employee, volunteer or student proposes to commence child-related work with your organisation by lodging the appropriate form.
- e) Advise Blue Card Services if the employee 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 employ a person whose card has been suspended, a disqualified person or negative notice holder in regulated child-related employment within your organisation.

## 6. Definitions

**Blue card screening** - This assesses a person's eligibility to hold a blue card or exemption card 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.

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

A person can request cancellation of their blue card 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 blue card 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 blue card is cancelled and they are issued with a negative notice.

**Discontinuance** – this means that an application for a blue card 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 murder of a child (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.

**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.

**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.

**Positive Notice/ Blue Card** - A person whose application is approved is issued with a positive notice letter and a blue card. These are valid for 3 (three) years, unless cancelled earlier.

**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.

**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 for any of the following reasons:

- 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, if the employer has not sighted the employee’s proof of identity documents, or if the applicant has not declared that he or she is not a disqualified person), or
- if the applicant is charged with a disqualifying offence, or
- if the applicant withdraws their consent to employment screening, or
- if the applicant is no longer employed by the employer stated in the application, or
- if the 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** - 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.

## 7. Legislative Framework

The Blue Card Screening process is regulated under Chapter 8 of the *Working with Children (Risk Management and Screening) Act 2000* (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;
- Health, counselling and support services.

## 8. 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/>

## APPENDIX A – Blue Card Policy Procedures

