



DATE 7 July 2010  
SUBJECT Blue Card Screening Policy

The following policy statement was adopted at the SLSQ Board meeting held on Wednesday 7 July 2010 and adopted as State Policy from 7 July 2010:

## POLICY

### INTRODUCTION

Surf Life Saving is a source of fun, enjoyment, health and well being for all who choose to participate.

This policy supports Surf Life Saving Queensland's ("SLSQ") commitment to the safety and welfare of members and others who engage with Surf Life Saving. 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 Surf Life Saving leader, instructor/trainer, manager or coach.

This policy provides direction to all Surf Life Saving Clubs, Branches and SLSQ regarding the legislative requirements of the Blue Card System administered by the *Commission for Children and Young People and Child Guardian Act (2000)* (the "Act") and the procedures for compliance. The SLSQ Blue Card Screening Policy is also a mandatory component of the SLSQ Child and Youth Risk Management Strategy.

### DEFINITIONS:

"Administrator" – For the purposes of this policy the term "administrator" will refer to the person within the club who handles all screening requirements. In no way is this limited to the following position titles: registrar; administrator; volunteer co-ordinator; secretary; or employer as this may vary between clubs/branches.

"Blue Card" – As of the 1<sup>st</sup> April 2010, two (2) types of blue cards will be issued by *the Commission*:

- 1) *volunteer* blue card, and
- 2) *paid employee* blue card.

Where the policy refers to "Blue Card" this will mean either a volunteer or paid employee blue card, unless specifically stated.

"Disqualifying Offence" – is an offence against a provision of an *Act* mentioned in schedule 2B or 2C, column 1 of the Commission's *Act*, subject to any qualification relating to the provision mentioned opposite in column 3.

A disqualifying offence also includes:

- any offence under a law of a foreign jurisdiction that, if it had been committed in Queensland, would have constituted a disqualifying offence of a kind mentioned in subsection (1); or
- an offence of counselling or procuring the commission of a disqualifying offence; or
- an offence of attempting, or of conspiring, to commit a disqualifying offence; or
- an offence that has, as an element, intention to commit a disqualifying offence, or
- an offence that, at the time it was committed was an offence now categorised as a disqualifying offence.

A list of disqualifying offences are listed on the Commission's website: <http://www.ccypcq.qld.gov.au/index.html>

**“Disqualified Person”** – It is an offence for a 'disqualified person' to apply (sign) for a blue card or renew a blue card. Further it is also an offence for a 'disqualified person' to:

- make an application to carry on, or continue carrying on a regulated business; or
- apply for, or start or continue in, regulated employment.

A “disqualified person” is a person who:

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

**“Employment”**- A person is employing another person if there is an agreement with the other person to carry out work, irrespective of the nature of that work. Regardless of the following-

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

**“Exemption Notice”** – refers to the notice that 'police officers' or 'registered teachers' receive when they apply to the Commission for providing child-related services which are outside of their professional duties (for example, where a teacher or police officer volunteer as a children's coach). The exemption notice will remain valid as long as the person continues to be a police officer or registered teacher, unless cancelled earlier. There is no charge to apply.

**“Paid employee blue card”** – refers to a valid blue card that is issued, after 1<sup>st</sup> April 2010, to a person who is in paid work in regulated employment.

**“Police Officer”** – A person who is a paid employee of the Queensland Police Service (QPS), and recognised by the *Commission for Children and Young People and Child Guardian Act 2000*, as such.

**“Registered Teacher”** – Schedule 4 of the *Commission for Children and Young People and Child Guardian Act 2000* defines a "registered teacher" as a person who holds full registration or provisional registration under the *Education (Queensland College of Teachers) Act 2005* and whose full or provisional registration has not been suspended under section 48 or 49 of that Act.

**“The Commission”** – refers to the Commission for Children and Young People and Child Guardian (CCYPCG) which is an independent statutory authority which promotes and protects the rights, interests and well being of children and young people in Queensland.

**“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”** – refers to a person who is employed by another person not for financial reward but who may receive reimbursement for out of pocket expenses.

**“Volunteer blue card”** – refers to the valid blue card issued to a volunteer, after 1<sup>st</sup> April 2010.

## **1. WHO DOES THE WORKING WITH CHILDREN CHECK RELATE TO:**

**Children under 18** years of age who are **volunteers** are **not required** to undergo a police information check under this category.  
**Children under 18** years of age who are **paid employees** are **required** to undergo a police information check under this category.

**All volunteers and paid employees over the age of 18 who work with children or young people must apply for the relevant “Blue Card” or “Exemption Notice”.**

**All volunteers must hold a “Blue Card” or “Exemption Notice” before they start volunteering in any area of regulated employment, regardless of how often they come into contact with children and young people.**

Due to Surf Life Saving’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 involved in roles or functions such as those listed below are required to complete the blue card screening requirements.

The following is a list of persons who must complete the screening procedures:

<b>Club Committee Members</b>	✓
<b>Junior Activities Chairperson/Committee Members</b>	✓
<b>Junior Activities Team Managers</b>	✓
<b>Junior Activities Assistant Team Managers</b>	✓
<b>Junior Activities Chaperones</b>	✓
<b>Age Managers and Assistants</b>	✓
<b>Junior Activities Coaches</b>	✓
<b>Junior Activities Assistant Coaches</b>	✓
<b>Cadet / Youth Officers</b>	✓
<b>Chief Instructor and any Training Officers</b>	✓
<b>Patrol Captains</b>	✓
<b>Club Coaches</b>	✓
<b>Club Assistant Coaches</b>	✓
<b>Club Chaperones</b>	✓
<b>Senior Team Managers</b>	✓
<b>Officials</b>	✓
<b>Water Safety Personnel (including IRB Crew)</b>	✓
<b>Patrolling Members</b>	✓
<b>Club Photographers</b>	✓

Other positions that must complete the documents include:

<b>All State and Branch Team Managers, Coaches, Chaperones and assistants</b>	✓
<b>All leaders, instructors and chaperones involved in a live in situation</b>	✓

**NOTE: This list is in no way limited to the above categories. Any member involved in working with members under the age of 18 years must complete the screening process.**

## **2. BACKGROUND OF THE WORKING WITH CHILDREN CHECK – BLUE CARD**

The Working with Children Check is a detailed check of a person's police information (if any) including charges or convictions.

This involves a check of relevant police information held by Police Services in Australia. The Commissioner also considers relevant disciplinary information held by certain professional organizations. In addition, information from police investigations into allegations of serious child-related sexual offences can be taken into account, even if no charges were laid because the child was unwilling or unable to proceed.

As of the 1<sup>st</sup> April 2010, changes have been made to the blue card system that:

1. Increase the validation of blue cards to three (3) years
2. Make it compulsory for employers/ organizations to notify the Commission if they employ (including volunteers) someone who has a blue card.
3. Requires volunteers who hold a blue card and move into, or work in regulated employment to transfer their blue card to a paid blue card. An application fee for the transfer and for paid employee applications (in "regulated employment") has been introduced.

As of the 1<sup>st</sup> July 2010, the following changes have been made to the blue card system:

1. "Police Officers" and "Registered Teachers" must apply for an "exemption notice" when working with children outside of their professional duties.
2. There is no application fee
3. "Exemption notices" remain valid for as long as the person continues to be a police officer or a registered teacher, unless cancelled earlier.

A member whose application to work with children and young people is approved is issued with a **positive notice** letter and either a volunteer or paid employee "Blue Card" or an "exemption notice".

A member whose application is refused, is issued with a **negative notice** which prohibits him/her from working in the particular category of employment defined by the *Act*.

## **3. PROCEDURES FOR APPLICATION & RENEWALS**

To the best endeavours of the Chief Executive Officer and all parties involved in the following procedures and processes will ensure that any information or actions relating to such issues remain confidential.

- 3.1 Surf Life Saving Queensland advises each club/branch "administrator" that they must warn any employee/volunteer prior to signing a blue card application, that it is an offence for a disqualified person to sign a blue card application. Penalties may apply to the organisation if a person is not warned. Each individual person who applies for a blue card or renewal is then responsible themselves for deciding whether they fall into the "disqualified person" category.
- 3.2 It is an offence for a disqualified person to sign a blue card application. Penalties of up to five years imprisonment or a fine of up to \$50,000 may apply.
- 3.3 Surf Life Saving Queensland must require each of the earlier listed persons ("the person") to complete the appropriate Screening Application / Renewal / Authorisation Form which includes a consent ('the consent') to check police information.

**Note: Proof of Identity must be sighted by the employer or "administrator" when completing the application forms as specified on the application forms. However a prescribed person i.e. a justice of the peace, a commissioner for declarations, a lawyer or a police officer may sight the documents only if:**

- The applicant's usual residence is more than 50 km from the business address or the place used by the education provider for conducting courses (i.e. the surf club) or
- The applicant has a disability that affects his or her mobility.

- **In the instance where the employer or “administrator” is unable to sight the applicant’s identification documents (due to distance or mobility), the *Identification Verification By A Prescribed Person Form* should be completed and attached to the completed application form and submitted to SLSQ.**

- 3.4 All identified members who were issued a “blue card” prior to the 1<sup>st</sup> day of April 2010 are required to complete the Blue Card Screening Policy requirements two (2) years from the date the initial “Blue Card” was issued. This process will be closely monitored by Clubs, Branches and Surf Rescue House staff along with the Commission.
- 3.5 All identified members who are issued a paid employee or volunteer blue card after the 1<sup>st</sup> day of April 2010 are required to complete the “Blue Card Screening Policy” requirements every three (3) years from the date the initial “Blue Card” was issued. This process will be closely monitored by Clubs, Branches and Surf Rescue House staff along with the Commission.
- 3.6 The “blue card” & “exemption notice” are transferable across all categories of employment and businesses screened by the Commission. Surf Life Saving Club members who currently hold a “blue card” with another organization, or an “exemption notice” must complete an “Authorisation to confirm a valid card/ application” Form and forward the form showing proof of either card to SLSQ. As a registered CCYPCG “Authorised Person” SLSQ must verify the “blue card”/ “exemption notice”.
- 3.7 A member of SLSQ who holds a valid volunteer blue card and is moving into paid work with children must transfer their volunteer blue card to a paid employee blue card by completing a “Volunteer to paid employment transfer form”. A fee for transfer is set by the Commission and must be paid by the individual who is completing a transfer application.
- 3.8 After the 1<sup>st</sup> July 2010, members of SLSQ who are either a “police officer” or “registered teacher” are required to apply for an “exemption notice” should they wish to work with children outside their professional duties.
- 3.9 Surf Life Saving Queensland, Branches, and Clubs may require the person to sign a subsequent consent that the member has a current “Blue Card/exemption notice” or request that the “Blue Card/exemption notice” be sighted from time to time.
- 3.10 Where the person cannot provide proof of holding a current “Blue Card/exemption notice” the following will apply:
- (a) In the case of an applicant for a position of office at Club, Branch or State level, the person must not be appointed to that position.
  - (b) In the case of a person already acting in such a position, the person must immediately cease to carry out that position.
  - (c) Where the person is employed by the Club, Branch or State, and the member is required to work with children under the age of 18 years, the member will be given the opportunity to respond, with the purpose of determining whether the person should have their employment/participation terminated.
  - (d) In the event that the person does not cease to act in the capacity of youth leader/manager/coach, the Surf Life Saving Club under the direction of Surf Life Saving Queensland may suspend either completely or partially, as may be decided, all privileges as a member of the association.
- 3.11 The Club or Branch must input a lodgment date into the Surfmate Program and forward the completed Working with Children Screening Application/Renewal/Authorisation Form to SLSQ, who must upon receipt of the same, input a lodgment date and classification (ie. either Volunteer Blue Card/ Paid Employee Blue Card/ or Exemption Notice) into the SurfMate Program and forward the Application/Renewal/Authorisation Form as soon as practicable to the Commission for processing.
- 3.12 The CEO or his appointee must review the information contained in the advice received back from the Commission, as follows:
- (a) That the person has been sent a **positive notice** indicating that the application has been approved under the *Commission for Children and Young People and Child Guardian Act 2000* and a “blue card” or “exemption notice” has been issued; or,
  - (b) The person has **withdrawn** their **consent** to Employment Screening and a positive notice has not been issued; or,
  - (c) A notice has been received in relation to **discontinuance** for Employment Screening indicating that the Commission was unable to contact the applicant and the application has been discontinued; or

- (d) The person has had a **change in police information** which warrants reassessment as it may be relevant to their child- related employment; or,
- (e) The person has been sent a **negative notice** indicating that the application has NOT been approved under the *Commission for Children and Young People and Child Guardian Act 2000* and a “blue card” has NOT been issued.
- (f) A notice has been received indicating that a positive notice has been **suspended** under the *Act*.
- (g) A notice has been received indicating that a positive notice has been **cancelled** under the *Act*.

NOTE: The Commissioner has a range of obligations to consider when assessing a person’s police information and if a person’s police information suggests they should not hold a “blue card”, the Commissioner will ask them to provide a submission on any police or disciplinary information held about them, explaining why they should not be refused a “blue card”.

3.13 When advice is provided to the CEO or his appointee (in confidence) that the person has any of the above notices from the Commission, the CEO must do the following:

- (a) **Withdrawn Consent** – place the member on ‘Restricted Activities’ pending a positive notice being issued by the Children’s Commission and clearance from the CEO or his appointee. The CEO will advise the Club President via a confidential letter that the member has been placed on “Restricted Activities” and requesting the President to speak with the member in question in confidence and ensure that the member does not fulfill any positions or activities involving young people under the age of 18 years.
- (b) **Discontinuance of Employment Screening** – place the member on “Restricted Activities” pending a positive notice being issued by the Commission and clearance from the CEO or his appointee. The CEO will advise the Club President via a confidential letter that the member has been placed on “Restricted Activities” and requesting the President to speak with the member in question in confidence and ensure that the member does not fulfill any positions or activities involving children and young people under the age of 18 years.
- (c) **Change In Police Information** – where a change in police information, as advised by the Commission, has resulted in a change to the person’s positive notice the member may be placed on “Restricted Activities” where warranted. The CEO or his appointee will advise the Club President via a confidential letter that the member has had a “Change in Police Information” and requesting the President to speak with the member in question in confidence and ensure that the member does not fulfill any positions or activities involving children and young people under the age of 18 years. If he/she is acting in a position, he/she must cease to carry out that position.  
**NOTE:** The Act states that the Employer must not terminate this person’s employment or continued employment solely or mainly because of the notification of this change however should ensure that the Associations Risk Management strategies cater for this situation.
- (d) **Negative Notice** – A negative notice will be issued if a person has been convicted of a serious offence (other than an disqualifying offence) unless they can satisfy the Commissioner that their case is an exceptional one in which it would not harm the best interests of children. The CEO or appointee will suspend the member automatically who has been charged with a “disqualifying offence”.

These members must not begin or continue to work in regulated employment or carry on a regulated business until a new card has been issued.

NOTE: There is no right of appeal where a member has been issued with a negative notice for a conviction for a disqualifying offence where they were sentenced to imprisonment or a disqualification order was made. This means the person is banned for life from holding or applying for a “blue card”. If an applicant is issued with a negative notice for any other kind of offence, the person is notified of the decision and the reasons for it. They then have the right to have the decision reviewed by the Children Service Tribunal. Surf Life Saving Queensland will monitor closely the outcomes of any such Negative Notices.

A “blue card” holder can also become a “disqualified person” if:

- they are convicted of a disqualifying offence and sentenced to a term of imprisonment; or

- become subject to reporting obligations; or
- become subject to a final offender prohibition order; or
- become subject to a disqualification order.

In the latter case, the Commission must cancel the person's "blue card" and issue a negative notice. The decision cannot be reviewed and the person is prohibited from working in child-related activities as regulated by the *Act*.

- 3.14 Upon negotiation and verification from the Commissioner on the Negative Notice and/or Police information the CEO or appointee will follow Surf Life Saving Queensland's Policy and Protocols for Dealing with Police Investigations, Criminal Charges, Guilty Pleas and/or Convictions (MS03).

#### **4. BLUE CARD RENEWALS**

Existing "blue card" holders will be notified by the Commission approximately 8 weeks before their card expires. It is the responsibility of the member to ensure that when the renewal application form is completed: they are not a disqualified person; they use the Surf Life Saving specific form appropriate to their volunteer or paid employee status; and forward the completed form to their respective Club "Administrator". A police information check will again be conducted on the card holder and if their application is approved, the person will be issued with a new "blue card".

It is an offence for a "disqualified person" to sign a blue card application. Penalties of up to five years imprisonment or a fine of up to \$50,000 may apply.

**NOTE: Please ensure that the members must complete the SLSQ specific renewal form** as the renewal notification from the Commission may direct the member to a generic form as opposed to SLSQ's specific form. **The member must forward the form to the Club and not directly to the Commission.**

#### **5. MAINTENANCE OF INFORMATION**

- (a) Where the CEO or appointee receives the information from the Commissioner which shows that an applicant has a Positive Notice and a "blue card" was issued, information will be recorded into Surf Life Saving Queensland's Surfmate Program inclusive of registration number, card type (volunteer blue card/ paid employee blue card/or exemption notice) and expiry date. Hard copies of this information will be maintained for not less than seven (7) years.
- (b) Where the CEO or appointee receives a Negative Notice, Withdrawal, Discontinuance or Change of Police Information Letter which shows that the person **has not** been issued with a "blue card", the member will be identified on Surf Life Saving Queensland's Surfmate Program as either "Restricted Activities" or "Suspended" to ensure that the member does not fulfill any activities or work that are related to children or young people. This information will be maintained for not less than seven (7) years.
- (c) Club "Administrator's" must prepare monthly screening reports from SurfMate which will enable ongoing monitoring of blue card expiry dates, to comply with the *Act's* requirement to maintain an employee register.
- (d) All documents received by the CEO or his appointee must be confidential.

#### **6. REFERENCES**

- 6.1 For a complete Schedule of Disqualifying Offences please refer to the Commission's website:  
<http://www.cypcg.qld.gov.au/index.html>