



commission for
children and young people
and child guardian

Understanding the blue card

The Commission

The Commission for Children and Young People and Child Guardian is an independent statutory authority which promotes and protects the rights, interests and wellbeing of children and young people in Queensland.

The work of the Commission is regulated by the *Commission for Children and Young People and Child Guardian Act 2000*.

The Act requires certain people working with children under 18 to undergo employment screening - known as the Working with Children Check.

What is the Working with Children Check?

The Working with Children Check is a detailed national check of a person's criminal history, including any charges or convictions.

The Commissioner also considers disciplinary information held by certain professional organisations for:

- teachers
- child care service providers
- foster carers
- nurses,
- midwives, and
- certain health practitioners.

In addition, information from police investigations into allegations of serious child-related sexual offences will be taken into account, even if no charges were laid because the child was unwilling or unable to proceed.

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 working in the areas of work covered by the Act.

If people do not comply with their obligations under the Act, penalties may apply, including fines and terms of imprisonment.

Who does the check apply to?

Paid employees and volunteers

If you work as a paid employee or volunteer with children and young people in any of the following areas, you may need a blue card:

- residential facilities
- school boarding houses
- schools (other than teachers and parents)
- child care
- churches, clubs and associations involving children
- child counselling and support services
- private teaching, coaching or tutoring
- education programs conducted outside of schools (ie. alternative education programs for students suspended from school or flexible schooling arrangements)
- child accommodation services, including home stays
- religious representatives
- sport and active recreation
- emergency services cadet programs
- school crossing supervisors, and
- caring for children under the *Child Protection Act 1999*, eg. foster and kinship carers.

Only people meeting certain requirements under the Act need a blue card.

To see if you need a blue card, consider whether the child-related activity you are involved in meets the requirements of each category.

The requirements differ for each category and different exemptions apply.

Paid employees and volunteers should check with their employer whether they are exempt.

For more information about these categories, go to www.bluecard.qld.gov.au or call the Blue Card Contact Centre on **3247 5145** or **1800 113 611**.

Businesses

If you carry on a child-related business in any of the following areas, you may need a blue card:

- counselling and support services
- private teaching, coaching and tutoring
- child care
- education programs outside of schools
- religious representatives
- child accommodation services, including home stays
- sport and active recreation (ie. providers of sporting camps and programs - excludes amusement parks)
- operators of hostels for rural children, and
- businesses relating to licensed care services under the *Child Protection Act 1999*

Only people meeting certain requirements under the Act need a blue card.

To see if you need a blue card, look at whether the nature of your child related activity meets the requirements of the categories above.

The requirements differ for each category.

Different exemptions apply under each category. You need to check if they apply to you.

For more information, go to the Commission's website at www.bluecard.qld.gov.au or call the Blue Card Contact Centre on **3247 5145** or **1800 113 611**.

How often must I work with children and young people to hold a blue card?

Paid Employees

Paid employees must apply for a blue card if they work (or are likely to work) in child-related employment within 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.

It is important to note that paid employees can start or continue working in child-related employment while awaiting the outcome of their blue card application, provided the application has not been withdrawn.

Volunteers

Volunteers in the child-related areas covered by the Act must hold a valid blue card **before** they start volunteering regardless of how often they come into contact with children and young people.

However, a volunteer of a school or recognised body may be **exempt** from holding a blue card if:

- they are volunteering for 10 days or less, no more than twice a year, and
- it is for the purpose of observing, supplying information or entertainment to 10 or more people, and
- they are unlikely to be with a child while no other adult is present.

A volunteer at a state or national event may also be **exempt** from holding a blue card if the event is:

- organised by a school or recognised body, and
- being held at state or national level for a sporting, cultural or skill-based activity, and
- attended by more than 100 people, and

the volunteer is:

- providing the service for 10 days or less, no more than twice a year, and
- unlikely to be with a child while no other adult is present.

Businesses

Business operators must hold a valid blue card **before** they start regulated child-related activities regardless of how often they come into contact with children and young people.

How do I apply?

Blue card application forms can be printed from the Commission's website at www.bluecard.qld.gov.au

If you are unsure which form to complete, call the Blue Card Contact Centre on **3247 5145** or **1800 113 611**.

Paid employees and volunteers

The employer or volunteer coordinator is responsible for applying to the Commission for a blue card for volunteers and paid employees.

They must declare that they have seen the applicant's original identification documents proving the applicant's identity.

Employers or volunteer coordinators will be notified of the outcome of an application, but any criminal history details or other personal information about the applicant is kept confidential.

Businesses

Business operators are responsible for applying to the Commission for their own blue cards. A prescribed person (ie. Commissioner for Declarations, Justice of the Peace, Lawyer or Police Officer) must declare that they have seen the applicant's original identification documents proving the applicant's identity.

How long is a blue card valid?

A blue card is valid for two years from the date it is issued (unless cancelled earlier).

How do I renew my blue card?

The Commission notifies existing blue card holders before their current blue card expires.

If a person's blue card has expired (or is about to expire) and they intend to continue working in child-related employment regulated by the Act, they must complete a blue card renewal application and lodge it with the Commission.

As part of the renewal process, the applicant must again provide their personal information and have their original identification documents.

They must also provide details of their current employer or volunteer organisation or details of their regulated business.

Where a person holds a current blue card, they can continue carrying on child-related activities regulated by the Act after their card expires, provided:

- the blue card has not been suspended or cancelled, and
- the Commission has received a completed renewal application **at least 30 days before the expiry date**, and
- the application has not been withdrawn.

How much does a blue card renewal cost?

Applications (including renewals) for volunteers and students are processed free of charge. However, paid employees and business operators must pay a \$40 fee.

Will I be refused a blue card if I have a criminal history?

A person with a criminal history will not necessarily be refused a blue card.

If an applicant's criminal history is considered relevant to child-related activities, the Commissioner will ask them to provide a submission on the police or disciplinary information held about them, to explain why they should not be refused a blue card.

The Commissioner then assesses the submission, any references or other relevant material provided, the nature of the offence/s and circumstances surrounding the case before making a final decision.

The employer, volunteer co-ordinator or education provider is notified of the outcome of the person's blue card application, but any personal, police or disciplinary information is kept confidential.

However, if an applicant has been convicted of a serious child-related sexual offence or child pornography offence (ie. an excluding offence) they are automatically excluded from holding a blue card if:

- they were sentenced to imprisonment (actual or suspended) for the offence, or
- the judge made a disqualification order at sentencing, preventing the person from holding or applying for a blue card.

In these cases, the Commissioner must issue a negative notice.

What is considered when assessing an applicant with a criminal history?

When assessing a person's criminal history, the Commissioner considers:

- whether there are charges or convictions
- whether any offence is a serious offence (as defined by the Act)
- when the offence was committed or alleged to have been committed
- the nature of the offence and its relevance to working with children and young people
- in the case of a conviction, the penalty imposed by the court and any reasons given if no imprisonment order or order disqualifying the person from holding or applying for a blue card was made, and
- any other relevant information relating to the offence or alleged offence.

A negative notice will be issued if a person has been convicted of a serious offence (other than an excluding 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 and young people to issue a blue card.

When assessing investigative or disciplinary information held about a person, the Commissioner considers a range of other factors required by the Act.

A list of serious and excluding offences is available on the Commission's website.

What should I do if I have a blue card and my criminal history changes?

If a person is charged or convicted of a criminal offence, their criminal history changes - whether or not a conviction is recorded.

If a paid employee, volunteer or student has a change in their criminal history, they must immediately notify their existing or prospective employer, volunteer organisation or education provider of this change. They do not have to disclose specific details of the change.

The employer, volunteer organisation or education provider must **not** continue to engage the person in regulated child-related activities until they lodge a 'Change in criminal history - application for review

form' with the Commission. Failure to do so is an offence and penalties may apply.

If a person carrying on a regulated business has a change to their criminal history they must immediately notify the Commission by lodging a 'Change in criminal history - application for review form'. Failure to do so is an offence and penalties may apply.

If the Commissioner considers that the change is relevant to the child-related activities the employer will be notified.

Where new information emerges about a person's criminal history (other than investigative information), the Commissioner must notify the employer whether the person has been charged or convicted of an offence, and whether it is a serious offence, a serious child-related sexual offence or a non-serious offence. No further details are provided.

The employer can **not** dismiss an employee because of the notice given by the Commissioner.

Instead, the employer should ensure they have an appropriate risk management strategy in place for child protection to manage any potential risk of harm while awaiting the outcome of the reassessment. This might include restricting the person's contact with children, or ensuring they are supervised during child-related activities.

What if a person is charged or convicted of an excluding offence?

If a person is charged with an excluding offence after lodging an application, but before it has been decided, they are deemed to have withdrawn their consent to screening.

The Commission will issue a withdrawal notice to the applicant and their employer or volunteer organisation will be notified. The person then cannot engage in child-related activities regulated by the Act.

If a person is charged with an excluding offence (ie. a serious child-related sexual offence or child pornography offence) after receiving a blue card, their card is automatically suspended and they cannot begin or continue work in regulated employment, or carry on a regulated business, until their 'Change of criminal history application form' has been processed and a new card issued.

An employer, volunteer organisation or authorised person will be notified of the suspension.

If a person's blue card is suspended, it does not stop them from working in non-regulated employment.

If an applicant has been convicted of an excluding offence they will automatically be excluded from holding a blue card if:

- they were sentenced to imprisonment for the offence, or
- the judge made a disqualification order preventing them from holding a blue card.

In these situations, the Commissioner must issue a negative notice.

Can I appeal against a negative notice?

There is no right of appeal where a person has been refused a blue card for an excluding offence (if sentenced to imprisonment or a disqualification order made). In these cases, a person is banned from holding or applying for a blue card **for life**.

However, if an applicant is issued with a negative notice for any other offence, they are notified of the decision and the reasons for it. They then have the right to apply to the Children Services Tribunal for review of the decision.

A negative notice is valid indefinitely unless cancelled by the Commissioner, or if a review by the Children Services Tribunal overturns the Commissioner's decision. However, applicants may apply to the Commissioner for a decision to be reviewed after two years by lodging an 'Application to cancel a negative notice'.

What if I change my name/contact details?

Blue card applicants, card holders and people issued with a negative notice must notify the Commission of a change to their name or contact details in 14 days of the change occurring.

To notify the Commission, forms are available from the Commission's website at www.bluecard.qld.gov.au or by calling the Blue Card Contact Centre on **3247 5145** or **1800 113 611**.

What if my blue card is lost or stolen?

Blue card holders must notify the Commission in 14 days if their blue card has been lost or stolen.

To notify the Commission, a form is available from the Commission's website at www.bluecard.qld.gov.au or by telephoning the Blue Card Contact Centre on **3247 5145** or **1800 113 611**.

What if I stop working in work requiring a blue card before it is processed?

A blue card applicant awaiting the outcome of their application must notify the Commission in 14 days if their employment (paid or voluntary) ends.

If a business stops carrying out regulated child-related activities, or the contact details of the business change, the business operator must notify the Commission in 14 days.

Forms to notify the Commission are available from our website at www.bluecard.qld.gov.au or call the Blue Card Contact Centre on **3247 5145** or **1800 113 611**.

Is the blue card a guarantee of safety?

The Working with Children Check is **only one** component in a suite of strategies the government supports to promote safe environments for children and young people.

Although the blue card is a vital child protection mechanism, it is no guarantee of a person's safety around children, and is no substitute for vigilance by parents and the community or appropriate risk management strategies to protect children and young people from harm in service environments.

Employers and businesses regulated by the Act must have a child protection risk management strategy in place to promote the safety and wellbeing of children in their care.

The risk management strategy must include the following elements:

- a) a policy with a statement of commitment to the safety and wellbeing of children and the protection of children from harm
- b) a Code of Conduct for interacting with children and young people

- c) recruitment, training and management procedures for staff (including appropriate employment screening – ie. blue cards and registers of staff who hold blue cards)
- d) reporting guidelines and directions for handling disclosures or suspicions of harm
- e) consequences to staff for not complying with policies
- f) policies and procedures for meeting blue card requirements
- g) risk management plans for high risk activities and special events, and
- h) strategies for communication and support such as:
 - information for staff, volunteers and parents about policies, procedures and Codes of Conduct, and
 - training materials and strategies to help staff, volunteers and parents identify risks of harm.

More information is available from the Commission’s website at www.ccypcg.qld.gov.au or by calling the Commission on **3247 5145** or **1800 113 611**.

Can I use the blue card for more than one child-related activity?

Yes. A blue card can be used for any of the activities listed under the Act.

But if the card is to be used for a different purpose to the one for which you applied (eg. a different category of employment or business regulated by the Act), an applicant should complete an ‘Authorisation to confirm a valid blue card form’.

This form is available from the Commission’s website. It asks the card holder to allow the Commission to confirm their blue card status to an authorised person in the new area in which they intend to work.

Offences and penalties

Penalties apply for not complying with the Act.

In addition to the information in the following table, more offences and penalties can be found on the Commission’s website (at the address listed above).

Obligations	Maximum Penalty
Employers	
Volunteers - An employer must not employ a volunteer who does not have a current blue card.	\$750
Paid employees - An employer must not employ (or continue to employ) a paid or prospective paid employee if they work, or are likely to work, in regulated employment for at least the minimum threshold.	\$750
An employer must not employ a person in regulated employment where:	
• an application for a blue card has been lodged, but the employee has withdrawn their consent, or	\$750
• the employer has been notified that the employee has been charged with an excluding offence, or	\$7,500
• the employer is aware that a person holds a current negative notice.	\$7,500
Employees	
A person must not apply for, start or continue in, regulated employment:	
• if they hold a current negative notice, or	\$37,500/ 5 yrs imp
• if they have withdrawn their consent or are taken to have withdrawn their consent to employment screening.	\$7,500/ 1 yr imp
Regulated Businesses	
A person must not carry on a regulated business without a current positive notice and blue card.	\$37,500/ 5 yrs imp

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