

HRP011B WORKING WITH CHILDREN CHECK (BLUE CARD)

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1 OVERVIEW

Brisbane City Council (Council) is committed to maintaining the safety and well-being of children and young people. A working with children check (blue card) is required for any worker (paid employee, volunteer, contractor or student doing a practical placement for their course) engaged by Council who interacts with children and young people, as prescribed under the *Working with Children (Risk Management and Screening) Act 2000* (the Act).

Anyone recruiting, occupying, or managing a position that requires a working with children check (blue card) must comply with the Act.

Failure to comply with the Act may result in prosecution.

This procedure outlines the positions that require a working with children check (blue card), Council's obligations when managing and recruiting to those positions and the responsibilities of workers who occupy those positions.

This procedure also outlines the responsibilities in reporting suspicion or disclosure of harm to a child or young person.

2 APPLICABILITY

This procedure applies to anyone occupying, managing or recruiting positions that interact with children and young people, including paid employees, contractors, volunteers and students doing a practical placement for their course, as prescribed under the Act.

In reporting suspicion or disclosure of harm, this procedure applies to all Council workers.

Where there is any inconsistency between the Act and this procedure, the Act will prevail.

Note:

- Bus operator positions do not fall within the scope of the blue card system and therefore do not need a blue card. Commercial bus drivers are required under the [Transport Operations \(Passenger Transport\) Act 1994](#) to obtain authorisation to drive a public passenger vehicle which includes criminal history screening by the Department of Transport and Main Roads.
- [Registered health practitioners](#) (e.g., nurse immunisers) working in their professional capacity do not need a blue card.
- Council facilities that are leased are not considered in this procedure and lessees are responsible for their own procedures and obligations regarding working with children.

3 DEFINITIONS

Blue card – the card issued by Blue Card Services once an applicant has been investigated and assessed as eligible to work with children and young people.

Blue Card Services – the Queensland Government department which administers the working with children check (blue card).

Children and young people – people who are under 18 years of age.

Child-related work/employment or activities – employment or services conducted in the organisation are regarded as child-related if the usual functions of the employment or services include or are likely to include:

- providing services that are directed mainly towards children, or
- conducting activities that mainly involve children.

Delegate – the authorised person as specified in Council's Human Resources (HR) delegations.

Disclosure of harm – when someone, including a child, informs you of harm that has happened, is happening or is likely to happen to a child.

Disqualified person – as defined in the Act, 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 under a child protection offender prohibition order; or
- is under a disqualification order prohibiting them from applying for or holding a blue card.

Exemption – where a category of person or type of work is excluded by the Act or from the definition of child-related work.

Frequency test – determination of whether a person needs a blue card based on how much child-related work (paid or volunteer) they will do in a calendar year.

Police information – refers to a person's national criminal history that includes:

- all charges and convictions, including spent convictions and pending and non-conviction charges
- investigative information about the person
- information as to whether the person is or has been:
 - a relevant disqualified person; or
 - the subject of an application for a disqualification order; or
 - named as the respondent to an application for an offender prohibition order.

Regulated (child-related) employment – categories of employment regulated by the Act.

Restricted person – a person who either:

- has been issued a [negative notice](#)
- has a suspended blue card
- is a [disqualified person](#)
- has been charged with a [disqualifying offence](#) that has not been finalised, or
- is the subject of an adverse interstate Working with Children Check decision that is in effect.

Suspicion of harm – when a person has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering significant harm. This includes circumstances that relate to an unborn child who may be in need of protection after he or she is born.

Volunteer – a person approved by Council to provide their services in a voluntary, unpaid capacity to Council.

Worker – any paid employee, contractor, volunteer, or student enrolled in a course (including certificate, TAFE and university courses) completing a paid or volunteer practical placement.

Working with children check (also known as a blue card) – an ongoing assessment of a person's eligibility to work or volunteer with children or young people. It involves a check of a person's national criminal history (including all spent convictions, pending and non-conviction charges) and other disciplinary and police information. Police information continues to be monitored daily. If a person commits an offence which disqualifies them from holding a blue card, Blue Card Services will contact all organisations where the person works or volunteers to let them know of the disqualification.

4 PROCEDURE REQUIREMENTS

4.1 Statement of commitment

Council is committed to being a child-safe organisation and creating an environment where everyone feels safe, respected and valued. Council promotes and protects the rights, interests and wellbeing of children and young people in Brisbane as well as those who are participants in Council's workforce, such as school-based trainees, apprentices, and students on work experience.

All workers must abide by Council's Code of Conduct, which specifies the standard of conduct required when working with children and young people.

4.2 General

Positions and volunteer roles that interact with children and young people, as prescribed in the Act, must be identified by the delegate as requiring the worker to have a valid blue card.

The delegate is responsible for ensuring that anyone in a position or volunteer role requiring a working with children check has a valid blue card and is linked to Council prior to commencing work.

Contractor positions must have the mandatory requirement listed in the assignment brief.

Workers under the age of 18 only need a blue card when they are paid to work or are a student enrolled in a tertiary course completing a practical placement. Volunteers under the age of 18 do not need a blue card.

4.3 Position review

The delegate is responsible for identifying when a position or volunteer role requires a working with children check.

4.3.1 Positions requiring a working with children check

As specified in the Act, a working with children check is required for positions in regulated (child-related) employment categories such as:

- health, counselling and support services and programs, for example, an employee of a youth centre or an online counselling service for youth
- education programs and care services (similar employment), for example, an employee of a childcare centre, outside school hours care (OSHC) service or kindergarten

- sport and active recreation, for example, an employee of an aquatic or swimming centre, or sports and recreation area
- churches, clubs and associations involving children, for example, an employee who conducts children's reading groups in a Council library.

Where it is required, the delegate must ensure a working with children check is a mandatory requirement, as applicable, in the:

- position description
- system position profile
- role requirements for volunteers
- assignment brief for contractors.

Only the delegate can approve the removal of a working with children check as a mandatory requirement from the position description and the position profile.

Positions that have a working with children check as a mandatory requirement will be required to have a clause in the advertisement advising the position is classified as regulated (child-related) employment and candidates will be required to undertake a working with children check as part of the recruitment process and possess the relevant blue card before commencing employment. Refer to *HRP001 Recruitment and selection*.

The delegate must consider if the position also requires a criminal history or business history check. Refer to *HRP011A Criminal history and business history checks*.

4.4 No Card, No Link, No Start law

Unless exempt under the Act, all workers **must have a valid blue card** (not just a pending application) **and be linked before** commencing or volunteering with children in regulated (child-related) employment or child-related work/employment or activities.

4.5 Frequency test

If the regulated (child-related) employment or child-related work/employment or activities is infrequent, then a person may not require a blue card under the frequency test check. If the child-related work is **not more than seven days in a calendar year**, then a person **will not** need a blue card. If the work is **more than seven days**, then a blue card **will** be needed.

For the frequency test, a 'day' includes a full day or part of a day (e.g., two hours of work on one day is a day). The 7-day frequency test applies to all workers. The 7-day frequency test replaces all other frequency tests set out by Blue Card Services.

The delegate will need to ensure any person required to work more than seven days in a calendar year in a position that requires a working with children check (blue card) holds a relevant valid blue card.

4.6 Types of blue cards

Blue cards are issued by Blue Card Services once an applicant has been investigated and assessed as eligible to work with children and young people. There are three types of blue cards:

1. **Paid card (P)** – issued for a period of three (3) years unless cancelled or suspended earlier to a person who is being paid to work in a child-related position
2. **Volunteer card (V)** – issued for a period of three (3) years unless cancelled or suspended earlier to a person to provide their services in a voluntary, unpaid capacity.
3. **Exemption card (E)** – issued for a period of three (3) years unless cancelled or suspended earlier to Queensland registered teachers and Queensland police officers who are providing child-related regulated services outside of their work as a teacher or police officer.

4.6.1 Blue card exemptions

Blue card exemptions are to be managed in accordance with the Act.

Supervisors and colleagues of under 18 employees or students, including those on work experience, are not required to have a working with children check or hold a blue card, unless the position is within a regulated workplace as defined by the Act.

4.7 Blue card obligations

It is an offence under the Act for a person to undertake regulated (child-related) employment if they do not have a valid blue card.

At all times it is an offence for a restricted person to start or continue working or volunteering in restricted employment and for an employer to employ or continue to employ a restricted person in restricted employment. See definitions in section 3.

Failure to comply with the obligations specified below may attract penalties to Council as the employer as well as the blue card holder. Delegates and the team leaders who manage positions requiring a blue card must ensure:

- the worker has a valid blue card and is linked with Council at all times when engaging in child-related activities on behalf of Council
- the employee's card renewal is lodged and completed with Blue Card Services before its expiry date
- the blue card is recorded in the system employee profile
- Blue Card Services is notified if an employee who holds a blue card ceases employment with Council, within 14 days of their end date.

4.7.1 Expiring cards

Workers have an obligation to advise their team leader if their blue card has expired. If a worker does not renew their card before it expires, it will be cancelled and they will not be able to continue to work under the *No Card, No Start law*. The worker must be removed from child-related employment or activities until a valid blue card has been received and verified and the team leader has ensured it is linked with Council.

The worker is responsible for completing and submitting the relevant renewal application forms to Blue Card Services.

4.7.2 Change in personal information

Workers who have applied for or hold a blue card must inform their team leader and Blue Card Services immediately of:

- any change in personal information
- any change in employment circumstances
- a lost or stolen card.

4.7.3 Change in police information

Workers who have applied for or hold a blue card must inform their team leader and Blue Card Services immediately of:

- a change in their police information

Note: The cardholder does not have to provide the details of any offence/s to Council, only that a change has occurred.

The team leader must immediately seek advice from People and Culture, and Ethical Standards.

4.7.4 Card cancelled, suspended or a negative notice received

Workers who have had a blue card cancelled or suspended, or have received a negative notice must immediately:

- inform their team leader
- stop any child-related activities or interactions with children and young people
- return their blue card to Blue Card Services immediately for cancellation and suspension.

The team leader must immediately:

- stop the worker from undertaking any child-related activities or interacting with children and young people
- seek advice from People and Culture, and Ethical Standards.

4.8 Compliance and monitoring

Council must ensure that blue card information for workers engaged in child-related employment and activities is maintained in line with Blue Card Services requirements. This includes maintaining a centralised register of all paid employees and volunteers who require a working with children check and records of blue card numbers and card expiry information.

Delegates and team leaders are responsible for monitoring and maintaining compliance of blue card information for all workers in positions that they manage. This is carried out in the following ways:

- recording blue cards in the system employee profile
- recording blue cards through work area specific processes for volunteers
- monitored and checked through the relevant assignment brief for contractors
- linking the blue card to Council in the Blue Card Services Organisation Portal.

4.9 Transitioning from volunteer to paid employee status

If a volunteer (who holds a volunteer blue card) engaged by Council moves into paid child-related work, their card must be transferred to a paid blue card. The volunteer is responsible for submitting a Volunteer to paid employment transfer form and paying the fee to Blue Card Services within 14 days of becoming a paid employee. Under the No Card, No Start law, a volunteer can start in paid work as soon as the form has been submitted. If their eligibility has not changed (e.g., there is no change in their police history), a paid card will be issued.

4.10 Reporting on suspicion or disclosure of harm

Every Council worker is responsible for reporting a disclosure or reasonable suspicion of harm involving a child or young person.

When a child or young person discloses harm to an employee, or an employee has a reasonable suspicion of harm, the employee must report the matter immediately to Ethical Standards who will investigate and report to Child Safety in line with the *Child Protection Act 1999*.

5 AUTHORITY

- CEO 15 May 2024
- EMT 1 September 2021
- JCC 2 September 2021
- Certified agreement

This procedure is derived from Human Resources Policy 117 - Criminal History Check Prior to Appointment to Positions of Risk in Brisbane City Council.

6 PROCEDURE OWNER

Chief People Officer, People and Culture, Corporate Services

7 FILE REFERENCE

Council file 6/1/2

8 FURTHER ASSISTANCE

- HelpPhone 340 71111>2

9 RELATED INFORMATION

- [Blue card: Working with children intranet page](#)
- [Blue Card Services](#)
- [HRP001 - Recruitment and selection](#)
- [HR delegations](#)
- [HRP040 Code of Conduct](#)

- [HRP044 Personal history files](#)
- File reference (0)35/ 18(25)

10 REVIEW DATE

July 2028 (extended date)
Last reviewed May 2024

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