



Understanding the blue card system

How the blue card system works

Blue Card Services administers the blue card system—Queensland's Working with Children Check.

All children have the right to be safe and protected from harm. In Queensland, Blue Card Services administers the blue card system – the Working with Children Check. Under legislation, anyone working or volunteering with children in Queensland must have a blue card. This also applies to certain self-employed people and businesses.

The blue card system is governed by 2 pieces of legislation: the *Working with Children (Risk Management and Screening) Act 2000* (the Act) and the *Working with Children (Risk Management and Screening) Regulation 2020*.

The blue card system contributes to the creation of safe service environments for children in various ways. Just as each piece of a jigsaw comes together to make a complete picture, the same applies to the blue card system. The different parts all play an essential role in keeping children and young people safe and it works best when all parts work together.

The 4 components of the blue card system are:

1. Who needs a blue card?
2. The blue card check.
3. Ongoing daily monitoring and compliance with blue card requirements.
4. Requirements to develop and implement a child and youth risk management strategy.

Who needs a blue card?

The blue card system does not apply to every environment in which a child may be present.

Under the Act, there are 16 categories of regulated employment and 12 categories of regulated businesses. To require a blue card, a person's paid work, volunteer or business activities must fall within the scope of one of the categories of regulated employment or business. Organisations cannot adopt a policy requiring individuals to obtain a blue card if the work they are doing is not regulated by the blue card system.

If a person's activities don't fall within the categories of regulated employment or business, a blue card is not required. Whether a person requires a blue card will depend on several factors including the:

- environment where the work is performed
- type of work
- frequency of work.

The blue card check

The next component of the blue card system is what we refer to as the blue card check which assesses a person's eligibility based on their known past police and disciplinary information. This process prevents people from working with children if their past behaviour indicates that they are unable to protect a child from harm.



Fact sheet - Understanding the blue card system

People who have committed certain disqualifying offences are prevented by law from applying for a blue card (i.e. those convicted of a serious child-related sex or child pornography offence or the murder of a child).

The blue card check is more than a police check and looks for:

- a charge or conviction for any offence in Australia, even if no conviction was recorded (this includes spent convictions, pending and non-conviction charges)
- child protection prohibition orders (both respondents and subjects to the application)
- disqualification orders
- reporting obligations under the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 or Dangerous Prisoners (Sexual Offenders) Act 2003
- disciplinary information from certain organisations (this includes information about teachers, childcare licensees and foster carers)
- domestic violence information
- other information about the person that is relevant to deciding whether it would be in the best interests of children to issue a blue card
- police investigative information relating to allegations of serious child-related sexual offences, even if no charges were laid.

If an application is approved, we will issue you a blue card. If an application is refused, we will not issue a blue card and the applicant will not be able to work or volunteer with children. Before we make this decision, we may ask the applicant for their side of the story by requesting a submission.

Ongoing daily monitoring and compliance

All applicants and blue or exemption card holders are monitored daily by the Queensland Police Service. If any police information changes (i.e. if a card holder is arrested for an offence against a child and is deemed a risk to be working with children) we can immediately suspend or cancel a blue card and let all organisations that the person works or volunteers will know of the suspension or cancellation of the blue card.

We also monitor organisations and business operators to ensure they are complying with their obligations, particularly ensuring that they have risk management strategies in place.

Child and youth risk management strategies

All organisations and self-employed persons who work or volunteer with children are required by the Act to have a responsible person develop, implement and maintain child and youth risk management strategies.

These strategies aim to ensure that there are appropriate policies and procedures in place to identify and minimise the potential risk of harm to children.

These strategies represent an organisation's commitment to the safety and wellbeing of children and young people in their care. It outlines the policies and procedures within an organisation that promote the welfare of children and protect children from harm.

Resources to help organisations develop their child and youth risk management strategies are at www.qld.gov.au/bluecardriskmanagement.

Need more information?



Please call us on **1800 113 611** or **07 3211 6999** or visit www.qld.gov.au/bluecard. If you need an interpreter, contact **Language Loop** on 1800 512 451.



Rights and obligations for card holders

This fact sheet provides information around the rights and obligations of people who hold a blue card under the *Working with Children (Risk Management and Screening) Act 2000* (the Act).

A person must hold a blue or exemption card to work or volunteer in child-related regulated employment or business in Queensland. If you have applied for and received a blue or exemption card, you have rights and obligations under the blue card system.

An applicant (a person who has applied for a blue or exemption card) must notify us within **7 days** if:

- their personal details change for example, contact information including name changes, or
- their employment circumstances change for example, they start or stop working with an organisation or they transfer from volunteer to paid work or start their own business.

Card holders must notify us within **14 days** if:

- their personal details change for example, contact information including name changes, or
- their employment circumstances change for example, they start or stop working with an organisation or they transfer from volunteer to paid work, or start their own business, and
- they lose their blue or exemption card or if their card is stolen.

Types of blue cards

There are different blue and exemption cards for volunteers, paid employees, and business operators.

If you hold a paid card, you can use this for volunteering and paid employment with various organisations. However, if you hold a volunteer blue card and propose to start in paid employment or run a business regulated by the blue card system, you must change your volunteer card to a paid card. You can do this by submitting a *Volunteer to paid employment transfer* or *Volunteer to business transfer* online or via the paper form.

Change in police information

All applicants and card holders are monitored daily by the Queensland Police Service. As an applicant or card holder, you must **immediately** let us know if your police information changes by completing a change in police information notification.

A change in police information includes:

- any charge or conviction for an offence. To be clear a conviction means being found guilty by a court, or the acceptance of a plea of guilty by a court, regardless of whether a conviction is recorded and regardless of when and where it took place
- the existence of police investigative information relating to allegations of serious child-related sexual offences, even if no charges were laid
- being the subject of an application for a disqualification order. A disqualifying order is an order that prohibits a person from holding or applying for a blue/exemption card
- being a respondent to an application for offender prohibition order under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*
- becoming subject to reporting obligations or a child protection offender prohibition order under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, or a disqualification order, or a sexual offender order.



Fact sheet – Rights and obligations of blue card holders

We will notify employers of a change in police information when the change is considered relevant to child-related employment.

Suspended or cancelled blue card

If your card is suspended or cancelled you **must not apply for, start, or continue in regulated child-related work or business** and immediately return your blue card to Blue Card Services.

If your card is suspended, and all charges have been finalised in court, your eligibility to hold a card will be re-assessed. We will notify you and your employer, volunteer organisation or education provider 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.

A cancelled or suspended card holder and negative notice holder is considered a **restricted person**.

Restricted person, restricted employment laws

Restricted person is 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 which has not been finalised.

Restricted employment refers to situations which allow a person to work with children without a blue card. These include scenarios such as:

- volunteer parents
- volunteers under the age of 18
- paid or unpaid staff who work in child regulated employment for not more than 7 days in a calendar year
- a person with disability who is employed at a place where the person also receives disability services or NDIS supports or services, and
- a secondary school student on work experience who carries out disability related work under the direct supervision of a person who holds a blue or exemption card.

Penalties apply to individuals who start or continue in restricted employment as a restricted person.

Blue card renewals

We send a renewal text message **10 weeks** before your blue card expires. Card holders must renew their card before your card expires to ensure they continue in student placement, volunteering, paid employment or run their business while their application is being processed, even if you have not received your new card in the mail. You can renew online or using the paper form.

If you do not submit your renewal before the expiry date on your current blue card, you will be subject to No Card, No Start, and **cannot** continue student placement, volunteering, paid employment or run your business until your application has been assessed.

More information on renewing a blue or exemption card is available at www.qld.gov.au/renewbluecard.

Need more information?

Read more about your obligations by visiting www.qld.gov.au/bluecardindividuals. Please call us on **1800 113 611** or **07 3211 6999** or visit www.qld.gov.au/bluecard. If you need an interpreter, contact **Language Loop** on **1800 512 451**.