

# Working with children (blue card) procedure

Version: 2.0 | Version effective: 02/10/2025

#### **Audience**

Department-wide

### **Purpose**

This procedure outlines how the Department of Education (the department) manages requirements for persons engaged in child-related work in accordance with the <u>Working with Children (Risk Management and Screening) Act 2000 (Qld)</u> (WWC Act), <u>Public Sector Act 2022 (Qld)</u> (PS Act) and <u>Suitability for employment (Directive 08/23)</u> (Directive). This procedure applies to all persons engaged in child-related work, and those who manage persons engaged in child-related work, in the department.

#### Overview

Whether a person needs a working with children authority (i.e. a blue card or exemption card, collectively referred to as a 'card' in this procedure) will depend on the environment where the work is performed, the type of work performed and who is performing the work. However, a restricted person must not work in child-related work in any capacity.

While parents volunteering for an activity that their child participates in generally do not need a blue card, parents must have a blue card when volunteering:

- in activities that do not involve their own child, or
- · at overnight excursions or camps, or
- in activities that may involve close personal contact with another child.

The department's Who needs a blue card or exemption card? Quick reference guide provides further information on who needs a card.

This procedure must be read in conjunction with the department's Child and student protection policy.



## Responsibilities

#### Persons who work, or intend to work, in child-related work

- Prior to working in child-related work, and at all times while working in child-related work, a person must:
  - o hold a valid card, unless otherwise exempt
  - provide their card and/or photo identification on request to the Principal / Manager / nominated officer
  - o declare if they are a restricted person or become a restricted person
  - renew their card prior to the expiry date
  - o not start, or continue, in child-related work if they are, or become, a restricted person.

#### Principal (schools)/Manager (business units) or nominated officers

- Ensure all persons who engage in child-related work have a valid card prior to starting work, and at all times during work, unless otherwise exempt.
- Ask any persons relying on a restricted employment provision if they are a restricted person.
- Take reasonable steps to confirm the person's identity.
- Link a person to the school / business unit when they start work, and delink when they cease work.
- Maintain the Organisational Portal and the Register for the school / business unit.
- Monitor card expiry dates and pay card renewal fees.
- Immediately remove a person from child-related work if they are, or become, a restricted person.
- Advise Blue Card Services of any change in school / business unit details or authorised contact people.
- Comply with any lawful requests to provide information or documents to Blue Card Services, unless there is a reasonable excuse not to.
- Consider human rights and ensure that actions and decisions are compatible with the <u>Human Rights Act</u>
   2019 (Qld) (HR Act).

#### **Human Resources**

- Provide advice and support to the Principal/Manager/nominated officer on the implementation of this
  procedure.
- Take action to manage risk and non-compliance with WWC Act requirements.
- Consider human rights and ensure that actions and decisions are compatible with the HR Act.



#### **Process**

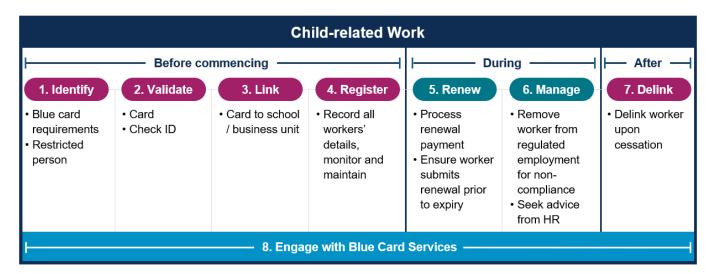


Image 1 - Child-related work process

#### 1. Identify whether a person or business operator needs a card or is otherwise exempt

Prior to a person starting child-related work or a business operator providing a child-related service or activity, the Principal/Manager/nominated officer must:

- identify the relevant <u>category of regulated employment or business</u> and determine whether the person or business operator requires a card, or is otherwise exempt. Refer to the <u>Who needs a blue card or</u> <u>exemption card? Quick reference guide</u> for guidance
- ask the person to complete the <u>Restricted employment declaration form</u> if the person seeks to work in restricted employment. The completed form must be retained by the school/business unit for record keeping purposes with the <u>Register</u>.
- If the person is a restricted person, they must not work with children in any capacity

#### 2. Validate the card

If a person or business operator requires a card, the Principal/Manager/nominated officer must:

- validate the card via the Organisational Portal for cards that must be linked to the school/business unit, or
- validate the card via the <u>Card validity check</u> for cards that are not required to be linked to the school/business unit (e.g. business operators) or if the school/business unit does not have an Organisational Portal, and
- check the card photo to confirm ID of the person/business operator

The person or business operator must present their card if requested by the Principal/Manager/nominated officer for validation purposes.

#### 3. Link the person's card to the school/business unit before they start working

If a person requires a card, the Principal/Manager/nominated officer must:

<u>link</u> the card to the school/business unit using the <u>Organisational Portal</u>, or



 complete and submit the <u>Link a person to your organisation form</u> to Blue Card Services if the school/business unit does not have an Organisational Portal.

There is no requirement to link business operators.

#### 4. Add persons to the school/business unit Register

- The Principal/Manager/nominated officer must maintain a <u>Register</u> recording the name and date of birth for all persons engaged in child-related work.
- If the person engaged in child-related work needs a card, the Principal/Manager/nominated officer must also record:
  - o the application status of the person (e.g. has a valid card)
  - o if the person has a card, the card number and expiry date.
- If the person engaged in child-related work does not need a card (i.e. an exemption applies), the Principal/Manager/nominated officer must also record if the person:
  - o has professional registration through the <u>Queensland College of Teachers (QCT)</u> or the <u>Australian Health Practitioner Regulation Agency (AHPRA)</u>
  - is working in <u>restricted employment</u> (e.g. relying on an exemption, such as a parent-volunteer) and, if so, whether they are a <u>restricted person</u>. If they are a restricted person, they must not start or continue to work or volunteer.
- The person is now able to start in child-related work.

#### 5. Renew card prior to expiry

- A person must apply to renew their card prior to the expiry date of their current card.
- A person can continue to work after the card has expired if the renewal application is submitted to Blue Card Services prior to the expiry date of their card.
- Each school term (i.e. every three months), a Principal/Manager/nominated officer must:
  - o identify all persons with a pending card expiry date (i.e. within the next 3 months) by sorting your blue card register in the Organisational Portal
  - o remind the identified persons to submit a renewal application prior to the expiry date of their current card
  - o for renewal applications that require payment by the school/business unit in accordance with <u>certified</u> <u>agreement</u> requirements (DoE employees only):
    - pay the renewal application fee using the <u>Organisational Portal</u> (or the <u>Online Payment Method</u> for schools/business units without an Organisational Portal)
    - provide the receipt number to the person, if payment was made via the <u>Online Payment Method</u>, to enable the person to complete their renewal application.
  - o review their <u>Organisational Portal</u> and <u>Register</u> to ensure accuracy. Take action to address any deficiencies identified in line with the requirements outlined in this procedure



#### 6. Manage non-compliance

- A person must immediately stop child-related work if they receive a negative notice from Blue Card Services or their card:
  - o expires (and a renewal application was not submitted to Blue Card Services prior to expiry)
  - o is suspended by Blue Card Services
  - o is cancelled by Blue Card Services.
- A person must immediately stop working if they become a restricted person.
- A person must declare to the Principal/Manager/nominated officer if they become a restricted person while working in restricted employment.
- The Principal/Manager must immediately:
  - o remove a person from child-related work if the person's card expires (and a renewal application was not submitted to Blue Card Services prior to expiry), is suspended or cancelled by Blue Card Services or they become a disqualified person or negative notice holder, or
  - o remove a person from restricted employment if the person becomes a restricted person, and
  - contact their <u>Human Resources Business Partner</u> if an employee's card expires, is suspended or an
    employee becomes a disqualified person or negative notice holder to determine appropriate action to
    manage risk and a person's non-compliance with the WWC Act and this procedure
- Human Resources (Human Resources Business Partners and Integrity and Employee Relations):
  - take appropriate action to manage risk and an employee's non-compliance with the WWC Act and this procedure, and
  - o support Principals/Managers to manage risk and employee non-compliance matters.
- The Principal/Manager/nominated officer or Human Resources must consider human rights regarding any actions taken, or decisions made, to manage risk or a person's non-compliance with this procedure by examining the following questions:
  - o are any human rights engaged by the decision/action?
  - o if so, will the decision/action promote or limit those human rights?
  - o if a right/s is limited, is the limitation lawful, justified and reasonable in the circumstances?
- The Principal/Manager/nominated officer or Human Resources must <u>document their assessment</u> (DoE employees only) appropriately.

#### 7. Delink the card on cessation

When a person ceases working in regulated employment or in a child-related duty, the Principal/Manager/nominated officer must:

- delink the person from the school/business unit using the Organisational Portal; or
- submit the <u>Delink a person from your organisation form</u> to Blue Card Services if the school/business unit does not have an <u>Organisational Portal</u>.



#### 8. Engage with Blue Card Services

The Principal/Manager/nominated officer must:

- advise Blue Card Services of a <u>change in school/business unit</u> name, address, contact details or authorised contact people (including when a contact person changes their name)
- comply with any lawful requests to provide information or documents to Blue Card Services, unless there is a reasonable excuse not to.

## **Definitions**

Term	Definition
Approved teacher	A person who holds full registration, provisional registration or a permission to teach under the <i>Education</i> ( <i>Queensland College of Teachers</i> ) <i>Act</i> 2005 (Qld).
Blue card	A working with children card, as outlined in <u>Schedule 7</u> of the WWC Act, that evidences that a working with children authority has been issued to a person by Blue Card Services.
Business operator	A sole/self-employed/business operator providing a <u>regulated child-related service or activity</u> , as outlined in <u>Schedule 1, Part 2</u> of the WWC Act.
Card	The collective term used in this procedure to refer to both a blue card and an exemption card issued by Blue Card Services.
Child-related duty	A relevant duty to be performed in the department as determined by the chief executive, or delegate, under the <u>Directive</u> .
Child-related work	Refers to regulated employment, restricted employment, working with children under a professional registration exemption and a child-related duty.
Close personal contact	For example, assisting a child with toileting/nappy changing, bathing or dressing
Disqualified person	<ul> <li>A person who is:</li> <li>convicted of a disqualifying offence—regardless of the penalty and regardless of when and where it occurred</li> <li>a reportable offender outlined in <u>section 5</u> of the <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i> (Qld) (CP Act)</li> <li>the subject of an offender prohibition order under the CP Act</li> <li>prohibited by a court from applying for or holding a blue card</li> <li>the subject of a sexual offender order under the <u>Dangerous Prisoners (Sexual</u></li> </ul>
Disqualifying offence	Offenders) Act 2003 (Qld).  An offence listed in Schedule 4 or Schedule 5 of the WWC Act.

Term	Definition
Exemption card	A working with children card, as outlined in <u>Schedule 7</u> of the WWC Act, specifically for Queensland registered teachers working outside of schools and school boarding facilities.
Negative notice	Blue Card Services' decision that the person cannot hold a card.
Nominated officer	The school/business unit contact person for Blue Card Services, portal user or other officer nominated by the Principal (Schools)/Manager (Business Unit).
Organisational portal	Blue Card Services' online system to help organisations keep track of records and blue card obligations under the WWC Act.
Parent	The child's mother, father or someone else, other than the chief executive (child safety), having or exercising parental responsibility for the child.
	See section 390 of the WWC Act for a full definition.
Register	In accordance with section 369 of the WWC Act, a written record of each employee in regulated employment who:
	has made a working with children check application;
	holds a working with children authority;
	is employed in restricted employment; and
	is not required to apply for a working with children authority.
Registered teacher	A person who holds full registration or provisional registration under the <u>Education</u> ( <u>Queensland College of Teachers</u> ) <u>Act 2005 (Qld)</u> and whose full or provisional registration is not suspended under section <u>48</u> or <u>49</u> of that Act.
Regulated employment	Has the meaning outlined in <u>s156</u> of the WWC Act. There are <u>various categories of employment</u> under the Act, such as <u>Schools</u> , <u>School boarding facilities</u> , <u>Education and care services</u> , <u>Child accommodation services</u> , <u>Residential facilities</u> and <u>Justice and detention services</u> . Under <u>Schedule 1</u> , <u>Part 1</u> of the WWC Act, the employment of approved teachers in schools and school boarding facilities is not considered regulated employment.
Restricted employment	Restricted employment refers to the situations or exemptions that allow a person to work with children without a blue card, such as if they are:
	<ul> <li>a parent volunteering where the voluntary service or activity provided includes the person's own child (except for other specified circumstances that require a card – refer to the Who needs a blue card or exemption card? Quick reference guide for further information).</li> </ul>
	a volunteer who is under 18 years of age



Term	Definition
	<ul> <li>paid or unpaid staff who work in regulated child-related employment for not more than 7 days in a calendar year (unless a card is require prior to commencement as outlined in the <a href="Who needs a blue card or exemption card?">Who needs a blue card or exemption card?</a></li> <li>Quick reference guide)</li> <li>a person with disability who is employed at a place where the person also receives disability services or NDIS supports or services</li> </ul>
	a secondary school student on work experience who carries out disability related work under the direct supervision of a person who holds a blue card or exemption card.
Restricted person	A restricted person is a person who either:
	has been issued a <u>negative notice</u>
	has a suspended blue card
	• is a <u>disqualified person</u>
	has been charged with a <u>disqualifying offence</u> that has not been finalised
	<ul> <li>is the subject of an adverse interstate Working with Children Check decision that is in effect.</li> </ul>
School	Means a state educational institution, specifically a state primary, secondary or special education school, environmental education centre and outdoor education centre, or student hostels or student residential colleges, under sections 13, 14 or 15 of the Education (General Provisions) Act 2006 (Qld).
Working with children authority	A blue card or exemption card issued by Blue Card Services.

# Legislation

- Working with Children (Risk Management and Screening) Act 2000 (Qld)
- Working with Children (Risk Management and Screening) Regulation 2020 (Qld)
- Public Sector Act 2022 (Qld)
- Suitability for employment (Directive 08/23)
- Education (Queensland College of Teachers) Act 2005 (Qld)
- Human Rights Act 2019 (Qld)

# Delegations/Authorisations

Human resources delegations (DoE employees only)



# Policies and procedures in this group

- Child and student protection policy
- Allegations against employees in the area of student protection procedure
- Disclosing personal information to law enforcement agencies procedure
- Information sharing under the Child Protection Act 1999 (Qld) procedure
- Student protection procedure

# Supporting information for this procedure

- Who needs a blue card or exemption card? Quick reference guide
- Register requirements Quick reference guide

#### Other resources

#### Forms and tools

- Categories of employment
- Card validity check
- Link a person to your organisation form
- Delink a person from your organisation form
- Organisational Portal Guide
- Register template
- Update organisation details form

#### Other information

- Blue card resources for individuals and organisations
- Blue card resources in your language and for First Nations communities
- Penalties for organisations under the blue card system
- Australian Health Practitioner Regulation Agency (AHPRA)
- Queensland College of Teachers (QCT)

#### Contact

For individual school/business unit support, please contact HR Support (DoE employees only).

#### Review date

2/10/2028



# Superseded versions

Previous seven years shown. Minor version updates not included.

- 3.0 Working with children check Blue cards procedure
- 1.0 Working with children authority procedure

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