

Circular

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NO: 146.10.05
TO: All Clubs and Branches
CC: SLSQ Development Officers and Regional Managers
SLSQ Board of Directors
SLSQ State Council
SLSQ Operations Committee
State Youth and Membership Development Committee
FROM: State Development Officer – Membership Services
DATE: 21st October 2005
SUBJECT: 'BLUE CARD' SCREENING POLICY

Please find attached the new 'Blue Card' Screening Policy, which was endorsed at the SLSQ Board of Directors meeting held on Wednesday 19th October, 2005.

This new policy supersedes the 1999 Surf Life Saving Queensland Screening Policy and the content of the Policy provides direction to all Clubs, Branches and SLSQ members on the procedures for complying with the requirements of the Working with Children Check "Blue Card" administered by the Commission for Children and Young People and Child Guardian Act (2000). The legislative requirements in relation to the Working with Children Check "Blue Card" Screening are also covered.

It is important that this policy disseminates to all members for their information. Please ensure that this Policy is made available to the members and especially provided to any key officers that are providing services that are directed towards minors or who are conducting activities involving minors. The Policy should also be placed on the Club Notice Board for the members to peruse.

Kind regards,

SHARON BRENNAN



The life of the beach.



POLICY STATEMENT

DATE: 19 October 2005
SUBJECT: **“Blue Card” Screening Policy**
DEPARTMENT: **Youth, Members, Member Welfare, Administration**

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.

This Policy has been created to protect all Surf Life Saving Queensland (SLSQ) individual members who are 18 years of age and under 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 on the procedures for complying with the requirements for the Working with Children Check – “Blue Card” administered by the Commission for Children and Young People and Child Guardian Act (2000). The legislative requirements in relation to the Working with Children Check – “Blue Card” Screening are also covered.

DEFINITIONS AND ROLES:

“The Commission” means the Commission for Children and Young People and Child Guardian” 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” means that 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.

“Serious Criminal Offence” – means offences defined as “Excluded Offences” in the Commission for Children and Young People and Child Guardians Act (2000). A full list of serious criminal offences and excluded offences are listed in this policy.

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

All volunteers and paid employees who work with children or young people must apply for a “Blue Card”.

From 17 January 2005, all volunteers must undergo a Working with Children Check and hold a “Blue Card” before they start volunteering in any area of regulated employment, regardless of how often they come into contact with children and young people.

NOTE: Children under 18 years of age who are volunteers are not required to undergo a criminal history check under this category.

The following is a list of persons who must complete the screening procedures under Surf Life Saving Queensland:

Junior Activities Chairperson	✓
Junior Activities Team Managers	✓
Junior Activities Assistant Team Managers	✓
Junior Activities Chaperones	✓
Age Managers and Assistants	✓
Junior Activities Coaches	✓
Junior Activities Assistant Coaches	✓
Cadet / Youth Officer	✓
Chief Instructor and any Training Officers	✓
Patrol Captains	✓
Club Coaches	✓
Club Assistant Coaches	✓
Club Chaperones	✓
Senior Team Managers	✓
Officials	✓
Water Safety Officers (including IRB Crews)	✓

Other positions that must complete the documents include:

- All State and Branch Team Managers, Coaches, Chaperones and assistants ✓
- All leaders, instructors and chaperones involved in a live in situation ✓

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 (e.g. patrolling members) should complete the screening process.

NOTE: SLSQ requires registered Association parents of members under the age of 18 years involved in activities with minors to also complete the ‘Blue Card’ Screening requirements irrespective if they are involved in the same activity. As the activities of Surf Life Saving are dissimilar from week to week we want to ensure that we provide a thorough duty of care to our membership base.

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

The Working with Children Check is a detailed check of a person’s criminal history (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 will be taken into account, even if no charges were laid because the child was unwilling or unable to proceed.

A member whose application to work with children and young people is approved is issued with a **positive notice** letter and “Blue Card”.

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

3. PROCEDURES FOR COMPLETING THE BLUE CARD APPLICATION/RENEWAL

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.

1. Surf Life Saving Queensland shall require each of the earlier listed persons (“the person”) to complete the Working with Children “Blue Card” Application / Renewal Form which includes a consent (“the consent”) to check police information.

Note: Proof of Identity must be sighted by the employer or volunteer co-ordinator 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.**
2. All identified members will be required to complete the “Blue Card” Screening Policy requirements every 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 along with the Commission.
 3. Club members who currently hold a “Blue Card” with another organization and can show proof of that card should forward a clear copy of the “Blue Card” to SLSQ to be entered into the Surfmate Program. The “Blue Card” is transferable across all categories of employment and businesses screened by the Commission.
 4. Surf Life Saving Queensland, Branches and Clubs may require the person to sign a subsequent consent that the member has a current “Blue Card” or request that the “Blue Card” be sighted from time to time.
 5. Where the person cannot provide proof of holding a current “Blue Card” the following will apply:
 - (a) In the case of an applicant for a position of office at Club, Branch or State level, the person shall not be appointed to that position.
 - (b) In the case of a person already acting in such a position, the person shall 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.
6. The Club or Branch shall input a lodgment date into the Surfmate Program and forward the completed Working with Children “Blue Card” Application/Renewal Form to Surf Life Saving Queensland, who shall upon receipt of the same, input a lodgment date into the Surfmate Program and on forward the Application/Renewal form as soon as practicable to the Commission for processing.
7. The CEO or his appointee shall review the information contained in the advice received back from the Commission.
- (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” has been issued; or,
 - (b) The person has **withdrawn** their **consent** to Employment Screening and a suitability 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 criminal history** which 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.

NOTE: The Commissioner has a range of obligations to consider when assessing a person’s criminal history and if a person’s criminal history 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”.

8. 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 shall do the following:
- (a) **Withdrawn Consent** – place the member on ‘Restricted Activities’ pending a suitability 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 suitability 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 Criminal History** – place the member on “Restricted Activities”. The CEO or his appointee will advise the Club President via a confidential letter that the member has had a “Change in Criminal History” 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 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. The CEO or appointee will suspend the member automatically who has been charged with an “excluding 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 an excluding 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.

9. Upon negotiation and verification from the Commissioner on the Negative Notice and/or Criminal History 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.

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 the renewal application form is completed on the Surf Life Saving specific form and forwarded to their respective Club Secretary/Administrator. A criminal history 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”.

NOTE: Please ensure that the members are completing 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. A reminder again that 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 Statement and a “Blue Card” was issued, information will be recorded into Surf Life Saving Queensland’s Surfmate Program inclusive of Registration Number and expiry date. Hard copies of this information will be maintained for 7 years.

- (b) Where the CEO or appointee receives a Negative Notice, Withdrawal, Discontinuance or Change of Criminal History 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 7 years.

- (c) All documents received by the CEO or his appointee shall be confidential.

See Over for Schedule of Offences

SCHEDULE OF OFFENCES AS PROVIDED BY THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN

REFER TO WWW.BLUECARD.QLD.GOV.AU

The following is a complete list of current serious offences that have been compiled in alphabetical order by the Commission :

CRIMINAL CODE OFFENCES
Abduction of child under 16
Acts intended to cause grievous bodily harm and other malicious acts
Assault with intent to commit rape
Attempt to commit rape
Attempt to murder
Attempted sodomy
Bestiality
Burglary *conditions apply
Carnal knowledge with or of children under 16
Child stealing
Conspiracy to defile
Conspiracy to murder
Cruelty to children under 16
Disabling in order to commit an indictable offence
Endangering life of children by exposure
Female genital mutilation
Failure to supply necessaries
Incest
Kidnapping
Kidnapping for ransom
Killing an unborn child
Knowingly participating in provisions of prostitution * Conditions apply
Maintaining a sexual relationship with a child
Maliciously administering poison with intent to harm
Obscene publications and exhibitions * conditions apply
Owner etc permitting abuse of children on premises
Permitting young people etc to be at place used of prostitution
Persons found in places reasonably suspected of being used for prostitution etc *conditions apply
Procuring prostitution * conditions apply
Procuring sexual acts by coercion etc
Procuring young person etc for carnal knowledge
Rape
Removal of child from State for female genital mutilation
Robbery * conditions apply
Sexual assaults
Stupefying in order to commit an indictable offence
Taking child for immoral purpose
Torture
Unlawful entry of vehicle for committing indictable offence * conditions apply
Unlawful homicide *conditions apply
Unlawful sodomy
Using internet etc to procure children under 16

DRUG MISUSE ACT 1986 OFFENCES
Aggravated supply of dangerous drugs (to minors, intellectually handicapped people in schools and in correctional institutions)
Producing dangerous drugs * conditions apply
Trafficking in a dangerous drug
CLASSIFICATION OF COMPUTER GAMES AND IMAGES ACT 1995
Demonstration of an objectionable computer game before a minor
Making objectionable computer game
Obtaining minor for objectionable computer game
Possession of objectionable computer game
CLASSIFICATION OF FILMS ACT 1991
Demonstration of an objectionable computer game before a minor
Exhibition or display of prohibited publication or child abuse photograph
Making objectionable film
Obtaining minor for objectionable computer game
Possession of child abuse publication or child abuse photograph
Possession of objectionable film
Possession of prohibited publication *conditions apply
Procurement of minor for objectionable film
Sale etc of prohibited publication or child abuse photograph *conditions apply
REPEALED OR EXPIRED SERIOUS OFFENCES
Aggravated assaults
Attempt to abuse girls under ten
Defilement of girls under twelve
Endangering life or health of apprentices or servants
Incest by adult female
Unlawful detention with intent to defile or in a brothel
SERIOUS CHILD RELATED SEXUAL OFFENCES – EXCLUDING OFFENCES
Abuse of intellectually impaired persons
Assault with intent to commit rape
Attempt to commit rape
Attempted sodomy
Carnal knowledge with or of children under 16
Incest
Indecent treatment of children under 16
Maintaining a sexual relationship with a child
Owner etc permitting abuse of children on premises
Procuring prostitution
Procuring sexual acts by coercion etc
Procuring young person etc for carnal knowledge
Rape
Sexual assaults
Taking child for immoral purpose
Unlawful sodomy
REPEALED OR EXPIRED SERIOUS CHILD RELATED OFFENCES
Aggravated assaults
Attempt to abuse girls under 10
Defilement of girls under 12
Endangering life or health of apprentices or servants
Incest by adult female
Unlawful detention with intent to defile or in a brothel



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