Royal Life Saving Society Queensland Inc

ABN 60 478 008 791

BLUE CARD POLICY
FOR AFFILIATED CLUBS

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BLUE CARD POLICY
FOR AFFILIATED CLUBS

INTRODUCTION

This Policy supports RLSSQ's position in providing a safe environment for all members of Affiliated Clubs, others who engage in Life Saving (including beach patrons) and in line with the Commission for Children and Young People and Child Guardian's legislation.

This Policy has been created to endeavour to protect those who are under 18 years of age from all forms of physical or mental violence, exploitation and abuse (including sexual abuse) while under the care and conduct of any club member, officer, coach, trainer, manager or other official.

This Policy also provides direction to all Affiliated Clubs, 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).

STATEMENT OF COMMITMENT

The Royal Life Saving Society Queensland acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. The Society aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;
- Carefully selecting and screening people whose role requires them to have regular contact with children.
- Ensuring our codes of conduct, particularly for roles associated with junior members, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints; and
- Providing education and/or information to those involved in lifesaving on child abuse and child protection.

The Society requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our organisation, to report it immediately to the police or relevant government agency and the organisations nominated Grievance Officer.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected.

If anyone bound by this statement of commitment reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

Every person and organisation bound by this Policy must always place the safety and welfare of children above all other considerations.

Michael Darben
Executive Director

Paul Barry
Club Liaison Officer

RISK MANAGEMENT

It is essential that all Clubs provide a safe environment. Due to the nature of our organisations and the fact that Club activities fall within the scope of the Blue Card system all Clubs are required to implement child and youth risk management strategies. The purpose of these strategies is to ensure that organisations have appropriate policies and procedures in place to identify and minimise the risk of harm to child and young people in regulated service environments.

This policy will help Clubs reduce their risks, however continual monitoring and review of risks at a Club level is also required.

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. Persons who have successfully completed the check, receive a 'Blue Card' or alternatively an Exemption Card, based on their known past police and disciplinary information. This process also disqualifies certain people upfront and prevents people from working with children whose past behaviour indicates they are not eligible to enter regulated child-related employment.

The check involves all relevant information held by Police Services in Australia. The Commissioner also considers relevant disciplinary information held by certain professional organisations. 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 volunteer whose application to work with children and young people is approved, is issued with a positive notice letter and a Blue Card or Exemption Card. A volunteer 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.

Each Blue/Exemption Card must be linked to each organisation that a person is a member. That may be by the person applying for their Blue Card through that organisation, or if the person already has a Blue Card, completing a Blue Card verification through that organisation. If a person is a member of more than one organisation, then they will apply for their Blue Card with one organisation, and complete a verification through the other organisation.

The linked Club will receive correspondence from the Commissioner, which may include a letter confirming a member's application for a Blue Card has been approved (or not), and correspondence when a Blue Card is suspended, cancelled or otherwise restricted.

Blue Cards are valid for a period of three years, and upon expiry, it is the card holder's responsibility to renew their card. A card renewal form is available, which if completed prior to expiry of the Blue Card, speeds up the renewal process.

DEFINITIONS AND ROLES:

"The Commission" means the Commission for Children and Young People and Child Guardian" (CCYPCG) 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. Affiliated Club) 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.

"Disqualified Person" – It is an offence for a 'disqualified person' to apply (sign) for a blue card or renew a blue card. Further it is also an offence for a 'disqualified person' to:

- make an application to carry on, or continue carrying on a regulated business; or
- apply for, or start or continue in, regulated employment. A 'disqualified person' is 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.

"Disqualifying Offence" – A list of disqualifying offences is available from the CCYPCG.

"Blue Card Officer" – A member of the Club who is responsible for administering the Club's Child Safety / Blue Card policy and system.

"People Leaders" - A person who manages or leads members of the Club, which may include the Club Captain, Vice Captains, Chief Instructor, Deputy Instructors, Patrol Captains.

WHO DOES THE WORKING WITH CHILDREN CHECK RELATE TO:

The very nature of a Volunteer Life Saving Club is one that almost all activities of a Club are likely to involve children. This is highlighted by the fact that the very patrons that attend beaches that the Club members monitor include children.

Clubs are required to follow the below guidelines in respect to members and other associated persons:

Children	Children under 18 years of age who are volunteers are not required to undergo a criminal history check under this policy.
Volunteers & Employees (over 18 years)	**All volunteers and paid employees over the age of 18 who work with children or young people must apply for a 'Blue Card' or 'Exemption Card'. All volunteers must hold a Blue Card or Exemption Card before they start volunteering in any area of regulated employment, regardless of how often they come into contact with children and young people.** Any volunteer involved in working with participants under the age of 18 years must complete the Blue Card screening process. This includes general Club Members, Club Officers & Committee Members, Trainers and Officials.
Parents of Young Members:	A volunteer parent of a child who receives the same or similar services, or participates in the same or similar activities, to those of the child does not require a Blue Card. The Society has deemed that an active member of an Affiliated Club (i.e. over the age of 18), can not participate in the same activities as a child, due to the differing patrol and training requirement of the age groups. It is also difficult for Clubs to monitor and control members activity, and to monitor and control if they are undertaking such activity the same as their child. As such, parents of young members who are senior members of a Club, are required to obtain a Blue Card. However, parents of members who are enrolled in a Junior Lifeguard program and undertake no other involvement within the Club, are not required to obtain a Blue Card. The term no other involvement is to be read in the strictest sense, and if a person is involved in training, patrolling or staying overnight at Club premises, they must obtain a Blue Card.
Non members	If for some reason, a non member is involved with a Club activity (i.e. staying at the Club, etc), they are required to undertake the Blue Card screening process as if they are member.
Exemptions	Certain persons (i.e. Police Officers and Teachers) may apply for an exemption from obtaining a Blue Card. An exemption does not mean that those persons do not need to apply for a card, to the contrary, persons who meet this criteria, must apply for an Exemption Card. If an Exemption Card is issued, a letter is also issued to the Club confirming the exemption. For the purpose of this policy, a reference to a Blue Card, shall include an Exemption Card.
Members without Blue Cards	A Club may have members without confirmed Blue Cards, such as Life Members. If your Club has members that do not hold a confirmed Blue Card, they may remain a member of the Club, however can not participate in Club activities that involve or have the potential to involve children. This includes coming to or near the Clubhouse, or attending any Club function or activity including performing patrols. The member is also not permitted to communicate with, or associate with, any member who is under the age of 18 years of age. The member will remain a member of the Club and is not under any specific disciplinary action. They may be permitted to attend limited specific activities that are attended only by adults providing the Club implements documented risk policies and procedures to ensure that those people involved are over 18, no breach of this policy will occur, and child protection legislation is also not breached. An example of such an activity may be an annual Life Members meeting held at a public facility away from the Club premises (i.e. coffee shop) with only life members permitted to attend. If the member later attains a Blue Card or Exemption Card, they may resume normal Club activities once the Club has received suitable notification. Note: The failure to hold a Blue Card is not in itself a reason to terminate a member's membership, however if the failure to hold a Blue Card is as a result of an offence (etc), such may be grounds to terminate a member's membership or for disciplinary action.

ADMINISTRATION OF BLUE CARDS

Overall Responsibility – The Management Committee

The responsibility of upholding the Blue Card Policy and maintaining a Blue Card Register will be with the Management Committee of each Affiliated Club. The Management Committee of Affiliated Clubs is responsible to ensure the appointed officers implement and follow all relevant policies and procedures in respect to child safety.

The Management Committee of each Affiliated Club, is also to appoint one person who will be referred to in this policy as the 'Blue Card Officer', however responsibility for Blue Card Administration will also remain with the Management Committee. If no person is appointed a Blue Card Officer, the Secretary of the Club will undertake the tasks of the Blue Card Officer.

Blue Card Officer

The Blue Card Officer is responsible for:

- maintaining a register of Blue Cards ('Blue Card Register'), which shall include (at least) the following information: member's names, Blue Card Number and the expiry date of Blue/Exemption Cards;
- processing of Blue Card forms and documents which includes
    - taking applications for Blue Cards, Exemption Cards and verification applications (etc),
    - checking the various forms that have been lodged are correct,
    - submitting the forms to the Commissioner; and
- keeping all correspondence from the Commissioner, which shall be kept for a period of at least seven (7) years. It is recommended to keep such information with the Blue Card Register.

The Blue Card Officer shall inform the Secretary of the Club within four (4) days, if:

- a member fails to apply for or obtain a Blue Card,
- a Blue Card expires,
- a Negative Notice is received,
- a Withdrawal, Discontinuance or Change of Criminal History Letter is received,
- a member's Blue/Exemption Card is otherwise cancelled or suspended (etc), and/or
- the Blue Card Officer becomes aware of any concern or risk involving suspected child safety matters.

The Club Secretary

The Secretary of each Club is to report to the Management Committee of the Club in respect to any matters in respect to Blue Cards.

If a member fails to hold a Blue/Exemption Card, the Secretary shall ensure that Letter 1 (refer appendices) is issued to the member, and advise all People Leaders of the Club that the member is not permitted to attend the Club (ensuring members privacy is respected).

Upon advice that a Blue/Exemption Card has been withdrawn, suspended, cancelled or otherwise restricted, the Secretary shall ensure that Letter 2 (refer appendices) is issued to the member, and advise all People Leaders of the Club.

The Management Committee will need to determine suitable strategies to manage any member that does not hold a current Blue Card or an Exemption Card.

Note – the failure of a member to hold a valid Blue or Exemption Card may not be a disciplinary matter, however such member will not be able to participate in any activity of the Club that has the potential to involve children, including Beach Patrolling activities or attending the Clubhouse. In the context of the Life Saving Club, all of the normal Club activities are considered to be likely to involve children and the outcome is that a member who does not hold a Blue Card will not be able to attend the Club, the clubhouse, or make contact with any member under 18 years of age.

General Members

All members are required to comply with this policy and co-operate with any request in respect to the Society's and Clubs Blue Card policy and procedures.

The Society and/or any Affiliated Club may require a member to sign an authorisation to confirm a valid Blue Card or request that the Blue Card be sighted from time to time.

Privacy of Information

The Blue Card Register and all documents and information in respect to Blue Card's is to be kept in a secure and confidential manner. Such information may only be disclosed to the following persons:

- The relevant member or their authorised representative,
- Any government authorised official (including a police officer, etc) who requires such information in the conduct of review, investigation, or is otherwise authorised to obtain such information,
- The Club's Blue Card Officer (or other officer of the Club responsible for such role) and the Club Secretary,
- Management Committee, a disciplinary or review committee,
- The Executive Director of the Society, and/or
- any Officer of the Club or Society who role includes administration of Blue Cards or child related matters.

PROCEDURES FOR COMPLETING THE BLUE CARD APPLICATION/RENEWAL

The following procedures must be adhered to by all Clubs:

1. All volunteers (whether they are members or not) must hold a Blue Card or Exemption Card before they start volunteering in any area of regulated employment, regardless of how often they come into contact with children and young people.

   All volunteers and paid employees over the age of 18 who work with children or young people must apply for a Blue Card or Exemption Card, however volunteers who currently hold a Blue Card with another organisation shall complete an "Authorisation to confirm a valid blue card/application" form.

   Note - Affiliated Clubs must warn any employee/volunteer prior to signing a blue card application, that it is an offence for a disqualified person to sign a blue card application. Penalties may apply to the organisation if a person is not warned. Each individual person who applies for a blue card or renewal is then responsible themselves for deciding whether they fall into the 'disqualified person' category. It is an offence for a disqualified person to sign a blue card application. Penalties of up to five years imprisonment or a fine of up to $50,000 may apply.

   Where a person refuses to apply for a Blue Card and this policy requires that person hold a current Blue Card, that person is not permitted to participate in any Club Activities. Letter 1 must be issued to the person, and a report submitted to the Clubs Management Committee as required in this policy.

2. All identified volunteers will be required to complete the Blue Card Screening Policy requirements every three (3) years from the date the initial Blue Card was issued. Existing Blue Card holders will be notified by the Commission approximately eight (8) weeks before their card expires.

   It is the responsibility of the volunteer to ensure that when the renewal application form is completed they are not a disqualified person.

3. All forms (from 1 or 2 above) shall be submitted to the Blue Card Officer with relevant proof of identity, who shall check the form, complete the form and forward it to the CCYPCG.

   Note: Proof of Identity must be sighted by the Blue Card Officer 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 Club's address, or
   - The applicant has a disability that affects his or her mobility.

4. CCYPCG will conduct a criminal history check on the application and if their application is approved, the person will be issued with a Blue Card. Correspondence will be issued by CCYPCG to the Club.

5. The Clubs Blue Card Officer or their appointee shall review the information contained in the correspondence 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.

6. When advice is provided that a person has any of the above notices (other than a positive notice) from the Commission, the Blue Card Officer or Club Secretary shall do the following:

   Withdrawn Consent – the volunteer must not fulfil any positions or activities involving young people under the age of 18 years, pending a suitability notice being issued by the Children's Commission. The Cub Secretary will advise the volunteer in writing (refer Letter 1) and request the appropriate Club Officer to speak with the volunteer in question in confidence and ensure that the volunteer does not fulfil any positions or activities involving young people under the age of 18 years.

   Discontinuance of Employment Screening – the volunteer must not fulfil any positions or activities involving young people under the age of 18 years, pending a suitability notice being issued by the Children's Commission. The Blue Card Officer will advise the volunteer in writing (refer Letter 1) and, advise the Club Secretary and request the appropriate Club Officer to speak with the volunteer in question in confidence and ensure that the volunteer does not fulfil any positions or activities involving young people under the age of 18 years.

   Change In Criminal History – The Blue Card Officer will advise the volunteer in writing (refer Letter 2) and, advise the Club Secretary and that the volunteer has had a 'Change in Criminal History' and requesting the appropriate Club Officer to speak with the volunteer in question in confidence and ensure that the volunteer does not fulfil 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 Risk Management strategies cater for this situation.

   Negative Notice – A negative notice will be issued if a person has been convicted of a serious offence (other than an disqualifying 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 Blue Card Officer and/or appointed person will suspend the volunteer automatically who has been charged with a 'disqualifying offence'. These volunteers 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 volunteer has been issued with a negative notice for a conviction for a disqualifying offence where they were sentenced to imprisonment or a disqualification order was made. This may mean 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.

   A blue card holder can also become a 'disqualified person' if:
   - They are convicted of a disqualifying offence and sentenced to a term of imprisonment; or
   - become subject to reporting obligations; or
   - become subject to a final offender prohibition order; or
   - become subject to a disqualification order (In the latter case, the Commission must cancel the person's blue card and issue a negative notice. The decision cannot be reviewed and the person is prohibited from working in child-related activities as regulated by the Act).

   Summary Table

Letter received from CCYPCG	Secretary is to issue	Can commence volunteer work	Can attend Club and/or activities
Positive Notice	Not required to issue any letter	Yes	Yes
Withdrawn Consent	Letter 1	No	No
Discontinuance of Employment Screening	Letter 1	No	No
Change in Criminal History	Letter 2	No	No
Negative Notice	Letter 3	No	No

FAILURE TO HOLD A BLUE CARD

Where a person cannot provide proof of holding a current Blue Card, and is required to hold a Blue Card, the following will apply:

(a) Where the person is a volunteer or employed by the Club, a report is to be made immediately to the Club Secretary.

(b) In the case of an applicant/nominee for a position of office at Club or Society level, the person shall not be appointed to that position.

(c) In the case of a person already acting in such a position, the person shall immediately cease to carry out that position.

(d) The Secretary shall ensure that 'Letter 1' is issued to the person, report to the Management Committee and advise all People Leaders of the Club.

(e) The person is not able participate in Club activities that involve or have the potential to involve children, which includes coming to or near the Clubhouse, or attending any Club function or activity including performing patrols. The person is not permitted to communicate with, or associate with any member who is under the age of 18 years of age.

APPENDICES ~ DRAFT LETTERS

The following draft letters are for use of Clubs. The letters may be amended to suit the particular situation.

Letter 1 – Issued when Person/Member does not hold a Blue Card or Exemption Card.

Dear <Name>,

Re: BLUE CARD

The Club is aware that you do not hold a <Blue/Exemption> Card.

This is a requirement under Society & Club Policies, and under the Child Protection Act 1999 and as a result of such, you are not able participate in Club activities that involve or have the potential to involve children, this includes coming to or near the Clubhouse, or attending any Club function or activity including performing patrols.

You still remain a member of the Club and are not under any specific disciplinary action, however without a current Blue Card, you are not able to participate in any Club activities. <if not a member, remove this line>

The Club also requires that you do not communicate with, or associate with, any member who is under the age of 18 years of age.

If you attain a Blue Card or Exemption Card (and you are still a member of the Club), you may resume club activities once the Club has received notification.

If you have any questions, please contact the <Blue Card Officer / Secretary>, <name> on phone <phone number>.

Yours faithfully

Club Secretary

Letter 2 – Issued when the Club is advised when a Blue Card is Suspended or Cancelled.

Dear <Member Name>,

RE: <SUSPENSION/CANCELLATIOB> OF BLUE CARD

The Club has been advised that your Blue Card has been <suspended/cancelled>.

It is a requirement under Society & Club Policies, and under the Child Protection Act 1999 that you hold a current Blue Card and as a result of such, you are not able participate in Club activities that involve or have the potential to involve children, this includes coming to or near the Clubhouse, or attending any Club function or activity including performing patrols.

You still remain a member of the Club and are not under any specific disciplinary action, however without a current Blue Card, you are not able to participate in any Club activities.

The Club also requires that you do not communicate with, or associate with, any member who is under the age of 18 years of age.

If your Blue Card is re-instated and still remain a member of the Club, the Club may require a satisfactory explanation of the suspension, prior to allowing you to attend the Club or any Club activity.

If you have any questions, please contact the <Blue Card Officer / Secretary>, <name> on phone <phone number>.

Yours faithfully

Club Secretary

Letter 3 - Issued when the Club receives a Negative Notice.

Dear <Member Name>,

RE: BLUE CARD – NEGATIVE NOTICE

The Club has received a Negative Notice in respect to your Blue Card application.

It is a requirement under Society & Club Policies, and under the Child Protection Act 1999 that you hold a current Blue Card and as a result of such, you are not able participate in Club activities that involve or have the potential to involve children, this includes coming to or near the Clubhouse, or attending any Club function or activity including performing patrols. The Club also requires that you do not communicate with, or associate with, any member who is under the age of 18 years of age.

The Club requires an explanation as to the circumstances of the Negative Notice. Please provide this information to <Secretary> by <date>. The Club Management Committee will consider its position in respect to your membership of the Club at its next management committee meeting on <date>.

If you have any questions, please contact the <Blue Card Officer / Secretary>, <name> on phone <phone number>.

Yours faithfully

Club Secretary