

PROCEDURE: Working with Children Check (Blue Card Screening)



1. PURPOSE

The purpose of this procedure is to describe Brisbane Catholic Education's (BCE) processes relating to the screening of persons in regulated employment (previously the Blue Card system) in compliance with the Working with Children (Risk Management and Screening) Act 2000 (the Act).

This procedure must be read in conjunction with: The Brisbane Catholic Education Child and Youth Risk Management Strategy, Catholic Education Archdiocese of Brisbane Code of Conduct or the Volunteer and Other Personnel Code of Conduct.

2. RESPONSIBILITIES

2.1 General requirements

From 31 August 2020, employees must hold a working with children clearance (unless exempt) and be linked to the appropriate school or BCE Office (BCEO), to start or continue to be employed by BCE. A person who is issued a working with children clearance will be issued a Working with Children Card (WWC Card), previously known as a Positive Notice blue card or Exemption Card.

Unless a person meets the requirements of the Act, a person must not be employed as an employee or work as a volunteer in a BCE school or in a position that requires a working with children clearance. A person in any of the following categories is unable to apply for or commence employment or volunteering in a BCE school:

- a negative notice holder disqualified from holding a WWC Card under the Act
- a person with a current suspended WWC Card under the provisions of the Act
- a disqualified person within the meaning of the Act
- a person with a charge for a disqualifying offence within the meaning of the Act.

It is an offence for BCE to employ or continue to employ a person if it is known by BCE that the person's WWC Card is not valid for any reason (e.g. expired, cancelled, withdrawn application, negative notice issued, or the person is a disqualified person).

BCE encourages employees, volunteers and contractors to undertake their own research about their eligibility for a WWC Card and seek their own advice from Blue Card Services. Information is available on the [Blue Card Services website](#). Employees who fail to comply with the Act may be subject to [penalties](#).

This procedure does not contractually create or contribute to a legal cause of action against BCE. Responsibilities and requirements in this procedure are mandatory. A breach of this procedure may constitute a breach of the relevant Code of Conduct and/or the employment contract or volunteer statement of responsibility.

2.2 Roles and responsibilities

Role	Responsibilities
Employees, volunteers, and contractors	<ul style="list-style-type: none"> • understand, and comply with, the working with children check obligations under the Act and this procedure • apply for a working with children check prior to applying for or engaging in work for a BCE school • renew application for a working with children clearance prior to expiry of the current clearance • provide the school or BCEO with a copy of a valid WWC Card • disclose any changes to police information to Blue Card Services and to the Principal of the school.
Principal	<ul style="list-style-type: none"> • manage the school's processes for WWC Cards for paid employees, volunteers and contractors who provide services to or conduct activities with students at the school, including taking reasonable steps to verify the person's identity • maintain the school's online portal through Blue Card Services for all WWC Card holders that are linked to the school • maintain an Employee Register in the required format, detailing the WWC Card information for paid employees, volunteers and contractors at the school • act as the designated contact person with responsibility for managing WWC Cards within the school for volunteers who are not exempt.
Manager - Employee Relations	<ul style="list-style-type: none"> • manage BCE's register of working with children clearance or exemption information for paid employees • provide advice to schools about any aspect of this procedure.

3. PROCEDURE

3.1. Who needs a WWC Card?

People who must hold a WWC Card

The following people must obtain and hold a WWC Card:

- school-based employees not registered with either the Queensland College of Teachers (QCT) or the Australian Health Practitioner Regulation Agency (AHPRA)
- school-based employees who are registered with AHPRA, but who are performing positions outside the scope of that registration
- volunteers, who are not the parents of a child attending the school, engaged to provide child-related services or conduct child-related activities
- non-custodial grandparents who volunteer to participate in school activities

- preservice teachers undertaking practical teaching sessions as part of compulsory academic course requirements must hold a WWC Card before commencing their practicum at a school. It is the responsibility of the practicum student to apply for a WWC Card and the practicum student's university is considered to be the employer. Principals must record the details of the practicum student's WWC Card in the school's [Employee Register](#)
- parents (unless they are a relative) who volunteer to billet students and accommodate them in their home. This requirement extends to all adults over the age of 18 years of age living in the household at the time the billeted students are being accommodated
- self-employed people and those employed by an employer other than BCE, whose usual duties include, or are likely to include, the teaching, coaching, or tutoring of a child on a commercial basis
- students, including those under 18 years of age, who undertake formal traineeships as part of their studies which involve work in child related employment, including conducting sport and recreation activities directed at children. This requirement to hold a WWC Card does not extend to students participating in work experience programs
- school board members (this is BCE policy, including for parents who have a child attending the school).

People who are exempt from holding a WWC Card

Certain people are exempt from holding a WWC Card while undertaking the duties for which they are registered e.g. registered teachers, police officers and registered health practitioners (RHP). Teachers (and police officers) may be required to hold a working with children authority and WWC (exemption) Card in other circumstances.

A WWC (exemption) Card has an expiry date, is valid for 3 years and will expire automatically if not renewed. If an employee's WWC (exemption) Card does not have an expiry date printed on it, the employee must renew it by 31 August 2023.

If a school employee has an existing WWC (exemption) Card, they may commence new employment when the Principal links the employee to the school as a WWC (exemption) Card holder via the online portal.

There are no fees for a working with children authority application (for exemption) or renewal.

Teachers

- paid employees who hold current QCT registration are exempt, including when employed by BCE in a non-teaching position and are not required to hold a WWC Card e.g. a registered teacher who is employed by BCE as a School Officer. A WWC (exemption) Card will be required by teachers in certain other circumstances e.g. when a registered teacher coaches at a non-BCE children's sporting club or provides tutoring outside of a BCE program.

- volunteers who hold current QCT teacher registration must obtain a WWC (exemption) Card unless one of the general exemptions below apply e.g. they are a parent volunteering their services at the school at which their child is attending.

Guidance Counsellors and student health practitioners

- paid employees engaged as Guidance Counsellors who are a RHP with AHPRA are exempt.
- student health practitioners, who hold provisional registration as health practitioners, and who are undertaking a practical placement as part of their compulsory academic course requirements are exempt. Principals must have the student's registration details confirmed by the relevant university prior to commencement of their placement and record the details of the student's registration details in the school's employee register.
- RHPs employed by BCE to deliver services to children, that relate to their function as a RHP, must have their registration details confirmed prior to commencement and annually thereafter.

General Exemptions

The following persons are not required to hold a WWC Card:

- a person under 18 years of age who volunteers
- a parent who volunteers their services at the school at which their child is attending
- a person who works for no more than 7 days in a calendar year.

A restricted person (as defined in the definitions below) is unable to rely on the above exemptions to work or volunteer with children.

Employee Relations may be contacted at employeerelations@bne.catholic.edu.au for further advice about whether a WWC Card or exemption is required.

Frequency test

A person will not need a WWC Card if their work (e.g. in a school) is not more than 7 days in a calendar year. If it is more than 7 days, a WWC Card is needed.

For this test, a 'day' includes a full day, or part of a day e.g. 2 hours of work on 1 day is considered to be a day. A 'calendar year' is 1 January to 31 December.

A person will not be able to rely on the frequency test if they are either:

- a restricted person or
- a business operator.

3.2 What do I need to do to commence paid/voluntary work?

Paid employees, volunteers (unless exempt) and trainee students must [apply](#) for and hold a working with children clearance before commencing child-related work (a pending application is no longer applicable for commencing work). Working with children clearance applications are made by the individual through the Applicant Portal of the Blue Card Services website.

Before an employee, volunteer or trainee commences either paid employment or volunteer work, the Principal must:

- confirm the person holds a WWC Card and [validate their card online](#). Details must be entered exactly as they appear on the WWC Card
- take reasonable steps to confirm the card holder's identity e.g. driver's license or other photo ID
- link the person to the school via Blue Card Services [online portal](#)
- record the person's details on the school's [Employee Register](#).

3.3 Cost of obtaining a WWC Card

Employees are responsible for paying all WWC Card fees. There is no WWC Card application fee for volunteers or unpaid student trainees.

A WWC Card is transferable between employers.

3.4 WWC Card application and renewal processes

A person may apply or renew their WWC Card using the online applicant portal on the Blue Card Services website.

3.4.1 Paid employee, volunteer or student placement work

Following an application, Blue Card Services will conduct a working with children check.

If an application is approved, the applicant will be issued with a working with children clearance or authority and a working with children card. A WWC Card is required to commence or continue employment, volunteering or some types of contract work (delivering services to children or engaging in activities with children) with BCE.

Until an applicant holds a WWC Card the applicant must not commence any child related services or activities with BCE.

3.4.2 Renewing a WWC Card for a current paid employee, volunteer or student placement

As long as a person has submitted a renewal application before their current card expires, they can continue to work in paid employment, volunteer, or undertake student placement, even though a new WWC Card has not been issued by the time that the previous one expires.

Renewal applications can be made up to 16 weeks before the current card expires.

If a person does not apply to renew a card before it expires, they will not be able to continue working or volunteering until a new card has been issued.

Following the online application, a working with children check will again be conducted on the card holder, and if their application is approved, they will be issued with a new WWC Card.

If the application is refused (and the applicant is issued a Negative Notice), as required by the Act, the Principal must not continue to employ them. The Principal must contact Employee Relations immediately.

BCEO and/or the school will be notified of the outcome of an application, but any

criminal history details or other personal information will remain confidential.

3.4.3 Transfer of volunteer WWC Card to paid employee WWC Card

If a prospective employee holds a WWC Card as a volunteer, and is intending to commence paid employment with BCE, they must transfer their volunteer WWC Card to a paid WWC Card by applying online with Blue Card Services.

The paid employee may start in paid work as soon as they have applied, including paying the applicable fee. Blue Card Services will issue a replacement paid WWC Card.

If the application is refused, and the applicant is issued a Negative Notice, the Principal must not continue to employ the person. The Principal must contact Employee Relations immediately.

3.4.4 Managing an employee who has not renewed their WWC Card prior to its expiry

If a BCE employee's WWC Card is not renewed and expires, in accordance with the Act, they may no longer continue to be employed by BCE. Principals should contact Employee Relations immediately for advice at employeerelations@bne.catholic.edu.au.

Employees will be suspended from their position with BCE without pay until they can provide a working with children clearance.

Non-exempt volunteers and self-employed people or contractors must cease work at the school until such time as they obtain a working with children clearance.

3.4.5 Self-employed people and those employed by an employer other than BCE (including contractors) who will be engaged in child related activities in BCE schools

All self-employed people and those employed by an employer other than BCE (including contractors) who conduct a child-related business or engage in child related activities within BCE schools, must provide evidence that they hold a WWC Card prior to commencing.

Registered teachers who are self-employed people i.e. they are not paid employees of BCE but who are providing coaching or tutoring services on a commercial basis within BCE schools, must obtain a working with children authority and hold a WWC (exemption) Card from Blue Card Services before commencing any child-related business or child-related activities.

The Principal must sight either the WWC Card or Exemption Card prior to allowing self-employed people and people employed by an employer other than BCE (including relevant contractors) to start to carry on their business or engage in child-related activities. A copy of each self-employed persons and their employee's WWC Card or Exemption Card must be recorded on the school's employee register.

3.5 Ceasing child-related work

Blue Card Services must be advised when a WWC Card holder ceases to work or volunteer with BCE. While the card holder has the primary responsibility to notify Blue Card Services, BCEO and/or a Principal may also de-link an employee or volunteer through the Organisation Portal of the Blue Card Services website.

3.6 Police information - changes

If a person is an applicant or a WWC Card holder and there has been a change in the person's police information, the person must inform Blue Card Services immediately. Failure to comply with this requirement will attract penalties under the Act. An applicant or a WWC Card holder must also immediately disclose to their Principal/Manager if there has been a change in their police information. A person's police information changes if:

- there is a change to the person's criminal history i.e. they are charged or convicted with an offence
- investigative information is obtained e.g. participation in a police interview about an offence
- information about whether a person is or has been a disqualified person becomes known
- the person is named as a respondent to an application for an offender prohibition order.

3.7 Personal information - changes

WWC Card holders must notify Blue Card Services about any change to their personal details within 14 days. Penalties for failing to comply apply. Details may be updated [here](#).

3.8 Notifications - high-risk individuals

Blue Card Services will notify the Principal or Manager - Employee Relations, in writing, when:

- an application has been withdrawn
- an application has resulted in a negative notice
- an application has resulted in a negative exemption notice
- a WWC Card holder has their card cancelled (including upon the person's request) or suspended
- there is a serious change in criminal history.

The Manager - Employee Relations will advise the Principal (or delegate) of a Blue Card Services notification. If the Principal is notified, they must immediately advise the Manager - Employee Relations of the Blue Card Services notification.

If a person has a WWC Card cancelled or suspended, or receives a negative notice after a change in police information, the Principal must ensure the person does not continue in the employment of BCE and the person must return their WWC card.

3.9 Records

BCEO and schools record information regarding working with children clearances and/or working with children cards for each paid employee. Unless required to be disclosed by law, Principals and Managers must retain the following records confidentially:

- a negative notice or negative exemption notice
- any change in status to a person's clearance or exemption (such as a change in police information, or the cancellation or suspension of a WWC Card). BCE schools record information regarding working with children clearances and/or working with children cards for each volunteer.

Each school must maintain an [Employee Register](#) for paid employees and volunteers.

4. PERFORMANCE

Compliance implementation and monitoring roles and responsibilities are as follows:

Role	Compliance responsibilities
Manager – Employee Relations	<ul style="list-style-type: none"> • oversees BCE’s compliance with the requirements of the screening of persons in regulated employment • reports non-compliance to the Head of People and Culture • maintains a register of instances of non-compliance.

5. REFERENCES AND DEFINITIONS

5.1 Reference

- Working with Children (Risk Management and Screening) Act 2000

5.2 Definitions

Employment	<ul style="list-style-type: none"> • Under the Act, “a person is employing another person if the first person has an agreement with the other person for the other person to carry out work.” • Please note that ‘employment’ is widely defined to include where the work is performed under a written or oral contract, voluntarily or for financial reward or on an ongoing or one-off basis.
Registered Health Practitioner	<ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander health practice • Chinese medicine • Chiropractic • dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist) • medical • medical radiation practice • midwifery • nursing • occupational therapy • optometry • osteopathy • paramedicine • pharmacy • physiotherapy • podiatry • psychology
Restricted person	<p>A person who either:</p> <ul style="list-style-type: none"> • holds a negative notice or • holds a working with children card that is suspended or • is a disqualified person and does not hold a working with

	<p>children authority or</p> <ul style="list-style-type: none"> • has been charged with a disqualifying offence that has not been finalised.
Restricted employment	<p>Situations or exemptions that allow a person to work with children without a WWC Card, such as if they are:</p> <ul style="list-style-type: none"> • a volunteer who is a parent of a child attending the school • a volunteer who is under 18 • paid or unpaid staff who work in regulated child-related employment for not more than 7 days in a calendar year.