

## **QRL Blue Card Screening Policy**

The following policy statement was approved at the Queensland Rugby League's (QRL) Board meeting held on 9 December, 2011 and adopted as QRL Policy from 31 January, 2012. This Policy replaces Circular 292 dated 18 January 2010, Circular 255 dated 16 December, 2005, Circular 268 dated 30 March, 2007 and Circular 278 dated 23 May, 2008:

### **POLICY**

#### **INTRODUCTION**

This Policy supports the QRL's position in providing a safe environment for all players and others who engage in the game of Rugby League 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 all QRL individual members 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 coach, trainer, manager or other official.

This Policy provides direction to all Rugby League Clubs, Leagues, Associations and Divisions 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).

#### **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. Rugby League) 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.

**WHO DOES THE WORKING WITH CHILDREN CHECK RELATE TO:**

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

**All volunteers and paid employees over the age of 18 who work with children or young people must apply for a “Blue Card”.**

**All volunteers must 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.**

**Due to feedback from a variety of Rugby League stakeholders throughout Queensland the following legislation regarding parents will now be implemented by the QRL which follows the legislation outlined by the Commission for Children and Young People and Child Guardian:**

**‘A volunteer parent of a child who receives the same or similar services, or participates in the same or similar activities, to those that the person provides at the church, club or association does not require a Blue Card (note – volunteer parents should speak to the volunteer coordinator of the organisation they intend to volunteer for about the nature of the child-related activities they will be involved in, and whether they differ from the activities in which their child participates)’.**

***Please see Circular 297 Regarding the Blue Card Exemption for Registered Medical Practitioners, Police Officers and Teachers.***

The following is a list of persons who must complete the screening procedures (if they don't fall under the above legislation):

**Club, League, Association Committee Member, Boards of Delegates, Boards of Directors  
Coach  
Assistant Coach  
Referee  
Leaguesafe Officer  
First Aid Officer  
Team Manager and Assistants  
Paid Employees who work with Children  
Camp Staff**

**Other positions that must complete the documents include:**

**All State and Division Team Managers, Coaches, First Aiders and assistants**

**NOTE: This list is in no way limited to the above categories. Any volunteer involved in working with participants under the age of 18 years must complete the screening process.**

## **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 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 "Blue 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.

## **PROCEDURES FOR COMPLETING THE BLUE CARD APPLICATION/RENEWAL**

While the forms will still be available on the QRL website they will no longer be pre-filled with the QRL Head Office contact details. The QRL will no longer adopt a centralised approach and therefore the responsibility of upholding the Blue Card Policy and maintaining a Blue Card Register will be with the volunteers Club/League, Associations and Divisions.

While the QRL will no longer be the central focal point for all volunteer Blue Cards the following procedures must still be adhered to by all Clubs/Leagues, Associations and Divisions:

- 1 The QRL advises each Club, League or Association administrator that they 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.
- 2 Note: Proof of Identity must be sighted by the Club, League or Association administrator 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, League or Association address, or
  - The applicant has a disability that affects his or her mobility.
- 3 All identified volunteers will be required to complete the "Blue Card" Screening Policy requirements every three (3) years (unless any of the above mentioned exemptions apply) from the date the initial "Blue Card" was issued. This process will be closely monitored by Clubs, Leagues, Associations and the Commission.
- 4 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.
- 5 The "Blue Card" is transferable across all categories of employment and businesses screened by the Commission. Rugby League Club, League or association volunteers who currently hold a "Blue Card" with another organisation shall complete an "Authorisation to confirm a

valid blue card/application” form and forward the form showing proof of that card to the CCYPCG who shall verify the ‘Blue Card’.

- 6 The QRL Divisions, Leagues, Associations and Clubs may require the person to sign a “authorisation to confirm a valid Blue Card” or request that the “Blue Card” be sighted from time to time.
- 7 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, League or Association 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, League or Association, and the member is required to work with children under the age of 18 years, the volunteer will be given the opportunity to respond, with the purpose of determining whether the person should have their employment/participation terminated.
- 8 The Clubs and/or Leagues Blue Card Registrar or their 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”.

- 9 When advice is provided to the Blue Card Registrar or their appointee (in confidence) that the person has any of the above notices from the Commission, the Blue Card Registrar shall do the following:
  - (a) **Withdrawn Consent** – the volunteer must not fulfill 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 Registrar will advise the Club, League or Association via a confidential letter and request the President to speak with the volunteer in question in confidence and ensure that the volunteer does not fulfill any positions or activities involving young people under the age of 18 years.
  - (b) **Discontinuance of Employment Screening** – the volunteer must not fulfill any positions or activities involving young people under the age of 18 years, pending a

suitability notice being issued by the Children’s Commission and clearance from the President of the Club/League, Association and Division or their appointee. The Blue Card Registrar will advise the Club, League or Association via a confidential letter and request the President to speak with the volunteer in question in confidence and ensure that the volunteer does not fulfill any positions or activities involving young people under the age of 18 years.

- (c) **Change In Criminal History** – the Blue Card Registrar or Their appointee will advise the Club President via a confidential letter that the volunteer has had a “Change in Criminal History” and requesting the President to speak with the volunteer in question in confidence and ensure that the volunteer 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 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 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 Registrar and/or President or appointee 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 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. The Club and/or League will monitor closely the outcomes of any such Negative Notices.

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.

## **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 volunteer to ensure that when the renewal application form is completed: they are not a disqualified person and forward the completed form to their respective Club, League or Association 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".

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.

### **MAINTENANCE OF INFORMATION**

- (a) Where the Clubs/Leagues, Associations and Divisions Blue Card Registrar or appointee receives the information from the Commissioner which shows that an applicant has a Positive Statement and a "Blue Card" was issued, information must be recorded into the Clubs and or Leagues Blue Card Register inclusive of Registration Number and expiry date. Hard copies of this information should be maintained for 7 years.
- (b) Where the Club/Leagues, Associations and Divisions Blue Card Registrar 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 volunteer will be identified on the Clubs and or Leagues Blue Card Register as either "Restricted Activities" or "Suspended" to ensure that the volunteer 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 Blue Card Registrar or appointee must be confidential.
- (d) Due to the QRL now complying fully with the Commissions' 'Parent Exemption' legislation an additional column needs to be added to all Clubs/Leagues, Associations and Divisions Blue Card Registers. This column 'ARL ID Number' must be completed and relates to a Volunteer who does not require a Blue Card due to the 'Parent Exemption'. The ARL ID Number of the Volunteers child/children who are currently registered players at the club must be included in the Blue Card Register...

**NOTE: Even if the Volunteer does not require a Blue Card due to the 'Parent Exemption' they MUST still be included in the Clubs/Leagues, Association or Divisions Blue Card Register. The Blue Card register must include the ARL ID number of the child, if the volunteer falls under the Patent Exemption rule.**

### **RISK MANAGEMENT**

It is essential that all Clubs/Leagues, Associations and Divisions provide a safe environment for all players and volunteers. Due to the nature of our sport and the fact that Rugby League falls within the scope of the Blue Card system all Clubs/Leagues, Associations and Divisions 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.

To assist all Clubs/Leagues, Associations and Divisions to develop and implement appropriate child and youth risk management strategies, the QRL has developed a toolkit (available on the QRL website) to provide information and guidance when completing your Risk Management Strategy.