

Working with children check

Certain people working in, or operating, an approved education and care service in Queensland must successfully complete a working with children check under the *Working with Children (Risk Management and Screening) Act 2000* (the WWC Act) and the *Education and Care Services National Law* (National Law). This includes people who may not come into direct contact with children at the service.

The working with children check assesses a person's eligibility to hold a blue card or positive exemption notice based on their known past police and disciplinary information. Successful applicants are issued with a positive notice letter and either a blue card or positive exemption notice. A positive exemption notice is issued to registered teachers and police officers in Queensland undertaking the working with children check so they can perform child-related services outside their professional duties.

The following information is a guide on when a blue card or exemption notice is required in an early childhood education and care (ECEC) service in Queensland.

Approved providers

Approved providers must hold a current blue card or have at least been issued with a positive notice that remains current to operate an early childhood education and care (ECEC) service in Queensland.

Certified supervisors and nominated supervisors

Certified supervisors and nominated supervisors must hold a blue card or current positive exemption notice when working at an approved ECEC service in Queensland.

Prior to commencing work at an ECEC service, it is sufficient if a certified supervisor or nominated supervisor has made an application for a blue card.

Where an approval or certificate is given in a different state or territory, a blue card or positive notice is still needed to work in, or operate a child-related service in Queensland.

Staff

Staff members working in an ECEC service including educators, need to hold a blue card or positive exemption notice. Paid employees of the approved provider can start work at a service after their application for a blue card or positive exemption notice is lodged with Blue Card Services. The approved provider must then record the identifying number once the blue card or notice has been issued.



Students and Volunteers

Non-paid employees, for example students, and volunteers or businesses that provide services while education and care is being provided (e.g. maintenance type work) must hold a blue card before they can start work at an ECEC service¹.

Executive officers and committee members

When a corporation or eligible association applies for a provider approval, each executive officer or executive committee member who will be a 'person with management or control'² must hold a current blue card or have been issued with a current positive notice.

Persons proposing to become either an executive officer of a corporation or a member of an executive committee of an eligible association that is an approved provider, for example, a parents and citizens association, do not need to hold a positive notice before commencing duties but need to apply for a blue card or positive notice.

Family day care educators and educator assistants

Family day care educators and educator assistants are classified as 'staff members' under the National Law and do not need to hold a blue card prior to commencing work at an ECEC service. It is sufficient that an approved provider notes in the staff records that an application for a blue card or positive notice has been made and that the approved provider records the identifying number once the blue card or notice has been issued.

An approved provider of a family day care service must take reasonable steps to ensure that a person who is a family day care educator assistant at a family day care residence or approved family day care venue is a fit and proper person to be in the company of children. As part of taking reasonable steps to ensure the person is fit and proper, the approved provider must consider the person's current working with children check or working with children card. The person does not need to actually hold a positive notice or blue card to be considered by the approved provider to be a 'fit and proper' person to be in the company of children.

Adult residents at a family day care service

A family day care resident is required to hold a blue card or positive notice³.

Under the *Education and Care Services National Regulations* (National Regulations), as part of taking reasonable steps to ensure that a person aged 18 years or older who resides at a family day care residence is a fit and proper person to be in the company of children, an approved provider must consider the person's current working with children check. The approved provider

must be satisfied the person is fit and proper before the approved provider can provide care, or continue to provide care, at the family day care service.

An approved provider can apply for a blue card or positive exemption notice under the WWC Act for an adult resident or a person who is intending to reside in a family day care residence. The approved provider must warn the adult resident that it is an offence to sign an application for a blue card if the adult resident is a disqualified person.

Blue Card Services will accept applications from a 17 year old resident up to 6 months before their 18th birthday. It is recommended that an application is submitted to Blue Card Services at least 10 weeks before the person attains the age of 18 years. The blue card will not be issued until the person has attained the age of 18 years.

Approved providers need to ensure that educators advise them of any new adult who resides or intends to reside at the family day care residence, and any circumstances that may affect whether an adult resident of the family day care residence is a fit and proper person to be in the company of children.

Visitors to a family day care service

Approved providers of family day care services are required under the National Regulations to develop policies and procedures for managing visitors to the service. Educators should check and comply with these policies and procedures.

A register of visitors must be kept at the family day care service which includes the signature, date and time of arrival and departure of any visitor.

It is an offence under the National Regulations for visitors to be left alone with children at a family day care residence or approved family day care venue.

In addition, an approved provider may make an application for a blue card or positive exemption notice for an adult who is usually present in a family day care residence while education and care is being provided there.

More information

For further information or to confirm the requirements under the *Working with Children (Risk Management and Screening) Act 2000*, visit the Blue Card Services website at www.bluecard.qld.gov.au.

This information sheet is to be used as a guide only. If there are any inconsistencies between this information and the National Law or National Regulations, the National Law and National Regulations must be followed.

Download more fact sheets at: www.dete.qld.gov.au/earlychildhood.

¹If a student or volunteer is a 'transitioning person' under s.188(2) of the WWC Act (generally this refers to a person who held an exemption notice which ceased to have effect because the person has retired from policing or has not renewed their teacher registration) who does not hold a current positive notice blue card, an approved provider may employ them at the ECEC service as long as the employer has applied for a prescribed notice (blue card) for the employee.

²See s.5 of the National Law

³Unless the resident is not required to hold a blue card under the WWC Act (because they are a 'transitioning person' under s.188 WWC Act and have lodged an application for a prescribed notice (blue card)) or s. 25 of the *Education and Care Services National Law (Queensland) Act 2011*