

# Working with children check

Photography: Vicki Yen

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 (Queensland) Act 2011* (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 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 positive 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 been issued with a positive exemption notice that remains current to operate an ECEC service in Queensland.

It's also important that approved providers complete a 'Link an applicant/cardholder to this organisation' form for all blue card holders in order to receive notifications about staff associated with the ECEC service. The form is available at [www.bluecard.qld.gov.au/applications/applications.html](http://www.bluecard.qld.gov.au/applications/applications.html).

## Nominated supervisors

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

Before starting paid work at an ECEC service, it is sufficient if a nominated supervisor has made an application for a blue card. From 1 October 2017, an approved provider must take reasonable steps to ensure a nominated supervisor meets the prescribed minimum requirements outlined in the Education and Care Services National Regulations (National Regulations).



## Staff

Staff members engaged or employed by an ECEC service, including educators, need to hold a blue card or positive exemption notice. In the case of paid employees of the approved provider, they 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 should retain evidence in the staff records of any paid employees for whom an application for a blue card or positive exemption notice has been made. Once the blue card or positive exemption notice has been issued, the identifying number should also be recorded in the staff records, as required under the National Regulations.

## 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 service<sup>1</sup>. The National Law provides that the approved provider and nominated supervisor must ensure unauthorised persons at the service (persons who do not hold a blue card or current positive exemption notice) are directly supervised by an educator or other staff member while children are being educated and care for at the premises.

## Executive officers and committee members and sole proprietors

When a corporation or eligible association applies for a provider approval, each executive officer or executive committee member of the corporation or eligible association who will be a 'person with management or control'<sup>2</sup> must hold a current blue card or have been issued with a positive exemption notice. For the purposes of a sole proprietorship, the person with management or control<sup>3</sup> being a person who has the responsibility, alone or with others for managing the delivery of the education and care service must hold a current blue card or have been issued with a positive exemption 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 exemption 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 before starting work at an ECEC service.

Refer to the requirements in the **Staff** paragraph above.

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.

## Adult residents at a family day care service

An adult resident of a place where family day care is provided is required to hold a blue card or positive exemption notice<sup>4</sup>.

Under the 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. A 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.

<sup>1</sup> If 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.

<sup>2</sup> & <sup>3</sup> Section 5 of the National Law.

<sup>4</sup> Unless 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*.



## 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 Law and 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 more information or to confirm the requirements under the WWC Act, visit the Blue Card Services website at [www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au).

Download more fact sheets at [www.cecqa.gov.au](http://www.cecqa.gov.au)  
[www.det.qld.gov.au/earlychildhood](http://www.det.qld.gov.au/earlychildhood)

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.



Photography: Jason Henry