

# Harm Prevention and Regulation Blue Card Services

## 2023-24 Regulator Performance Report

## Introduction

This report has been prepared under the Queensland Government's Regulator Performance Framework.

Since 1 September 2024, Queensland Workers Screening Services (QWSS) has included Blue Card Services (BCS) and Disability Worker Screening (DWS). As DWS joined QWSS after the reporting period, this report reflects BCS activities only.

BCS administers Queensland's Working with Children Check. The system is regulated by the *Working with Children (Risk Management and Screening) Act 2000* (the Act).

BCS screens and monitors people who work with children and young people in Queensland and regulates organisations that provide activities that are essential to children's development and wellbeing.

## Model practice 1: Ensure regulatory activity is proportionate to risk and minimises unnecessary burden

### Supporting principles:

- a proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions
- regulations do not unnecessarily impose on regulated entities
- regulatory approaches are updated and informed by intelligence gathering so that effort is focused on risk.

### Evidence to support alignment with regulator model practice

BCS implement a risk-based proportionate approach in administering Queensland's Working with Children Check through a wide range of activities that promote outcomes focussed practices to support the rights, interests, and wellbeing of children in Queensland. Regulatory activities across 2023-24 included:

- carrying out extensive national criminal history checks, checks on other assessable information, and assessing adverse information to determine whether a person is eligible to hold a blue card
- facilitating community and stakeholder engagement and education about blue card system requirements
- addressing requests for blue card screening in instances where it is not legislatively required by engaging directly with system stakeholders to provide on-the-ground advice, assistance and support, particularly within regional and remote First Nations communities
- developing online content including the BCS website, podcasts, YouTube videos, social media packs, toolkits and other resources to help individuals and organisations better understand, access and comply with blue card system requirements
- monitoring and auditing individual and service providers' compliance with their blue card system obligations to ensure appropriate safeguards for children and young people within the scope of the system are being implemented and maintained.

BCS used a range of strategies to achieve compliance and create safer environments for children and young people in Queensland. BCS promoted compliance in regulated organisations by:

- supporting voluntary compliance through extensive engagement and education activities, including providing regulated industries with blue card system information, resources and support
- working with service providers to correct administrative breaches to ensure the blue card system is being applied correctly and to prevent higher risk breaches from occurring
- escalating compliance activities where voluntary compliance is unable to be achieved or a high-risk issue is identified.

BCS worked with child-related organisations to increase their knowledge about blue card system screening and Risk Management Strategy requirements.

BCS undertook both targeted and organisation-wide audits where potential non-compliance was identified to ensure risks to children are identified and addressed. Where an educative approach was not appropriate, potential breaches of the legislation were referred to the Queensland Police Service (QPS) for investigation and possible prosecution.

During the 2023-24 financial year, BCS finalised 3,494 cases which resulted in individuals being prevented from working with children.

Key compliance priorities for the 2023-24 financial year included:

- focused engagement with government departments to help identify areas of misuse of blue card screening where not legislatively required and address specific individual and environmental risks through tailored risk management policies and practices
- focused engagement with First Nations applicants, employers, and communities to support compliance with blue card system requirements and reduce the impact of the misuse of blue card screening.

Targeted engagement with exemption card holders (and linked organisations) were conducted to ensure that renewal applications required under *No Card No Start* laws are submitted where required and address any identified breaches.

## Model practice 2: Consult and engage meaningfully with stakeholders

### Supporting principles

- formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision making circumstances
- engagement is undertaken in ways that help regulators develop a genuine understanding of the operating environment of regulated entities
- cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.

### Evidence to support alignment with regulator model practice

BCS maintained information sharing relationships with numerous Queensland and Commonwealth government agencies to actively share and receive critical information regarding individuals and organisations regulated by the blue card system. Information sharing provisions exist between BCS and

- Queensland College of Teachers
- Early Childhood and Education Centre
- Australian Federal Police
- QPS
- Department of Child Safety, Senior and Disability Services
- Australian Criminal Intelligence Commission.

BCS engaged with a wide range of stakeholder groups, including formal and informal engagement with:

- intrastate, interstate, and federal government departments and agencies
- governance groups, including an Implementation Reference Group, Implementation Oversight Group and various steering committees related to blue card system reforms
- peak bodies across a wide range of sectors
- First Nations peak bodies including the Queensland and Torres Strait Islander Protection Peak
- Community Connector groups and grassroots organisations providing frontline services in metropolitan, regional, and remote First Nations communities
- community organisations across a wide range of sectors including sporting, cultural, religious and education.

BCS engaged with these stakeholders and others to help them to understand their obligations under the blue card system and supported applicants with their applications.

In the 2023-24 financial year, BCS:

- engaged with 1,661 regulated organisations to provide information about, and ensure compliance with, legal requirements under the blue card system
- carried out 1,138 checks with organisations about people prohibited from working with children
- undertook appropriate enquiries and engagement to finalise 2,241 potential blue card compliance issues.

BCS travelled to remote and regional communities (including Bamaga, Cherbourg, Coen, Yarrabah, Palm Island, Mornington Island, Aurukun, Kowanyama, Woorabinda, Doomadgee and Lockhart River), and regional cities to provide practical support to applicants and organisations. BCS launched a First Nations co-designed, place-based Blue Card Liaison Officer pilot program in the Yarrabah community to improve community access to the blue card system by delivering culturally appropriate resources and processes. The program ensured community members and organisations regulated by the blue card system were supported through each step of the blue card process. After extensive community consultation, development of second pilot site for the Palm Island community commenced.

BCS addressed recommendations from the Legal Affairs and Safety Committee (LASC) report 38. Recommendation 3 requires BCS to address overcompliance with the blue card system by large scale employers, including the Queensland Government. In response, BCS delivered a forum to Queensland government departments, which provided practical information about the blue card system as an initiative to reduce regulatory burden on stakeholders.

## Model practice 3: Provide appropriate information and support to assist compliance

### Supporting principles:

- clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience
- advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance
- where appropriate, regulatory approaches are tailored to ensure compliance activities do not proportionately burden particular stakeholders e.g., small business, or require specialist advice.

### Evidence to support alignment with regulator model practice

BCS provided extensive information and support to stakeholders including clear guidance on system requirements under the Act, with tailored and consistent responses provided within seven (7) business days of receiving an enquiry. BCS has a dedicated referral team for public reports of information of concern relating to individuals and organisations.

The BCS website provided information to support blue card applicants and organisations regulated by the Act including:

- individual and organisational obligations and blue card screening requirements prescribed by the Act
- procedural information to assist individuals apply for a blue card
- technical support for online systems
- upcoming events and planned community visits.

BCS proactively, and upon request, engaged with various stakeholder groups and sectors to provide tailored information and advice in relation to organisational blue card requirements.

BCS developed a suite of resources, including industry-focused information and instructional videos to assist stakeholders navigate online services. In the 2023-24 financial year BCS' video resources received 75,426 views.

BCS provided information about the blue card system in five languages other than English, including a multi-lingual contact centre with officers who provide information and advice in 14 languages other than English, including Mandarin, Spanish and Korean. BCS developed tailored resources and provides targeted support for culturally and linguistically diverse stakeholders.

Tailored resources for First Nations applicants and organisations were developed in collaboration with First Nations service providers. The resources included informational videos, a podcast series, and written guidelines.

BCS partnered with a First Nations consultancy organisation to develop a *First Nations Practice Guide* designed to provide practical support for BCS staff when engaging with First Nations applicants and stakeholders in a culturally responsive and trauma informed way.

BCS addressed overcompliance with blue card screening requirements by engaging directly with system stakeholders to provide on-the-ground advice, assistance and support to First Nations communities and regional and remote communities.

In the 2023-24 financial year, the Blue Card Liaison Officer (Yarrabah) recorded 657 engagements with Yarrabah community members, providing culturally appropriate support to community members engaging with the blue card system.

## Model practice 4: Commit to continuous improvement

### Supporting principles:

- regular review of the approach to regulatory activities, including collaboration with stakeholders and other regulators to ensure it is appropriately risk-based, leverages technological innovation and remains the best approach to achieving policy outcomes
- to the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community
- staff have the necessary training and support to effectively, efficiently and consistently perform their duties.

### Evidence to support alignment with regulator model practice

The Queensland Government's blue card reforms continue to provide safeguards for Queensland children with the *Working with Children (Risk Management and Screening) and Other Legislation* Bill introduced to Parliament in June 2024. The Queensland Government's ongoing blue card system reforms continue to provide safeguards for Queensland children.

BCS reviewed processes and procedures in response to stakeholder feedback, independent reviews and Parliamentary reports.

BCS developed, in consultation with other agencies, policies and processes supported by legislative change, that aim to improve the operation of the blue card system.

BCS delivered 52 of the 81 recommendations from the Queensland Family and Child Commission's 2017 *Keeping Queensland's Children More than Safe: review of the blue card system* (including those delivered in previous financial years).

BCS delivered on strategies from the Safe Children and Strong Communities Strategy and Action Plan 2021-2025, including working with communities at a local level to:

- identify opportunities for service design and delivery, ensuring processes are culturally appropriate, culturally safe, simplified and connected with a trauma-informed lens through a First Nations Blue Card Liaison Officer established within the Yarrabah community to assist blue card applicants and organisations to navigate and engage more fulsomely with blue card system requirements
- engage with employers, including job agency networks that operate within First Nations communities, to provide clear guidance about blue card requirements prescribed by the Act with the intent to reduce overcompliance with the blue card system.

BCS staff were provided with:

- introductory and ongoing training and support to ensure all officers perform their duties as required and to ensure they understand the complexities of the system and the requirements of the Act
- First Nations cultural capability training which is contextualised for the requirements and operating environment of BCS
- domestic and family violence training
- child protection training
- trauma-informed First Nations training
- mental health training.

## Model practice 5: Be transparent and accountable in actions

### Supporting principles:

- where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders
- decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions
- indicators of regulatory performance are publicly available.

### Evidence to support alignment with regulator model practice

BCS is bound by strict confidentiality provisions under the Act and can only disclose limited information regarding individual and organisational compliance matters. BCS provides information about outcomes where appropriate to the individual or organisation to whom they relate.

In circumstances where a blue card applicant receives an adverse outcome, they are provided with a detailed 'reasons document' which outlines the considerations and assessment undertaken by BCS.

BCS maintained extensive and detailed internal monthly reports and snapshot reports to track past and present performance. Reporting data informed planning and decision-making. It was used to track progress and impact and to identify trends/issues as they emerge in the regulatory environment.

On its website, BCS publicly reported its performance against key performance measures quarterly, including processing timeframes and number of high-risk cases identified. BCS published its compliance priorities in its *Compliance and Enforcement Policy*.

BCS published statistical data each quarter on the:

- size of the blue card system in Queensland
- strength of the safeguards the system provides to children
- support provided to applicants, employers and community groups to increase blue card system participation.

The 2023-24 financial year (SDS measures) reported:

- 94% blue card holder overall satisfaction with the blue card application process and service
- \$93.97 per application (total system cost).