



CHECK



implementation



Organisational capability - Employment Screening Services

Key responsibilities

The Commission seeks to reduce risk of harm to children in service environments by screening people who work in certain categories of child related employment and businesses.

The Working with Children Check is a detailed national check of a person's criminal history, including any charges and convictions. The Commission also considers any disciplinary information held by certain professional organisations for teachers, child care service providers, foster carers, nurses, midwives, and certain health practitioners, as well as information from police investigations into allegations of serious child-related sexual offences.

As a result of each check, the Commission decides whether to issue a person with a blue card. Those applicants not approved are issued with a negative notice which prohibits them from working with children.

The Working with Children Check began in 2001 for new paid employees, was expanded in February 2002 to include self-employed people and again in May 2002 to include volunteers in certain categories of employment. Up to 17 January 2005, the Commission was responsible for issuing blue cards to people in the following categories of employment:

- residential facilities
- school boarding facilities
- schools employees other than teachers
- churches, clubs and associations involving children
- counselling and support services
- private teaching, coaching and tutoring
- child care services, and
- educational programs conducted outside of schools.

From 17 January 2005, the check was expanded to include:

- sport and active recreation
- emergency services cadet programs
- child accommodation services including homestays
- school crossing supervisors, and
- religious representatives.

Highlights

In 2004-05, the Employment Screening Services Unit assessed, processed and issued 177,185 blue card applications. The team is consistently breaking processing records, with over 20,000 blue cards being produced some months.

In this time, staff interpreted and implemented new screening requirements arising out of the legislative review of Part 6 of the Act (see over page for details). The amendments expanded the categories of regulated employment and businesses to be screened and included a number of reforms to strengthen and enhance the operation of the blue card system.

To help regulated employers (i.e. those requiring a blue card) protect children in their care, the Commission has also developed and trialled a new workshop to help businesses and employers meet the new requirement to have a written risk management strategy in place. This training was complemented by planning to enhance compliance with the blue card requirements under the Act. This compliance strategy will link with existing accreditation and licensing systems, monitor high risk areas and adopt enforcement strategies to safeguard children.

To improve processing turnaround times, the Commission reviewed its Employment Screening team's business processes in 2004-05 (see page 55), and will implement a number of recommendations in 2005-06. These include changes to the operational structure so staff can meet growing processing demands in a timely way.



During the financial year, a client satisfaction survey of employment screening applicants was conducted. The survey found that 92% of applicants were satisfied with the content of the information provided by Commission staff; 97% were satisfied with the level of courtesy of the Commission's staff; and 85% were satisfied with the time taken to process the application.

The Employment Screening Services team also contributed to a policy review of the employment screening processes of government agencies and secured a key advisory role in future implementation of any changes to current screening practices.

Outcomes and achievements

From 1 July 2004 to 30 June 2005, 177,185 blue cards were issued – a 46.8% increase on the 120,711 issued in 2003-04. Of these:

- 48,390 were issued to paid employees
- 13,535 were issued to self-employed people carrying on child-related businesses
- 115,258 were issued to volunteers, and
- two were issued to current employees of organisations at the request of their employer, who had concerns about the person's eligibility to work in child-related employment.

These figures included 49,412 blue cards issued to people renewing their cards after two years.

The number of cards issued for each of the categories screened in 2004-05 was:

- 3,349 for residential facilities
- 330 for school boarding facilities
- 48,922 for school employees other than teachers and education programs conducted outside of schools
- 68,336 for churches, clubs and associations involving children
- 15,877 for counselling and support services
- 9,219 for private teaching, coaching or tutoring
- 18,957 for child care
- 537 for religious representatives
- 11 for hostels for children, other than residential facilities
- 3,601 for child accommodation services including homestays
- 427 for Emergency Services cadet programs
- 888 for school crossing supervisors
- 6,731 for sport and active recreation.

The success of the blue card system is demonstrated by the fact that in 2004-05, 239 applicants were issued with negative notices and are therefore prohibited from working with children and young people. Of these, 17 people had been convicted of excluding offences where a term of imprisonment had been imposed.

These people are banned for life from holding or applying for a blue card.

In addition, 470 applicants decided not to proceed with their blue card application when further information was sought by the Commission in relation to their criminal histories.

A further 6,453 applications were withdrawn from the screening process when more information was sought, including instances where further identification was required.

From 17 January to 30 June 2005, 37 people had their blue cards suspended after being charged with an excluding offence, including serious child-related sexual offences or certain child pornography offences. These people are prohibited from working with children and young people until they have been reassessed and a new card has been issued to them.

In 2004-05, 35 applicants appealed the Commission's decision to issue them with a negative notice to the Children Services Tribunal. Of these, the Commission's decision was overturned in 10 appeals, with 14 appeals still before the Tribunal at 30 June 2005.

The Commission unsuccessfully appealed one decision of the Tribunal to the District Court, then to the Court of Appeal on a question of law arising from the Tribunal's decision.

During the 2004-05 financial year, the Commission worked to improve compliance with the Act's blue card screening provisions. In this time, 48 people were referred to the Queensland Police Service for possible breaches under the Act, resulting in four prosecutions. Of these, one blue card holder was prosecuted and convicted of providing false or misleading information and another was prosecuted and convicted of failing to return a blue card (i.e. a positive notice) after the cancellation of their card.

Three matters referred to the Queensland Police Service in the 2003-04 financial year resulted in two people being successfully prosecuted in 2004-05 for applying for, starting, or continuing in regulated employment after being issued with a negative notice. The third person was successfully prosecuted for carrying on a regulated business and failing to reapply for a blue card following a change in their criminal history.

Compliance – Working with Children Check (blue cards)

A key finding of the review of Part 6 of the Commission's Act – the employment screening provisions – was the need for the Commission to look at ways of strengthening monitoring and auditing of compliance with the legislation. As a result, the Commission was provided with a new function to "audit and monitor compliance with Part 6 of the Act", which became effective on 17 January 2005.

The development of a compliance model will complement the existing blue card processes and strengthen the blue card system. The proposed model was finalised in April 2005 following a literature review of compliance programs and a survey of regulated businesses and employers. The model incorporates a tiered approach:

- risk management, education and capacity building
- monitoring and auditing, and
- sanctions and enforcement

The model relies on regulated businesses and employers having a documented risk management strategy in place to protect children in their care from harm. The basis of the compliance model is raising awareness and building capacity to manage risks of harm to children.

Self-audit and external monitoring processes are being developed to align with the Commission's risk management strategy framework.

Although compliance is seen a necessary for the success of the blue card system, the legislative authority the Commission needs to perform stronger enforcement functions has yet to be determined. The strengthened compliance model is expected to be operational in early 2006.

External review of employment screening processes

As noted in the 'Highlights' on page 13, an independent agency was contracted to conduct an external review of the Employment Screening Services Unit in 2004 to ensure the integrity of the system. The review found that on the whole, systems in place for the Working with Children Check were effective.

The report also made the following recommendations:

- changing the organisational structure to better support process management
- implementing risk management strategies
- adopting process analysis methodology to identify areas for continuous improvement
- establishing measurement methods to assess the effectiveness of the employment screening process and reforms
- improving the induction, training and knowledge-building of staff
- examining file management
- considering an electronic system to lodge applications, and
- process planning to make the decision-making process easier, and to identify areas for process improvement.

Outlook

The Employment Screening Services team will continue to work to improve its systems and procedures by streamlining the processing of applications and promoting and strengthening the monitoring, auditing and enforcement model for the blue card system.

In 2005-06 the Commission will implement key recommendations from the business review concerning the operational structure of Employment Screening Services to ensure the system can meet growing processing demands and improve timeliness.

Application processing turnaround times are expected to improve significantly towards the end of 2005-06, as electronic workflow systems are brought online.

Case study

In 2004-05, changes to Part 6 of the Commission's Act enabled the Commissioner to automatically suspend the blue cards of people charged with certain serious child-related offences.

On 10 February 2005, the Commissioner welcomed the arrests of 10 blue card holders who were charged with child pornography offences following a Taskforce Argos operation.

Under the Commission's new powers, the holder's blue cards were suspended while their status was reviewed.

The new provisions enabled the Commissioner to act quickly to protect children and young people from exposure to anyone who may have committed a serious child-related offence.

At the time of the arrests, the Commissioner said it was important to send a strong message to such offenders that accessing child pornography is reprehensible, and will not be tolerated by the community.

If a blue card is cancelled, the holder is prohibited from working in any employment which requires them to hold a positive notice.

Since the Commission began screening in May 2001, 37 people have had their blue cards cancelled due to changes to their criminal histories – a number as a result of child pornography charges arising from operation Auxion in 2004.