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SAFETY SCREENING POLICY

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SECTION 1 – INTRODUCTION

POSITION STATEMENT

FSG Australia (FSGA) is committed to the health and wellbeing of FSGA clients and care recipients.

FSGA establishes the suitability, integrity, identity and credentials of paid and unpaid staff and meets safety screening legislative requirements. FSGA recognises that in addition to safety screening, a risk management approach is also required in every aspect of service delivery.

Safety screening complements robust recruitment practices.

SCOPE

This policy applies to paid staff, volunteer staff, students, contractors, CEO and members of the Board. Safety screening is not required for clients, trades people who are not employees and clients' relatives who are providing volunteer care for their relative.

More details related to staff employed in services funded by Child Safety Services are available in the [Kaia Program practice manual](#).

This policy does not cover procedures used to conduct referee checks; these are detailed in the [HR Department Manual](#).

For more information refer also to [Police Check Guidelines and Fact Sheet - DoHA](#).

DEFINITIONS

Working with Children Check (Blue Card)

If an application for a Blue Card is approved, a person is issued with a positive notice letter and Blue Card. If an application for a Blue Card is not approved, a person is issued with a negative notice letter which prohibits them from working in employment or carrying on a business regulated by the Public Safety Business Agency (PBSA).

Any person with a current Blue Card for any purpose (volunteer, paid employment) will be exempt from obtaining a Yellow Card. These people will be required a Yellow Card Exemption Notice.

Department of Communities, Child Safety and Disability Services (Child Safety Services) Notification of Suitability

Any person associated with providing licensed care services (including employees, volunteers, students, people with whom FSGA has a contract, CEO and members of the Board) must undergo safety screening (i.e. domestic violence, traffic and child protection) through the Central Screening Unit, Department of Communities, Child Safety and Disability Services - Child Safety Services's. Those people deemed suitable receive a positive Notification of Suitability.

Disability Services Positive Notice Card (Yellow Card)

People who are lawfully able to work at a Disability Service outlet will be issued with a positive notice letter and a Disability Services Positive Notice Card (Yellow Card) or a Yellow Card Exemption Notice. People who are unable to work at a service outlet will be issued with a negative notice letter.

Disqualified person

The *Criminal History Screening Legislation Amendment Act 2010* strengthened the exclusionary framework to align the Yellow Card System with the Blue Card System.

A disqualifying offence includes serious offences of sexual or violent nature against children or people with a disability and offences relating to objectionable publications. If a person has these offences in their criminal history, subject to the qualifications listed in the legislation, they are a disqualified person. A full list of disqualifying offences is found at the Department's website www.communities.qld.au.

In accordance with the *Working with Children (Risk Management & Screening) Act 2014*, a person is a disqualified person if they:

- have been convicted of a **disqualifying offence** (including a child-related sex or pornography offence, or murder of a child), or
- are a reportable offender with current reporting obligations under the *Child Protection (Offender Reporting) Act 2004*, or
- are subject to a child protection offender prohibition order, or
- are subject to a disqualification order prohibiting them from applying for or holding a blue card.
- are subject to a sexual offender order.

This applies to the Blue Card and the Yellow Card.

Line manager

A line manager is a staff member's immediate superior, who oversees and has responsibility for the staff member's work. A line manager may be a supervisor, but a manager at any level with direct responsibility for a staff member's work can be described as a line manager.

National Criminal History Record Check

A National Criminal History Record Check (also called a "Police Certificate" or "National Police Certificate") is a national report prepared by the Australian Federal Police or by a State or Territory police force or service that discloses evidence of whether a person:

- has been convicted of an offence
- has been charged with and found guilty of an offence but discharged without conviction or
- is the subject of any criminal charge still pending before a Court.

The information on the certificate is drawn from all Australian jurisdictions and is subject to relevant spent conviction schemes.

Safety Screening

Safety screening as used in this policy refers to the procedures required for the issuance of a Blue Card, Notification of Suitability, Positive Notice Card (Yellow Card) and National Criminal History Record Check.

Staff *(see also staff member)*

Staff means everyone who works at FSGA and includes those paid and unpaid.

Staff member

(as defined for the purpose of programs funded by the Department of Social Services)

A staff member is defined in section 1.18 of the Accountability Principles as a person who:

- a) has turned 16 years of age and
- b) is employed, hired, retained or contracted by the approved provider (whether directly or through an employment or recruitment agency) to provide care or other services under the control of the approved provider and
- c) has, or is reasonably likely to have, access to care recipients.

Examples of staff members include:

- key personnel of the approved provider;
- employees and contractors of the approved provider who provide care to care recipients, this includes all staff employed, hired, retained or contracted to provide services under the control of the approved provider whether in the residential aged care setting, a community setting or in the care recipient's own home;
- allied health professionals contracted by the approved provider to provide care to care recipients;
- kitchen, cleaning, laundry, garden and office personnel employed by the approved provider either directly or through a contract agency; and
- consultants, trainers and advisors for accreditation support or systems improvement who are under the control of the approved provider.

Where an approved provider has a contract with an agency that provides staff, the contract should include the requirements for National Criminal History Record Checks. The contract should state that any staff provided must have had a National Criminal History Record Check, and that the check does not preclude them from working in aged care.

Examples of persons who under the Accountability Principles are not considered staff members include:

- visiting medical practitioners, pharmacists and other allied health professionals who have been requested by, or on behalf of, a care recipient but are not contracted by the approved provider; and
- trades people who perform work otherwise than under the control of the approved provider (that is, independent contractors). For example, plumbers, electricians or delivery people who are utilised on an 'ad hoc' basis.

STEP volunteer

STEP volunteers are FSGA clients who participate in a STEP program in a volunteer role with direct service employee support.

Volunteer

(as defined for the purpose of programs funded by the Department of Social Services)

Section 1.18 of the Accountability Principles defines a volunteer as a person who:

- a) is not a staff member
- b) offers his or her services to the approved provider and
- c) provides care or other services on the invitation of the approved provider and not solely on the express or implied invitation of a care recipient; and
- d) has, or is reasonably likely to have, unsupervised access to care recipients; and
- e) has turned 16 years of age or, if the person is a full-time student, has turned 18 years of age.

Examples of persons who are not volunteers under this meaning include:

- persons volunteering who are under the age of 16 (except where they are a fulltime student, then under the age of 18);
- persons who are expressly or impliedly invited into the aged care service by a care recipient (for example, family and friends of the care recipient); and
- volunteers who only have supervised access to residents. For example, persons who volunteer in an aged care service to read to care recipients, but are not alone with any one care recipient.

SECTION 2 - POLICY

PRINCIPLES

People with a disability, people frail with age and children may be more vulnerable to abuse, neglect and exploitation than other members of the community. A high priority for FSGA is to increase the safety of clients and care recipients when they are accessing services.

POLICY

2.1 FSGA aims to minimise potential risks to FSGA clients and care recipients.

2.2 FSGA establishes the suitability, integrity, identity and credentials of paid and unpaid volunteer staff.

2.3 Safety screening practices meet legislative requirements as they apply to paid and unpaid volunteer staff.

2.4 FSGA establishes optimum consistency of safety screening practice.

2.5 In addition to safety screening procedures, risk management strategies are adopted to minimise risks.

SECTION 3 - PROCEDURE

3.1 General safety screening responsibilities

The human resource department is responsible for ensuring paid staff meet the safety screening requirements, and the Volunteering FSGA program is responsible for ensuring volunteer staff meet the safety screening requirements.

i) All FSGA staff (paid and volunteer) are responsible for:

- disclosing to FSGA whether or not there has been a change in their criminal history—they do not have to disclose any details of the change
- advising FSGA of any changes to their name and the contact details on their application or on their card
- not providing false or misleading information
- not working at FSGA without having the required safety screening
- not working at FSGA while they have a current negative notice.

ii) Human resource department obligations in relation to the safety screening process include (also refer to [APPENDIX A – HR GUIDE TO SECURITY CHECKS NEW EMPLOYEE ADVICE](#)):

- making applications for safety screening on behalf of paid staff and volunteer staff
- keeping a copy of all applications for safety screening for seven years
- not engaging a person without them meeting current safety screening requirements
- taking the requisite action if FSGA knows a person's criminal history has changed
- not engaging a person if they have withdrawn their consent to safety screening
- not engaging a person if they have a current negative notice
- ensuring that new staff (paid and unpaid) who will work only in a program which requires staff to have a National Criminal History Record Check have the National Criminal History Record Check (but do not need to have a Blue Card)
- ensuring that staff (paid and unpaid) who will work across multiple programs which require staff to have a National Criminal History Record Check and a Blue Card maintain the currency of both checks
- ensuring that when a staff member or volunteer changes programs, that the safety screening-related funding body requirements are met.

iii) Program coordinators' obligations in relation to the safety screening requirements are to develop and implement a risk management strategy to promote the wellbeing of clients and reduce the risk of abuse, neglect or exploitation when direct service employees commence employment pending safety screening.

3.2 Yellow Card and Blue Card requirements

3.2.1 Responsibilities

Prior to a new recruit commencing employment, all relevant safety screening applications are to be made. Prior to submitting the application, the human resource department/Volunteering FSGA is responsible for checking that staff have completed the requisite paperwork accurately and fully and provided the necessary documentation.

The human resource department/Volunteering FSGA is responsible for warning every applicant that it is an offence for a 'disqualified person' to sign a Blue Card or Yellow Card application form. The [Information Sheet Disqualified People](#) provides further details.

The delegated staff member from the human resource department/Volunteering FSGA signs the declaration on the application which states that the applicant has been warned of the legal requirements not to sign should they be a disqualified person.

The delegated staff member from the human resource department/Volunteering FSGA checks that the applicant has signed the declaration stating they are not a 'disqualified person' before lodging an application on their behalf.

The Blue Card is valid for 3 years, if a prospective staff member presents with a 'Yellow Card Exemption Notice', the notice will be valid providing the person has a validated current Blue Card.

The cost to the new recruit for safety screening is \$76.00 (subject to change).

The following forms are used by the human resource department/Volunteering FSGA for the specified scenarios:

Scenario One: The person does not have a Blue Card or Yellow Card

The following is the link to the form which is an application for both a Blue Card and a Yellow Card exemption notice (issued by the Department of Communities, Child Safety and Disability Services). [http://www.ccypcg.qld.gov.au/pdf/bluecard/forms/10-591-BC-and-Yellow-Card-app-exemption-\(Y\)-JUN10.pdf](http://www.ccypcg.qld.gov.au/pdf/bluecard/forms/10-591-BC-and-Yellow-Card-app-exemption-(Y)-JUN10.pdf)

Scenario Two: The person already has a Yellow Card but not a Blue Card

The following is the link to the form which is used by a non-government service provider funded by the Department of Communities, Child Safety and Disability Services requiring information about the current status of an application for criminal history screening or any positive notice, positive exemption notice, negative notice or negative exemption notice issued.

<http://www.disability.qld.gov.au/key-projects/criminal-history-screening/documents/dsa-10-6-application-for-info.pdf>

Scenario Three: The person already had a Blue Card but not a Yellow Card

The following is a form which is used by a Department of Communities, Child Safety and Disability Services funded non-government service provider on behalf of a Blue Card holder engaged or seeking to be engaged by the service provider.

<http://www.disability.qld.gov.au/key-projects/criminal-history-screening/documents/dsa-10-11-exemption-notice.pdf>

3.2.2 Paid staff

Also refer to [3.3 Kaia program](#) requirements and the [Kaia Program practice manual](#).

The human resource department is responsible for ensuring that prior to commencing work all FSGA paid staff have:

- applied for a Blue Card or have their current Blue Card validated or applied for an Blue Card exemption notice¹ and
- have a current valid Yellow Card or have applied for a Yellow Card exemption notice.

If the paid staff member has submitted a Blue Card application but does not have a current Blue Card prior to commencement or it hasn't been validated or they do not have a Blue Card exemption, the risks associated with employing a staff member without this check are to be controlled by adequate supervision. This supervision is to continue until the Blue Card is issued or validated (refer to Section 3.7 Risk Management).

A person cannot start work if they have a current negative notice. It is an offence for anyone who is a 'disqualified person' to apply for a Blue or Yellow Card.

A person cannot start work if they have a current negative notice.

3.2.3 Volunteers

The Volunteering FSGA program is responsible for ensuring that all volunteers (excluding STEP and The Deck volunteers who are FSGA clients) have:

- a valid Blue Card or have their current Blue Card validated or they have a Blue Card exemption² and
- have submitted a Yellow Card exemption notice application form before they commence employment as a volunteer.

The Volunteering FSGA program is required to remind the human resource department that volunteers transitioning to paid employment are to notify the Public Safety Business Agency to arrange payment for the Blue Card. The transitioning staff member will be required to complete a [Volunteer to paid employment transfer application form](#).

A person cannot start work if they have a current negative notice. It is an offence for anyone with particular offences or convictions to apply for a Blue or Yellow Card.

3.2.4 Receipt of a Blue Card Negative Notice

When a new recruit (who has commenced employment before a safety screening result is available) returns a negative notice, the human resource department/ Volunteering FSGA is responsible for immediately terminating their employment.

¹ Police officers and registered teachers do not apply for Blue Cards and must apply to the Commission for an exemption notice when providing child-related services which are outside of their professional duties. This exemption will remain valid as long as they continue to be a police officer or registered teacher, unless cancelled earlier.

² Police officers and registered teachers do not apply for Blue Cards and must apply to the Commission for an exemption notice when providing child-related services which are outside of their professional duties. This exemption will remain valid as long as they continue to be a police officer or registered teacher, unless cancelled earlier.

3.2.5 Outcomes and the right to review

Blue Card

If an application for a Blue Card is approved, a person is issued with a positive notice letter and Blue Card which is valid for 3 years (Blue Cards issued for applications received before 1 April 2010 are issued for 2 years).

If an application for a blue card is not approved, a person is issued with a negative notice letter which prohibits them from working in employment or carrying on a business regulated by the *Working with Children (Risk Management & Screening) Act 2014 (Qld)*.

A person who has been issued with a negative notice who is not a disqualified person may apply to the Queensland Civil and Administrative Tribunal for a review of the decision within 28 days of the notice being received. The Queensland Civil and Administrative Tribunal considers the decision afresh, having regard to any and all relevant material before it.

Yellow Card

A positive notice means a person can work for a funded non-government service provider. A negative notice means that a person cannot work for a funded non-government service provider.

Under some conditions a person may be able to apply, as provided under the *QCAT Act*, to the tribunal for a review of a decision.

A Yellow Card exemption is valid for the time the person has a valid Blue Card.

3.2.6 Lost or stolen cards

If a positive notice letter or Blue Card is lost or stolen, the issuing body must be notified within 14 days by completing a [Card-Notice-letter-lost-or-stolen form](#) (for Blue Card) or an [Application for replacement \(positive notice card\)](#) (for a Yellow Card).

3.3 Kaia program

Refer also to the [Kaia Program practice manual](#).

All Kaia Program staff, nominee, directors and volunteers must have Notification of Suitability and Blue Card issued prior to commencement (or a Blue Card exemption notice³).

The human resource department staff ensure staff, nominee, directors and volunteers who will work in the Kaia Program complete a Suitability Check under the Department of Communities, Child Safety and Disability Services - Child Safety Services (LCS Form2 or Form 7).

[LCS form 2: Application for suitability check](#)

[LCS form 7: Confirmation of suitability](#)

The human resource department ensures that Blue Card application forms are completed by nominees and directors i.e.

- application for Blue Card nominees and directors of a licensed care service or
- paid employee of a licensed care service blue card application form.

³ Police officers and registered teachers do not apply for blue cards and must apply to the Commission for an exemption notice when providing child-related services which are outside of their professional duties. This exemption will remain valid as long as they continue to be a police officer or registered teacher, unless cancelled earlier.

Further to this, if staff, nominee, directors and volunteers have a current Blue Card, an authorisation to confirm a valid blue card/application form is required.

In the circumstances when the FSGA Kaia Program has to contract agency worker or a FSGA employee without the Suitability Check (although the Blue Card must be held) then FSGA are required to seek approval from Child Safety Service Centre under which the child's case is managed, prior to implementing the shift.

3.4 National Criminal History Record Check

3.4.1 National Criminal History Record Check requirements

The National Criminal History Record Check requirements apply to all new paid and unpaid staff .

There are two deadlines:

1. 30th June 2011: Any employee who works in or provides services to a program which is funded by the Department of Health and Ageing (DoHA).
2. 1st December 2011: A National Criminal History Record Check (type 1), not more than three years old, must be held by **all** staff members.

FSGA must ensure that any contractors engaged, who are under FSGA control, have a current National Criminal History Record Check (type 1) in place. FSGA's contractual arrangements must make provision for National Criminal History Check requirements, imposing the same responsibilities on the contractor, supplier or broker as that imposed on FSGA under the legislation, including where suppliers sub-contract work to others.

3.4.2 New staff members and volunteers

FSGA aims to ensure all new staff members and unsupervised volunteers have obtained a National Criminal History Record Check (type 1) before they start work. The legislation provides arrangements for commencing work prior to receipt of a National Criminal History Record Check in exceptional circumstances. Section 1.22 of the Accountability Principles enables a person to start work prior to obtaining the National Criminal History Record Check (type 1) and pending an assessment of any criminal conviction identified in the certificate if:

- the care or other service to be provided by the person is essential; and
- an application for a National Criminal History Record Check has been made before the date on which the person first becomes a staff member or volunteer; and
- until the National Criminal History Record Check is obtained, the person will be subject to appropriate supervision during periods when the person has access to care recipients; and
- the person makes a statutory declaration stating that they have never been:
 - (a) convicted of murder or sexual assault; or
 - (b) convicted of, and sentenced to imprisonment for, any other form of assault.

In such cases, the human resource department ensures:

- that an application for a National Criminal History Record Check (type 1) has been made
- the care and other service to be provided is essential.

In such cases, the program coordinator ensures:

- the person will be appropriately supervised
- a record is forwarded to the human resource department to keep on the employee's file of how supervision will occur in a range of working conditions e.g. during night shifts and holiday periods when supervisory staff numbers may be limited.

3.4.3 Statutory declarations

Statutory declarations are generally only required in addition to police checks in two instances:

- for essential new staff and volunteers who have applied for, but not yet received, a police certificate; and
- for any staff or volunteers who have been a citizen or permanent resident of a country other than Australia after the age of 16.

A statutory declaration is a written statement declared to be true in the presence of an authorised witness. A person who wants to use a statutory declaration in connection with a law of the Commonwealth, must make the declaration in accordance with the *Commonwealth Statutory Declarations Act 1959* and the *Commonwealth Statutory Declarations Regulations 1993* (the Regulations).

Statutory declarations relating to National Criminal History Record Check requirements must be made on the form prescribed under the *Commonwealth Statutory Declarations Act 1959*, as the National Criminal History Check requirements are in connection with a law of the Commonwealth. A statutory declaration may be invalid if it is made using an incorrect form, is witnessed by a person not prescribed by the Regulations as an authorised witness, or if it is incomplete.

The statutory declaration form can be downloaded from the Attorney-General's Department website, www.ag.gov.au/statdec or obtained from the human resource department. An information sheet for persons making a statutory declaration and for witnesses can also be accessed from this site.

Anyone who makes a false statement is guilty of an offence under Section 11 of the *Commonwealth Statutory Declarations Act 1959*.

3.4.4 Police certificate format

Police certificates may have different formats, including printed certificates or electronic reports. Every police certificate or report must record:

- the person's full name and date of birth
- the date of issue
- a reference number or similar.

FSGA must be satisfied that a certificate is genuine and has been prepared by an Australian Police service or a CrimTrac accredited agency. The Department does not provide advice on whether a police certificate meets the requirements under the Act. It is up to FSGA to be satisfied that a certificate meets the requirements and enables them to assess a person's criminal history. Any police certificate decision should be documented by FSGA.

3.4.5 Maintaining National Criminal History Record Checks

FSGA staff and volunteers are required to notify FSGA if they are convicted of a precluding offence in the three-year period between obtaining and renewing their National Criminal History Record Check.

Where FSGA is satisfied on reasonable grounds that a staff member or volunteer has been convicted of a precluding offence they must ensure that person does not continue as a staff member or volunteer.

3.4.6 Community Visitors Scheme (CVS)

CVS auspices will be required to ensure National Criminal History Record Check arrangements are in place for each community visitor. CVS volunteers should supply FSGA with their letter of introduction stating that they are approved as visitors under the CVS. Approval includes having a current National Criminal History Record Check and being assessed as suitable to work in aged care.

3.4.7 Citizens or permanent residents (past or present) of other countries

Job applicants (paid and unpaid) who have been citizens or permanent residents of a country other than Australia **since turning 16 years of age**, must make a statutory declaration before starting work in any aged care service, stating that in Australia, or any other country, they have never:

- been convicted of murder or sexual assault; or
- been convicted of, and sentenced to imprisonment for, any other form of assault.

This statutory declaration is in addition to a current National Criminal History Record Check, as this records only those convictions recorded in Australian jurisdictions.

3.4.8 Obtaining the National Criminal History Record Check

The applicant submits the National Police Check (NPC) Application Form to the human resource department staff, who forward it on to the Australian Federal Police. When processed, the outcome is sent directly back to the applicant who must then show it to FSGA for employment and record keeping purposes.

Application forms are available at <http://www.afp.gov.au/~media/afp/pdf/n/national-police-check-application-form.ashx>.

For a National Criminal History Record Check to be valid, the individual's name and date of birth must be accurate. Therefore, when submitting the National Criminal History Record Check application, the applicant should ensure all information provided is accurate.

Staff will be required to pay for their National Criminal History Record Check.

3.4.9 Assessing a National Criminal History Record Check

Sections 1.19 and 1.21 of the Accountability Principles provide that FSGA **must not allow a person to become a staff member or volunteer** unless satisfied that their National Criminal History Record Check is not dated more than 3 years before the day on which the person was to first become a staff member or volunteer and that the certificate **does not record** that the person has been:

- a) convicted of murder or sexual assault; or
- b) convicted of, and sentenced to imprisonment for, any other form of assault.

Any person with a conviction for an offence listed above **must not** be employed, contracted, hired, retained, accepted as a volunteer (as per the definition in the Accountability Principles) or allowed to provide any other care or ancillary duties, in an aged care service subsidised by the Commonwealth.

4.0 Record keeping

The human resource department is responsible for entering a record of each paid staff members' safety screening details on PayGlobal.

Volunteering FSGA is responsible for entering a record of each volunteer staff members' safety screening details in the database.

Records are required to be kept of the following:

- card number(s)
- card expiry date(s)
- National Criminal History Record Check details
- statutory declaration (if there is a delay between commencing and receiving the necessary National Criminal History Record Check
- contracts with other service providers verifying compliance
- date application sent for approval
- verification/authorisation date (if applicable)
- date renewal sent (prior to expiry)
- date application for suitability sent (Kaia Program)
- suitability outcome date (Kaia Program)
- suitability expiry date (Kaia Program)
- date renewal application for suitability sent (prior to expiry) (Kaia Program)
- letter stating that CVS volunteers are 'approved' as visitors under the CVS
- supervision arrangements when staff commence work in a program which requires staff or volunteers to have a National Criminal History Check.

Each month the human resource department/ Volunteering FSGA is responsible for running a report which identifies those staff/volunteers whose check will be expiring in the next three months. The delegated staff member from the human resource department/ Volunteering FSGA prompts staff to renew their check and records this in the PayGlobal (for paid staff) and the database (for volunteer staff). If the person does not complete the application for renewal and their check has expired, the staff member is put on hold, and in the case of direct service employees, not offered shifts.

The human resource department/ Volunteering FSGA is responsible for handling staff personal history information in accordance with the [HR Department Manual](#) and the [Privacy management policy - prospective, former and volunteer staff](#).

FSGA keep copies of:

- applications

- other documents forwarded by FSGA to the issuing body
- documents received by FSGA from the issuing body.

These records must be kept for a minimum period of seven years.

Examples of records FSGA will need to keep include:

- card applications
- copies of other screening forms lodged with issuing body (for example, change of details)
- notices from the issuing body as to whether a positive or negative notice was issued, that a positive notice is suspended or cancelled, or that a screening decision is being made in relation to a person.

5.0 Change of criminal history status or personal details

5.1 *Change of criminal history status*

Note: Where the change in criminal history is a conviction of a [serious offence](#), a cardholder cannot start or continue in regulated employment or start or continue a regulated business until a new card is issued. Failure to comply with this obligation is an offence and may result in penalties.

If a staff member has a current Blue Card or an application is in progress and their police information has changed, they must immediately notify FSGA. The staff member is not required to tell FSGA what the change is, only that a change has occurred. Failure to immediately notify FSGA of the change is an offence and they may be subject to a penalty if they do not do so. Once FSGA is notified of the change in police information, FSGA must not continue to employ the person without lodging the '[Notification - change in police information form](#)' with the PDSA. The Blue Card holder completes Part A and Part D and FSGA completes Part B of the form. Failure to comply with this requirement is an offence.

If a staff member informs FSGA that there has been a change to their criminal or personal history and the staff member is associated with the Kaia Program (licensed care service), the human resource department/ Volunteering FSGA is responsible for informing the Operations Manager Children's Programs, who will ensure the Chief Executive Child Safety Services and/or the PBSA are notified that there has been a change to the person's personal history.

5.2 *Change of name address or phone number*

Blue Card holders inform of a name change by completing a [Change of name form](#). A certified copy of the relevant document evidencing the name change (e.g. marriage certificate or name certificate) is to be attached. If there is not a document which evidences the name change, a [Statutory Declaration](#) is completed and attached to the change of name form. The Statutory Declaration is required to be witnessed by a Justice of the Peace (JP).

Yellow Card holders or applicants inform of a change to their name or contact details or if their engagement with FSGA ends before they have been issued with a positive notice or negative notice on the [Application for criminal history screening change of details \(Form 10-2\)](#).

5.3 Change of employment status

If an applicant or a card holder stops working for FSGA, the human resource department/ Volunteering FSGA is responsible for advising the issuing body.

If the person is a volunteer Blue Card holder and is moving into paid employment with FSGA, the human resource department is responsible for prompting them to complete a [Volunteer to paid employment transfer application form](#). In this situation, the volunteer moving into paid employment will be required to pay the application fee.

Any staff member changing their employment status related to the Kaia Program must comply with the requirements detailed in [3.3 Kaia program](#) and the [Kaia Program practice manual](#).

6.0 Risk management

The line manager is responsible for ensuring that any staff who commence work pending the outcome of safety screening, are adequately supervised to ensure client safety. If it is reported or observed that staff or volunteers pose a risk to the safety of clients, the line manager is responsible for immediately taking action to rectify the situation.

Persons who do not require safety screening e.g. tradespeople contracted for a short duration, are required to be supervised at all times whilst they are providing a service which provides an opportunity for contact with FSGA clients.

Other risk management information pertaining to child safety is detailed in the [Protecting Children & Young Persons Procedures](#).

7.0 Terminated and resigned employees

When staff are terminated or resign the following forms are completed, for the specified scenarios.

Scenario One: The person is terminated or resigns

The following links to the form which is for use by a person holding a positive notice or positive exemption notice who changes their name, starts to use a different name or changes their contact details.

<http://www.disability.qld.gov.au/key-projects/criminal-history-screening/documents/dsa-10-4-change-of-details.pdf>

Scenario Two: The person is no longer in child-related employment (Blue Card) -

<http://www.ccypcg.qld.gov.au/pdf/bluecard/forms/06-280-Notification-no-longer-child-related-employ-JUN10.pdf>

8.0 Staff contracted by FSGA

All staff who are contracted by FSGA and who have, or are reasonably likely to have, access to FSGA clients or carer recipients are required to have current satisfactory safety screening. The service provider from which the person is contracted is required to sign a [Service agreement contract for provision of service for FSGA](#) to verify the currency of the safety screening and the keeping of a register.

This excludes independent contractors (e.g. trades people) engaged by FSGA from time to time. However these contractors are required to be supervised at all times whilst they are providing a service which provides an opportunity for contact with FSGA clients or care recipients.

9.0 People employed or requested by the client

FSGA is not responsible for ensuring the currency of safety screening for people employed or requested by a client or on the client's behalf to deliver any kind of service to the client, either at an FSGA-managed home or within the client's own home (e.g. the client's general practitioner or audiologist).

10.0 Privacy considerations

FSGA records are managed in accordance with the *Privacy Act 1988*.

11.0 Assessment of convictions

In situations where FSGA is required to assess a person's suitability for employment when they have disclosed convictions, the assessment considers the level of risk and relevance to the position they hold, including the extent of access to clients.

The following considerations are intended as a guide only to assist FSGA human resources staff in assessing a person's criminal history for their suitability to be either a staff member or volunteer:

Access: the degree of access to clients, their belongings and their information. Considerations include whether the individual will work alone or as part of a team, the level and quality of direct supervision, the location of the work i.e. residential, community or home-based settings.

Relevance: the type of conviction in relation to the duties a person is, or may be undertaking. FSGA should only have regard to criminal record information indicating that the person is unable to perform the inherent requirements of the particular job.

Significance: the type of conviction in relation to the duties a person is, or may be, undertaking.

Proportionality: whether excluding a person from employment is proportional to the type of conviction.

Timing: when the conviction occurred.

Employment history: whether an individual has been employed since the conviction.

Individual's information: the findings of any assessment reports following attendance at treatment or intervention programs, or other references; and the individual's attitude to the offending behaviour.

Pattern: whether the conviction represents an isolated incident or a pattern of criminality.

Likelihood: the probability of an incident occurring if the person continues with, or is employed for, particular duties.

Consequences: the impact of a prospective incident if the person continues, or commences, particular duties.

Treatment strategies: procedures that will assist in reducing the likelihood of an incident occurring, including, for example modification of duties.

FSGA's decision regarding the employment of a person with any recorded convictions must be rigorous, defensible and transparent.

For further information refer to the Commission's guidelines: *On the Record – Guidelines for the prevention of discrimination in employment on the basis of criminal record*. The Guidelines are available on the website at:

http://www.humanrights.gov.au/human_rights/criminalrecord/on_the_record/index.html.

FSGA staff should seek legal advice on a case-by-case basis regarding the potential termination of an employee and any entitlements they may have.

12.0 Documenting decisions

Any decision taken by FSGA should be documented in a way that can demonstrate to an auditor the date the decision was made, the reasons for the decision and the names of the people involved in the decision i.e. FSGA staff, the individual, a legal representative, Board members etc.

SUPPORTING DOCUMENTATION

Forms

All applicable forms are available on the relevant websites and the human resources department and/or are hyperlinked in this document.

Related Material

Child protection policy

Code of conduct

HR Department Manual

[Kaia Program practice manual](#)

Privacy management policy - prospective, former and volunteer staff.

[Volunteering FSGA Operations Manual](#)

SECTION 4 - GOVERNANCE

Responsibility

Document Owner

General Manager Support Services

Approval status

CEO/Board

Reviewer Status

Human Resources Manager

References

Commission for Children and Young People and Child Guardian website

www.ccypcg.qld.gov.au

Guidelines for dealing with information obtained under Chapter 8 of the Commission for Children and Young People and Child Guardian Act 2000 (the Act)

<http://www.ccypcg.qld.gov.au/pdf/bluecard/Section-346-Guidelines-available-to-the-public.pdf>

Police Certificate Guidelines for Aged Care Providers

<http://www.health.gov.au/internet/main/publishing.nsf/Content/ageing-quality-factsheet-policechecks-guidelines.htm>

Legislation

Aged Care Act 1997

Australian Human Rights Commission Act 1986

Child Protection Act 1999

Commission for Children and Young People Amendment Regulation (No. 1) 2006

Commission for Children and Young People and Child Guardian Act 2000

Commonwealth Statutory Declarations Regulations 1993

Criminal History Screening Amendment Act 2010

Disability Services Regulation 2006

Housing Regulation 2003

Statutory Declarations Act 1959

Statutory Declarations Regulations 1993

Control information

Last review	Reviewer(s)	Review due	Status
26/7/10	Christine Tabone – Operations Manager Childrens Services Sue Potter – Human Resources Service Manager Lorraine Castner – Senior Coordinator Interchange Queensland Kleena Richter – Coordinator Human Resources Department	26/7/12	Current

APPENDIX A – HR GUIDE TO SECURITY CHECKS NEW EMPLOYEE ADVICE

Documentation	Reason	Requirement	Cost To Employee
FORM Y - Blue Card application and request for Yellow Card exemption form (Employee Blue Card)	This form is to be completed by people proposing to start or continue to paid employment with both children and adults at a place where disability services are funded by the Department of Communities, Child Safety and Disability Services (DCCSDS).	This form is to be completed by employees who aren't in possession of a blue or yellow card. Once approved and processed you will receive two cards (one blue and one yellow.) To be renewed every 3 years	\$78.65 - Option to have deduction from pay - please complete Payroll Deduction Form. Alternatively, credit card & cash can be accepted - please complete front page of application form.
Authorisation to Confirm a Valid Blue Card/Application Form	This form is to be completed by people proposing to start or continue to paid employment with both children and adults at a place where disability services are funded by the DCCSDS.	If already in possession of current PAID Blue Card, please advise at appointment and complete this form	No cost to employee
Volunteer to Paid Employment Transfer Form	For employees who hold a VOLUNTEER Blue Card, it is an essential requirement to be in possession of a PAID Blue Card.	Compulsory requirement to be in possession of a PAID Blue Card	\$78.65 - Option to have deduction from pay - please complete Payroll Deduction Form. Alternatively, credit card & cash can be accepted - please complete front page of application form.
Application for Criminal History Screening (Prescribed Notice) Form Security Check (Yellow Card Exemption)	Under the Disability Services Act 2006, persons who hold a blue card may apply for an exemption from obtaining a Yellow Card.	If completing Form Y (Blue Card application for yellow card exemption) this form does not require completing. If in possession of a Blue Card only, this form needs to be completed	No cost to employee
Australian Federal Police National Police Check (NPC) Application Form	This form is to be completed by people proposing to start or continue to work with services funded by the Dept of Social Services.	*All employees must complete a NATIONAL AFP Check, a QLD Police Check is insufficient To be renewed every 3 years	\$42 - Option to have deduction from pay – please complete Payroll Deduction Form.
LCS2 Form -2 (Licensing of Care Services Application for Suitability Check)	Linked to the Blue Card application.	To be renewed every 2 years Compulsory for all employees to complete	No cost to employee
Application for Information from Register of Engaged Persons	For use by a non-government service provider funded by DCCSDS requiring information about the current status of an application for criminal history screening or any positive notice, positive exemption notice, negative notice or negative exemption notice issued.	If already in possession of current Yellow Card, please advise at appointment and bring card	No cost to employee