Measuring the value and contribution of the blue card system in Queensland

Introduction

The blue card system plays a critical part in the prevention of abuse and practices that may place children at risk of harm when they are receiving services and participating in activities which are essential to their development and wellbeing. These include environments such as child care, education, sport and cultural activities and where children may be particularly vulnerable such as foster care, residential care, detention and mental health facilities.

The blue card system was introduced in 2001[1] to address widespread community concerns about the number of children that had been exposed to significant levels of abuse in service environments intended to promote their safety and wellbeing. The blue card system recognises the vulnerability of children and the obligations of employers, the government, and the community as a whole, in protecting them from harm and promoting their rights, interests and wellbeing.

This is the first paper in a series that seeks to measure the substantial contribution the blue card system has made, and is continuing to make, in creating safer service environments for children and young people in Queensland.

The second paper in this series '*The blue card system and child protection in Queensland*',

[1] The introduction of the system was the result of recommendations by the *Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996*, the Briton Report in April 1999 and the June 1999 *Commission of Inquiry into Abuse of Children in Queensland Institutions* (the Forde Inquiry).

and the third paper '*Increasing Aboriginal and Torres Strait Islander participation in the blue card system'* can be accessed at www.ccypcg.qld.gov.au

How it works

The blue card system is one of the most comprehensive of its type in Australia. It is the only system that incorporates the management of past, present and future risks of harm to children as a part of its legislative mandate.

Figure 1: The blue card system in Queensland - managing past, present and future risks
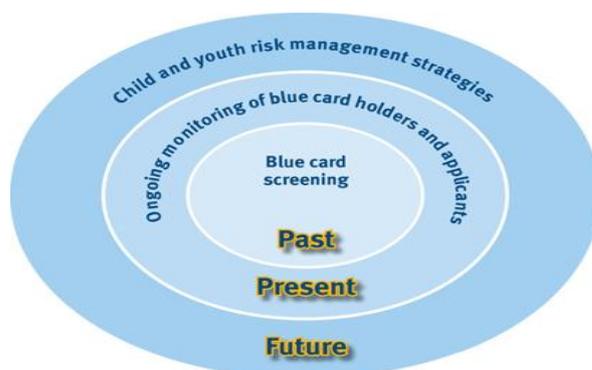
The blue card system operates as a preventative and monitoring system through:

• undertaking an initial eligibility assessment, based on an individual's known police or disciplinary history. It prevents people from working with children in regulated service environments if their past behaviour indicates that they are unable to protect a child from harm and promote their wellbeing. In addition, certain people are disqualified upfront from applying for a blue card (i.e. those convicted

of a serious child-related sex, or child pornography offence or the murder of a child).

• ongoing daily monitoring of all blue card applicants and card holders for changes in their criminal history, which enables the Commission to take steps to immediately protect children from harm if the person is charged with an offence which is relevant to their child-related employment. The Commission also monitors and audits compliance with the blue card system.

• requiring organisations providing services to children to develop, implement and maintain a child-focused risk management strategy and review it annually. This particular requirement of the system aligns with recommendations of the Forde Inquiry which identified a number of "risk" areas in organisations and highlighted the need for service providers to implement strategies to "inhibit attempts at organised abuse" of children.

Child and youth risk management strategies aim to ensure that there are appropriate policies and procedures in place to identify and minimise the potential risk of harm to children. These strategies are also monitored by the Commission.

Eight mandatory elements of a risk management strategy

1. Statement of commitment
2. Code of conduct
3. Procedures for recruiting, managing and training staff
4. Policies for identifying and reporting disclosures or suspicions of harm
5. Managing breaches of risk management strategy
6. Policies for compliance with blue card legislation
7. Risk management plans for high-risk activities and special events
8. Strategies for communication and support

Evidence of the system's public value

Now in its eleventh year of operation, the Commission has established three key outcome indicators to measure the blue card system's contribution to reducing risks to Queensland children and young people in regulated service environments.

Awareness

Stakeholder awareness about the requirements of, and participation in, the system is essential to help safeguard children and young people and mitigate risks in regulated service environments. The level of awareness about the blue card system is the first indicator to show the value and contribution that it is has made, and continues to make, since its inception in 2001.

Commencing in May 2001 with a grand total of 381 blue card applications in its first month of operation, the Commission now receives on average 23,377 applications and authorisations for processing per month.

Figure 2: Number of applications, renewals and authorisations processed since 2001
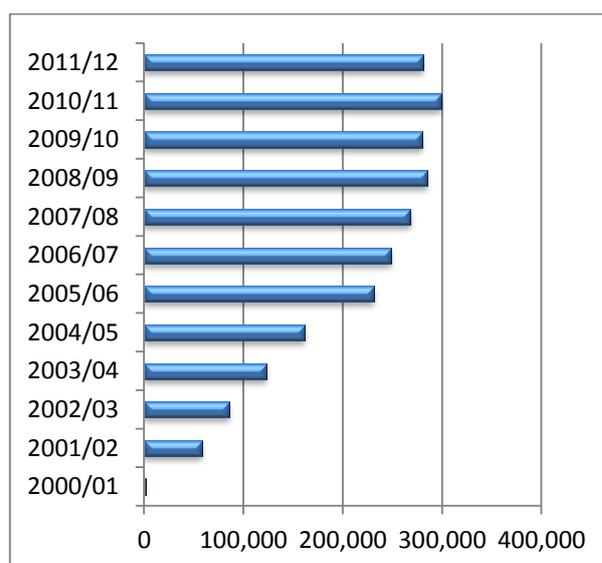

As shown in **Figure 2**, the Commission has processed over 2.3 million applications, authorisations and renewals since 2001. This equates to over 2 million cards and renewals

issued involving more than 1.15 million individual applicants.

The growth of the system can also be measured by the increasing number of organisations within scope of the system, with over 100,000 organisations now registered with the Commission in the various categories of regulated employment.

Figure 3: **Categories of regulated employment for blue and exemption card applicants in 2011-12**
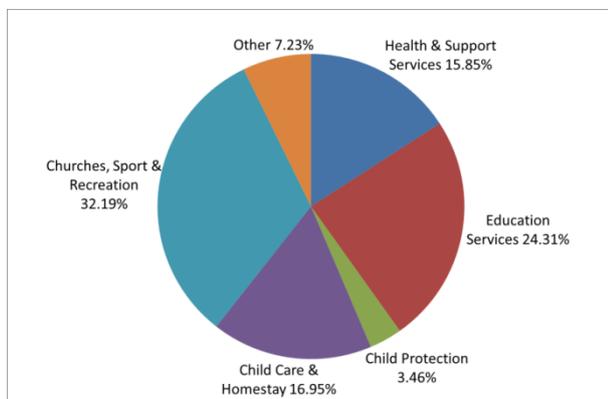
Public confidence in the strength of the blue card system has been measured by periodic surveys. These indicate that the majority of people value its contribution in creating safer service environments for children and young people, with approximately 94% of stakeholders surveyed in 2011-12 responding that they were satisfied with its contribution, including 39% who rated the system as "Excellent".

Another indicator of the high level of community awareness about, and willingness to comply with, blue card system requirements is the volume of telephone inquiries received by the Commission. To date, the Commission has responded to over one million blue card related phone inquiries, including 120,748 inquiries in 2011-12.

To assist the public in understanding the requirements of the blue card system, the Commission maintains a comprehensive and up-to-date website which provides a range of resources for stakeholders. In 2011-12 the

Commission's blue card pages were viewed more than 2 million times and its Risk Management Strategy Toolkit, providing organisations with child protection policy advice and templates, was downloaded almost 3,000 times (see www.bluecard.qld.gov.au to view forms, Frequently Asked Questions (FAQs) and the Risk Management Strategy Toolkit).

The Commission also provides targeted education and training activities to assist organisations captured by the system build their capacity to create safer service environments. Since 2006-07 the Commission has provided almost 1,000 blue card education sessions to over 18,000 individuals state-wide. Of the participants surveyed in 2011-12:

- 96% reported that the Commission's workshops and education activities:
  - increased their knowledge about the requirements of the blue card system
  - assisted them in understanding the importance of having, and continuously improving, a risk management strategy to manage risks of harm to children and young people within their organisation, and
- 78% reported that the Commission's education sessions provided them with ideas on how to strengthen their organisation's policies to better safeguard children and young people.

In addition, in recognition of the ongoing interest in receiving training by a diverse range of organisations across the state, the Commission is working with key stakeholders to develop electronic tools to assist them to comply with the requirements of the blue card system. For example, the Commission is developing the use of webinar technology to deliver child protection training to organisations throughout Queensland, including a webinar developed specifically for

the Local Government Association Queensland.

Overall, this data indicates that awareness about and participation in the blue card system in Queensland is high, and citizens and organisations value the important safeguard that it provides, with 99% of people surveyed in 2011-12 reporting that they viewed the Commission's role as "important" or "very important" in promoting safer service environments for children.

Building compliance

Compliance with the requirements of the blue card system is critical in building and maintaining safeguards for children and young people in regulated environments.

Where possible, compliance activities focus on educating and building the capacity of organisations, employers and individuals to achieve compliance and to identify and manage risks of harm to children.

Since 2006-07, the Commission has provided detailed written advice to over 500 service providers, each individually tailored to the specific risk management requirements of the particular organisation. A 2011-12 survey found that 78% of participant organisations reported making improvements to their child protection policies after receiving written feedback from the Commission.

Of these organisations, 89%[2] reported that the Commission's advice assisted them to develop or strengthen their child protection policies, including 84% of organisations reporting that they implemented additional procedures designed to reduce the risk of harm to children and young people.

Further, 81% of organisations who reported accessing Risk Management Strategy resources and toolkits available on the

Commission's website found these resources helpful in improving their child protection policies.

The following feedback from stakeholders demonstrates the value and contribution of the blue card system from an organisational perspective:

"Blue cards are an imperative part of our organisation. As we are primarily a volunteer organisation working in a youth environment, without these cards, we would simply not be able to provide the same level of service …

Ensuring that strategies and policies which address the importance of training and volunteers screening has enabled a safe and professional volunteering environment within our organisation. With the development of these policies and procedures for key events like Schoolies, applications and registrations for volunteering with the Red Frogs has ensured that a high standard and legal requirement is met.

Red Frogs have had an amazing working relationship with the Commission for many years now …. With the high volume of card applications required, it has been a joint effort from the Red Frogs and Commission to submit and process this massive amount of card requests. The assistance provided by many of the officers in the Commission has been very professional, but still very personal". (Red Frogs)

"Having a well-developed and ongoing relationship with the Commission is vital to ensure that essential information is communicated…in an appropriate timely manner. The personal presentations by Commission staff add additional value to email communications to… ensure the understanding of the Commission's goals and responsibility and the ongoing protection of children and their safety". (School of Education and Professional Studies, Griffith University)

The [Risk Management] Strategy is important as it provides clubs with a structured and documented way of monitoring and managing the protection of children and youth within their care. The roll out of the strategy to clubs in QLD ensured state wide consistency and compliance which assists us as a state body meet our legislative requirements

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[2] The organisations reporting that the written feedback they received from the Commission assisted them to make improvements to their child protection policies represented 69.86% of the total sample of participant organisations.

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knowing that clubs have the tools to mitigate harm and manage breaches should they occur …

The ongoing partnership with the Commission staff is imperative to the successful implementation of the blue card system at the grassroots [level]. SLSQ's strategic plan seeks to ensure that we remain committed to our community by developing relationships with key stakeholders, in government and private enterprise, to ensure that we are able to deliver our services as effectively as possible. We see the Commission as a significant partner.
(Surf Lifesaving Queensland)

[A Risk Management] strategy has the capacity to complement the blue card by identifying offenders who do not have a prior criminal record or other records which might declare them as unsuitable for working with children and young people.
(Queensland Catholic Education Commission)

Creating safe regulated service environments

The safety of children participating in regulated services and activities is strengthened by preventing access to children in these environments by high-risk individuals. While most people working in these environments are there for all the right reasons, sadly there are a small number that misuse their positions of trust and cause inestimable harm.

Research[3] conducted prior to the introduction of the blue card system found that 18.9% of extra-familial offenders accessed their victims through their involvement in child-related organisations. Further, this study of 169 child sex offenders[4] incarcerated in Queensland found that these individuals were responsible for committing sexual offences against 1,010 children, with extra-familial offenders reporting approximately four times as many victims as intra-familial offenders.

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[3] Smallbone, S., & Wortley, R. (2001). Child sexual abuse: Offender characteristics and modus operandi, *Trends and Issues in Crime and Criminal Justice (193),* Australian Institute of Criminology.
4 Total sample includes intra-familial, extra-familial and mixed-type offenders, as well as deniers (i.e., those who had been convicted but denied the offending behaviour occurred).

High-risk individuals

As shown in **Figure 4**, the Commission has identified over 5,800 cases since 2001 where individuals who were seeking to work with children represented a high-risk and were consequently prevented from working in child-related services (over 860 in 2011-12).

The number of people prevented from working with children highlights that despite the system being in place since 2001 many inappropriate people are still seeking to engage in child-related regulated employment.

Figure 4: High-risk cases 2001-2012
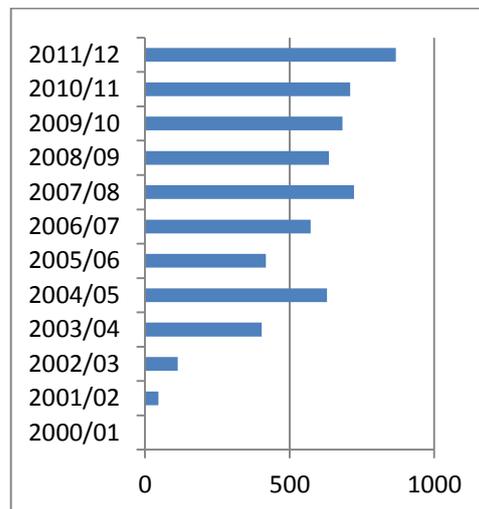
Note: Reasons for a high-risk assessment include convictions and charges for disqualifying and serious offences e.g. child-sex, violence and drug offences.
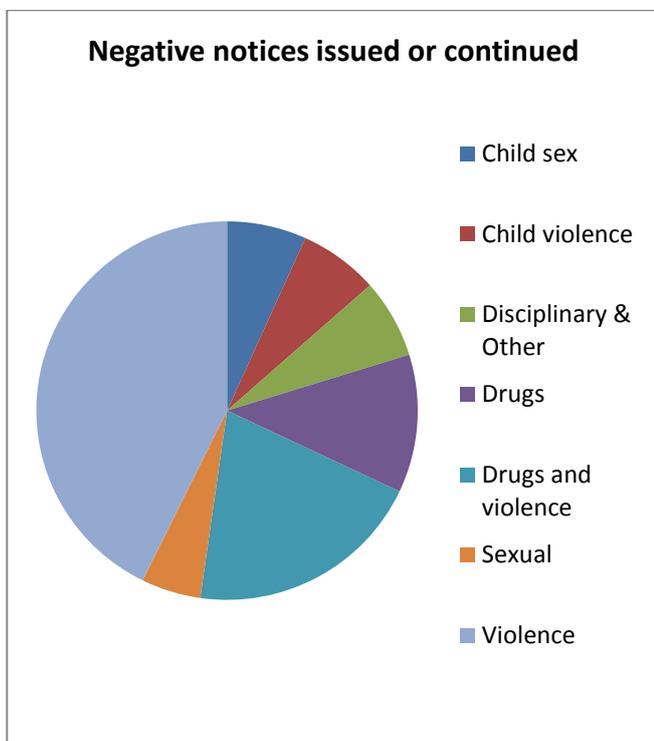
For example, a review of applications resulting in a negative notice decision in 2011-12 found that the type/s of offending that resulted in the negative notice decision were:

- Violence-related offences (43%)
- Child-violence offences (7%)
- Sexual offences (5%)
- Child-sex offences (7%)
- Drug offences (12%)
- Drugs and violence offences (20%)
- Disciplinary information and other offences (7%)[5].

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[5] Percentages add to 101% due to rounding.

Figure 5: Offence types for negative notices – child protection applicants (1 July 2011 – 30 June 2012)

Negative notices issued or continued

- Child sex
- Child violence
- Disciplinary & Other
- Drugs
- Drugs and violence
- Sexual
- Violence

A key feature of the blue card system is that it prohibits individuals who have been convicted of a child-related sex or pornography offence or the murder of a child from applying for a blue card.[6]

Queensland Police Service (QPS) data shows that between 1 July 2008 to 30 June 2012, over 8,000 individuals have been charged[7] in Queensland with a disqualifying offence. This figure provides a conservative estimate of the number of people that are prohibited from applying for a blue card as it does not include offences prior to 2008 or interstate offences.

Monitoring

The Commission through its partnership with the QPS monitors the continued eligibility of over 500,000 individuals on a daily basis. This is a critical component of the system as it enables the Commission to take steps to

immediately protect children from harm if a blue or exemption card holder is subsequently charged with an offence which is relevant to their child-related employment.

Since 2004-05 the QPS has notified the Commission of 9,975 cases where there has been a change in an individual's criminal history. This includes any change, from minor offending behavior (e.g. public nuisance) through to serious (e.g. sexual assault) or disqualifying offences (e.g. child-related sex or pornography offences).

Once notified, the Commission takes immediate steps to determine the individual's continued eligibility to hold a blue or exemption card to engage in child-related employment. These steps can result in:

- cards being immediately suspended
- cards being cancelled by the Commission following the assessment of a notified change in police information
- individuals voluntarily surrendering their card and ceasing to engage in regulated employment due to a change in their criminal history,[8] and
- cards being continued if the offence is not relevant to child-related employment.

A review of cases where blue or exemption cards were immediately suspended or cancelled following a change in an individual's police information in 2011-12 found that the type/s of offending that resulted in the decision to issue a negative notice were:

- Child-sex offences (33%)
- Violence-related offences (24%)
- Child pornography offences (18%)
- Drug offences (10%)
- Child-violence offences (8%)
- Drugs and violence offences (4%)
- Disciplinary information and other (3%)

[6] For more information in relation to disqualifying offences see the information sheet on the website www.bluecard.qld.gov.au
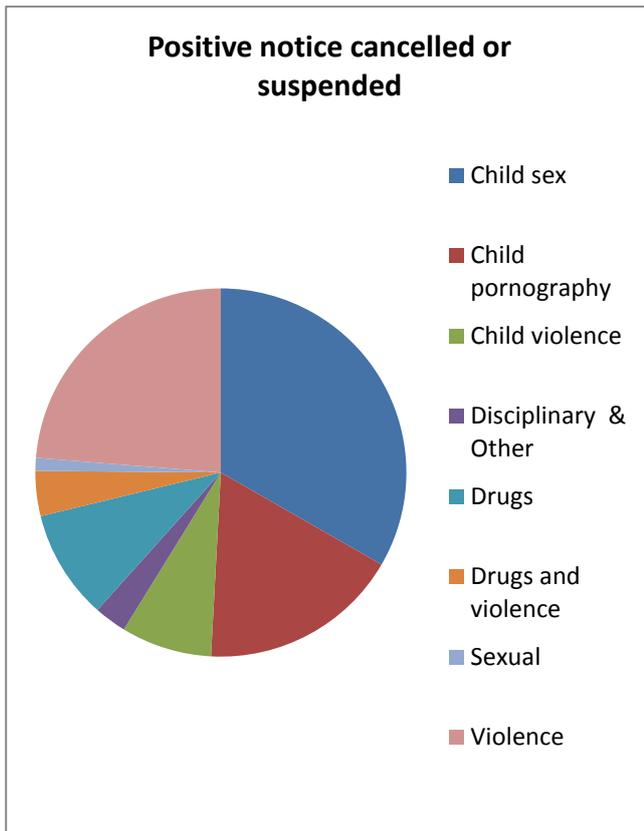[7] Data in relation to the number of charges that resulted in convictions is not known at this time.

8 The provision to voluntarily surrender a positive notice has only been available since 2010.

- Sexual offences (1%).[9]

Figure 6: Offence types for cancelled and suspended blue and exemption cards (1 July 2011 – 30 June 2012)

Positive notice cancelled or suspended

- Child sex
- Child pornography
- Child violence
- Disciplinary & Other
- Drugs
- Drugs and violence
- Sexual
- Violence

Safeguarding vulnerable children and young people

Children in out-of-home care represent a highly vulnerable and high priority subset of children. The eligibility of approved carers and licenced care providers to provide care and services to these children is also assessed and regulated by the blue card system.

Since blue card screening of child protection applicants was introduced in May 2006, 45,986 positive notices and renewals and 12,356 authorisations have been issued to child protection applicants and card holders.[10] During this time, there has also been a decrease in the number and percentage of children in out-of-home care subject to

substantiations. Of all children in out-of-home care in 2003-04, 8.1% were subject to substantiations, compared to 2.3% of all children in out-of-home care in 2010-11.[11]

Children and young people living in out-of-home care are also regularly surveyed by the Commission, with the most recent survey of children in foster care highlighting that 97.9% of children and 98.4% of young people report feeling safe in their current placement. Many children referred to feeling safe when asked "What is the best thing about their placement?"

Conclusion

Established now for more than a decade, the history leading to the development of the blue card system is not a pleasant one – with the system being born out of the moral imperative to respond to evidence that children and young people had suffered immeasurable harm and abuse at the hands of those entrusted to protect them.

While the system is unable to right the wrongs of the past, it strives to protect all future generations by seeking to ensure that the rights, interests and wellbeing of children are upheld; particularly when participating in activities essential to their care, development and wellbeing.

Recognised today as one of the most comprehensive and rigorous employment screening frameworks in Australia, the blue card is not simply a 'one-off' police check. Rather, it determines the eligibility of individuals to work with children through the comprehensive assessment of any past police or disciplinary information.

In addition, unlike a simple one-off police check, the blue card system provides ongoing protection to Queensland's children and

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9 Percentages add to 101% due to rounding.
10 As at end June 2012

11 *Commission for Children and Young People and Child Guardian, Annual Report 2011-12*, pg.,5

young people through daily monitoring of all blue card holder's and applicant's police information. This acts to ensure that appropriate action is taken if information is received which brings the eligibility of individuals – those granted with positions responsible for providing care and protection to children – into disrepute.

Notwithstanding the important safeguards that screening and ongoing monitoring provide, history tells us that safe service environments do not just happen. By making it mandatory for organisations to develop and implement child and youth risk management strategies, the blue card system provides a holistic approach to protecting the rights, interests and wellbeing of children.

With more than 1.15 million individual applicants since inception and over 100,000 organisations currently registered with the Commission, community awareness of and participation in the blue card system in Queensland is undoubtedly high. Further support for the system is evidenced through the level of commitment exhibited by organisations and individuals to creating safe service environments in accordance with the requirements of the blue card system.

The blue card system has also received strong support from successive governments since its inception in 2001. Their commitment to and continued focus on strengthening the blue card system is evidenced by a continuous improvement of the legislative framework that supports this key prevention mechanism.

In reflecting on the role of the blue card system in Queensland, the three overarching indicators of awareness, building compliance and creating safer service environments demonstrate the value and contribution the system has made, and continues to make, to safeguarding children and young people.

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Outcome indicators: The value and contribution of the blue card system in Queensland

AWARENESS	**Information** More than 1 million phone enquiries since 2006-07	**Participation** Over 2 million cards and renewals issued since 2001 More than 1.15 million individual applicants since 2001 Over 2.3 million applications, renewals and authorisations processed since 2001 Over 100,000 organisations registered with the Commission Almost 99% of all survey participants in 2011-12 rated the Commission's role in helping to provide safer environments for children and young people as 'important' or 'very important' Approximately 94% of all survey participants in 2011-12 advised they were satisfied with the contribution of the blue card system to providing safer service environments for children and young people, including 39% who rated the system as "Excellent"	**Education** Almost 1,000 community education sessions delivered to 18,000 participants since 2005-06 96% participants surveyed in 2011-12 considered risk management strategies to be important 78% felt that blue card education had helped them improve their organisation's child protection policies
BUILDING COMPLIANCE	**Auditing** More than 2,200 audit activities since 2006-07 Over 3,500 potential compliance issues assessed and actioned since 2007-08 Checked 257 organisations and 46,373 individuals for compliance with regulatory obligations in 2011-12	**Strengthening** Of the organisations surveyed in 2011-12 who made changes to their Risk Management Strategies after receiving feedback from the Commission, 89% reported that the Commission's advice assisted them to improve their child protection policies. *"[Our organisation] found the toolkit helpful to comply with [Risk Management Strategy requirements]"* *"I think it's great ... it has been helpful for me and knowing that we have a plan".* *"[I] was surprised to get that level of feedback … someone must have taken the time out to have written the response …[it] was really comprehensive"* - Risk Management Strategy advice survey participants – June 2012	**Enforcement** 642 matters involving potential breaches of the Commission's Act investigated by the QPS since 2001 92.3% of those matters that have proceeded to court since inception have been successfully prosecuted
CREATING SAFER SERVICE ENVIRONMENTS	**Safeguarding** Over 5,800 cases where individuals represented a high-risk and were consequently prevented from working in child-related services identified since 2001 Over 8,000 individuals charged with disqualifying offences in Queensland since 2001 who are prohibited upfront from applying for or holding a blue card and engaging in regulated employment in Queensland	**Protecting** 45,986 positive notices and renewals and 12,356 authorisations have been issued to child protection applicants and card holders since screening of child protection applicants commenced in May 2006 The number and percentage of children in out-of-home care subject to substantiations has decreased from 8.1% in 2003-04 to 2.3% for all children in out-of-home care in 2010-11	**Monitoring** Over 500,000 individuals monitored on a daily basis 9,975 QPS notifications of a change in criminal history (CCH) since 2004-05, which may result in: - cards being immediately suspended - positive notices cancelled by the Commission - cards being voluntarily surrendered by the card holder - cards being continued because the offence is not relevant to child-related employment.