

Suitability and Screening Requirements for Child Safety Licensed Care Services: A guide for non-government organisations

Purpose

This guide supports licensed care service providers and licence applicant organisations to meet requirements in the *Child Protection Act 1999* (The CP Act) and *Working with Children (Risk Management and Screening) Act 2000* (The WWC Act).

Service providers should consider the information provided in this guide as reference material and interpret these guidelines in the context of their own environment when developing recruitment and screening processes.

Legislative requirements

The CP Act requires that certain people are “Suitable”¹ to be involved with licensed care services and that the licensee complies with screening requirements of the WWC Act.

The WWC Act states that blue cards or exemption notices are required by people operating a licensed care service (regulated business). This includes the nominee and directors. Staff and volunteers providing care to children and young people or supporting foster and/or kinship carers are also required to have blue cards or exemption notices under the WWC Act.

Paid employees whose usual functions of employment are carried out inside a licensed care service facility (including the grounds of the residential facility) are also required to hold blue cards or exemption cards if they meet the minimum frequency test below:

- for at least 8 consecutive days; or
- at least once a week for each week during a period of 4 weeks; or
- at least once a fortnight for each fortnight during a period of 8 weeks; or
- at least once a month for each month during a period of 6 months.

Volunteers in regulated employment who fit under a category require blue cards regardless of how often their activities occur and must hold the blue card before commencing the activities. Similarly business operators require a blue card before undertaking the child-related activities. The WWC Act also requires that licensed organisations (that is employers and business operators) develop and maintain a risk management strategy aimed at minimising risks to children and young people within their service environment. A child and youth risk management strategy has eight mandatory requirements as set out in the *Working with Children (Risk Management and Screening) Regulation 2011*.

¹ Suitability is defined in Part 7 of the *Child Protection Regulation 2011*.

Suitability and Screening requirements.

- Nominees

Prior to commencing in the role of Nominee of a licensed care service a person must be deemed suitable by the Licensing Delegate within the Department of Communities, Child Safety and Disability Services (the department) and hold a current valid blue card or exemption notice supplied by Public Safety Business Agency (PSBA).

To be deemed suitable, the department will require a Child Safety and Personal History Screening check (to help determine that the person does not pose a risk to the safety of children cared for by the service). The department will also seek information from the relevant organisation's Human Services Quality Framework certification report and *Application for a New/Renewal Care Service Licence (LCS1)* or *Application to amend a care service licence under s137 form (LCS4A)*. This information will assist the licensing delegate to determine the person is able to meet the responsibilities of a Nominee as stated in Section 130 of the CP Act and that the applicant nominee is 18 years of age or older.

Table 1 provides the process for meeting requirements for a nominee when the organisation is applying for a new care service licence and the applicant nominee does not have a current outcome of Child Safety and Personal History screening or hold a current valid blue card or exemption notice.

Table 2 provides the process for meeting requirements for a nominee when the organisation is applying for a new care service licence and the applicant nominee has a current outcome of Child Safety and Personal History screening and a current valid blue card or exemption notice but these were granted for a different purpose (position or organisation).

Table 3 provides the process for meeting requirements for a nominee when the organisation is already licensed, needs to change its nominee and the proposed nominee does not have a current outcome of Child Safety and Personal History screening or hold a current valid blue card or exemption notice.

Table 4 provides the process for meeting requirements for a nominee when the organisation is already licensed, needs to change its nominee and the proposed nominee has a current outcome of Child Safety and Personal History screening and a current valid blue card or exemption notice but these were granted for a different purpose (position or organisation).

- Directors

Prior to or immediately after commencing in the role of Director of a licensed care service a person must be deemed suitable by the Nominee and must submit relevant paperwork for Child Safety and Personal History screening and blue card or exemption notice screening.

To be deemed suitable, the Nominee will need to seek information from relevant sources to ensure that the director does not pose a risk to the safety of children cared for by the service; is able and willing to manage the service, or ensure the service is managed, in a way that ensures the provision of care complies with the statement of standards; and that they understand and are committed to, the principles for administering the CP Act.

Resource paper

Child safety licensed care services

Table 5 attached provides the process for meeting requirements for a director of a service applying for a care service licence where the director does not have a current outcome of Child Safety and Personal History screening or hold a current valid blue card or exemption notice.

Table 6 attached provides the process for meeting requirements for a director of a service applying for a care service licence where the director has a current outcome of Child Safety and Personal History screening and a current valid blue card or exemption notice but these were granted for a different purpose (position or organisation).

Table 7 attached provides the process for meeting requirements for a director of a licensed care service when the organisation is already licensed and the director does not have a current outcome of Child Safety and Personal History screening or hold a current valid blue card or exemption notice.

Table 8 attached provides the process for meeting requirements for a director of a licensed care service when the organisation is already licensed and the director has a current outcome of Child Safety and Personal History screening and a current valid blue card or exemption notice but these were granted for a different purpose (position or organisation).

- Managers

Prior to commencing in the role of Manager of a licensed care service a person must be deemed suitable by the Nominee and have submitted an application to the Public Safety Business Agency for a blue card or exemption notice; or if they already have a blue card for another purpose, have submitted an Authorisation to Confirm a Valid Card Form.

To be deemed suitable, the Manager will require a Child Safety and Personal History Screening check (to help the Nominee determine that the person does not pose a risk to the safety of children cared for by the service). The Nominee will also seek information from relevant sources to determine that the person is willing to manage the service in a way that assists the licensee to ensure the provision of care complies with the statement of standards; is able to implement suitable methods for the selection, training and management of people engaged in providing the services; and understands, and is committed to, the principles for administering the CP Act.

Table 9 attached provides the process for meeting requirements for a manager of a licence applicant service and/or licensed care service where the manager does not have a current outcome of Child Safety and Personal History screening or hold a current valid blue card or exemption notice.

Table 10 attached provides the process for meeting requirements for a manager of a licence applicant service or licensed care service where the manager has a current outcome of Child Safety and Personal History screening and a current valid blue card or exemption notice but these were granted for a different purpose (position or organisation).

- Staff paid to provide care services and/or support foster and/or kinship carers

Prior to commencing in the role of a staff member paid to provide care services and/or support foster and/or kinship carers in a licensed care service a person must be deemed suitable by the Nominee and have submitted an application to the Public Safety Business

Agency for a blue card or exemption notice or if they already have a blue card for another purpose, have submitted an Authorisation to Confirm a Valid Card Form.

To be deemed suitable, the staff member will require a Child Safety and Personal History Screening check (to help the Nominee determine that the person does not pose a risk to the safety of children cared for by the service).

Table 9 provides the process for meeting requirements for a paid staff member of a licence applicant service and/or licensed care service where the paid staff member does not have a current outcome of Child Safety and Personal History screening or hold a current valid blue card or exemption notice.

Table 10 provides the process for meeting requirements for a paid staff member of a licence applicant service or licensed care service where the paid staff member has a current outcome of Child Safety and Personal History screening and a current valid blue card or exemption notice but these were granted for a different purpose (position or organisation).

- Volunteers providing care services and/or support to foster and/or kinship carers

Prior to commencing in the role of a volunteer providing care services and/or support to foster and/or kinship carers in a licensed care service a person must be deemed suitable by the Nominee and have been issued with a blue card or exemption notice. If they already have a blue card for another purpose, they must have submitted an Authorisation to Confirm a Valid Card Form.

To be deemed suitable, the Volunteer will require a Child Safety and Personal History Screening check (to help the Nominee determine that the person does not pose a risk to the safety of children cared for by the service).

Table 11 provides the process for meeting requirements for a volunteer of a licence applicant service and/or licensed care service where the volunteer does not have a current outcome of Child Safety and Personal History screening or hold a current valid blue card or exemption notice.

Table 12 provides the process for meeting requirements for a volunteer of a licence applicant service or licensed care service where the volunteer has a current outcome of Child Safety and Personal History screening and a current valid blue card or exemption notice but these were granted for a different purpose (position or organisation).

- Ancillary staff and contractors working in a licensed residential care service

The CP Act does not place any requirements on ancillary staff and contractors. However, the Licensee/Nominee is responsible for ensuring the care service meets the standards of care stated in the Statement of Standards and should therefore ensure that anyone engaged by the licensed care service does not negatively impact on the organisation's ability to meet the standards.

The Licensee/Nominee is also responsible for ensuring screening requirements of the WWC Act are met. Therefore the Nominee must ensure that appropriate blue card screening is undertaken for any paid ancillary staff.

Table 13 provides the process for meeting requirements for ancillary staff and contractors working in a licensed care service where the person does not have a current valid blue card or exemption notice.

Table 14 provides the process for meeting requirements for ancillary staff and contractors working in a licensed care service where the person has a current valid blue card or exemption notice but this was granted for a different purpose (position or organisation).

- Ancillary Staff supporting a licensed care service but not at a licensed residential premises.

Licensed care services will employ office staff and maintenance workers who do not undertake any work at licensed residential premises or foster carer homes. The CP Act does not place any requirements on these people. However, the Licensee/Nominee is responsible for ensuring the care service meets the standards of care stated in the Statement of Standards and should therefore ensure that anyone engaged by the licensed care service does not negatively impact on the organisation's ability to meet the standards.

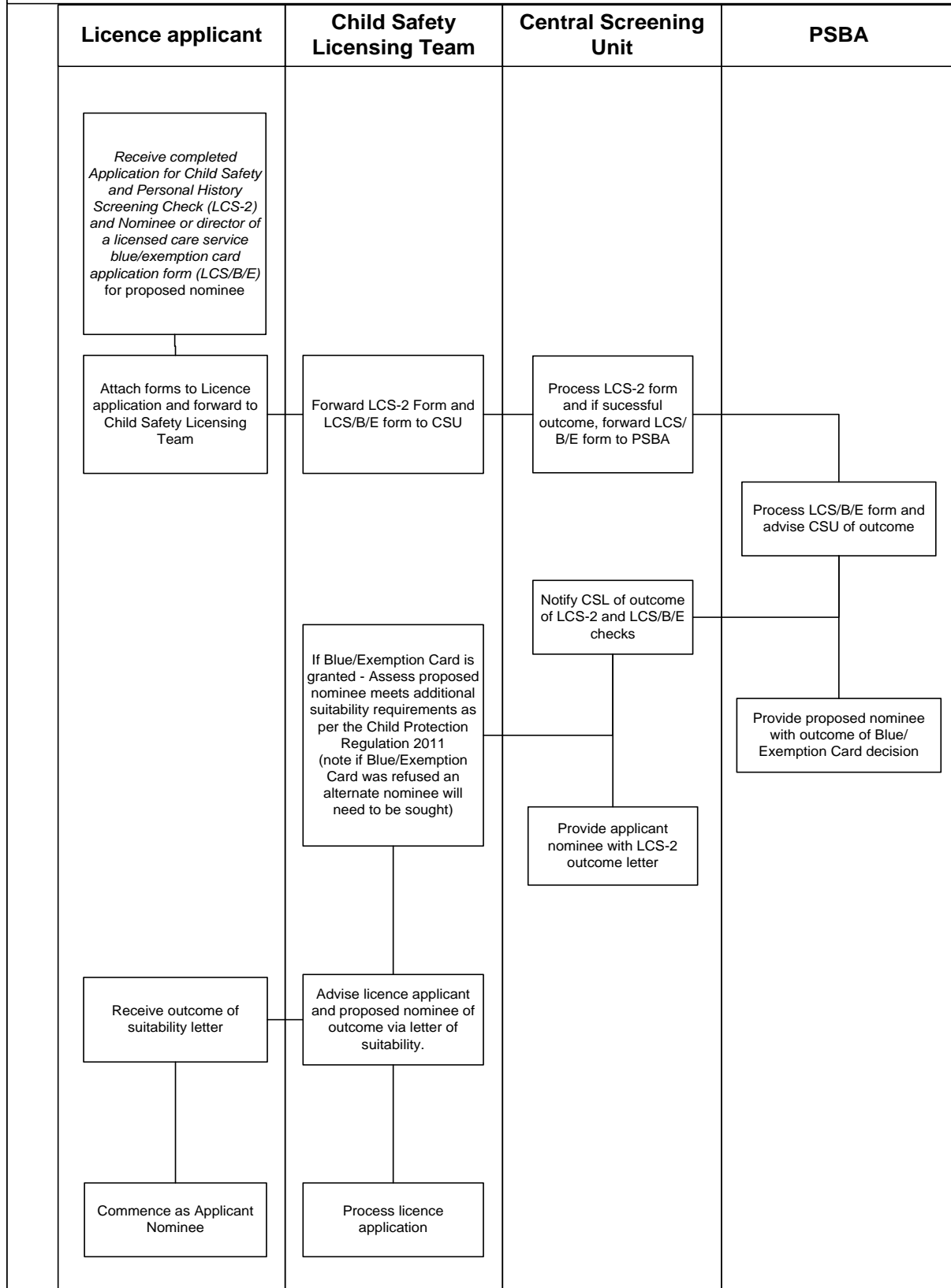
There are no blue card screening requirements for these people in the WWC Act.

Suitability and Screening Procedures

The following flowcharts present the basic procedures for ensuring people meet suitability and screening requirements for licensed care services. Service providers should consider the information provided in the context of their own environment when developing processes relevant to their organisation.

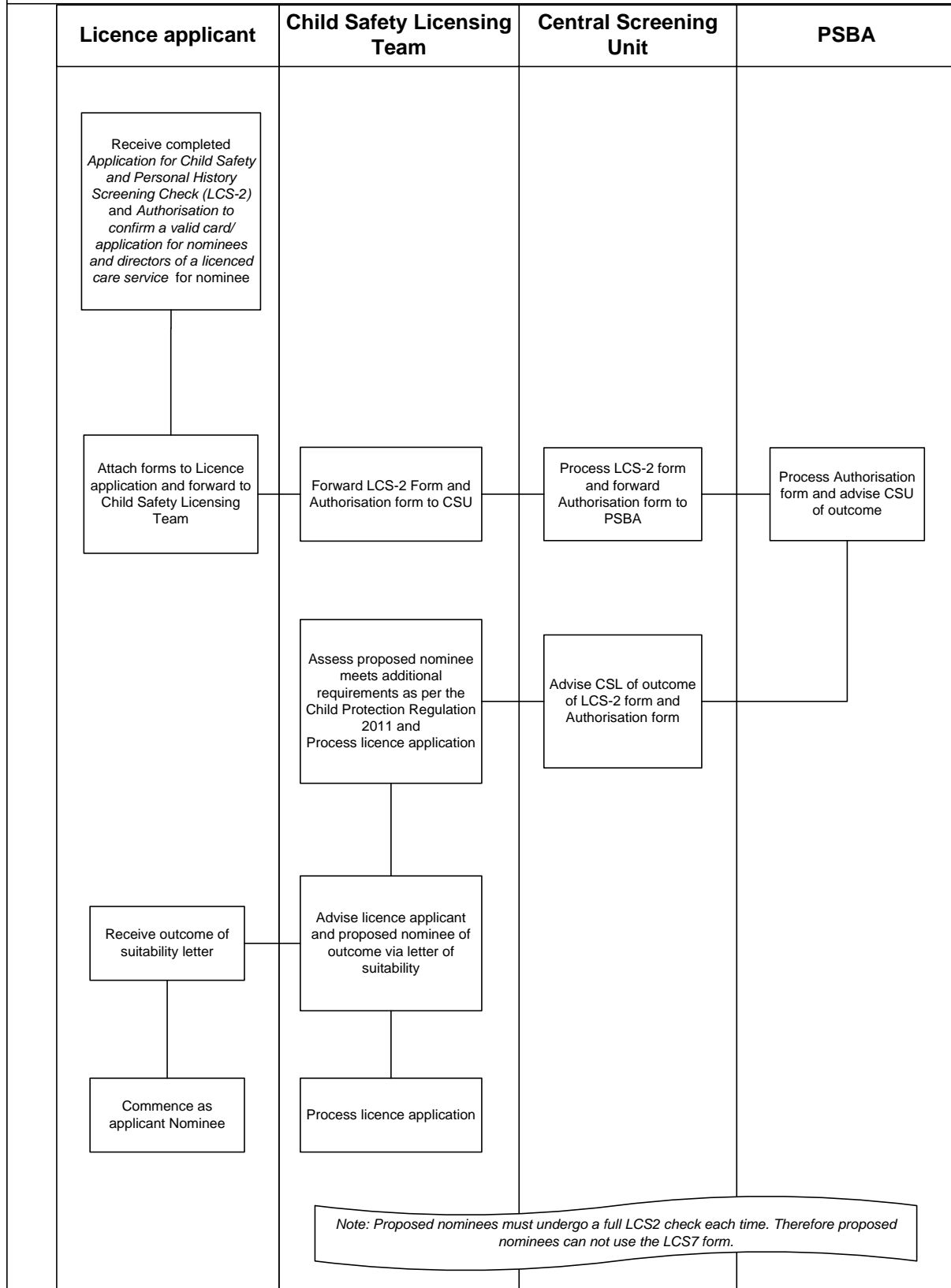
Resource paper Child safety licensed care services

Table 1: Proposed Nominee of a licence applicant service – no current positive outcome of personal history or Blue/Exemption card



Resource paper Child safety licensed care services

Table 2: Proposed Nominee of a licence applicant service – with current positive outcome of personal history and Blue/Exemption card



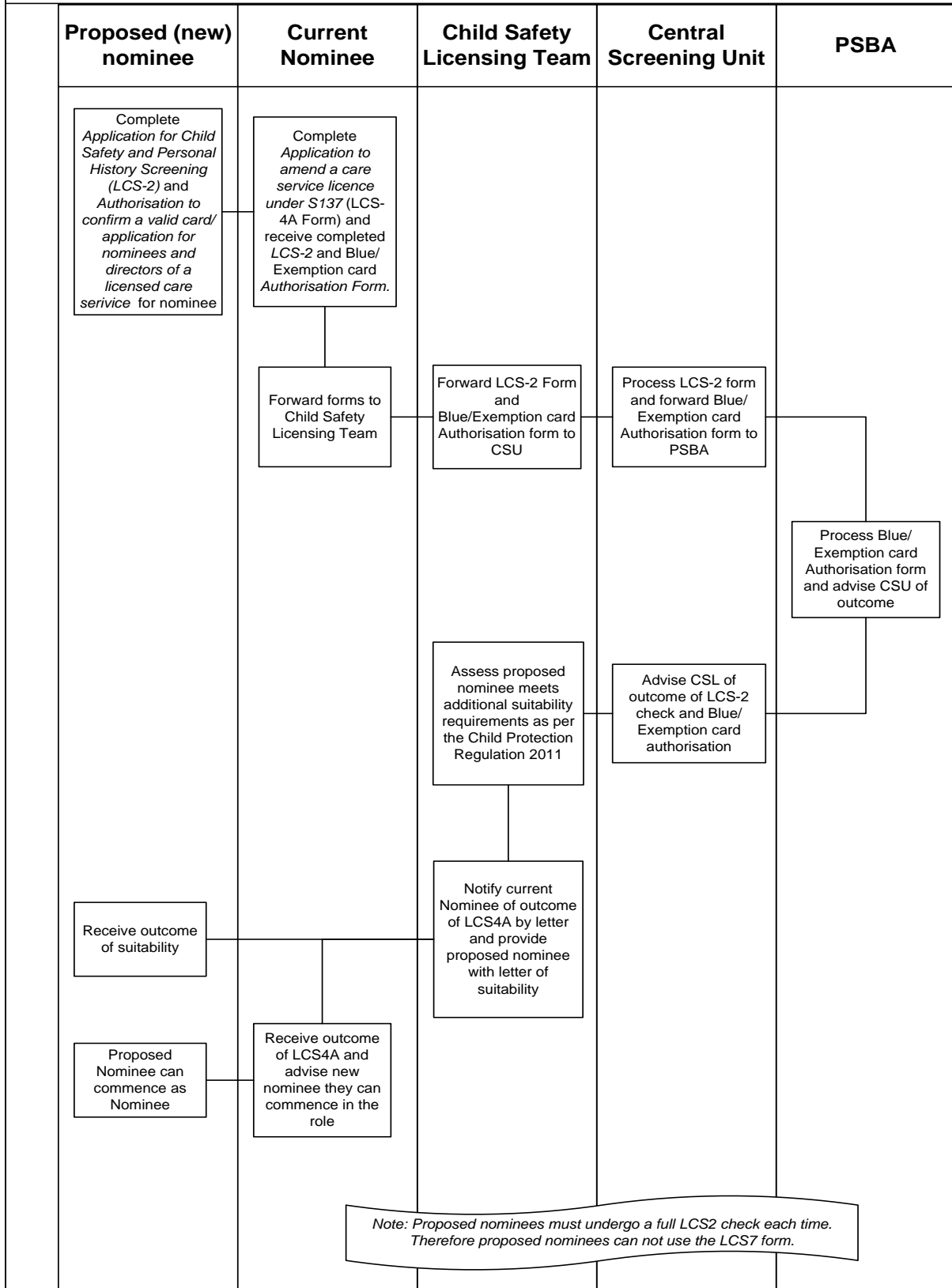
Resource paper Child safety licensed care services

Table 3: Proposed Nominee of a licensed care service – no current positive outcome of personal history or Blue/Exemption card

	Proposed (new) Nominee	Current Nominee or Licensee	Child Safety Licensing Team	Central Screening Unit	PSBA
	<p>Complete <i>Application for Child Safety and Personal History Screening Check</i> (LCS-2 form) and Nominee or director of a licensed care service blue / exemption card application form (LCS/B/E) for proposed nominee</p>	<p>Complete <i>Application to amend a care service licence under S137</i> (LCS-4A Form) and receive completed (LCS-2 and LCS/B/E forms for proposed nominee</p>			
		<p>Forward forms to Child Safety Licensing Team</p>	<p>Forward LCS-2 Form and LCS/B/E form to CSU</p>	<p>Process LCS-2 form and forward LCS/B/E form to PSBA</p>	<p>Process LCS/B/E form and advise CSU of outcome</p>
			<p>Receive outcome of LCS-2 and LCS/B/E checks and if appropriate assess proposed nominee meets additional suitability requirements as per the Child Protection Regulation 2011</p>	<p>Receive outcome of LCS/B/E and notify CSL of outcome of LCS-2 and LCS/B checks</p>	
	<p>Receive outcome of suitability</p>		<p>Notify current Nominee of outcome of LCS4A by letter and provide proposed nominee with letter of suitability</p>		<p>Provide applicant nominee with outcome of Blue/Exemption Card decision</p>
	<p>Proposed Nominee can commence as Nominee</p>	<p>Receive outcome of LCS4A and if successful outcome advise proposed Nominee they can commence in the role</p>			

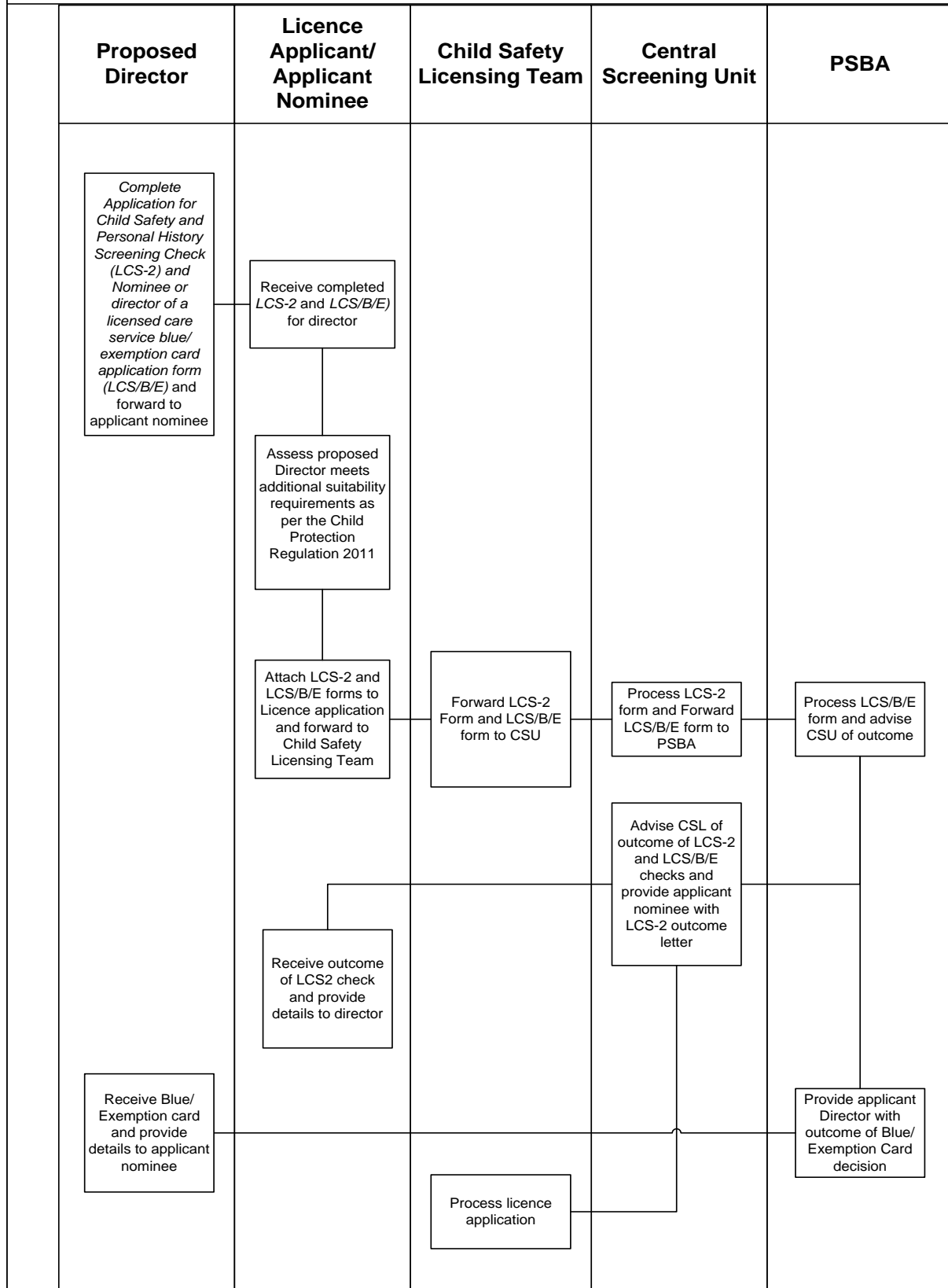
Resource paper Child safety licensed care services

Table 4: Proposed Nominee of a licensed care service – with current positive outcome of Child Safety and Personal History Check or Blue/Exemption card



Resource paper Child safety licensed care services

Table 5: Proposed Director of a licence applicant service – no current positive outcome of personal history or Blue/Exemption card



Resource paper Child safety licensed care services

Table 6: Proposed Director of a licence applicant service – with current positive outcome of personal history and Blue/Exemption card

Proposed Director	Licence Applicant/ Applicant Nominee	Child Safety Licensing Team	Central Screening Unit	PSBA
<div data-bbox="279 622 459 958" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Complete Confirmation of Child Protection and Personal History Screening LCS-7 form and Authorisation to confirm a valid card/ application for nominees and directors of a licensed care service and forward to applicant nominee</p> </div>	<div data-bbox="496 719 683 869" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Receive completed LCS7 and Blue/ Exemption Card Authorisation form for Director</p> </div> <div data-bbox="496 987 683 1182" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Assess proposed Director meets additional suitability requirements as per the Child Protection Regulation 2011</p> </div> <div data-bbox="496 1249 683 1422" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Attach forms to Licence application and forward to Child Safety Licensing Team</p> </div> <div data-bbox="496 1637 683 1809" style="border: 1px solid black; padding: 5px;"> <p>Receive advice of outcome</p> </div>	<div data-bbox="726 1249 896 1422" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Forward LCS-7 Form and Authorisation form to CSU</p> </div> <div data-bbox="742 1787 906 1877" style="border: 1px solid black; padding: 5px;"> <p>Process licence application</p> </div>	<div data-bbox="949 1249 1120 1422" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Process LCS-7 form, notify applicant nominee and forward Authorisation form to PSBA</p> </div> <div data-bbox="949 1787 1114 1877" style="border: 1px solid black; padding: 5px;"> <p>Advise CSL of outcome</p> </div>	<div data-bbox="1189 1249 1359 1422" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Process Authorisation form and advise CSU and applicant Nominee of outcome</p> </div>

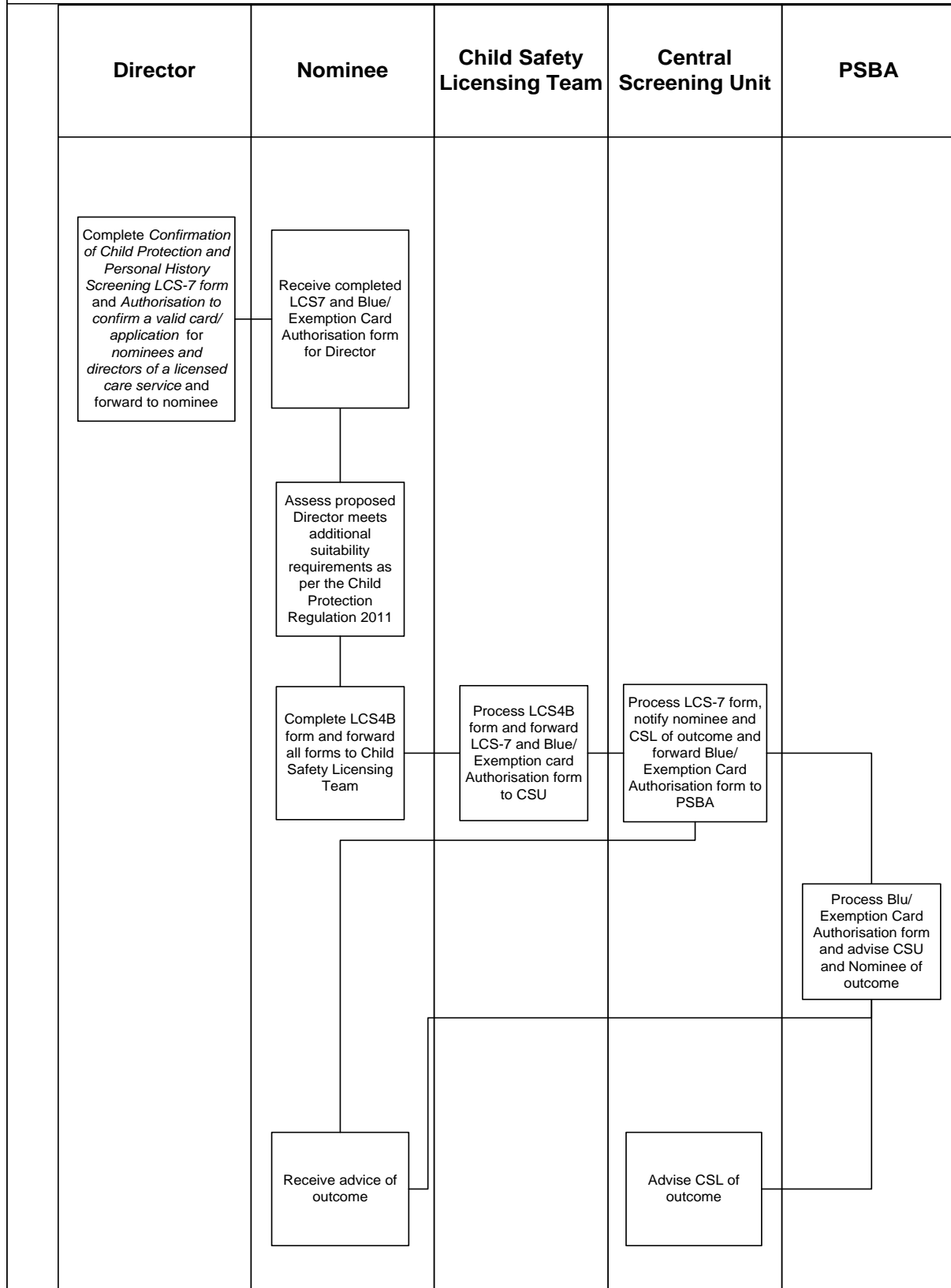
Resource paper Child safety licensed care services

Table 7: New Director of a licensed care service – no current positive outcome of personal history or Blue/Exemption Card

	Proposed Director	Nominee	Child Safety Licensing Team	Central Screening Unit	PSBA
	<p>Complete <i>Application for Child Safety and Personal History Screening Check (LCS-2)</i> and <i>Nominee or director of a licensed care service blue/exemption card application form (LCS/B/E)</i> and forward to nominee</p>	<p>Receive completed <i>LCS-2</i> and <i>LCS/B/E</i> for director</p> <p>Assess proposed Director meets additional suitability requirements as per the Child Protection Regulation 2011</p> <p>Complete <i>LCS4B Form</i> and Forward all forms to Child Safety Licensing Team</p>	<p>Process <i>LCS4B form</i> and forward <i>LCS-2</i> and <i>LCS/B/E forms</i> to CSU</p>	<p>Process <i>LCS-2 form</i> and Forward <i>LCS/B/E form</i> to PSBA</p> <p>Advise CSL of outcome and provide Director with <i>LCS-2 outcome letter</i></p>	<p>Process <i>LCS/B/E form</i> and advise CSU of outcome</p> <p>Provide Director with outcome of <i>Blue/Exemption Card decision</i></p>
	<p>Receive <i>Blue/Exemption card</i> and outcome of <i>LCS2 check</i> and provide details to nominee</p>				

Resource paper Child safety licensed care services

Table 8: Director of a licensed care service – with current positive outcome of personal history and Blue/Exemption card



Resource paper Child safety licensed care services

Table 9: Paid Staff member or manager of a licence applicant Service or Licensed Care Service – no current positive outcome of personal history or Blue/Exemption card

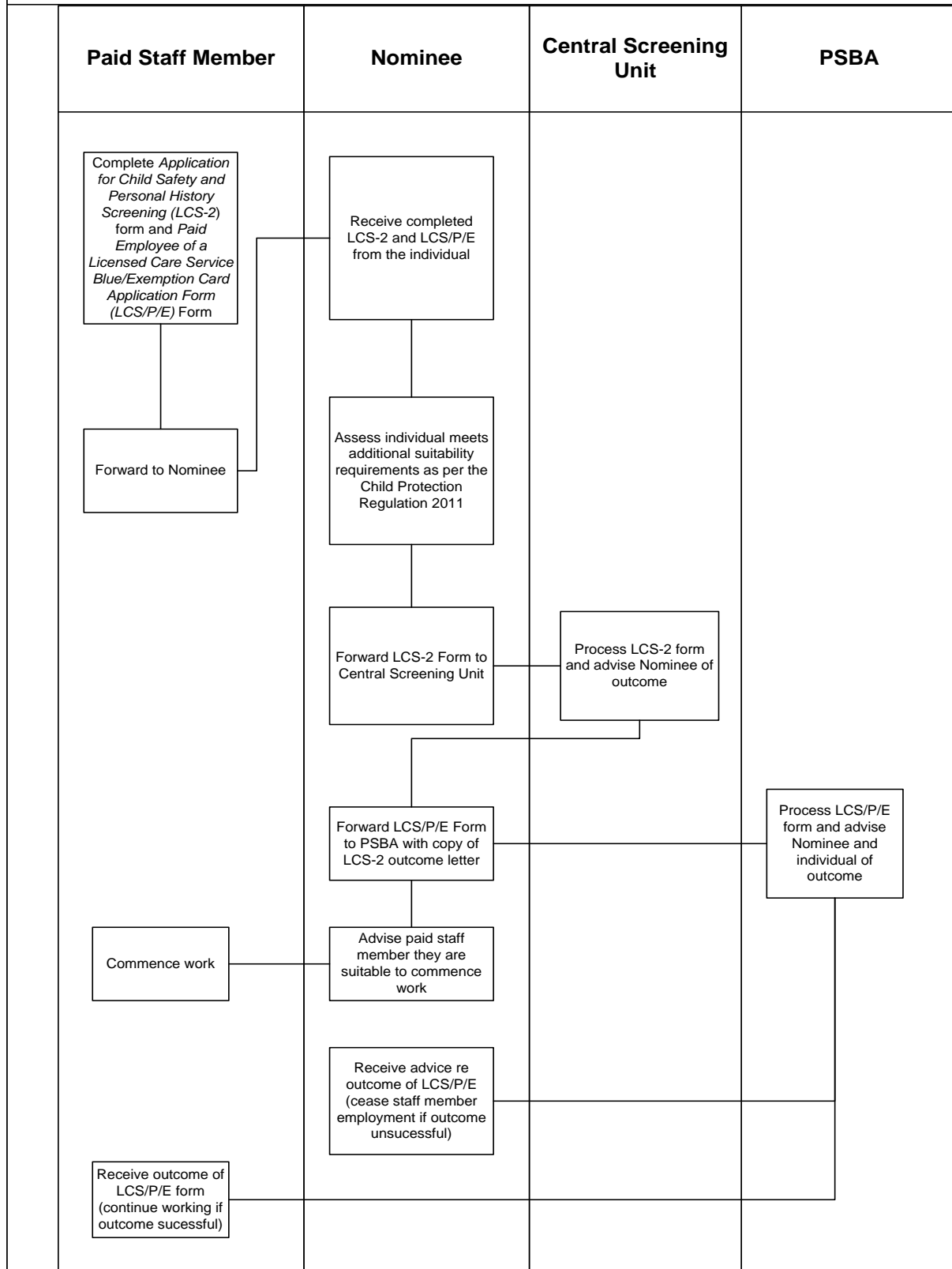


Table 10: Paid Staff member or Manager of a licence applicant Service or Licensed Care Service – Current positive outcome of personal history and Blue/Exemption card

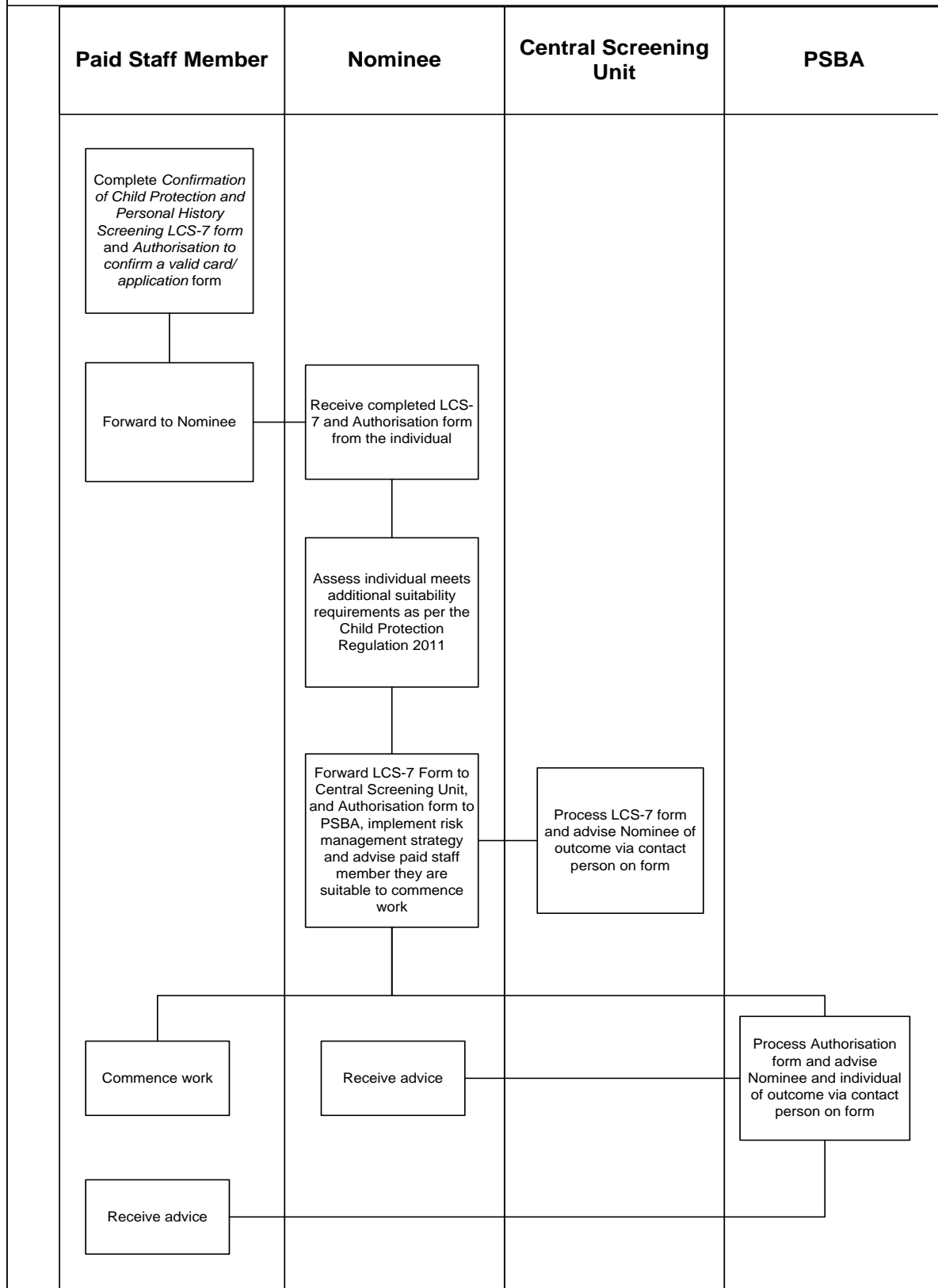


Table 11: Volunteer in a licence applicant Service or Licensed Care Service – no current positive outcome of personal history or Blue/Exemption card

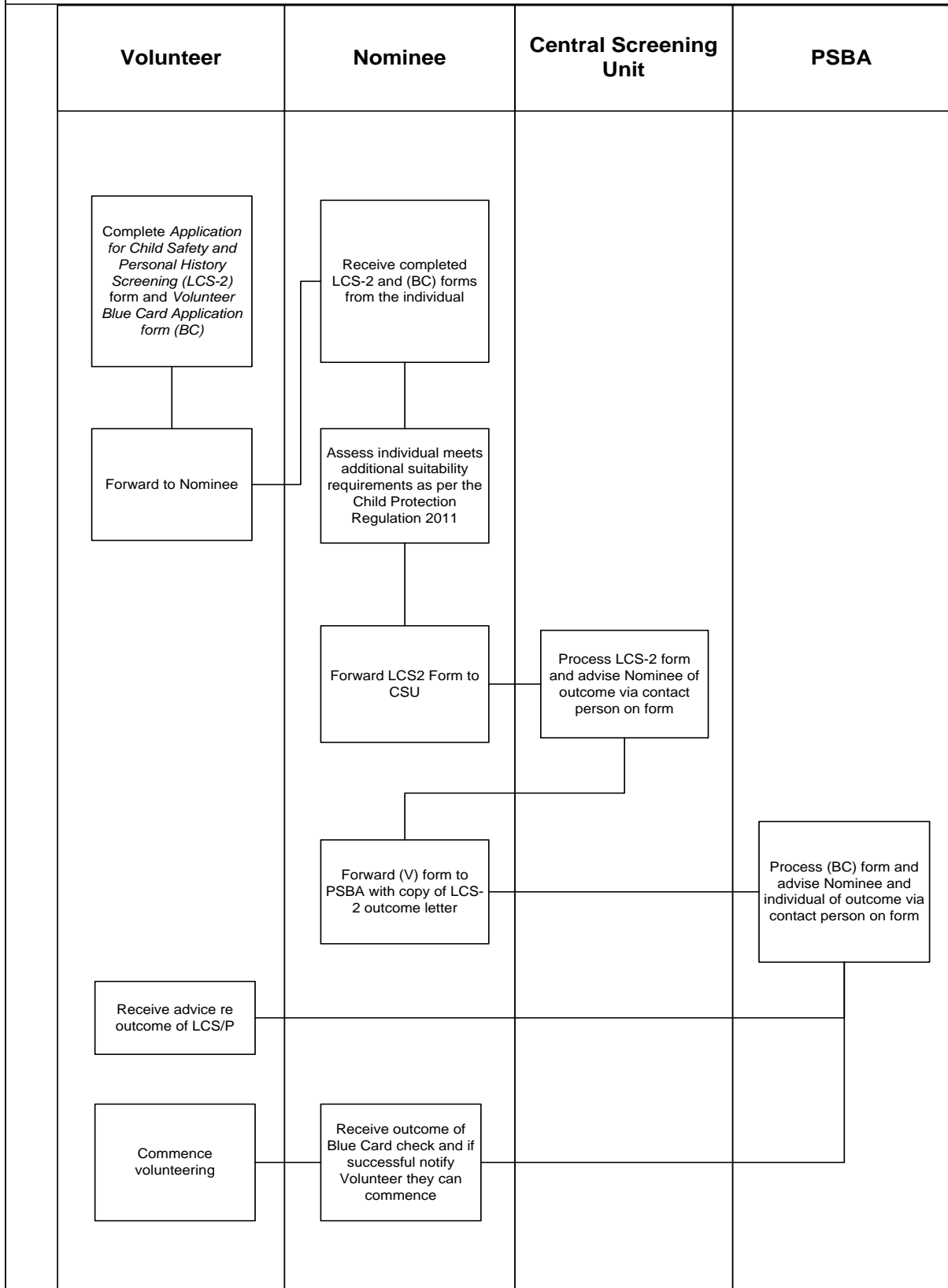
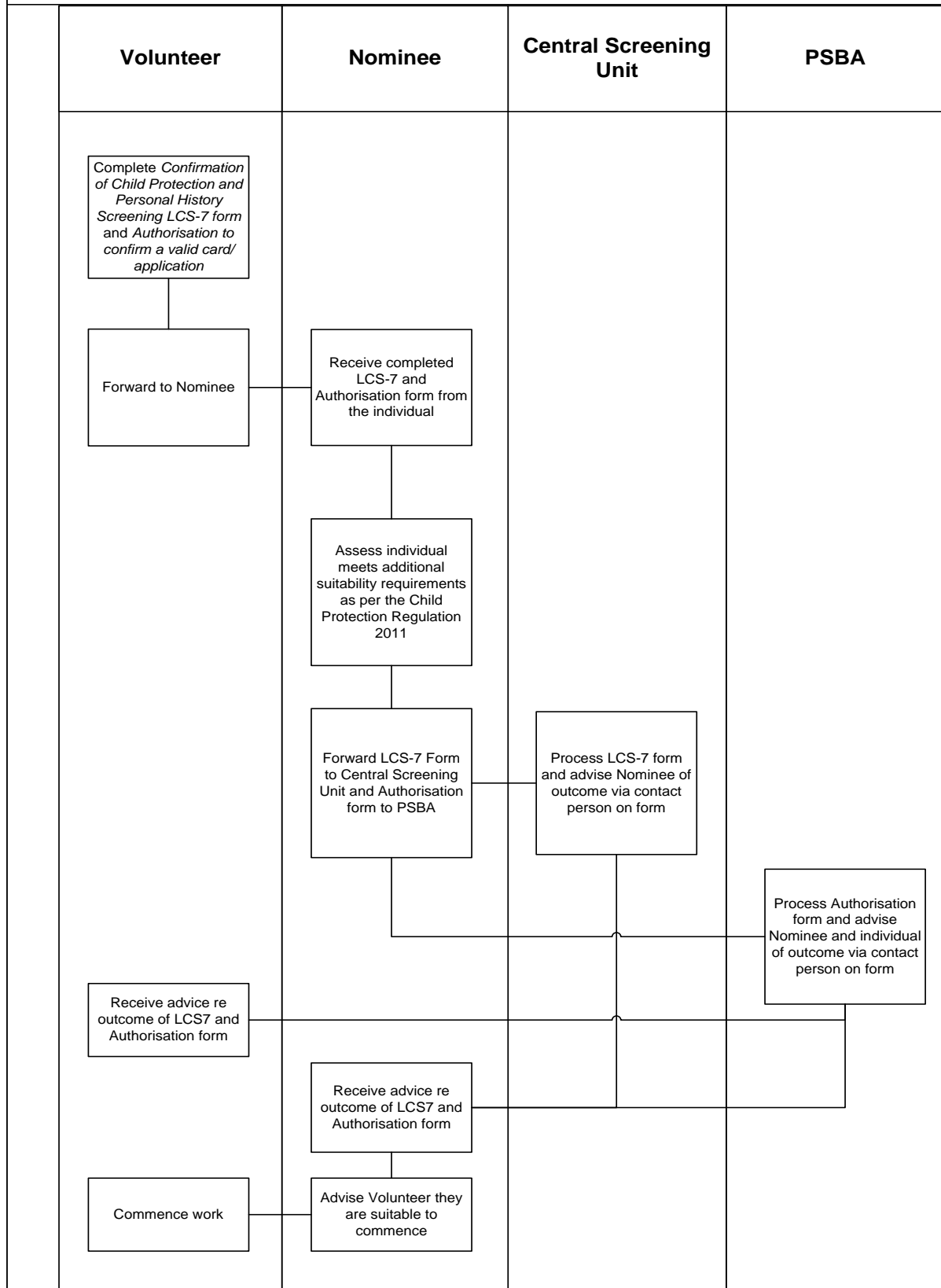


Table 12: Volunteer of a Licence Applicant Service or Licensed Care Service – Current positive outcome of personal history and Blue/Exemption card



Resource paper Child safety licensed care services

Table 13: Ancillary staff and contractors in a Licence Applicant Service or Licensed Care Service (must meet frequency test) – no current Blue/Exemption card

Ancillary staff member or contractor	Nominee	PSBA
<div data-bbox="288 573 544 808" style="border: 1px solid black; padding: 5px; margin-bottom: 20px;"> <p>Completes application for blue card or exemption notice and forwards to Nominee (note: Application form to be completed will depend on the individual situation of the staff/contractor. For assistance please contact PSBA on 1800113611)</p> </div> <div data-bbox="320 1532 544 1659" style="border: 1px solid black; padding: 5px;"> <p>Receive advice from PSBA</p> </div>	<div data-bbox="671 927 932 1055" style="border: 1px solid black; padding: 5px; margin-bottom: 20px;"> <p>Forwards application for blue card or exemption notice to PSBA and implements risk management strategy</p> </div> <div data-bbox="671 1211 932 1339" style="border: 1px solid black; padding: 5px;"> <p>Receive advice from PSBA</p> </div>	<div data-bbox="1091 1211 1369 1339" style="border: 1px solid black; padding: 5px;"> <p>Process Blue Card form and advise Nominee and individual of outcome</p> </div>

Resource paper Child safety licensed care services

Table 14: Ancillary staff and contractors in a Licence Applicant Service or Licensed Care Service (must meet frequency test) – with current Blue/Exemption card

	Ancillary staff member or contractor	Nominee	PSBA
	<div data-bbox="319 705 539 833" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Completes <i>Authorisation to confirm a valid card/ application</i> and forwards to Nominee</p> </div>	<div data-bbox="686 952 906 1079" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Forwards Authorisation form to PSBA and implements risk management strategy</p> </div> <div data-bbox="686 1411 906 1538" style="border: 1px solid black; padding: 5px;"> <p>Receive advice from PSBA</p> </div>	<div data-bbox="1133 1153 1353 1281" style="border: 1px solid black; padding: 5px;"> <p>Process Authorisation form and advise Nominee of outcome</p> </div>