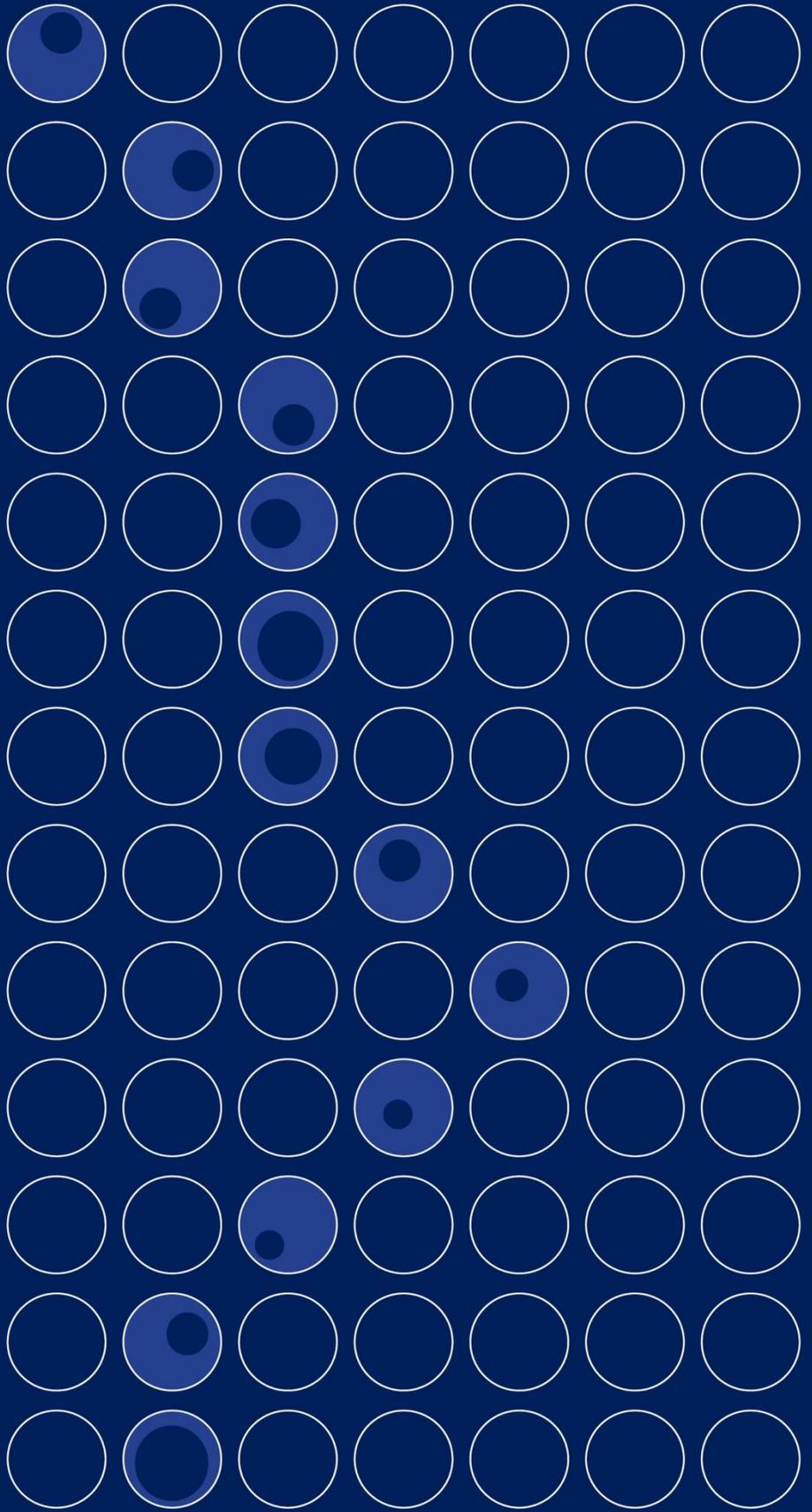


Compliance Enforcement Strategy

2018-2019



About this document

This document outlines the key priorities and the processes involved for enforcement of the blue card system by the Blue Card Compliance team. Compliance activity is necessary to ensure that Blue Card Services' (BCS) continued commitment to providing safer environments for children is achieved. This document will be reviewed annually.

It supports our regulatory functions and specifically identifies and explains the following:

1. Introduction
2. Who we are
3. Who we work with
4. Our strategic objectives
5. How we use our intervention strategies
6. How we establish compliance priorities
7. What are our key intervention priorities for 2018-19
8. How we approach compliance

This strategy seeks to achieve compliance within child-related service environments by:

- focussing on prevention and early intervention through targeted education
- stopping unlawful conduct from continuing
- correcting administrative breaches to mitigate risks to children and organisations
- ensuring ongoing compliance with the law, and
- deterring future offending conduct.

1. Introduction

BCS administers and regulates the working with children check in Queensland. The governing legislation is the *Working with Children (Risk Management and Screening) Act 2000* (the WWC Act) and the *Working with Children (Risk Management and Screening) Regulation 2011* (the WWC Regulation).

The Compliance team uses a multidisciplinary approach to ensure regulated organisations fulfil their obligations and identify key risks facing children and young people in their child-related service environments.

Under the WWC Act, BCS audits and monitors compliance to ensure organisations and individuals are meeting their blue card requirements and creating safe and supportive environments for children. Where serious breaches are identified, or compliance cannot be established, the matter is referred to the Queensland Police Service (QPS) for investigation and possible prosecution.

BCS Compliance priorities include:

- Assisting organisations to create and maintain safe and supportive service environments for children.
- Ensuring identified high risk individuals (such as suspended/cancelled card holders or disqualified individuals) are not engaged in regulated employment or running regulated businesses. This includes employer notifications and seizing blue cards where necessary to create safer environments for children.
- Promoting practices and procedures within regulated service environments that hold the safety and wellbeing of children as paramount.
- Undertake targeted compliance initiatives where organisations have failed to fulfil their obligations and, therefore, have potentially not provided quality, child safe services to children.
- Continuing to enhance compliance and enforcement strategies that detect and take action against those who intentionally contravene or choose to operate outside the existing system.

Did you know?

During the 2017-18 financial year, the Compliance team corresponded with 2326 regulated businesses and organisations to provide information in relation to legislative requirements and increase compliance with the requirements of the blue card system.

There were also 40,636 individual compliance checks undertaken to confirm compliance with the blue card system.

2. Who we are

BCS supports employees, employers and the community to understand and comply with all the obligations imposed by the WWC Act which are necessary for the protection of children and young people.

BCS lies within the portfolio of the Department of Justice and Attorney-General (the Department).

BCS works closely with QPS to ensure significant compliance matters are addressed appropriately. The Blue Card Operations Leader (BCOL) is a QPS officer with the rank of Detective Senior Sergeant from the State Crime Command who is embedded within BCS. The BCOL performs the role as the state liaison between the two agencies to assess the release of investigative information. Duties include assisting with compliance actions, investigations and prosecutions as well as managing blue card offences for the state of Queensland.

3. Who we work with

BCS collaborates with a wide range of agencies and organisations to achieve objectives and ensure all information is considered when assessing compliance. We will continue to grow and foster these relationships to improve compliance action.

QPS officers conduct investigations and initiate prosecutions on behalf of BCS. They also seize blue and exemption cards if an individual is charged with a disqualifying offence to ensure they cannot return to work with children. To help support this ongoing relationship there is a Memorandum of Understanding (MOU) put in place which sets out information sharing and responsibilities of each of the agencies.

Where possible, other agencies also provide information to BCS, such as the Queensland Ombudsman; interstate working with children checks; Office of the Public Guardian; Department of Education; Department of Communities, Disability Services and Seniors; and Department of Child Safety, Youth and Women. By maintaining these relationships, BCS receives a variety of information that can be considered as part of an investigation to identify compliance issues which might affect the provision of safer environments for children.

4. Our strategic objectives

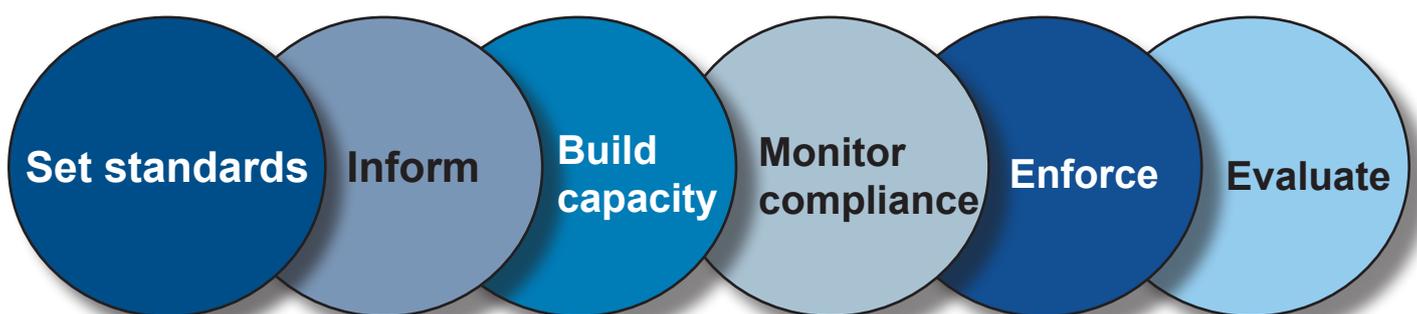
We uphold the Department's vision of

***Justice for all through,
safe fair and responsible
communities***

by being a proactive and responsive regulatory agency.

- Providing information to the community to enable a better understanding of our role in the justice system.
- Protecting the community through legislative frameworks that reflect the expectations of the community and stakeholders, while maintaining individual's rights.

5. How we use our intervention strategies



BCS employs a range of strategies appropriate to different levels of risk to achieve compliance and create safer environments for children and young people. These strategies vary from targeted enforcement of legislation to providing templates and expert guidance to assist regulated organisations and individuals to become compliant.

Set standards

- **Legislation** - the WWC Act creates the framework of obligations for organisations and blue/exemption card holders.
- **Changes to the legislation** will be communicated through the BCS website, social media and electronic notifications.

Inform

- **Promote access and awareness** of obligations through the BCS Community Information team including the dedicated contact centre, website resources and YouTube videos.
- **Provide notifications** sent to organisations that include specific obligations relevant to them.
- **Promote understanding** of each obligation and the importance of complying.
- **Offer education sessions** to allow access to BCS knowledge experts in a group forum as well as encouraging communication between stakeholders in relation to the safety and wellbeing of children.

Build capacity

- **Create tools, templates and expert guidance** to assist organisations to keep effective records of blue and exemption card holders and ensure all blue card notifications are actioned.
- **Create clear and concise resources** for organisations to develop maintain and strengthen their child and youth risk management strategies.
- **Use data cleansing methods to improve records** in conjunction with organisations so they receive appropriate working with children notifications.
- **Empower parents and children with knowledge** so they expect a high standard of child protection policies and procedures within a child-related service environment.

Monitor compliance

- **Investigate** individuals and organisations to ensure obligations are met.
- **Audit blue and exemption card records** to identify breaches and where administrative breaches are identified, provide an opportunity to comply.
- **Conduct pro-active compliance checks** to verify action taken when an individual is identified as being unable to work with children and young people.
- **Audit and monitor compliance** with child and youth risk management strategy requirements. All documentation is reviewed to identify issues, feedback is provided and resulting action is monitored.
- **Conduct pro-active audits** of targeted child-related organisations.

Enforce

- **Refer matters to QPS** when breaches are identified and/or the above strategies are unsuccessful in achieving compliance. QPS will investigate and may prosecute, which could result in criminal charges and/or convictions. Some offences have substantial financial penalties or terms of imprisonment.
- **Refer matters to regulatory partners** if there are concerns for the safety and wellbeing of children in situations governed by those regulatory bodies/agencies. These partners include the Queensland College of Teachers; Department of Education; Department of Communities, Disability Services and Seniors; and Department of Child Safety, Youth and Women.

Evaluate

- **Assess the effectiveness and efficiency** of the investigations undertaken and make relevant changes where improvements are identified.
- **Communication** with organisations is evaluated and consideration given to service improvements.

6. How we establish compliance priorities

This compliance strategy outlines our priorities for the 2018-19 financial year. This ensures stakeholders are aware of the compliance activities, which will assist in raising community awareness and encourage compliance without intervention.

By identifying the most important risk factors to children and young people in child-related regulated service environments, BCS can make an informed decision about which compliance activities to prioritise.

Knowledge of issues and associated risks is established by collecting and analysing data from a range of sources including:

- feedback and issues raised by the community
- results from industry monitoring
- internally identified breaches resulting from business activities
- information from internal and external environmental scanning performed by BCS;
- trends in non-compliance, and
- information from other sources such as QPS and a range of other government departments

These information sources will also be used to assess the effectiveness of services provided and improve future education, media and compliance activities. This informed approach will ensure that BCS can focus resources on areas that are identified as the most significant risks to children and young people.

7. What are our key intervention priorities for 2018-19

The key compliance priorities in this strategy have been determined using a range of available data and information as outlined in the intervention strategies. The priorities recognise the issues important to industry and the community and provide an opportunity for BCS to focus on issues that present the most significant risk.

The priority areas for 2018-19 are as follows:

- Undertaking audit activities within the following sectors:
 - education – non-teaching staff in private and state schools
 - home stay, and
 - private babysitting and nannying.
- Case studies of the above audit activities to highlight compliance trends, issues that require attention and outcomes from the audits.
- Responding to clear breaches of the WWC Act identified by BCS.
- Verifying that high risk individuals have been removed from child-related employment, or that they are not running regulated businesses.
- Engaging with community identified compliance issues – actual, potential and perceived.
- Commencing audit activities due to potential breaches of the WWC Act identified within BCS.
- Auditing child and youth risk management strategies in identified environments where risk is, or has been imminent.
- Streamlining blue card system education packages and training delivery through:
 - education resources to assist the community with general compliance, and
 - tailored training delivery and specialist resources for external enforcement officers such as QPS, Office of the Director of Public Prosecutions, Magistrates Court and other court staff.
- Meeting planned outcomes and evaluating processes to initiate improvements.

8. How we approach compliance

BCS employs a range of compliance actions designed to encourage consistent and continued compliance with the WWC Act which may be undertaken in different circumstances, depending on the level of risk involved. We recognise that a majority of the community sees the safety of children as paramount and that most people covered by the blue card system aim to meet their obligations. Those who do not comply with the system represent an actual or perceived risk to children and may be subject to enforcement actions by the QPS.

If non-compliance is identified, our first priority is the safety and wellbeing of children and young people. To prioritise, we use the risk matrix and other risk assessment tools to assess our response and ensure it is proportionate to the actual or potential risk to children and young people.

		Likelihood				
		Rare	Unlikely	Possible	Likely	Almost Certain
Consequence	Critical	Moderate	High	High	Extreme	Extreme
	Major	Moderate	Moderate	High	High	Extreme
	Moderate	Low	Moderate	Moderate	High	High
	Minor	Low	Low	Moderate	Moderate	Moderate
	Insignificant	Low	Low	Low	Moderate	Moderate
		Low	Low	Low	Moderate	Moderate

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Other matters which impact compliance action include the attitude, willingness to comply and compliance history of an organisation or individual.

We recognise that while the majority of organisations and individuals aim to comply with the WWC Act, they may unintentionally become confused about their obligations. Our role is to educate these organisations and individuals about the risks of failing to adhere to their obligations and to enable them to become compliant. We also recognise that there is a group of organisations and individuals who become careless in meeting their obligations. In these instances, targeted education is delivered by compliance officers or the BCOL.

Where individuals or organisations intentionally ignore, fail to comply with or avoid their obligations, they are referred to the QPS for enforcement action. In serious cases, where compliance cannot be addressed by other means, or the risk is substantial, enforcement is a key tactic in our compliance model.



REWARD ENGAGE ENABLE EDUCATE INSPECT ENFORCE

Case study 1 **Reward**

BCS spoke with an organisation that wanted assistance with assessing the effectiveness of their child and youth risk management strategy. An incident occurred where a staff member was able to follow clear steps in the organisation's procedure manual when a child disclosed they were being bullied. As a result, the child felt supported and the bullying was addressed immediately. Although the procedure was a success, the organisation were assessing if there was anything else they could do to provide a safer, more supportive environment. BCS recognised this organisation's efforts with a written commendation outlining strategies where they excelled and suggestions where further improvements could be made. The parents, children and staff noted that the organisation is taking the safety and wellbeing of children seriously and always striving for improvement.

Case study 2 **Educate**

BCS identified an organisation which had failed to link a number of blue card holders when they commenced work with the organisation. The organisation was advised of the important reasons behind this obligation and their organisational records were audited to ensure all blue and exemption card holders were linked to their organisation. The organisation rectified all issues immediately and has since remained compliant with the blue card system.

Case study 3 **Enforce**

BCS located a business operator providing home-based child care to children without a blue card. BCS advised the business operator of their obligations and provided an opportunity for the business to cease operation until a blue card was obtained. They did not comply and were referred to the QPS. As a result, the business owner was prosecuted and fined \$1,000 with a conviction recorded.