

The blue card system and child protection in Queensland

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Introduction

In 1990 Australia committed to ensuring that the Articles in the United Nations Convention on the Rights of the Child (UNCROC) are recognised and respected in practice. This has placed an obligation on those in power to take special account of children's needs, wellbeing and vulnerabilities.

These Articles collectively create broad obligations about the protection and wellbeing of children. They require mechanisms of protection and care to be appropriately legislated and administered and provide, as a touchstone for decision-making, the best interests of children.

In Queensland, the blue card system was introduced in 2001¹ to address widespread community concerns about the number of children who had been exposed to significant levels of abuse in service environments intended to promote their safety and wellbeing.

The system recognises the vulnerability of children and the obligations of employers, the government, and the community as a whole, to protect them from harm or the likely risk of harm.

A number of independent inquiries and reviews² revealed a child protection and foster care system marked by serious systemic, organisational and practice failings which often did not focus on the best interests of the child; a system where some children had been sexually abused by carers for many years and

new children were still being placed with these carers; a system with no-one listening to what the children were reporting.

In essence, these inquiries quite rightly recognised that the State has a heightened responsibility for children in the child protection system.

In Queensland, the blue card system was strengthened on 31 May 2006 to include screening requirements for foster and kinship carers and adult household members on the basis that the blue card system set the "benchmark for determining the appropriateness of individuals to engage in child-related employment".³

The inclusion of these screening requirements recognised the responsibility that the state has to take all necessary steps to ensure the safety and wellbeing of children in out-of-home care.

Excluding high risk individuals

In 2012-13, the Commission's management of the blue card system identified 1,085 cases where individuals represented a high risk and were consequently prohibited from working with children, with 6,890 cases identified since the blue card's inception in 2001.

While employment screening alone will not identify every individual who represents a risk to children and young people, it acts to reduce risks of harm to children by identifying and prohibiting individuals with known high risk histories from working with children. It also

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acts “as a deterrent to certain offenders” who would otherwise be motivated to secure regulated employment in order to victimise children.⁴

In Queensland, the blue card system is not limited to excluding known child sex offenders; it also considers other offence types, including drug and violence-related offences when assessing an individuals’ eligibility to engage in child-related employment.

This approach is supported by literature published by the Australian Institute of Family Studies⁵ which has indicated that employment screening of individuals working in child-related environments should include “histories related to violence and substance abuse” as an important component in contributing to “safer organisational environment(s) in which children are less vulnerable to maltreatment”.

The value of criminal history screening for foster and kinship carers

Children living in out-of-home care represent a highly vulnerable and high priority subset of children. Requiring carers and adult household members to be screened under the blue card system ensures that they are subject to the same independent, robust, evidence based and child-focused employment screening assessments as those undertaken for individuals providing other essential and developmentally focused services to children and young people.

A review of blue card applications for foster and kinship carers and their adult household members readily demonstrates the critical nature of this screening activity as a safeguard for children and young people reliant on the children protection system:

- over a quarter (26.97%)⁶ of child protection applications have returned criminal history information, compared to all blue card

applications in that period, for which just over one in ten (10.83%) returned criminal history information, and

- while child protection applications make up only 3.7% of total applications processed by Queensland’s Children’s Commission, of the 2,785 negative notices issued since 2006-07, 301 (10.8%) were issued to child protection applicants.

Table 1 below shows the number of blue cards issued to child protection applicants since blue card screening for foster and kinship carers and adult household members commenced in 2006, while **Table 2** shows the number of negatives, cancellations and suspensions issued to child protection applicants over the same period.

Table 1: Blue cards issued to child protection applicants

Application type	Volume (31 May 2006 to 30 June 2013)
Carers (foster/kinship)	29,718
Adult members (foster/kinship)	8,980
Licenced care services	15,319
Total	54,017

Table 2: Negatives, cancellations and suspensions issued to child protection applicants

Application type	Volume (31 May 2006 to 30 June 2013)
Negative notices	132
Cancelled and suspended positive notices	147
Total	279

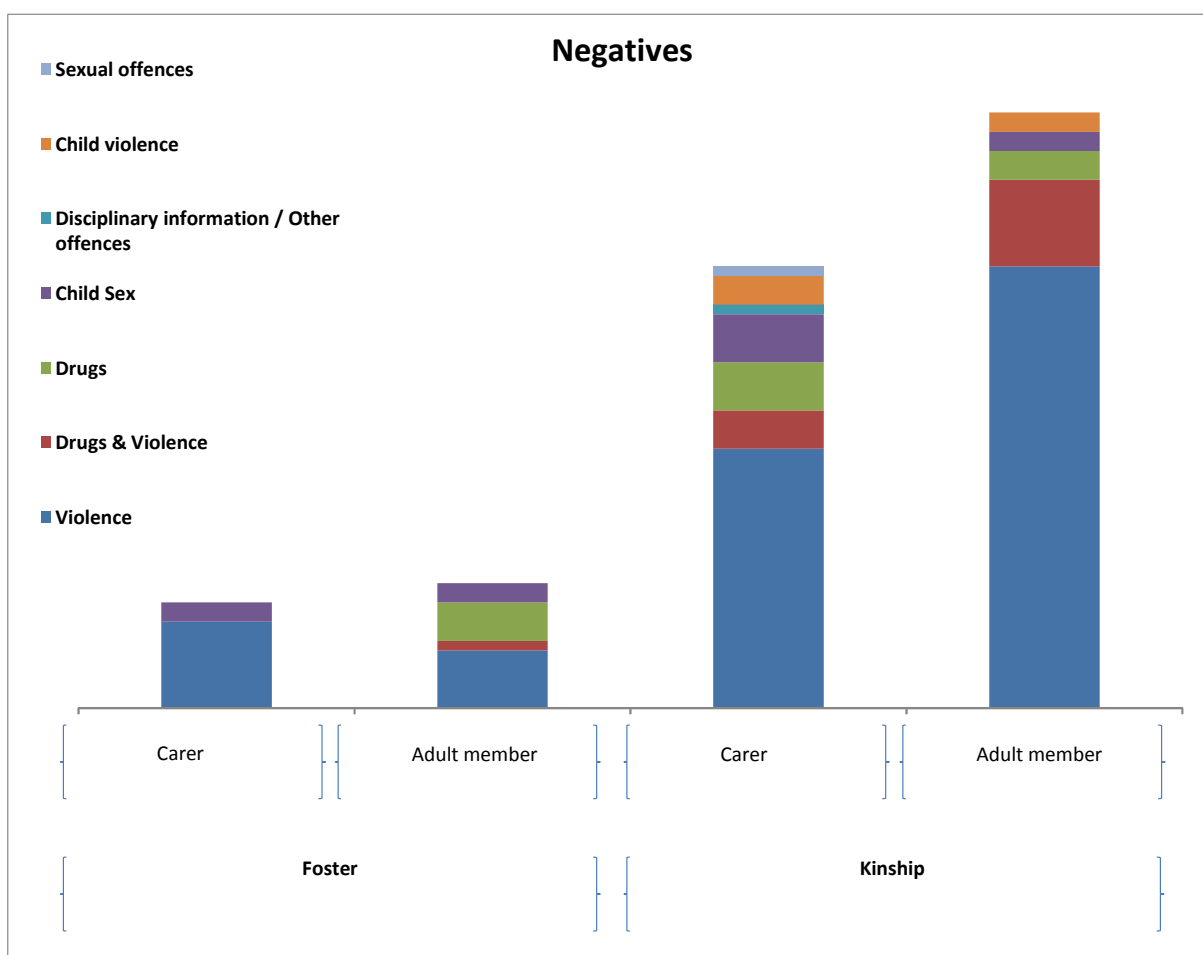
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The Commission has reviewed the child protection applications since 2006 to identify the nature of the offending resulting in a negative, cancellation or suspension.

As shown in **Figure 1**, this review found that the predominate reason for issuing a negative notice on an initial application in the 132 cases identified between 31 May 2006 and 30 June 2013 was::

- Violent offending (66.67%)
- Drugs and violent offending (10.61%)
- Drug offending (9.10%)
- Child-sex offending (8.33%)
- Violent offending involving children (3.79%)
- Sexual offending (0.76%)
- Disciplinary information and other offending (0.76%)⁷

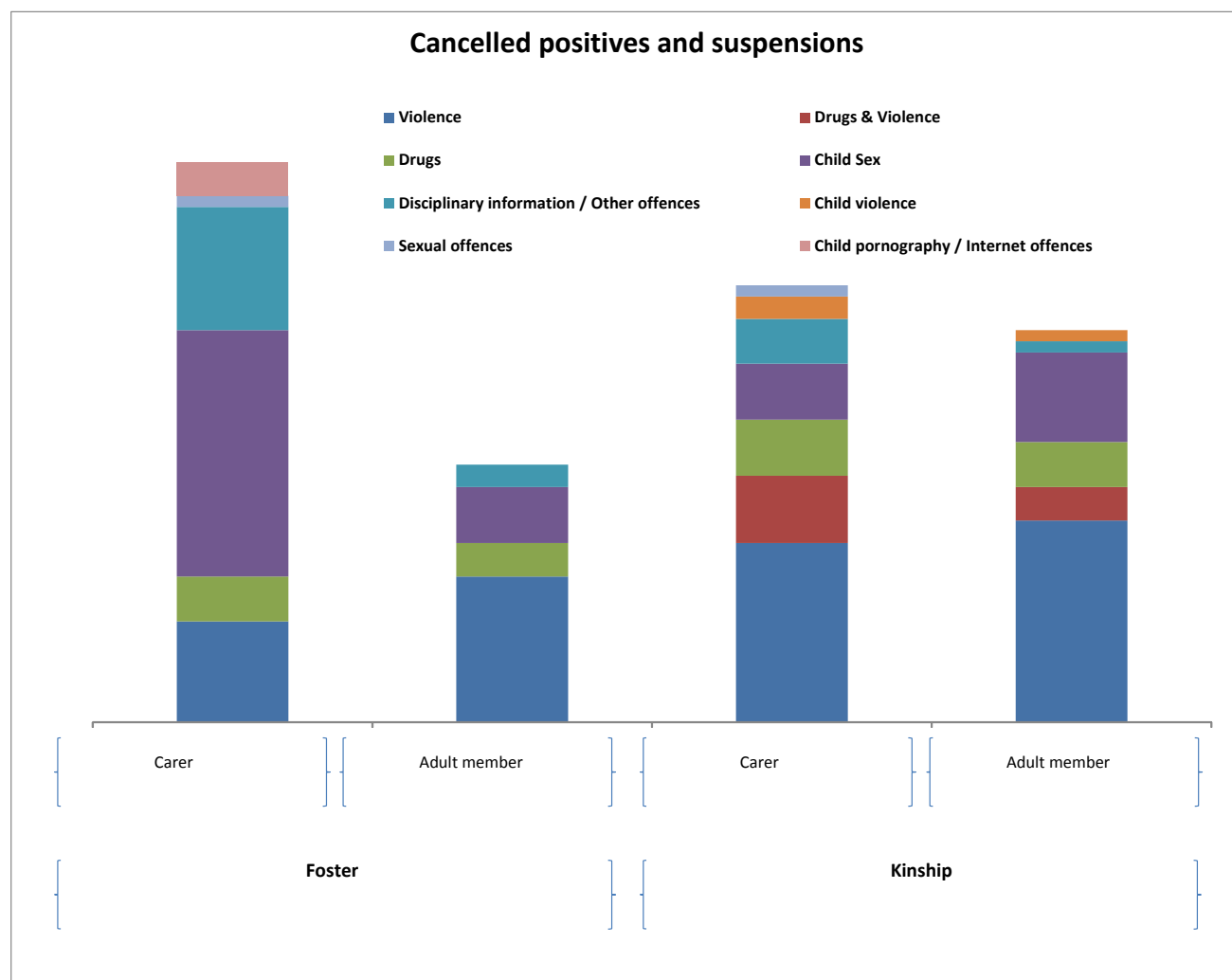
Figure 1: Reason for the issue of a negative notice – child protection applicants (31 May 2006 – 30 June 2013)



This data shows that a higher number of kinship carers and adult members have been issued with negative notices than foster carers, with violent offending representing the major offending type precluding individuals from the issue of a blue card.

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Figure 2: Reason for the cancellation and suspension of a blue card – child protection applicants (31 May 2006 – 30 June 2013)



Another feature of the blue card system is the daily monitoring of card holders, which results in the Commission immediately being advised of changes to an individual's police and disciplinary information triggering a reassessment of their eligibility to continue to hold a blue card, and in certain circumstances the immediate suspension of their card.

Figure 2 above shows that, of the 279 cancellations and suspensions, the predominant reason for an individual's blue card being suspended or cancelled between 31 May 2006 and 30 June 2013 was:

- Violent offending (38.10%)
- Child sex offending (26.53%)

- Disciplinary information and other offending (12.24%)
- Drug offending (10.88%)
- Drugs and violent offending (6.80%)
- Child pornography (2.04%)
- Violent offending involving children (2.04%)
- Sexual offending (1.36%)⁸

Indigenous foster and kinship carers

Section 83 of the *Child Protection Act 1999* requires Aboriginal and Torres Strait Islander children to be placed according to a hierarchy of options, with kinship care at its apex, to help ensure that cultural links are maintained. While there is sometimes a perception that the

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requirement to obtain a blue card may be a deterrent to some applicants who have a criminal history, it is an important component of the multi-stage recruitment and approval process by agencies which includes but is not limited to assessing family history (including criminal and child protection history), family interactions, parenting skills, motivation to provide care and pre-service training.

Table 3 shows the number of blue cards issued to Aboriginal and Torres Strait Islander child protection applicants since 2006.

Table 3: Blue cards issued to Indigenous child protection applicants

Application type	Volume (31 May 2006 to 30 June 2013)
Carers (foster/kinship)	3,450
Adult members (foster/kinship)	1,474
Licensed care services	827
Total	5,751

The Commission is committed to increasing understanding about, and participation in, the blue card system by Aboriginal and Torres Strait Islander people and undertakes engagement activities in Indigenous communities and works collaboratively with peak stakeholder groups (refer to the paper titled *'Increasing Aboriginal and Torres Strait Islander participation in the blue card system'* for more information).

Conclusion

The requirements of the United Nations Convention on the Rights of the Child (UNCROC) are broad. However, invariably, the manner in which jurisdictions approach implementation is determined and shaped by history. In the Queensland context, the Commission's employment screening function (the blue card system) was expanded to include carers and adult household members

in 2006 to ensure that children in state care were afforded the same level of protection as children in other regulated service environments.

Specifically, Article 20 of the UNCROC provides that children who cannot be looked after by their own family have a right to special care and must be looked after properly. Further, Article 34 states that government should protect children from all forms of sexual exploitation and abuse.

Parliament's decision to require blue card screening for foster and kinship carers and adult occupants supports Queensland's commitment to the UNCROC by:

- preventing individuals with histories of sex, violence and serious drug offending from caring for or residing with children in statutory care, and
- through ongoing monitoring, enabling appropriate action to be taken promptly where there is a concerning change in the police or disciplinary information of a blue or exemption card holder.

While a small number of carers and/or adult members are precluded from providing care due to their criminal history, analysis of blue card data highlights the importance of robust and independent criminal history checking of people caring for or residing with children in statutory care. Overall, the blue card system is an important safeguard for children and young people in the child protection system.

This is the second in a series of articles about the blue card system in Queensland. The first paper, 'Measuring the value and contribution of the blue card system in Queensland' and the third, 'Supporting Aboriginal and Torres Strait Islander participation in the blue card system' can be accessed at:

<http://www.bluecard.qld.gov.au/bluecard/the-value-of-the-Blue-Card-System.html>

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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*, April 1999 (The Briton Report) and the June 1999 *Commission of Inquiry into Abuse of Children in Queensland Institutions* (the Forde Inquiry).

² Findings from the 1999 Forde *Commission of Inquiry into the Abuse of Children in Queensland Institutions* (the Forde Inquiry), and more particularly, the 2004 Crime and Misconduct Commission's *Inquiry into Abuse of Children in Foster Care* (the CMC Inquiry) and Murray's 2004 *Audit of Foster Carers Subject to Child Protection Notifications* prompted the expansion of the system to include a number of improved child protection mechanisms, including the requirement for foster and kinship carers and adult household members to undergo blue card screening.

³ *Child Safety (Carers) Amendment Act 2006*, Explanatory Notes, p 2.

⁴ Wurtele, S. (2012). Preventing the sexual exploitation of minors in youth-serving organisations. *Children and Youth Services Review*, 16, 2442-2453. Retrieved from: www.elsevier.com/locate/childyouth. p. 2446

⁵ Irenyi, M., Bromfield, L., Beyer, L., & Higgins, D. (2006). Child maltreatment in organisations: Risk factors and strategies for prevention. *Child Abuse Prevention Issues* (25), 1-23. (p. 9). Retrieved from <http://www.aifs.gov.au/nch/pubs/issues/issues25/issues25.html>

⁶ This includes foster and kinship carers and their adult household members and people working in licensed care services.

⁷ Percentages equal 100.02 due to rounding

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