



LEGACY BRISBANE POLICY

Legatee, Employee and Volunteer Checks

Policy number: PC-008

Effective date: 02/08/2022

Approving authority: Chief Executive Officer

Sponsor: People and Manager

Web address: www.legateeguide.org.au

Date for review: 02/08/2025

Version History

Date	Description of Change	Version
00/00/2022	Initial release	1

1. Purpose/Objective Legacy Club of Brisbane is committed to providing a safe and secure environment and protection to the vulnerable, aged and children with the interaction of all Legacy Representatives.

2. Application/Scope The policy, associated procedure and instructions applies to all matters concerning the implementation of a National Police Check Record (NPCR) and Working with Children Check (also referred to as a Blue Card) to promote safe and supportive environment for the vulnerable, aged and children under the age of 18 year.

The policy applies to:

- All Legacy Contact Groups, friends of legacy and subsidiary bodies authorised by or under the control of The Legacy Club of Brisbane.
- All employees, contractors, volunteers and students engaged to officially represent Legacy in the delivery of Legacy programs and/or services.

All legatees, employees, volunteers, friends of legacy and students will require a National Police Check and Blue Card when they provide service for more than seven (7) days in a calendar year.

3. Principles The following principles underpin Legacy Brisbane's approach:

- We have zero tolerance for child and elder abuse.
- We recognise the rights of the vulnerable and child and acts in their best interests to protect them.
- We have regard to the **National Principles for Child Safe Organisations** founded on:
 - Being embedded in organisational leadership, governance and culture.
 - Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
 - Families and communities are informed and involved in promoting child safety and wellbeing.
 - Equity is upheld and diverse needs respected in policy and practice.
 - People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

- Processes to respond to complaints and concerns are child focused.
 - Legatees, employees and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
 - Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
 - Implementation of the national child safe principles is regularly reviewed and improved.
 - Policies and procedures document how the organisation is safe for children and young people.
- We have regard to the **National Plan to Respond to the Abuse of Older Australians** founded on:
 - Enhancing our understanding.
 - Improving community awareness and access to information.
 - Strengthening service responses.
 - Planning for future decision-making.
 - Strengthening safeguards for vulnerable older adults.

3.1 Penalties

Legacy must not employ, or continue to employ a paid employee in regulated employment unless they have a current working with children clearance (blue card or exemption card) **Maximum penalty:** \$27,570 (200 penalty units) or 2 years' imprisonment.

A person must not start in regulated employment unless they have a current working with children clearance.
Maximum penalty: \$68,925 (500 penalty units) or 5 years imprisonment.

A negative notice holder, or a disqualified person, must not make an application for a working with children clearance.
Maximum penalty: \$68,925 (500 penalty units) or 5 years imprisonment.

A volunteer must notify Blue Card Services if they started in regulated employment or start a regulated business.
Maximum penalty: \$1,378.50 (10 penalty units).

IMPORTANT: Where Legacy has identified that an applicant has been convicted of criminal offences such as, but not limited to; violent or sexually related offences, fraud and theft, cannot, under any circumstances, be considered for

employment or volunteer engagement with Legacy Brisbane.

3.2 Role and Responsibilities

Position	Responsibility
President Chief Executive Officer	Responsible for the overall direction of strategic planning and matters in relation to working with clients and children.
People and Culture Manager	Responsible for the oversight of compliance obligations for NPC and WWC (Blue Card). This will be achieved by: • Implementing and communicating the requirements of this policy and associated procedures for legatees, employees, volunteers, students and friends of legacy; • Oversight, and monitoring of Organisation Portal Accounts, and related approvals and disqualifications involved in WWC and NPC; • Developing training and awareness-raising material for Legatees, employees and volunteers who work with children.
Chair and Secretaries of Contact Groups Department Managers Line Manager	• Oversight of activities involving children that may need to be considered; • Oversight and compliance with the policy and procedures for relevant legatees, friends of legacy and volunteers within their Contact Group; • Ensuring the No Card, No Start policy is strictly enforced for all regulated activities involving working with children and widows; • Ensure legatees, friends of legacy and volunteers engaged in working with children are aware of this policy and have completed the necessary training and support.
Legatees, employees, volunteers, friends of legacy and students	Before engaging in activities with widows, families, children and regulated activities or employment with children, members of the Legacy Club of Brisbane Community are responsible for ensuring that they: • Hold a current Blue Card (positive notice or valid exemption) in line with the No Card No Start Policy in Queensland; • Are not a Restricted Person undertaking Restricted Employment; and • Read relevant policy and procedures, and undertaken any relevant training as directed.

3.3 Definitions

Term	Definition
Blue Card	Evidence that a positive notice has been issued to the cardholder following the screening of: • a charge or conviction for any offence in Australia, even if no conviction was recorded (this includes spent convictions, pending and non-conviction charges); • child protection prohibition orders; • disqualification orders; • reporting obligations under the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 or Dangerous Prisoners (Sexual Offenders) Act 2003; • disciplinary information from certain organisations (this includes information about teachers, childcare licensees and foster carers); and • police investigative information relating to allegations of serious child-related sexual offences, even if no charges were laid.
NPC	A National Police Certificate (NPC) conducted by the Queensland Police Service (QPS) contains certification that the person either has 'no disclosable' convictions or has a 'disclosable' conviction/s, including interstate matters.
Child	Being a person under the age of 18.
Legacy Representative	any Legatee, employee, volunteer or friend of legacy engaged to officially represent Legacy in the delivery of Legacy programs and/or services.
Negative Notice	A letter issued to a person who application is refused, prohibiting them from carrying on a business or working with children.
Positive Notice	A letter issued to a person whose application is approved and issued with a Blue Card.
Regulated Activity	Is a reference to activities undertaken by staff, students, or volunteers that are classified as regulated business or regulated employment under the Working with Children (Risk Management and Screening) Act 2000 (Qld) and Working with Children (Risk Management and Screening) Regulation 2020.
Restricted Employment	Restricted employment refers to the situations or exemptions that allow a person to work with children without a blue card, such as if they are: • a volunteer parent; • a volunteer who is under 18; • paid or unpaid staff who work in regulated child-related employment for not more than 5 days in a calendar year; or

	• a consumer at a child-related service outlet where they also carry out work at the outlet.
Restricted Person	A restricted person is a person who either: • has been issued a negative notice; • has a suspended Blue Card; • is a disqualified person; or • has been charged with a disqualifying offence that has not been finalised.
Legacy Community	Current staff, legatees, friends of legacy, volunteers, affiliates, associates and anyone else contractually bound to comply with the policy.
Volunteers/Volunteering	People who donate their services in a voluntary capacity to Legacy Brisbane without expectation of remuneration. Volunteers may include those undertaking work on fundraising and community-oriented projects, tertiary students wishing to gain exposure, among others. Volunteering is time willingly given for the common good and without financial gain.
Vulnerable Person	an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.
WWC	Working with Children, refers to activity that involves work/working with children and young people, being people under the age of 18.

4. Complaints

In the event that any person has a concern that the processes within this Blue Card and Police Check Policy and associated procedure have not been complied with, the person is able to make a complaint in writing to:

- Paul Power - President – president@legacybrisbane.org.au;
- Brendan Cox - Chief Executive Officer, bcox@legacybrisbane.org.au; or
- Laura Dodd – People and Culture Manager, ldodd@legacybrisbane.org.au.

4.1 Monitoring and Measuring Results

The People and Culture Manager is responsible for monitoring, reviewing, and providing assurance on the effectiveness of this policy.

Management Team members and Chairs of Contact Groups are responsible for monitoring, reviewing, and providing assurance on performance, the effectiveness

of controls and demonstrate compliance with this policy.

4.2 Privacy, Confidentiality and Record Requirements

The People and Culture Manager will report annually to the Legacy Club of Brisbane Board on the effectiveness of this policy.

The secure storage of personal data and documentation relating to employment and induction of Legacy Representatives and any allegations against them must be maintained for a minimum period of 50 years. Incidents of abuse may only come to light after a long period of time, in some cases many years. The long-term security of relevant documents is of crucial importance should allegations of abuse arise.

The requirements of the Privacy Act 1988 should be observed in respect to documents containing personal data for staff/legatees and dependant parties. Individuals mentioned in documents should be notified that information about them may be held for a long period of time. This will be addressed by a general statement in employment contracts and member information literature

4.3 Related Documents

Controlled documents related to this policy are accessed in from the master-controlled documents system currently held in [Q:\People and Culture].

Doc Number	Title
PC 008	Legatee Employee and Volunteer Check Procedure
	Bylaws of Legacy Australia Incorporated, Appendix 1-B: Code of Conduct
	Child Safety Duty of Care Statement (under review)
CS-G10	Child Safety Policy (under review)
PC 006	Code of Conduct (under review)
	Recruitment and Selection Policy (under review)
	Training and Development Policy (under review)
HR 002	Performance Management (under review)
	Child Safety Notification Form

4.4 Legislation and Other Relevant Information

Key legislation and information to be aware for further information and guidance.

• Child Protection Act 1999 (Qld)
• Working with Children (Risk Management and Screening) Act 2000 (Qld)
• Working with Children (Risk Management and Screening) Regulation 2011 (Qld)

• Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020 (Cth)
• Disability Services Act 2006 (Qld)
• Work Health and Safety Act 2011 (Qld)
• Human Rights Act 2019 (Qld)
• Education (Work Experience) Act 1996 (Qld)
• Civil Liability Act 2003 (Qld)