

Safeguarding Children and Young People Policy

1. Purpose and Objective

At the Heart Foundation we are committed to creating an environment which is safe for children and young people, and to ensuring that this is reflected in all aspects of our operations.

This policy set out general principles that guide our practices to ensure we meet our legal and regulatory obligations and provide a safe environment for children and young people.

2. Scope / Coverage

This Policy applies to all Heart Foundation Board Members, employees, volunteers, contractors and honoraries (together 'HF People').

3. Relevant Legislation and Related Documents

We are committed to complying with all applicable laws and regulations as well as codes of practice and other safety guidance in all jurisdictions where we operate. This may include the following Australia laws:

Family Law Act 1975 (Cth)

Children and Young People Act 2008 (ACT)

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Care and Protection of Children Act 2007 (NT)

Child Protection Act 1999 (QLD)

Children and Young People (Safety) Act 2017 (SA)

Children, Young Persons and their Families Act 1997 (Tas)

Children, Youth and Families Act 2005 (Vic)

Children and Community Services Act 2004 (WA)

National Principals for Child Safe Organisations

Additional Working with Children/Screening legislation is documented in attachment 1 and requirements in attachment 3.

This policy must be read together with:

- the relevant laws in place within the jurisdiction of operation; and
- the Heart Foundation's Recruitment Policy and Code of Conduct.

4. Definitions / Abbreviations

Child – in accordance with the United Nations Convention on the Rights of a Child, child means any human under the age of 18 years.

Young person – a person who is aged 16 years or above but who is under the age of 18 years.

Harm – is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by physical, psychological or emotional abuse or neglect or sexual abuse or exploitation. Harm can be caused by a single act, omission or circumstance, or a series or combination of acts, omissions, or circumstances.

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Heart Foundation People – an individual appointed or engaged to work or volunteer with the Heart Foundation.

Child-related work – being engaged in

- a. work activities where contact (physical, face to face, oral, written or electronic contact) between Heart Foundation people and a child or young person would reasonably be expected as a normal part of the work and such contact is not occasional (infrequent or irregular) and incident (occurring by chance) to the work, or
- b. work that requires a Working with Children Check (WWCC) in the state or territory jurisdiction in which the work is being undertaken

Working with Children Check - an assessment of whether a person poses an unacceptable risk to children. As part of this process, the applicant's criminal history, child protection information and other information is checked. A Working with Children Check may also be known under other names, such as a Working with Vulnerable Persons Check, a Blue Card, Working with Children Clearance, Orche card etc.

Mandatory Reporting – the legislative requirement for people to report suspected child abuse and neglect to government authorities.

Reasonable Belief – a person, acting reasonably, believes that;

- A child or young person is in need of protection
- A child or young person has suffered or is likely to suffer 'significant harm as a result of physical psychological injury'; or
- Parents, guardians and/or caregivers are unable or unwilling to protect the child or young person.

Emotional Abuse – legislation defines emotional abuse as a parent or caregiver's inappropriate verbal or symbolic acts towards a child or young person and/or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability. Such acts of commission or omission are likely to damage a child's self-esteem or social competence.

Grooming – is also a criminal offence, an individual establishes a trusting relationship with a child, often for the purpose of later exploiting or abusing them. Grooming behaviours can include building rapport, gaining the child's trust, manipulating or coercing the child into compliance, and desensitising the child to inappropriate behaviour.

Neglect – legislation defines neglect as the failure by a parent or caregiver to provide a child or young person (where they are in a position to do so) with the conditions that are culturally accepted as being essential for the physical and emotional development and wellbeing of the child.

Physical abuse – the use of physical force against a child or young person that results in harm for the child or young person's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning or suffocating.

Sexual abuse – the use of a child for sexual gratification by an older or significantly older child, adolescent or adult

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Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and/or exploitation, grooming, neglect or negligent treatment, commercial (e.g., for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

5. Policy

The Heart Foundation is committed to promoting and protecting – the best interests of all children and young people involved in its programs.

The Heart Foundation has zero tolerance for abuse against children or young people. Our people have responsibility to protect the children and young people who access our programs and to report information about actual or suspected child abuse.

All children and young people, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.

5.1 *Child Safe Professional Behaviours*

All Heart Foundation people are expected to treat children and young people with respect and act in accordance with the Heart Foundation's Code of Conduct and this policy.

Heart Foundation people working with children and young people or who interact with children and young people in the workplace must ensure and maintain a child safe environment by adhering to the following expectations.

- Wherever possible, ensure another adult is present when working with or near children or young people.
- Not taking photos, videos or recordings of any kind on a personal device of any children or young people in Heart Foundation programs or activities.
- Before photographing or filming a child or young person or using their image for Heart Foundation publication or marketing related purposes, obtain written consent from their parent or guardian for the specific use of the image.
- Not share or post photos, videos or recordings of any kind of any children or young people in Heart Foundation programs or activities.
- Not arrange or participate in communication, including electronic contact, with children or young people associated with Heart Foundation programs or activities outside of the organisation's programs and activities.
- Ensure communications present children and young people in a dignified and respectful manner and do not reveal identifying information about a child or young person.
- Not engage in the exploitation or harassment of children or young people, or access child exploitation material through any medium or platform.
- Not use child or young person related data held by Heart Foundation for any reasons outside the use relating to Heart Foundation programs or activities.

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- Not use language or behaviour towards or in the presence of children or young persons that is inappropriate, harassing, physically or emotionally abusive, sexually provocative, demeaning or culturally inappropriate.
- Not have contact with children or young people outside the work environment including providing secondary services or support to children, young people, or their families that they have met through Heart Foundation programs e.g., babysitting, tutoring, transport to events.
- Not develop a personal relationship with a specific child or young person for their own needs.
- Not engage in physical contact with children and young people except for the purposes of demonstrating a particular athletic activity which is a key part of the relevant Heart Foundation program, or where such physical contact is necessary to prevent a child or young person from harming themselves or otherwise being harmed.
- Not engage in discussions of a mature or adult nature with or in the presence of children or young people.
- Not show favouritism to any child through the provision of gifts of inappropriate attention
- Not unlawfully discriminate against a child.
- Take reasonable steps to ensure that a child or young person departs from Heart Foundation activities under the supervision of their parent or guardian.
- Report any instance of actual or suspected harm to a child or young person as soon as possible. (Refer to attachment 2 for state-based regulatory bodies for reporting).
- Not work with children and young people whilst under the influence of alcohol or illegal drugs.
- Treat children and young people with respect and value their ideas and opinions acting as a positive role model.

5.2 Accountability and Responsibility

Child protection is a shared responsibility between the Heart Foundation, its people, and members of the Heart Foundation community.

The Heart Foundation will

- Review and publish the Safeguarding Children and Young People policy every 2 years or in response to legislative changes.
- Undertake risk assessments into child safe activities to identify the level of responsibility for, and connection and contact with, children and young people. Ensuring that child safety is integral part of our overall Risk Management approach.
- Deliver child safe awareness for our people and targeted training for relevant people.
- Effectively respond and maintain a record of child safe concerns/incidents/complaints.

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- Commit to the safety, cultural and engagement of Aboriginal and Torres Strait Islander children and young people, and those from culturally and/or linguistic backgrounds, children with disability and lesbian, gay, bisexual, transgender and intersex children and young people.
- Where appropriate, consider the feedback and opinions of children and young people and use the feedback and opinions to further develop or update Heart Foundation's policies and procedures, including this policy.
- Provide the Executive and Risk, Audit and Governance Committee with regular risk assessment report in relation to child safety that considers controls, mitigations and continuous improvement activities.

All Heart Foundation people will

- Ensure child safety in the design of programs and policies that impact upon children and young people, including child safety risk assessments.
- Ensure awareness and compliance with child safety mitigations in all activity and event risk management plans.
- Complete child safety training as directed.
- Appropriately report potential risk, concerns or incidents related to child safety.
- Undertake pre-employment or ongoing checks in line with appropriate legislative requirements.
- Fulfil all legislative requirements of the jurisdiction in which they work including mandatory reporting requirements.

5.3 Working Safely with Children and Young People

The Heart Foundation undertakes a comprehensive recruitment and screening process for all prospective Heart Foundation people which aims to:

- a) promote and protect the safety of all children and young people under the care of the Heart Foundation.
- b) identify the most suitable people who share the Heart Foundation's values and commitment to protect children; and
- c) prevent a person from working at the Heart Foundation if they pose a risk to children.

All prospective Heart Foundation people must complete the Heart Foundation's recruitment and screening processes prior to commencing their engagement with the Heart Foundation. The Heart Foundation's screening processes where there is child connected or related work include specific suitability to work with children related questions as part of the recruitment and pre-screening checks that cover the candidate's relationship with children and young people, previous experience, and scenario interview questions.

The Heart Foundation will require candidates to provide and maintain current their state-based Working with Children Checks where there is child related or child connected work in accordance with the law and as

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appropriate before they commence working at the Heart Foundation. Attachment 3 outlines the state-by-state pre-employment obligations.

The Heart Foundation will maintain a register and records on all their screening and recruitment records.

5.4 Training and Awareness

Once engaged by the Heart Foundation, people that will be connected or in work related to children or young people must review and acknowledge their understanding of this Policy and child safety training before commencing their obligations.

All staff, volunteers and contractors will be made aware of this policy and the expectations of the Heart Foundation on child safety.

Heart Foundation people must complete training modules as issued when onboarded and as issued on a regular basis.

Heart Foundation people employed in identified child safe positions are required to complete ongoing training as directed by their manager or supervisor.

6. Reporting suspicions of child abuse or harm

All Heart Foundation people are required to report instances where they have a suspicion or reasonable belief that abuse or harm against a child or young person has occurred.

Reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds e.g.

- a child states that they have been physically or sexually abused.
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
- someone who knows a child states that the child has been physically or sexually abused.
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- signs of child abuse (such as bruises, injuries, changes to behaviour) suggest that the child has been physically or sexually abused.

Reports are to be made internally to the Child Safety Officer via risk@heartfoundation email, phone, the safety reporting system, or the Whistleblower hotline service

Emverio Workplace Complaints is an external independent third party authorised by the Heart Foundation to receive whistleblower disclosures. Emverio Workplace Complaints can be contacted by:

- Phone: 1300 454 574 (between 7:00am and 7:00pm (AEST) Monday to Friday)
- Email: info@complaints.emverio.com
- Web-address: <https://workplacecomplaints.com/>
- Completing the following form: [Emverio Online Workplace Complaint Form](#).

(see Whistleblower Policy for more information).

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Immediately upon member becoming suspicious or aware of child abuse. This will ensure reports can be made to any relevant external regulatory bodies (attachment 2) appropriate and/or referrals to appropriate agencies for support.

Where a report has been made, Heart Foundation will.

- provide a supportive environment for children, young people, our people or families who report allegations of child abuse or child safety concerns.
- not discipline our people for reporting a concern (unless there is unmistakable evidence that the complaint was made for an improper purpose such as retribution).
- provide feedback to people who make complaints so that they are aware of what has been done with the information they have provided and thus can have confidence that the Heart Foundation is handling the matter appropriately.

6.1 Responding to Reports

All reports of child abuse or harm are taken seriously by the Heart Foundation. Confidentiality around reports and any investigations are maintained with only relevant people notified of information to support with the reporting and investigative activities.

In instances where external regulatory reporting occurs, these take priority over any internal investigation and all people must cooperate fully.

Where an incident is reported to an external regulatory body, the Heart Foundation will take guidance from the Authority in relation to investigation of the matter.

Internal investigations will be conducted on all reports. All Heart Foundation people must cooperate fully with the investigation.

Where an investigation concludes that Heart Foundation people have breached Heart Foundation policies, Code of Conduct or the law, disciplinary action will follow, up to and including dismissal or cessation of employment or involvement with the Heart Foundation.

Findings of any internal investigations will be made available to external bodies as required and all records will be maintained indefinitely.

The Heart Foundation ensures that those handling reports of child abuse or harm understand when to notify authorities, including the police and child protection authorities of actual or suspected child abuse.

7. Roles and Responsibilities

Role: Board	
Responsibility	Frequency
Ensures that the Policy is in place and is reviewed.	Ongoing
detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place	Ongoing

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Role: Executive Group (including CEO)	
Responsibility	Frequency
Ensures that the Heart Foundation develops procedures and controls to implement the policy.	Ongoing
ensuring that all Heart Foundation people, contractors, are aware of relevant laws, organisational policies and procedures, and the Heart Foundation's Code of Conduct	Ongoing
ensuring that all adults within the Heart Foundation community are aware of their obligation to report suspected child abuse and child sexual assault in accordance with these policies and procedures	Ongoing
ensuring that all Heart Foundation people, contractors, are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety)	Ongoing
providing support for Heart Foundation people, contractors, in undertaking their child protection responsibilities including appointing a child safety officer to provide support, guidance and response to concerns.	Ongoing
Role: People Leaders	
Responsibility	Frequency
Ensure Heart Foundation people are aware of and comply with this Policy.	Ongoing
Always promote child safety.	Ongoing
assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible	Ongoing
educate employees about the prevention and detection of child abuse	Ongoing
facilitate the reporting of any inappropriate behaviour or suspected abusive activities.	Ongoing
The Executive and Leaders should be familiar with the types of child abuse that might occur within their area of responsibility and be alert to any indications of such conduct.	Ongoing
Role: All Heart Foundation People	
Responsibility	Frequency
Comply with the policy	Ongoing
familiarise themselves with the relevant laws, the Code of Conduct, and the Heart Foundation's policy and procedures in relation to child protection, and comply with all requirements	Ongoing
report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and/or the relevant child protection service) and fulfil their obligations as mandatory reporters	Ongoing
report any suspicion that a child's safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person within the Heart Foundation)	Ongoing
provide an environment that is supportive of all children's emotional and physical safety.	Ongoing

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8. Review and Document Control

This policy is reviewed every two years or in response to legislative changes, or following a reportable incident. The review shall be conducted to assess whether the Heart Foundation's child protection policies or procedures require updating to better protect the children under the Heart Foundation's care.

Policy Type	Operational Policy	Function Owner	Legal, Risk and Governance
Version Number	1.1		
Approved Date	1/11/2023	Review Date	1/11/2025

9. Attachments

Attachment 1: Working with Children/Screening Legislation

- Working with Vulnerable People (Background Checking) Regulation 2012 (ACT)
- Child Protection (Working with Children) Act 2012 (NSW)
- Care and Protection of Children Act 2007 (NT)
- Working with Children (Risk Management and Screening) Act 2000 (QLD)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- Registration to Work with Vulnerable People Act 2013 (Tas)
- Worker Screening Act 2020 (Vic)
- Working with Children (Criminal Record) Act 2004 (WA)

Attachment 2: External Regulatory Bodies:

Jurisdiction	Name	Details
National	Australian Police Force	000
ACT	Child and Youth Protection Services (CYPS)	Responsible for coordinating the care and protection of children and young people believed to be at risk of harm
NSW	Department of Communities and Justice	Responsible for handling reports of child abuse and neglect. Information about mandatory reporting and risk of significant harm on website.
Northern Territory	Department of Territory, Families, Housing and Communities	Every person is required to report suspected child abuse and neglect. Reports can be made via the Child Protection Hotline
Queensland	Department of Child Safety, Seniors and Disability Services	Child Safety Services is the lead child protection agency in Queensland.

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		Mandatory reporting information is available on their website.
South Australia	Department for Child Protection	Responsible for keeping children safe by protecting them from abuse and neglect. Mandated notifiers are required to mandatory report via the website
Tasmania	Department for Education, Children and Young People	The Child Safety Service works to protect children and young people who are at risk of abuse and neglect. Mandatory reporting is made via their website
Victoria	Department Families, Fairness and Housing	The Child Protection Service is specifically targeted to help children and young people at risk of significant harm. Mandatory reporting is via the departments Child Protection website.
Western Australia	Department of Communities	Responsible for a range of services to support children and families. Child Protection website includes information about mandatory reporting.

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Attachment 3: Pre-Employment Screening Requirements

All Heart Foundation people are required to pass a Nationally Coordinated criminal history check as part of their pre-screening as well as throughout their employment as stipulated by internal policy.

All Heart Foundation people who work directly with children, young people or vulnerable people; have access to their records or to are required to communicate with them, may be required to complete an additional screening check depending on the state in which they work. The table below specifies the legal requirements for each state. Please note, Heart Foundation may request additional others complete screening checks as it sees necessary to maintain the safety of all participants and our people.

State	Check	Eligibility
ACT	Working with Vulnerable People (WWVP) Registration	<p>The ACT has a comprehensive WWVP Registration Scheme via Access Canberra which covers children and also the broader population of persons that may be considered “vulnerable”.</p> <p>The WWVP Scheme is based on the Working with Vulnerable People (Background Checking) Act 2011.</p> <p>Working with Vulnerable Checks are important in Canberra, ACT to help protect the vulnerable, aged and child population from exploitation and abuses. However, it should not be used as employment probity or check for unrelated roles as not every position requires a WWVP Check depending on stipulations by the Act.</p> <p>A vulnerable person is defined as a child under the age of 18 years or an adult who is experiencing disadvantage (e.g. physical or mental disability, the poor, cannot communicate effectively, etc). and who accesses a regulated activity or service related to the disadvantage.</p> <p>Regulated activities which mandate working with vulnerable people checks include workers engaged in the following services:</p> <ul style="list-style-type: none"> • Child accommodation services • Child education services • Child protection service • Childcare services • Coaching and tuition • Commercial services for children • Community services • Counselling and support services for children • Disability services • Justice facilities for children

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State	Check	Eligibility
		<ul style="list-style-type: none"> • Religious organisations • Respite care services. • Services for homeless people • Victims of crime • Clubs, associations, and movements • Emergency services personnel • Housing and accommodation • Justice facilities • Mental health • Migrants, refugees, and asylum seekers • NDIS related activity • Prevention of crime • Services for addictions • Transport (e.g. Taxi drivers and Uber Drivers) • Vocational and educational training
Tasmania	Working with Vulnerable People (WWVP) Check	<p>Working with children in Tasmania is regulated under the Vulnerable People Regulations 2014 and mostly relates to child related work. Everyone whose roles include frequent contact with children will need to apply for a Working with Vulnerable People check (WWVP).</p> <p>You are eligible to apply for a WWVP Checks in Tasmania if you are.</p> <ul style="list-style-type: none"> • Above 16 years of age • Job roles involve work with children (people under 18 years) • Have or expecting to have more than incidental contacts with children as part of your duties. <p>These fall under the job description of:</p> <ul style="list-style-type: none"> • Teachers • Medical practitioners • Nurses • Nannies • Youth services • Child transport drivers • Child accommodation or mentoring services

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State	Check	Eligibility
		<ul style="list-style-type: none"> • Child related religious services • Childcare services • Clubs and associations that have contact with children (e.g. sporting clubs, scout guides and co) • Coaching or Tuition Services • Legal practitioners working with child related services. • Any other child related services which are commercial in nature <p>If deemed suitable for the role, an employer, decision maker may also require the job applicant to be registered with Tasmania's WWVP scheme.</p>
NSW	Working with Children Check	<p>There is currently no specific legislation covering working with vulnerable people checks (WWVP) however the registration required for an individual to be eligible to work with children is referred to as the Working with the Children Check (WWCC). The check remains valid for 5 years and the applicant is continuously monitored to see if they are eligible to maintain their registration.</p> <p>Persons are exempt from the working with children check if their work is considered non-child related, for example:</p> <ul style="list-style-type: none"> • A student who is working in a medical placement within a hospital or some other type of health service • A code, referee, umpire, linesperson or some other type of sporting official, if the work does not ordinarily involve some sort of contact (direct or indirect) with children for extended periods without the presence of other adults. • Catering for foods or equipment at some sort of a sporting event, cultural event or some other type of entertainment venue, etc. <p>Eligibility for a Working with Children Check</p> <ul style="list-style-type: none"> • The Check is open to everyone from 18 years and above. • All those whose job roles include physical or face to face interaction with children
Victoria	Working with Children Check	<p>The state of Victoria currently mandates a working with children check (WWCC) for child related work however there is no legislation that currently mandates a working with vulnerable people check (WWVP).</p> <p>In Victoria it is mandatory by law to obtain a working with children check if you are over 18, are engaging in voluntary or paid work for a regulated activity, and your work involves direct contact (physical or face-to-face contact, or written, oral or electronic communication) with a child or a number of children.</p>
South Australia	Working with Vulnerable People Check	<p>Other than child related work, currently there are no specific laws state legislation that mandate roles in the wider "Vulnerable work sphere" for obtaining a Working with Vulnerable People Check (WWVP Check).</p> <p>It is important to note that persons who are engaged in employment with children must by law have a valid Working with Children Check (WWCC) registration. This includes (and is not limited to) child related engagements in the following fields:</p> <ul style="list-style-type: none"> • Health workers • Child and family welfare workers

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State	Check	Eligibility
		<ul style="list-style-type: none"> • Education workers like teachers • Sporting or recreational workers • Religious or spiritual instruction personnel • Childcare and child protection workers • Cultural related work • Entertainment workers • Residential based workers
Northern Territory	Working with Children Clearance (Ochre Card)	<p>In NT there is currently no specific legislation covering working with vulnerable people checks (WWVP) however the registration required for an individual to be eligible to work with children is referred to as the Working with Children Clearance. The working with children clearance is compulsory for those involved in roles that render services (paid or voluntary) to children in the Northern Territory. The Check is known as the Ochre Card in the Northern Territory (NT).</p> <p>It is possible to get a Working with Children Check Clearance online in the Northern Territory when you apply through the NT POLICE SAFE portal. Payments can be done online through any of the various online payment portals including Debit/Credit card, PayPal, and co.</p>
WA	Working with Children Checks	<p>Western Australia (WA) does not currently have legislation that mandates a broader working with vulnerable people registration scheme (WWVP) however there is legislation that mandates Working with Children Checks (WWC Checks) for any person that engages in paid work with children, described as 'child-related work' under WA's WWC Act.</p> <p>Any individual that hopes to work or currently works in a child related activity must apply for a Working with Children Check registration.</p> <p>Applicants must be 18 or older by the time of application.</p>
Queensland	Working with Vulnerable People Check (Blue Card)	<p>The Australian State of Queensland does not currently stipulate legislation which specifically mandates working with vulnerable people (WWVP) registration., you must hold a Blue Card to work with children in Queensland or run a child-related business. The blue card however specifically relates to child related services and does not include broader vulnerable groups. For the Blue Card, QLD runs a "no card, no start" policy. All workers that fall under the State's provision for child related services must possess a Blue Card.</p>