



Procedure

Centralised register for regulated home-based care services – User access and management

Implementation Date: 22/08/2019

Version: 1.0

Audience

Queensland Regulatory Authority

Purpose

This procedure outlines the Department of Education's (the department's) approach to using the centralised register for regulated home-based care services, including the effective management of access to, and use of, the register to support the risk-based regulatory functions of the Queensland Regulatory Authority. This procedure is to be read in conjunction with the department's [Regulating for Quality: The regulation of approved early childhood education and care services](#) policy and the Regulating for Quality (R4Q) Framework ([Regulating for Quality – Queensland's risk-based approach to regulating early childhood education and care](#)).

Overview

The centralised register comprises records of child-related employment conducted from homes within Queensland, including:

- blue card information for individuals (i.e. carers, educators and adult residents) in a regulated home-based care service (i.e. a stand-alone care, family day care, foster care and/or kinship care service)
- co-located regulated home-based care services (i.e. residences in which early childhood education and care (ECEC) is provided by an individual who is a foster and/or kinship carer).

The register is owned and maintained by Blue Card Services (BCS) within the Department of Justice and Attorney-General (DJAG). Within the department, the register will be used by the Queensland Regulatory Authority, which sits within the Early Childhood and Community Engagement (ECCE) Division.

Prior to accessing the information in the register, an individual must be an authorised user. Under the [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#), the Director-General of the Department of Education (the Director-General) may authorise appropriately qualified public service employees to access the register. This power cannot be delegated.



Process

1. Granting user access

- Access to the register can only be granted to an appropriately qualified public service employee after authorisation by the Director-General. In addition, prior to using the register, authorised users must complete a declaration (HPRM 19/431723 – DoE Employees Only) confirming that they:
 - have reviewed and understand their obligations under Chapter 8A of the [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#), particularly section 357I, and the restrictions on use and disclosure contained under section 357I(3)
 - understand that the maximum penalty for breach of this provision is 100 penalty units
 - understand the purpose of the register and limitations on the use and disclosure of information obtained through the register
 - have read this procedure and are aware of their responsibilities under the procedure
 - have viewed the training video developed by BCS regarding the register.
- Access to the register is to be granted on the basis of a legitimate requirement for a Regulatory Officer to know and access information from the register to perform the relevant functions of the Queensland Regulatory Authority (outlined in the '**Using information from the register**' section of this procedure).
- Access to the register will be reviewed from time to time and supervisors may have the opportunity to nominate Regulatory Officers who they consider possess a legitimate requirement to access the register. As required, the Executive Director, Regulation, Assessment and Service Quality (ED RASQ) will submit names to the Director-General to consider for authorisation.
- Once the authorisation has been signed by the Director-General, the ED RASQ will grant access to the register through the department's [iRegister](#), using the employee's name.
- Authorised users within the department will have General User access, which includes read only access to available records.

2. Accessing the register

- Once access to the register is granted by the approver through [iRegister](#), the Regulatory Officer can access the register through a BCS portal.
- Regulatory Officers must view a training video upon first accessing the register. The video will be available on the portal for users to access on an as-needs basis. A series of Frequently Asked Questions will also be available on the portal for Regulatory Officers to access on an ongoing basis.
- If Regulatory Officers experience difficulties accessing the register, they should contact the department's IT Service Centre. Issues can be logged using the [Services Catalogue Online](#) or by contacting the Service Centre on 1800 680 445. IT Service Centre staff are available during business hours (Monday to Friday from 7.30am–5.30pm).

3. Using information from the register

- Regulatory Officers can use the register to:
 - a. search for a person, using their blue card or exemption card, or name and date of birth

- b. search an address to determine if a home-based care service is registered at that address, and/or if more than one type of home-based care service is being offered at that address.
- The register may be used in the following circumstances, in accordance with the [R4Q Framework](#), and where the information may be relevant to the functions of the Regulatory Authority:
 - (a) upon receipt of a notification, complaint or other form of intelligence relating to an alleged or potential breach of a provision of the [Education and Care Services National Law Act 2010 \(Vic\)](#), [Education and Care Services National Regulations \(NSW\)](#), [Education and Care Services Act 2013 \(Qld\)](#) or [Education and Care Services Regulation 2013 \(Qld\)](#)
 - (b) upon receipt of a notification, complaint or other form of intelligence relating to an individual which may require action to be taken under the [Education and Care Services National Law Act 2010 \(Vic\)](#), [Education and Care Services National Regulations \(NSW\)](#), [Education and Care Services Act 2013 \(Qld\)](#) or [Education and Care Services Regulation 2013 \(Qld\)](#)
 - (c) where a breach of a provision of the [Education and Care Services National Law Act 2010 \(Vic\)](#), [Education and Care Services National Regulations \(NSW\)](#), [Education and Care Services Act 2013 \(Qld\)](#) or [Education and Care Services Regulation 2013 \(Qld\)](#) is alleged or substantiated
 - (d) for the purpose of an assessment and rating visit
 - (e) for the purpose of a monitoring visit.
- The register will only include records for persons who hold or who have applied for a blue card or exemption card and are linked to a home-based care service. If a blue card or exemption card number does not yield a result, this may be because the card is not linked to a home-based care service, has expired and / or has been surrendered or cancelled. If further information regarding this status is required, Regulatory Officers will be required to request this information from BCS under section 385 of the [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#), if applicable.
- If a person's name and date of birth do not yield a result, this may be because:
 - a. incorrect spelling or details have been used in the search
 - b. the person's blue card or exemption card is not linked to a home-based care service
 - c. the person is not known to BCS
 - d. the person's application has been suspended or withdrawn
 - e. the person has been disqualified or issued with a negative notice.
- If an address does not yield a result, this may be because incorrect spelling or details have been used or a home-based care service is not registered at that address.
- If a blue card or exemption card number, person's name and date of birth, or an address do not yield a result, or if a Regulatory Officer identifies information in the register they believe is incorrect, they should contact BCS on 07 3211 6999.
- BCS will have the ability to report to the department on the following for each activity undertaken in the register:
 - a. activity date and time
 - b. activity type (e.g. person search, view results, export results to excel, filter, organisation search)
 - c. search criteria (e.g. first name, suburb, postcode, organisation name)
 - d. viewed data (e.g. summary, detail, export)

- e. unique identifier of the person searched
 - f. date of birth of the person searched.
- Regulatory Officers must ensure they only access information from the register needed to perform their job functions in the circumstances outlined above.
 - Information from the register must be accessed, used and disclosed in accordance with section 357I of the [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#).
 - Information obtained from the register will be subject to the disclosure of information provisions in Part 13 Division 6 of the [Education and Care Services National Law Act 2010 \(Vic\)](#) and Part 8 Division 3 of the [Education and Care Services Act 2013 \(Qld\)](#).
 - The necessary technical and security controls should be applied to information from the register in accordance with the Chief Information Office's [Information security policy \(IS18:2018\)](#), and the department's [Information security](#) procedure and [Information security classification and handling guideline](#). This includes ensuring information is not disclosed to unauthorised persons and/or other information systems and is protected against loss or inappropriate release through the application of the 'in-confidence' Queensland Government Information Security Classification.
 - Records and information taken from the register should be retained, managed, and disposed of in accordance with the [Public Records Act 2002 \(Qld\)](#) and retention and disposal authorities approved by the Queensland State Archivist, set out in the [General Retention and Disposal Schedule](#) and [Education and Training Sector Retention and Disposal Schedule](#). These schedules outline the periods for which Regulatory Officers must ensure records, for example, a Decision Record which includes information taken from the register, are to be retained.

Information sharing with other agencies

- Information obtained by the department from the register may indicate a potential risk to the health, safety and wellbeing of a child in a regulated home-based care service.
- In such instances, it may be necessary to share information with other agencies, in accordance with the relevant legislative provisions, to ensure – to the extent possible – the health, safety and wellbeing of the child. These agencies may include (but are not limited to) the Department of Child Safety, Youth and Women (DCSYW), Queensland Police Service, and DJAG (BCS and Office of the Public Guardian).
- The Protocol for sharing, using and disclosing child protection information by the Queensland Regulatory Authority, Department of Education and the Department of Child Safety, Youth and Women (DoE Employees Only –under development) sets out how Regulatory Officers should share information with DCSYW and how DCSYW will share information with the department.

4. Reviewing and revoking user access

- At any time it is considered necessary the ED RASQ can download a report of all users granted access to the register.
- The ED RASQ will regularly undertake a user access review to ensure that, on an ongoing basis, access is only held by Regulatory Officers with a legitimate requirement to know and access information from the register to perform the relevant functions of the Queensland Regulatory Authority.
- ED RASQ will ensure access is revoked when it is no longer required, for example, when a Regulatory Officer concludes their employment with the department, or if, for any other reason, the Regulatory Officer

no longer has a legitimate requirement to access the information in the register as part of their role.

- The ED RASQ will revoke access to the register through the department's [iRegister](#), using the Regulatory Officer's name.
- Upon revoking a Regulatory Officer's access to the register, the approver must record the date the access was revoked in the *Register for Regulated Home-Based Care User Access Management Schedule* (DoE Employees Only – to be developed by central office and within each regional office).

Definitions

Co-located regulated home-based care service	A co-located regulated home-based care service is a single household that provides more than one regulated home-based care service (e.g. a household where foster or kinship care and family day care or stand-alone care is provided).
Family day care service	A family day care service is an ECEC service that delivers education and care to children through the use of two more educators, operating from two or more residences or a family day care venue.
Foster carer	A foster carer is any individual, or two or more individuals, approved by DCSYW to care for a child subject to departmental intervention and an out-of-home care placement.
Foster and kinship care service	A foster and/or kinship care service is a non-government, licensed care service that may receive enquiries, conduct assessments of foster and kinship carer applicants, and provide training, supervision and support for foster and kinship carers.
Kinship carer	A kinship carer is any individual related to a child or a member of a child's community who is considered family or a close friend and who is approved by DCSYW to provide an out-of-home care placement for the child.
Monitoring visit	A monitoring visit is a visit (either announced or unannounced) by a Regulatory Officer to an ECEC service.
Notification	A notification is the provision of information from an approved provider of an education and care service under s174 of the Education and Care Services National Law Act 2010 (Vic) or s124–127 of the Education and Care Services Act 2013 (Qld) . Approved providers must notify the Regulatory Authority when (among other things) any of the following occur: <ul style="list-style-type: none"> (a) a serious incident (b) a complaint is made alleging the health, safety or wellbeing of a child was or is being compromised, or the Education and

	<p>Care Services National Law Act 2010 (Vic) or Education and Care Services Act 2013 has been contravened</p> <p>(c) any prescribed matters.</p>
Queensland education and care (QEC) approved service	A Queensland education and care approved service is a Queensland education and care service for which a service approval exists under the Education and Care Services Act 2013 (Qld) .
Queensland education and care (QEC) service	A Queensland education and care service is a service that provides regulated education and care of children under 13 years of age, but does not include a sub-set of services, as detailed in section 8 of the Education and Care Services Act 2013 (Qld) .
Regulated home-based care service	A regulated home-based care service is a service provided from a private home or a family-based out-of-home care arrangement, including: family day care; stand-alone care; foster care; kinship care; and provisionally approved care.
Regulating for Quality Framework	The Regulating for Quality Framework is a risk-based framework used by the Queensland Regulatory Authority to undertake its regulatory activities in a manner proportionate to the level of risk or harm posed to children attending ECEC services.
Regulatory Officer	A Regulatory Officer is an individual employed by the department in the function of the Queensland Regulatory Authority. A Regulatory Officer can include Directors RASQ, Managers RASQ, ECEC Directors, Early Childhood Manager, Team Leader, Authorised Officers and Early Childhood Officer.
Stand-alone care service	A stand-alone care service is a Queensland education and care service that: <ul style="list-style-type: none"> (a) is not a Queensland education and care approved service (b) is not a service in which education and care is regularly provided to more than six children under the age of 13 at the same time for a fee or reward.

Legislation

- [Education and Care Services Act 2013 \(Qld\)](#)
- [Education and Care Services Regulation 2013 \(Qld\)](#)
- [Education and Care Services National Law Act 2010 \(Vic\)](#)
- [Education and Care Services National Regulations \(NSW\)](#)
- [Privacy Act 1988 \(Cwlth\)](#)
- [Public Service Act 2008 \(Qld\)](#)



- [Public Records Act 2002 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)

Delegations/Authorisations

- Authorised users under the [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)

Related policies

- [Regulating for Quality: The regulation of approved early childhood education and care services](#)

Related procedures

- [Information security](#)

Guidelines

- [Education and Training Sector Retention and Disposal Schedule](#)
- [General Retention and Disposal Schedule](#)
- [Information security classification and handling guideline](#)
- [Information security policy \(IS18:2018\)](#)
- [Regulating for Quality Regulatory Practice Manual](#)
- Protocol for sharing, using and disclosing child protection information by the Queensland Regulatory Authority, Department of Education and the Department of Child Safety, Youth and Women

Supporting information/websites

- [iRegister](#)

Contact

For further information, please contact:

Reform and Strategic Initiatives
Strategy and Stakeholder Engagement
Phone: (07) 3513 5350

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Superseded versions

Nil

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