

QUEENSLAND BLUE LIGHT ASSOCIATION INCORPORATED



QBLAI PROCEDURES RISK MANAGEMENT & INSURANCE

ABN 67 047 589 753
Incorporated Association No. 1478
Updated August 2018



QBLAI PROCEDURES

RISK MANAGEMENT & INSURANCE

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3. RISK MANAGEMENT & INSURANCE

The Queensland Blue Light Association Incorporated, like any other organisation, must address Risk Management issues as a part of its responsibilities. In an organisation such as ours, we must be aware of the fact that we are responsible for the safety of the patrons and participants of Blue Light activities and programs, as well as the Police and civilian volunteers who run them. While our focus will always be the prevention of any type of harm or loss, it is also our responsibility to ensure that the Association is adequately insured in case of a claim.

3.1 QBLAI Child and Youth Risk Management Strategy

The QBLAI Child and Youth Risk Management Strategy consists of a set of policies and procedures which comply with the legislative framework outlined in the Working with Children (Risk Management and Screening) Act 2000 and Working with Children (Risk Management and Screening) Regulations 2011 to keep children and young people safe.

- Statement of Commitment
- Code of Conduct
- Recruitment Policy
- Child and Youth Protection Policy
- Handling Disclosures and Suspicions of Harm Policy
- Procedure for Handling Breaches
- High Risk Activity Management Guide
- Working with Children Checks Policy

These documents are available on the Association website www.bluelightqld.org and should be read and understood by all QBLAI Police and Civilian Volunteers.

3.2 Handling Disclosures and Identifying Suspicions of Harm

QBLAI Civilian Volunteers are required to read through the document **Introduction to Child Protection**, and then complete the online questionnaire found at XXXXXXXXXX.

The completion of this training forms part of the induction process for new volunteers. Police Officers do NOT have to do this training.

3.3 Activity Risk Assessment

Our comprehensive Risk Assessment form can be filled in online and submitted for approval at: https://bluelightqld.formstack.com/forms/blue_light_risk_assessment

This form should be completed and submitted 7 days prior to any event or activity. The majority of control measures have already been filled in for you, and the form covers a lot of different activities (some you may never use). There is also ability to list additional activities if needed.

Please note: Formstack forms do not function or display properly on Police computers due to their security settings. They should work perfectly fine on any other computer or phone with internet access.



3.4 Reporting of Incidents (BL7)

Accidents, incidents and injuries must be reported to your Branch Coordinator or Responsible Person immediately. This includes incidents involving Adult volunteers, supervisors and young people.

The Branch Coordinator or Responsible Person will then assess the need for an Incident Report to be filed (BL7).

If required, a copy of this form must be sent to QBLAI State Office ASAP. State Office reports the incident to our insurance provider, and keeps a copy of the report on file indefinitely in case of future claims. This is an important part of meeting our Public Liability Insurance requirements.

A BL7 Incident Report must be completed for anything that could possibly result in a claim against QBLAI, now or in the future.

Examples of incidents that should ALWAYS be reported to State Office:

- Any head injury;
- Any injury/sickness requiring medical attention (ie trip to the Doctor, or an ambulance being called);
- Any assault resulting in injury.

Examples of incidents that do NOT need to be reported to State Office:

- Insect bites (unless needing medical attention);
- Small scratches only requiring a bandaid;
- Arguments between children;
- Lost or stolen property;
- Participants bad behaviour resulting in a ban.

Minor incidents that do not need to be reported to State Office should still be recorded at a Branch level. A notebook should be kept with the first aid kit, and a note made for each time it is used.

Details should include:

- Date and time of incident
- Nature of incident
- Victims name and age
- Treatment given (ie bandaid applied, told to rest in quiet area).

Every Blue Light activity should have a fully stocked first aid kit available, and a designated first aid officer. The safety and wellbeing of our volunteers and the young people in our care should be our number one priority.

3.5 Reporting a Child Concern, Suspicion of Harm or Disclosure (BL22)

A BL22 form is to be completed if you have a concern for the safety or wellbeing of a child. The information contained in a BL22 is to be passed on to a Police Officer. This could be the Branch Coordinator, State Coordinator or other local Police Officer as appropriate. A copy should be sent to State Office and marked as Confidential. Training for civilian volunteers on recognising a concern or suspicion of harm is included in the Introduction to Child Protection document provided during induction.



3.6 Volunteer/Staff Briefings

The Queensland Blue Light Association Incorporated relies on all people involved in its activities conducting themselves in a highly professional manner and to present a responsible image to the young people and their parents attending activities.

The briefing is to minimise risks associated with activities and enable staff to manage any issues that may arise. A briefing is a risk management tool for each branch to ensure a standard of care is maintained at all times.

The following is an example of issues that may be covered in a briefing. This list should be customised to suit each branch / activity.

3.6.1 Briefing Checklist

- All supervisors have been issued with the Volunteer Handbook, and have completed an induction.
- All supervisors hold a current Blue Card and have signed in.
- Location of toilets.
- Location of fire exits, and outline of emergency procedures.
- Location of canteen.
- Location of cleaning gear in case of spills.
- Location of first aid equipment, and identity of first aid officers.
- Location of emergency phone.
- Restrictions eg: no tobacco products, no hats, bags in cloakroom etc.
- Problem areas to be checked regularly.
- Designate jobs or areas eg: canteen, front door, cloak room.
- Refreshment procedures for volunteers and staff.
- New volunteers to be partnered with one who is experienced.
- Check uniform and presentation.
- Entry and exit procedures.
- Rules for children, no running or going on stage, etc.
- Safety or security issues that have been identified.
- Always when speaking with a patron ensure a second supervisor is present.
- Sign and date briefing checklist upon completion of briefing.

3.7 Participation Requirements

There are four rules that **must** be enforced at Blue Light activities. They are:

- 1) **No Smoking**
- 2) **No Alcohol**
- 3) **No Pass Outs**
- 4) **Under 18's only**

There are other restrictions that may be implemented at the Branch's discretion to manage activities. **Some** of these are:

- No hats / caps
- No chewing gum
- Dress standards (shoes must be worn at all times)
- Bags to be placed in cloak room/no bags/ no mobile phones.



These are not exhaustive in any way and are merely suggestions. Any restrictions implemented by a branch must not be discriminatory.

3.8 Searching Policy

The following information is intended for use by Blue Light Branches as guidelines in the event that searches of persons attending Blue Light Activities are conducted. These guidelines have been formulated as a result of the desire of some Blue Light Branches to ensure that they are providing a safe, drug and alcohol free environment for the Youth attending activities, and a safe environment for volunteers.

In providing these guidelines, we are not suggesting that all Branches should adopt the practice of searching patrons. They are provided to ensure that any Blue Light Branch that does search patrons is doing so in a legally sound manner. The Association's Solicitors have provided this information.

3.8.1 The Association, as the organiser and coordinator of Blue Light events, owes a "Duty of Care" on a variety of issues to those attending the functions. The Association's obligation could best be expressed as owing a general duty of care to those attending Blue Light activities.

3.8.2 If that duty of care is breached by permitting an attendee to go to the activity armed or in an intoxicated condition where that person may be a danger to others, then the Association has a risk of being held liable for the injuries or damage which may be suffered or occur as a result of any breach. Having noted the obligation that exists, the ability to satisfy this obligation is restricted in terms of the powers, which can be exercised.

While it is recognised that Police have extensive powers to search, they are normally restricted to circumstances of "reasonable suspicion", and it would be imprudent to rely on those Police powers of search in these circumstances. It is therefore recommended that all Blue Light volunteers, Police and civilians alike, should adopt these guidelines.

To physically search a person against their will is a tort (a civil wrong) of trespass to the person and the offence is an assault. No right exists in general law for a member of the public to search another person against their will. An important exception to this is the common law principle that no wrong is done to a person who consents.

Therefore it is important that if a Branch intends to search patrons for items such as alcohol, or weapons, that they must obtain genuine consent for such a search, and that it is made clear to the person being searched, the exact nature of the search.

Issues to bear in mind are:

- a) There must be no deceit as to the nature of the activity that is to be undertaken.
- b) There must be a clear understanding of the real nature of the proposed contact and no concealing of harmful or offensive qualities.
- c) There must be no exceeding of the consent given.

This raises the issue of Minors giving consent for a search. Under this State's law, a minor can give an effective consent if that minor fully comprehends the nature and consequences of whatever is proposed. That consent may be given without requirement for parental consent. For children who are too young, parents can give consent to procedures that are in the best interests of the child.

To fulfil these obligations, it is suggested that the following guidelines be followed:



- a) Appropriate steps must be taken to ensure that adequate evidence exists to show that consent exists (and the nature and extent of the consent). This would include carrying warnings about banned items, and the fact that a condition of entry will include the right to search, on all advertising bulletins, billboards, promotional material, tickets, ticket conditions and signage.
- b) The wording on such advertising needs to convey clearly that in seeking admission and paying the admission price, the person consents to personal search. Subject to circumstances, we would suggest wording along the following lines:

The following items are banned from this event/venue - cigarettes, alcohol, drugs, needles, lighters, nikko pens, spray cans, weapons of any sort and any item which may be used as a weapon. Anyone seeking admittance to this event/venue consents to searches of their person, bags, and any item of clothing for the items listed above. Any person carrying such items will be refused entry.

It is suggested that any items which are not illegal to carry i.e. cigarettes, lighters etc, be surrendered by the person prior to entry and be returned upon leaving. Naturally any "illegal" items shall be dealt with by the Police in an appropriate manner.

- c) The request for search is made at or prior to the time of payment.
- d) A safe search methodology must be provided for supervisors, having regard to their personal safety, including the prospect of assault from the person seeking entry, and also from items such as needles.
- e) The methodology of search must preserve the dignity of the person who is the subject of the search.
- f) Extreme caution must be exercised to ensure that no possible allegation can be made of indecent dealings or sexual assault.
- g) Persons carrying out search procedures must be trained adequately to minimise the risk of complaint. (It is suggested that Police associated with the Branch conduct this training)
- h) Adequate witnessing and note taking procedures must be implemented to protect supervisors.
- i) If banned items are located, the child should be referred to a Police officer or refused entry. (As mentioned earlier, if the items located are illegal, referral to Police is essential. However, for other items, the patron should be asked to surrender the items, to be collected at end of activity, and if not, refused entry.)

Volunteers assisting in the running of any Blue Light activity are covered under the Blue Light insurance policy for any claim arising from such procedures.

If you have any queries regarding these procedures, please contact State Office.

3.9 Breath Testing

The following is the Association's Policy in relation to breath testing of persons attending Blue Light activities. As with the Association's Search Policy, this is not intended to suggest that all Branches should perform breath tests. It is merely a set of guidelines to be adhered to should you decide to conduct breath testing.

It is envisaged that your Branch only introduces this procedure if there is a genuine need to do so.

It is further suggested that you contact the State Office if you do consider it necessary to conduct breath tests at your activities.



This Policy has been developed from advice received from the Association's solicitors, Clayton Utz, and from the Queensland Police Service.

Whilst members of the Queensland Police Service have, in some instances, statutory powers to breath test persons, this does not extend to the community in general.

Regardless of the intention, Police Officers do not have statutory power to breath test patrons at Blue Light activities.

Therefore the entitlement to conduct breath tests of potential Blue Light patrons must be obtained by means of consent, i.e. as a condition of entry to the activity.

Official advice has been received from the Queensland Police Service indicating that it DOES NOT endorse any Police Officers attending Blue Light activities either On-duty or Off-duty, conducting breath test of patrons, regardless of the fact that consent has been obtained in the form of a condition of entry. Therefore, civilian volunteers will conduct any breath tests of consenting patrons at any Blue Light activity.

As with the Association's Search Policy, consent to such an action can be given by a minor if that minor fully comprehends the nature and consequences of whatever is proposed. For children who are too young to comprehend, parents can give consent to procedures, which should be in the best interests of the child.

It is not, however, expected that children too young to give consent would be, or would need to be breath tested.

In order to avoid civil and criminal liability, consent given to such testing must be a genuine consent ensuring that there is:

- a) no deceit as to the nature of the activity to be undertaken,
- b) a clear understanding of the real nature of the proposed activity and no concealing of harmful or offensive attributes or qualities of the procedure, and
- c) there must be no exceeding of the consent given.

3.9.1 Breath Testing Procedure

To conduct breath testing of potential patrons at Blue Light activities, the following procedures must be adhered to:

- a) Breath tests must be conducted prior to entry to the Blue Light activity.
- b) Breath testing must be conducted by civilian volunteers.
- c) Potential patrons must be warned of the Blue Light policy of zero blood alcohol concentration, and that a condition of entry is that they MAY be required to submit to a breath test.

(It is the Association solicitor's advice that this warning should extend to all advertising, tickets, and signage. Please contact the State Office with regard to the feasibility of this.)

Suggested wording of signage is as follows:

Blue Light activities are alcohol-free, and it is a condition of entry that patrons have a zero blood alcohol content. Anyone seeking admittance to this activity is taken to consent to a breath test to establish a zero



blood alcohol concentration. Any person reasonably suspected of having alcohol or other drugs in their possession or blood supply will be refused entry.

- d) If a patron is found to have a blood alcohol concentration above zero, the person conducting the test will:
- advise a Police officer of the result of the test, obtain the persons details, and enter in the Branch Occurrence Book (if established), or in the Police Officer's official Police notebook.
 - either contact the person's parents/guardian, and advise them of the situation and arrange for them to be collected, or if appropriate, contact local JAB or Uniform Police to take appropriate action.
 - Complete a BL7 Incident Report & forward to State Office.

It must be remembered that we have a 'duty of care' to take appropriate action in these circumstances. It is unacceptable to allow a person affected by alcohol or drugs to enter a Blue Light activity, and possibly injure themselves or others as a result of their actions. It is also our responsibility to not allow a person adversely affected by alcohol to leave the premises in the event that they may injure themselves or others. Circumstances and common sense will dictate the action to be taken.

If you have any queries in relation to this policy, please contact State Office.

3.10 Use of Metal Detectors

Some Branches have determined that to provide a safe venue for patrons the use of hand held or wand metal detectors is required. This is not due to any acts committed, but to ensure the safety of patrons and govern against any such incidents occurring.

Any Branch that makes the decision to implement the use of metal detectors must place a sign at the entrance of the activity stating:

It is an entry requirement that all patrons submit to a scan by the hand held metal detectors. Prior to the scan:

- **Remove all metal objects from pockets**
- **Advise the operator of any steel capped shoes**
- **Advise the operator of any heart monitors or pace makers**

This must be placed in a spot easily visible to all patrons.

Operators of hand held metal detectors must be instructed on the correct operation of the item and the process to be taken if an item is found, or if an individual refuses to take part in the process.

The operator is required to ask each individual to empty his or her pockets and enquire if the person has a heart monitor or pacemaker.

A Branch that implements this process must ensure all patrons are scanned to prevent allegations of discrimination.

The operator must be the same gender as the patron, to limit allegations and safeguard both volunteers and patrons.



3.11 Tobacco Products

Smoking at Blue Light events is prohibited by branch rules. However the possession of tobacco products is not prohibited.

Under legislation governing tobacco products and minors it is not an offence for minors to possess tobacco products, it is only illegal to supply such articles with exemption given to parents and legal guardians.

Branches may make the decision to ban the possession of tobacco products by patrons while attending a Blue Light event. If this decision is made branches must allow patrons to deposit these articles in a designated cloakroom or property room.

These items must be treated as a possession similar to a jumper or bag and returned to the individual at the completion of the activity.

This information has been supplied by the Queensland Blue Light Association Incorporated solicitors and the Queensland Police Service.

3.12 Emergency Procedures

The safety of all people taking part in a Blue Light activity is paramount. Therefore it is essential that a risk minimisation process become standard operating procedure for all Queensland Blue Light Branches. Every Queensland Blue Light Branch must have an emergency plan for the venue used for each activity. This plan must be placed in suitably designated areas where all individuals attending a Blue Light activity have access.

3.12.1 Fire Safety

Fire safety restrictions will apply to all buildings. It is the responsibility of the Committee to make enquiries to ascertain the safe level of attendance at each event. The Queensland Fire Service can assist with this.

Prior to every activity a designated person must check all fire exits to ensure they are unlocked and free from obstacles that may prevent exit or cause injury in an emergency.

It is the responsibility of the designated person to coordinate any emergency exits and to contact any emergency services required in such an event.

Prior to every activity each supervisor must be made aware of all emergency exits, the marshalling area, and location of fire extinguishers or fire fighting equipment at the venue.

3.12.2 Injury / Illness

All Queensland Blue Light activities will have a qualified first aider in attendance at all times with access to a stocked first aid kit.

All Queensland Blue Light activities will have a designated first aid area where the first aid kit will be stored.

Prior to every activity each supervisor must be made aware of where the first aid kit is located and the identity of at least one qualified first aider.

It is suggested this area also have access to a phone either landline or mobile in the event that further medical assistance is required.



On every occasion when an incident occurs and is reported a police officer at the event is to be advised. The police officer will determine whether to contact next of kin or guardian.

When a patron is injured and requires medical attention it is recommended that the patron be transported by a recognised ambulance service.

3.13 Photography & Video of Events

3.13.1 General Information

The following information has been confirmed by the Associations Lawyers, McInnes Wilson.

The permission forms filled out by parents/guardians for their children's attendance of Blue Light Camps & events has a section covering the use of any photographs taken of their children, which sufficiently covers our use of such images.

There is currently no specific piece of legislation preventing people from taking photographs of children & young people in public places, unless the photographer is creating a public nuisance, ie their behaviour is offensive or threatening.

Care should be taken that any image printed or broadcast is 'appropriate'. This means that:

- Youths depicted are appropriately dressed
- The image is not likely to cause distress or embarrassment, ie the child is not depicted in a way that could be considered demeaning.

3.13.2 Posting of photographs or video on Websites

Some Branches maintain their own websites and publish pictures taken at their events. Branches wishing to do this must post a sign outside the entrance of each event, clearly stating that it is a condition of entry that patrons consent to the following disclaimer:

CONDITION OF ENTRY

It is a condition of entry to this Blue Light Event that any photograph, film, tape or other images taken of you whilst at the venue will be taken for the purpose of, and may be used, to help promote the QBLAI and it's not for profit activities. These images may be published, broadcast, or otherwise distributed by QBLAI in any media (with or without identification) and in publications within as well as outside Queensland, for example our website & newsletters.

For this disclaimer to be effective, it must be placed in a prominent position, both at the entrance to the venue and where the tickets are being sold. It must be well lit & easily read.

The disclaimer must also be shown on the Association website, as well as any individual Branch websites.

The disclaimer must also be shown on any advertising of Blue Light events.

Branches publishing photographs on their websites should use low-resolution images which are more difficult to modify or tamper with.

Contact details of the web administrator should be provided for anyone wishing for a particular image to be removed. If a person shown in a photograph, or the parent/guardian of a person shown in a photograph, asks for it to be removed for any reason, we must do so as soon as possible.



Laws and regulations pertaining to the photography or filming of children are subject to review and change at any time. If you have any concerns about the use of photographs in any media please contact State Office.

3.14 Internet Social Networking & Websites

3.14.1 Websites

Individual Branches may maintain their own websites, so long as they abide by the rules and regulations of the Association as set out in the Constitution and Procedures Manual. Web developers must be mindful of photographic issues as discussed in 3.13.

State Office must be made aware of any websites established by Branches. Links to approved sites will be put on the Association website.

3.14.2 Facebook

Branches wishing to maintain a Facebook page may do so, however you must monitor it carefully to ensure the content is appropriate and lawful. Any photographs shown must comply with the rules as discussed in 3.13.

The QPS website has some good information with regards to online safety for children. This can be accessed on www.police.qld.gov.au, go to Programs, then Community Safety & Crime Prevention, then Personal Safety and finally Children.

You should always check the QPS website for any updates/changes in legislation.

State Office must be made aware of any Facebook pages established by Branches, and added as an Administrator on the page. This allows the Association to clean up the unused accounts of disaffiliated branches. Links to approved sites will be put on the Association website.

3.14.3 Instagram / Twitter / Snapchat

These photo sharing style apps are now far more popular with teens than Facebook. Any branch wishing to post photos of events via this kind of medium still needs to follow the guidelines in 3.13.

Any Branch considering the use of these platforms should discuss the intended use with State Office first.

3.14.4 Statutory Prohibitions

There are two prohibitions regarding photographs of children:

1. Taking indecent photographs of a child under the age of 16 years (s 210(1)(f) of the *Criminal Code Act 1899* (Qld)); and
2. Publishing information that identifies, or is likely to identify, a child in the context of intervention by the child safety system without the written approval of the Department of Child Safety's Director General (s 189 of the *Child Protection Act 1999*).

To comply with item 2 above, photographs of children participating in early intervention programs, or any program or activity which identifies them as either 'at risk' or the victim of abuse or being under the care of the child safety system, must not be identifiable in any photograph. No Branch may use any photograph that may fall within these parameters without the express permission of State Office, even if said photograph has been pixelated or blurred.



3.15 INSURANCE

QBLAI's focus will always be on the prevention of any type of harm, injury or loss. However it is also our responsibility to ensure that the Association is adequately insured in case of an incident or claim.

QBLAI has multiple policies in place to protect the Association's patrons, volunteers, staff and assets.

The following policies are in place:

3.15.1 **Business Insurance**

This covers our premises at Nanango & Yuleba for building and contents, and the contents of our boxing shed at Charleville. Also covers the contents of our trailers.

3.15.2 **Commercial Motor Vehicle**

Covers our motor vehicles, MERV and other trailers.

3.15.3 **Voluntary Workers**

Covers our registered volunteers for accidental injury.

3.15.4 **Association Liability**

Covers the Association in the case of a claim against Management.

3.15.5 **Travel**

Covers volunteers and participants whilst travelling to camps, etc.

3.15.6 **Public & Products Liability**

We have \$30M in cover for members and volunteers. In addition to this we have:

- Risky Activity Cover
- Molestation Cover

Our eligibility for the above covers relies on our compliance with the rules, policies and procedures of the Association. Some examples are:

- If a building had fire damage because of a neglected electrical repair, we may not be covered.
- If a vehicle was involved in an accident and the driver was unlicensed or intoxicated, we may not be covered.
- If a volunteer was injured and had not submitted their volunteer application form, or was engaging in an activity outside of the scope of our business, they may not be covered.
- If an incident occurred with a young person, and the volunteer involved did not have a current working with children blue card, we would not be covered.

3.16 What to do in the event of a Claim / Loss / Incident.

Public and Products Liability.

Under no circumstances should liability be admitted, either verbally or in writing.

When an incident likely to raise a claim occurs, the following procedure is to be adopted:

- a) promptly take all reasonable steps to prevent other personal injury or property damage from arising out of the same or similar conditions, but so far as may be reasonably practical, no alteration or repair should be effected until the insurance company has had an opportunity to inspect (where practical).



- b) use your best endeavours to preserve any property, products, appliances, plant or other things that might prove necessary or useful by way of evidence in connection with any claim.
- c) if at all possible, take photos of the scene of the incident, but avoid taking photos of injured persons if it is likely to cause further distress.
- d) do not give any interview or make any statement to the media or any other person investigating an incident, except to a representative of the Insurance company, or a person appointed by them.
- e) give written notice to the State Office (BL 7), and forward any correspondence relating to the incident immediately.
- f) make no admission, offer, promise or payment in connection with any incident or claim.

Property Damage

Keep as much evidence as possible of the loss/damage:

- a) in the case of burglary or malicious damage a report should be made to your local police.
- b) if buildings or items are damaged due to storm, flood waters or other acts of nature take photographic evidence of the damage & how it occurred, and make detailed notes of the incident i.e. date, time, what & how it occurred. Do not destroy damaged items until they have been properly recorded & photographed.

State Office must be contacted as soon as is practical every time an incident occurs which could result in a claim.