# POLICY ON PRE-EMPLOYMENT CHECKS FOR PROSPECTIVE APPOINTEES

| | |
|---|---|
| **Section** | People and Culture |
| **Contact** | People and Culture |
| **Last Review** | November 2018 |
| **Next Review** | June 2023 |
| **Approval** | SLT 19/09/153 |

**Purpose:**

The purpose of this policy is to maintain a high standard of integrity, expertise, good character and safety in all staff appointments to Massey University, while also enabling hiring managers to move quickly to secure preferred candidates.

**Policy:**

The reputation of Massey University requires that all prospective employees at the time of their appointment be subject to practical verification of those attributes necessary to perform the vacant role.

All applicants be subject to the following pre-employment checks prior to the commencement of employment at Massey University (note there are specific checks relating to children's workers as defined by the Vulnerable Children Act 2014 – see section below):

i. Referee Check from either their current employer or last employer, and
ii. Verification/Validation of Qualifications, and
iii. Previous Employment at Massey University Check, and
iv. Proof of identify, e.g. a birth certificate, passport or New Zealand Drivers Licence, and
v. Proof of legal entitlement to work in New Zealand, e.g. New Zealand citizenship/permanent residency or valid work permit. If a work permit is provided, this must show suitability to work at Massey University and eligible for the role offered.

In addition, should the position be classed as 'high risk' (refer definition below) or the check can be demonstrated to be "genuinely relevant" to the role and not involve legally prohibited discrimination, then the applicant shall also be subject to the appropriate combination of the following in accordance with the Procedure for Pre-Employment Checks for Prospective Appointees to Massey University:

vi. Credit History Check, and/or
vii. Criminal and Traffic Convictions (Security) Check, and/or
viii. Health Assessment Pre-Employment Check.

An offer of employment may be made on a conditional basis subject to receipt of satisfactory checks. Where this is not received by the specified start date, the appointee cannot commence work under that employment agreement. They may, however, be appointed on a casual employment agreement (with the exception of children's workers – see below) pending completion of the necessary check/s with appropriate limited access to information, systems, clients, and so on (depending on the position requirements). This option is provided for as a practical measure and

*© This Policy is the property of Massey University*

recognising the advantages in an appointee commencing work at the earliest opportunity to commence orientation activities.

In all cases, that is for any type of employment agreement, the appointee may not commence without proof of the right to work in New Zealand.

Evidence of a criminal conviction or other record of offence, negative credit history, or a significant and/or questionable previous employment history resulting from a pre-employment check, shall not of itself be a barrier to employment, but will require the hiring manager to have regard to the extent to which the record is in conflict with the requirement of the role or undermines the credibility of the person to undertake the role.

In accordance with the Procedures for Pre-Employment Checks for Prospective Appointees to Massey University, the appointment of a prospective applicant where there is evidence of any issues identified from a pre-employment security check must be approved by a manager with Authority Band A delegation and in consultation with the Employment Relations Manager.

**Definitions:**

In accordance with the Procedure for Pre-Employment Checks for Prospective Appointees to Massey University: Appendix A, the definition for '*high risk'* positions or what is deemed to be "*genuinely relevant*", is:

- Positions that have moral and/or ethical responsibility, including areas where people are dealing with vulnerable individuals and/or providing an element of pastoral care.
- Positions that have a high level of accounting and financial responsibility and any role that has financial delegated authority to approve expenditure. Also positions with high-level access to University systems and commercially sensitive information such as core IT systems or Treasury functions.
- Positions which have a specific health capacity requirement for safe performance of duties. Examples are roles which have tasks that require distinction of colour (e.g. electrical work), visual accommodation, noise or tone distinction, exposure to sensitising chemicals, allergy to animals, repetitive movements, strength, stamina, or physical dexterity.
- Positions where the person could perform the duties of the position satisfactorily only with the aid of special services or facilities and it is not reasonable to expect the employer to provide those services or facilities.
- Positions which are providing regulated services as part of a specified organisation under the Vulnerable Children Act 2014. (Provisions related to the required safety checks for these positions are set out below.)

Significant and/or questionable previous employment history relates to history of significant concern i.e. serious misconduct that has resulted in some form of formal discipline for the individual and/or dismissal. Previous Employment at Massey University Checks will not include information regarding written warnings that have expired or settlement agreements where it is agreed that the terms of settlement and all matters discussed remain confidential to the parties.

**Children's Workers under the Vulnerable Children Act 2014:**

A children's worker is defined under the Vulnerable Children Act 2014 ("the Act") and includes core and non-core children's workers. These workers must undergo specific safety checks prior to employment and on a regular basis thereafter (three-yearly). The components of the safety check process are:

i. Identity verification;
ii. NZ police vet;
iii. Reference check;
iv. Interview;
v. Risk assessment.

Items (iii) and (iv) are not required for the periodic safety check, and (i) is only necessary where there have been names changes in the preceding period.

*© This Policy is the property of Massey University*

A children's worker is one providing a regulated service in a specified organisation. Massey University per se is not a specified organisation except in situations where it is explicitly state funded to provide a regulated service.

A children's worker is defined under the Act as one:

- Whose work may or does involve regular or overnight contact[1] with a child or children; **and**
- This takes place without a parent or guardian of the child, or of each child, being present.

This is also the definition of a "non-core" children's worker. A "core" children's worker is one whose work allows them to be the *only* children's worker present with the child/ren or the worker with primary responsibility for the child/ren in providing a regulated service.

A children's worker position should not in any circumstances be offered to an applicant until all the requirements of the safety check have been met. This is a legislative requirement.

All children's workers must undergo a periodic safety check every three years. As noted above, this periodic check must require the person to confirm whether since the last safety check whether their name has changed or is different from any original documentation supplied, a police vet unless they are registered by a professional organisation that regularly carries out police vetting every 3 years, check with the professional organisation their current registration or licence and any information that may be relevant to an assessment of the person, a risk assessment of the person.

Managers undertaking safety checks of children's workers must retain the information pertaining to the employee and advise People and Culture of the date the check was completed.

**Confidentiality:**

The University is committed to maintaining confidentiality of pre-employment checks and the results of such checks unless there are circumstances involving probable risk to the safety of any person/s, or where maintaining confidentiality would be unlawful, or when this would compromise principles of natural justice.

**Audience:**

All staff involved in the recruitment and selection process.

**Relevant legislation:**

Criminal Records (Clean Slate) Act 2004
Official Information Act 1982
Privacy Act 1993
State Sector Act 1988
The Human Rights Act 1993
Health and Safety at Work Act 2015
Vulnerable Children Act 2014
Vulnerable Children (Requirements for Safety Checks of Children's Workers) Regulations 2015

**Legal compliance:**

The Criminal Records (Clean Slate) Act 2004 binds the Crown (Section 5); therefore, any checks requested by Massey University must comply with this legislation and abide by the criteria set out in this Act.

The Official Information Act 1982 requires Massey University to comply with the requests and right of access to personal information (sections 12 and 24) when seeking personal information on potential applicants.

[1] As well as physical contact (face to face), contact also includes by telephone, email or other electronic communication.

*© This Policy is the property of Massey University*

The Privacy Act 1993 requires Massey University to comply with its 12 Principles in regards to the collection of personal information, the manner in which it is collected and the storage and security of personal information. In addition, Massey University is required to provide the individual concerned with access to their personal information (unless there is an express promise of confidentiality as can be the case with referee reports) and the ability to request correction of information if necessary. The University must adhere to the limits on the use of personal information collected in that the University may only collect personal information for the intended purposes of selection for appointment of the individual and this information cannot be used for any other purpose. It is essential that the personal information gathered is checked before use to ensure the information is accurate, up to date, complete, relevant and not misleading. The personal information obtained shall not be kept for longer than it is required for the purposes for which the information may lawfully be used.

The State Sector Act 1988 requires Massey University to maintain appropriate standards of integrity and conduct among employees. The pre-employment check process significantly strengthens the key control around employment risk to guard against misrepresentation during the recruitment process and the risk of potential fraud within the organisation after the person is employed.

The Human Rights Act 1993 prohibits Massey University from discriminating against any employee, job applicant or contractor on the grounds of sex, marital status, religious belief, colour, race, ethnic or national origin, disability, age political opinion, employment status, family status or sexual orientation.

The Health and Safety at Work Act 2015 requires practicable steps to be taken to prevent any action (or inaction) that might cause harm to another person. This obligation makes it legitimate, in appropriate cases, to undertaken a pre-employment health check to ensure a person is not placed in a position which is likely to cause harm to that person or others.

The Vulnerable Children Act 2014 requires safety checking of people employed or engaged in work that involves working with vulnerable children as part of a specified organisation providing regulated services. This requirement helps reduce the risk of harm to children in support of the Government priorities for improving the wellbeing of vulnerable children.

The Vulnerable Children (Requirements for Safety Checks of Children's Workers) Regulations 2015 detail the various components and specific requirements of the safety check required under the Vulnerable Children Act 2014.

**Related procedures / documents:**

Procedure for Pre-Employment Checks for Prospective Appointees to Massey University
Policy on Verification and Validation of Qualifications
Procedures on Verification and Validation of Qualifications
Delegations of Authority Document – Human Resource Delegations
Vulnerable Children Act Guidelines

**Document Management Control:**

Prepared by: Employment Relations Advisor
Authorised by: DVC People and Culture
Approved by: SLT 19/09/153
Date issued: 10 May 2011
Last review: November 2018
Next review: June 2023

*© This Policy is the property of Massey University*