

## POLICY ON PRE-EMPLOYMENT CHECKS FOR PROSPECTIVE APPOINTEES

<b>Section</b>	People & Organisational Development
<b>Contact</b>	People & Organisational Development
<b>Last Review</b>	May 2015
<b>Next Review</b>	May 2018
<b>Approval</b>	SLT 15/12/262

### 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 (other than children's workers as defined by the Vulnerable Children Act 2014) shall be subject to the following pre-employment checks prior to the commencement of employment at Massey University:

- i. Referee Check from either their current employer or last employer, and
- ii. Qualifications Check, 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. New Zealand citizenship/Permanent residency or valid work permit. If work permit, 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' or the check can be demonstrated to be a 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, and where this is not received by the agreed start date, the appointee may be appointed on a casual employment agreement, but in all cases employment 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](#), Senior Leadership Team (Level 3) approval in

consultation with the Employment Relations Manager, is required to appoint a prospective applicant with evidence of any issue identified from a pre-employment security check.

#### 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 genuinely relevant is:

- Positions that have moral and/or ethical responsibility, areas where people are dealing with vulnerable individuals.
- 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 which are such that 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 in which the terms of settlement and all matters discussed in regards to this matter shall remain confidential to the parties.

#### Children's Workers under the Vulnerable Children Act 2014.

A children's worker or core children's worker as defined under the Vulnerable Children's Act 2014 must undergo specific safety checks prior to employment. 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 one:

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

A Core Children's worker is one whose work allows them to be the only children worker present or the worker with primacy responsibility for the child in providing a regulated service.

A childrens worker position should not in any circumstances be offered to an applicant until all the requirements of the safety check have been met.

All childrens workers must undergo a safety check every 3 years. 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

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<sup>1</sup> Note that as well as physical contact (face to face) contact also includes telephone, email or other electronic communication

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 childrens workers must retain the information pertaining to the employee.

**Confidentiality:**

The University is committed to maintaining confidentiality 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 in Employment Act 1992  
The Vulnerable Children Act 2014  
Vulnerable Childrens 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.

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 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 1) misrepresentation during the recruitment process and 2) 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 in Employment Act 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 in order to reduce the risk of harm to children in support of the Government priorities for improving the wellbeing of vulnerable children.

**Related procedures / documents:**

[Procedure for Pre-Employment Checks for Prospective Appointees to Massey University](#)  
[Delegations of Authority Document – Human Resource Delegations](#)  
[Vulnerable Childrens Act Guidelines](#)

**Document Management Control:**

Prepared by: Employment Relations Advisor  
Authorised by: AVC People & Organisational Development  
Approved by: SLT 12/11/263  
Date issued: 10 May 2011  
Last review: May 2015  
Next review: May 2018

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