

## PROCEDURES FOR 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 these procedures is to maintain a high standard of integrity, expertise and good character in all staff appointments to Massey University, while also enabling hiring managers to move quickly to secure preferred candidates. Pre-employment checks on criminal/traffic history, credit checks, academic qualifications, referee, previous Massey University employment and health assessment information shall be required for particular positions within the University.

### Procedures:

#### Planning

Hiring managers should plan up-front so that any required pre-employment checks are clearly identified and the appropriate forms and procedures are ready to go at the critical time. This will enable the hiring manager to move quickly to offer employment once a preferred candidate is identified.

- (a) when the Job Description is drafted, the required pre-employment checks and, if applicable, safety checks of childrens workers under the Vulnerable Children Act 2014 should be identified. This will also enable the required check to be included in the application form on the online recruitment system.
- (b) The following checks may be commenced at the short-listing stage, by –
  - (i) Contacting the [HRHelpdesk](#) to ascertain whether the candidate has previous employment at Massey;
  - (ii) Asking the candidate to bring to the interview or to sign at the interview, the following (as applicable):
    - Consent form for Security Check
    - Consent form for Credit History Check
    - Proof of identity (passport, birth certificate, NZ driver's licence)
    - Qualifications for copying and certifying or certified copies of qualifications
    - Consent to Health Assessment Check (modify the pro-forma template to reflect the requirements of the role)
- (c) The checks remaining to be completed (except the referee checks, unless Associate Professor or Professor level), may then be –
  - (i) commenced immediately upon the preferred candidate being identified, or
  - (ii) may even be undertaken for all shortlisted applicants immediately upon shortlisting so that these are potentially available at the time of interview.

Referee Checks should not be undertaken until the preferred candidate stage (except for Associate Professor and Professorial-level academic staff for whom it is conventional to seek referee reports at shortlisting stage).

#### Employment offer documentation

Hiring Managers are required to complete the relevant Appointment Details Form ([Template available](#)). The recommendation should clearly specify if the offer is to be made on a conditional basis and, if so, which pre-employment checks the offer is subject to and which checks have been undertaken or are yet to be undertaken. The completed form should then be forward to POD for processing or forwarded to their manager if approval is required.

The manager approving the appointment should satisfy themselves that the required pre-employment checks have been undertaken or, where the offer is on a conditional basis, that the required check process has been initiated.

On receipt of the Appointment Details Form and associated documentation, HR Services will produce an offer of employment reflecting the specifics set out in the Appointment Details Form, including any conditional aspects of the offer.

### **Commencement of Employment**

An employee is unable to commence employment at the University where it would be illegal to do so because they have not provided required evidence of the right to work in New Zealand and where proof of identity has not been provided. Where any other condition of employment specified in the employment offer has not been satisfied by the agreed date of commencement of employment, then to ensure that the employee is not economically affected, they may be employed on a casual employment agreement until the satisfactory check has been received.

#### **1. Criminal and Traffic Convictions (Security) Checks:**

1.1 Massey University must comply with The Criminal Records (Clean Slate) Act 2004 which in short sets out where, in certain circumstances, people with a criminal record can have that record concealed. In order to be eligible for concealment, the individual **must not** have:

- had any convictions within the last seven years; and have:
- been sentenced to a custodial sentence (including imprisonment or corrective training); and
- been ordered by a Court to be detained during a case due to his/her mental condition; and
- been convicted of a “specified offence” (e.g. sexual offending against children); and
- defaulted on any fine, reparation or costs ordered by the Court in a criminal case; and
- been indefinitely disqualified from driving under Section 65 Land Transport Act 1998(or equivalent).

Under this Act, when an individual meets all of the eligibility criteria (set out above), he/she is entitled to say “no” if asked if they have criminal convictions. Further, when the eligible individual requests a copy of their criminal record, either for their own use or to forward to a third party (such as a prospective employer), any convictions they had in the past will simply not be on their criminal history record.

1.2 Any position with a high level of accounting and financial responsibility and any role that has financial delegated authority to approve expenditure and/or has a moral or ethical responsibility and/or an element of pastoral care in roles that deal with vulnerable individuals, shall provide a security check of any criminal/traffic history. This provision shall apply to all positions as identified in Appendix A.

1.3 All positions requiring a Criminal and Traffic Convictions (Security) Check will have this requirement included in the job description.

1.4 For clarity overseas applicants who have had criminal history checks carried out as part of the New Zealand Immigration requirement in order to take up an offered appointment at Massey University will be considered to have met the criteria above.

1.5 The Chair of the Selection Committee (Manager) will ensure that ‘Section Two: Third Party Details’ of the Ministry of Justice Criminal and Traffic Convictions (Security) Checks (Priv/F2) form is completed and attached to the online recruitment system approval documentation. The Priv/F2 form requests details of the preferred applicant's

criminal and traffic history under the Official Information Act 1982 and is available on the [Recruitment Section](#) of the People and Organisational Development (POD) website or the Ministry of Justice website [www.justice.govt.nz/privacy](http://www.justice.govt.nz/privacy). This semi-completed form will be loaded on online recruitment system as an attachment by the hiring School/Institute/Service so the Chair of the Selection Committee can have access to this document for point 1.6 below.

- 1.6 The Chair of the Selection Committee shall ensure the preferred applicant completes a Criminal and Traffic Convictions (Security) Check Form (Priv/F2). The preferred applicant will complete Sections 1 and 3 of the form and send this to the Ministry of Justice for processing.
- 1.7 The Ministry of Justice will process this form free of charge as part of their standard service and provide their response to the Chair of the Selection Committee usually within 20 working days. Alternatively, managers may choose to pay for a priority service which has a 5-8 working day turnaround. Should this option be chosen, then this cost will be met by the hiring managers budget. Details for accessing this service can be found on the POD website under [Criminal and Traffic Convictions \(Security\) Checks](#).
- 1.8 As the process of requesting this check could potentially add time to the appointment process of up to a maximum of 20 days, managers may consider requesting Criminal and Traffic Convictions (Security) checks for all short listed applicants prior to interviewing.

#### Conditional Offers subject to Security Check

- 1.9 The normal University approval process for the preferred applicant can commence immediately. However if the Criminal and Traffic Convictions (Security) check is not yet received from the Ministry of Justice by the time the offer of employment is ready to be made in writing, then the offer of employment must be made expressly conditional on a satisfactory check by the Ministry of Justice and the need for the security information to be received and considered by Massey University to meet the University standard. Please note that if a conditional offer of employment is extended, and accepted by an employee, they **must not commence duties before the information has been received and considered by Massey University to meet the University standard** unless this on a casual employment agreement basis.
- 1.10 Wherever the Criminal and Traffic Convictions (Security) check requested provides evidence of the preferred applicant having a previous criminal or significant traffic history, **the applicant may only be appointed with the approval of the relevant Senior Leadership Team (SLT) member (in consultation with the Employment Relations Manager)**.
- 1.11 Where a criminal or significant traffic history is evident, the hiring manager will send any appointment files, to the relevant SLT member for consideration and will also check the initial application form to ensure that correct information was disclosed with regard to previous convictions.
- 1.12 Should the applicant already have signed the letter of offer and the University subsequently receives a Criminal and Traffic Convictions (Security) check that provides evidence of the new employee having a previous criminal or significant traffic history which is unsatisfactory to the University, then in line with the Employment Relations Act 2000, the University will consult with that employee before making and advising any final decision not to commence permanent employment.

## **2 Credit History Checks:**

- 2.1 Any position with a high level of accounting and financial responsibility and any role that has financial delegated authority to approve expenditure shall provide two credit history checks to identify whether the applicant is under financial stress, whether they have judgments against them and whether they have been classed as bankrupt. This provision shall apply to all positions as identified in Appendix A. All positions requiring a credit history check will have this requirement included in the job description. The Credit Check involves two checks:
  - Credit History Check
  - Insolvency register - ‘No Asset Procedure’ (NAP) Check

### Credit History Check

- 2.2 A copy of the 'My Credit File' Form will be attached to the online recruitment system by the hiring School/Institute/Service for applicants to view, download and print. The form is available on the providers website (currently Veda Advantage Personal Information Services: [www.mycreditfile.co.nz](http://www.mycreditfile.co.nz))
- 2.3 The Chair of the Selection Committee shall ensure the applicant completes the Credit History Check by completing the 'My Credit File' form. The form requests details of the applicant's credit history and all sections must be completed by the preferred applicant. With the applicant's consent having been obtained, the hiring manager has several options for obtaining a credit report, depending on how quickly the report is needed:
- A. Fast Track  
Managers may choose to pay for the 'My Credit File' online which will be dispatched to the applicant within one working day via email. Should this option be chosen, then this cost will be met by the hiring managers budget. Details for accessing this service can be found on the POD website under [Credit History Check](#).
- B. Start standard process early, at shortlisting stage  
As the process of requesting a credit history check could potentially add time to the appointment process of up to a maximum of 20 working days, managers may consider requesting a credit history checks for all short listed applicants prior to interviewing.
- C. Standard process (up to 20 working days)  
Once the consent form is completed the applicant will send this to Veda Advantage (NZ) Limited for processing. The service provider (currently Veda Advantage (NZ) Limited) will process this form free of charge and provide their response to the applicant within 20 working days. The applicant will then be required to forward this information to the Chair of the Selection Committee.

### Insolvency Register Check

- 2.5 In addition, the Chair of the Selection Committee will complete a 'No Asset Procedure (NAP)' credit history check to determine whether the preferred applicant has entered into an insolvency procedure. This will involve checking the insolvency register on the Insolvency and Trustee Service (Ministry of Economic Development) website <http://www.insolvency.govt.nz/cms>. This is free of charge and results of the check are instant.

### Conditional offers subject to Credit Checks

- 2.7 The normal University approval process for the preferred applicant can commence immediately. However if the credit history check is not yet received from Veda Advantage (NZ) Limited by the time the offer of employment is ready to be made in writing, then the offer of employment must be made expressly conditional on a satisfactory check by Veda Advantage (NZ) Limited and the need for the credit history information to be received and considered by Massey University to meet the University standard. Please note that if a conditional offer of employment is extended, and accepted by an employee, they **must not commence duties before the information has been received and considered by Massey University to meet the University standard** unless this on a casual employment agreement basis.
- 2.8 Wherever the credit history information requested provides evidence of the preferred applicant having a credit history of a significant concern e.g. records of payment defaults (overdue accounts), District and High Court judgments, bankruptcy listings, collection agency defaults; **the applicant may only be appointed with the approval of the relevant Senior Leadership Team (SLT) member (in consultation with the Employment Relations Manager).**
- 2.9 The hiring manager will send any appointment files where a credit history is evident, to the relevant SLT member for consideration and will also check the initial application form to ensure that correct information was disclosed with regard to their credit history.

### **3 Referee Checks:**

- 3.1 Hiring managers shall, as a minimum, require every preferred applicant for a staff appointment to provide a referee from either their current employer or last employer and a referee check(s) undertaken before an offer of appointment is confirmed.
- 3.2 It is good practice but not a strict requirement to undertake three referee checks however in all cases at least one direct referee check should be undertaken. For more senior or critical roles with organisational impact, it will be usual for three referee checks to be undertaken.
- 3.3 Referee contact can only be made with the permission of the prospective applicant. Contact with the referees of an applicant without the expressed permission of the applicant, will breach the Privacy Act 1993.
- 3.4 Where a reference from a current or last employer is provided in writing, the hiring manager should seek the preferred applicant's permission to contact the referee directly to confirm that the written reference is their view.
- 3.5 If the preferred applicant refuses permission for their current or last employer to be contacted, they must not be contacted. The hiring manager may however, after considering the reasons for refusal, reconsider the preferred applicant's suitability for the position. The appointing manager should discuss this circumstance with their HR Advisor.
- 3.6 All referee checks should be recorded and attached to the appointment details form which is submitted for approval.

### **4 Academic Qualification, Proof of Identity and Work Permit Checks:**

- 4.1 All prospective appointees to staff positions at Massey University shall provide clear, legible and verified copies of the following items prior to commencing duties:
  - Academic Qualifications - note this includes trade and professional body qualifications relevant to position
  - Proof of identify, e.g. birth certificate, passport or New Zealand drivers licence
  - New Zealand citizenship/permanent residency or a valid work permit. If work permit, this must show suitability to work at Massey University and eligible for the role offered.
- 4.2 A verified copy means one that is confirmed by a Justice of the Peace, Lawyer, Notary Public, a Massey University People and Organisational Development staff member or a hiring manager as a true and accurate copy of the original and means that the original document has been sighted by the person providing the verification assurance.

### **5 Previous Employment at Massey University Check:**

- 5.1 All applicants will be required to complete the previous employment at Massey University check as outlined in the Massey University Application for Employment Form.
- 5.2 At the time of determining the short listed applicants to be interviewed, the Chair of the Selection Committee will notify the HRHelpdesk ([HRHelpdesk@Massey.ac.nz](mailto:HRHelpdesk@Massey.ac.nz)) of any potential shortlisted applicant(s) who declared they have worked previously at Massey University. The HRHelpdesk will confirm whether the individual's reason for leaving the University was due to a significant and/or questionable previous employment matter. 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 any settlement agreements in which the terms of settlement and all matters discussed in regards to this matter have been agreed to be kept confidential to the parties.

- 5.3 Prior to the applicant being updated to shortlisted on the online recruitment system and being contacted for an interview, the HRHelpdesk will need to confirm with the Chair of the Selection Committee that the applicant has cleared the Previous Employment at Massey University Check.
- 5.4 Wherever the pre-employment check provides evidence of the applicant having a previous questionable employment history of a significant concern, the applicant may only be shortlisted and interviewed if the hiring manager has gained the prior approval of **the relevant Senior Leadership Team (SLT) member (in consultation with the Employment Relations Manager)**.

## 6 Health Assessment Pre-employment Check:

- 6.1 Where a position requires a particular health capacity status for safe performance of duties, then the health requirement is to be included in the position description prior to appointment.
- 6.2 The chair of the selection committee will be responsible for checking that applicants have the required capacity to perform the duties for which they have applied i.e. before the appointment details form is completed. For example colour perception for staff working with electrical systems may be a position requirement, which may require an applicant to undergo an eye examination.
- 6.3 Professional medical opinion should be sought if there is uncertainty as to an applicant's capacity to safely undertake the health capacity requirement of the position. Usually the self-disclosure and assessment on the application form by the applicant will be sufficient. A pro-forma letter of request for a Doctor's Opinion is available on the [POD website](#) which will require modifying to reflect the nature of the job.

### Conditional offer subject to Health Check

- 6.4 If a health check is required and the health check is not yet received by the time the offer of employment is ready to be made in writing, then the offer of employment must be made expressly conditional on a satisfactory health check and the need for the health report to be received and considered by Massey University to meet the University standard. Please note that if a conditional offer of employment is extended, and accepted by an employee, they **must not commence duties before the information has been received and considered by Massey University to meet the University standard** unless this on a casual employment agreement basis.

## 7 Safety Checking of Children's Workers under the Vulnerable Children Act 2014:

- 7.1 The procedures for safety checks on *children's workers* (and core workers) are set out in the VCA and the Vulnerable Children Regulations 2015. The components of the process are:
- **Identity verification** requires the individual to be sighted together with a primary and a secondary identity document. The primary identity document will usually be a passport<sup>1</sup> or birth certificate, and the secondary document a New Zealand driver licence or New Zealand student ID card. If neither of these contains a photo, then the applicant must provide a photo, authenticated by an identity referee (see regulation 5 in the Vulnerable Children Regulations 2015).

An alternative to this procedure is to use an approved electronic identity credential, such as RealMe (see: [www.realme.govt.nz](http://www.realme.govt.nz)).

If the person's name is different to their identity documents, they must provide supporting name change documents.

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<sup>1</sup> The Act is silent as to whether the passport should be current

Once the identity documents have been obtained, the specified organisation must also check their records to ensure that this identity has not been claimed by anyone else within the organisation.

- **New Zealand police vetting** must have been carried out by the specified organisation. The vetting does not need to be repeated if the specified organisation has previously obtained a check within the last three years, or if the person is part of a professional organisation that carries out vetting at intervals of not less than three years. It is suggested that this is not done until the student has been provisionally accepted into a course, to prevent multiple vetting of the same individual.

The Criminal Records (Clean Slate) Act 2004 does not apply to specified offences for core children's workers

- **Reference check** At least one referee who is named by the applicant (and not related to the applicant) must be contacted and asked whether the person poses a risk to the safety of children. This could be done electronically and could use questions such as:
  - *In what capacity do you know the applicant?*
  - *How long have you known the applicant?*
  - *Do you have any concerns about the applicant's suitability to work with children?*
  - *Would you be happy for the applicant to take care of your children?*
  - *Are there any other comments you would like to make?*
  - *Are there any matters you would like to discuss by phone?*

If the first referee raises concerns, then obtaining further references would seem appropriate.

- **Interview**, in person or otherwise, to inform the assessment of risk. Questions need to be appropriate for the work history of each applicant. Appropriate questions might be:
  - *Is there any reason, including past events, you might be perceived to pose a risk to children?*
  - *Can you tell us about your experience working with children; throughout this experience have you encountered any particular challenges or difficulties; what were they and how did you respond to them?*
  - *Do you have any convictions that would preclude you from being engaged as a children's worker?*
  - *Are there any investigations or other matters that may be disclosed in the safety checking process?*
- **Work history** over the previous 5 years should be documented. Memberships of or licensing/registration by relevant professional organisations must be recorded. If such membership/registration exists, this must be confirmed with at least one of the organisations named.
- **A risk assessment** of the applicant with respect to the safety of children must be undertaken, based on the material from the bullet points above. It is an offence to employ a core worker convicted of offences specified in Schedule 2 of the Act. Otherwise, the VCA does not require specific actions in response to information gathered. The final decision about whether a person is safe to work with children remains the sole responsibility of the specified organisation, who should act at all times in the best interests of children accessing the service.

7.2 All positions that are defined under the Vulnerable Children Act 2014 will have this requirement included in the job description.

7.3 The Chair of the Selection Committee shall be responsible for ensuring the full safety checking of the preferred applicant is completed and considered to meet the requirements of the Vulnerable Children Act 2014.

#### Conditional Offers subject to the completion of the Safety Checking of Children's workers

7.4 The normal University approval process for the preferred applicant can commence immediately. However if the Safety Checking of Children's Workers is not yet completed by the time the offer of employment is ready to be made in writing, then the offer of employment must be made expressly conditional on the successful completion of this check. Please note that if a conditional offer of employment is extended, and accepted by an employee,

they will be placed on limited duties with work that does not relate to children until the information has been received and considered to meet the requirements of the Vulnerable Children Act 2014.

- 7.5 In the first year in which these procedures are in place, any appointments should be referred to the Employment Relations Team first before an offer is made to ensure all the checking as required has been undertaken.
- 7.6 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 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.
- 7.7 Managers undertaking safety checks of childrens workers must retain the information pertaining to the employee.

### **Information Storage:**

All information on applicants will be held securely in line with the principles of the Privacy Act 1993.

At the conclusion of the recruitment and selection process, all pre-employment information (excluding information gathered as part of the Vulnerable Children Act) must be provided to People and Organisational Development and all information relating to Criminal and Traffic Convictions (Security) Checks, Credit History Checks and Health Assessment Pre-employment Checks will be destroyed. Copies of the results of such checks are prohibited.

Any information gathered as part of the Safety Checking of Children's Workers under the Vulnerable Children Act 2014 must be provided to People and Organisational Development for filing on the successful applicant's personal file. This information must not be retained by the hiring manager/department.

### **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

### **Related procedures / documents:**

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 Children's 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 includes not placing a person in a position which is likely to cause injury to that person or others. This obligation makes it legitimate, in appropriate cases, to undertake 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:**

[Policy on Pre-Employment Checks for Prospective Appointees](#)  
[Delegations of Authority Document – Human Resource Delegations](#)

### **Document Management Control:**

Prepared by: Employment Relations Advisor  
Authorised by: AVC People & Organisational Development  
Approved by: SLT 15/12/262  
Date issued: 10 May 2011  
Last review: May 2015  
Next review: May 2018