

PROCEDURES FOR PRE-EMPLOYMENT CHECKS FOR PROSPECTIVE APPOINTEES

Section	People and Culture
Contact	People and Culture
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Purpose:

The purpose of these procedures is to specify the type and manner in which pre-employment checks are undertaken to ensure a high standard of integrity, expertise and good character in all staff appointments to Massey 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 avoid unnecessary delays and 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 children's workers under the Vulnerable Children Act 2014, should be identified. This will ensure the University's expectations are clear to candidates.
- (b) The following checks may be commenced at the short-listing stage, by –
 - (i) Contacting the [HRHelpdesk](#) to ascertain whether the candidate is currently employed or 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 and legal entitlement to work in New Zealand (passport, birth certificate, New Zealand driver's licence)
 - Qualifications for copying and certifying or certified copies of qualifications (where verification is required in accordance with the [Policy on Verification and Validation of Qualifications](#))
 - Consent to Health Assessment Check (modify the [pro-forma letter](#) 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.

Qualification checking must be undertaken in accordance with the [Policy and Procedures on Verification and Validation of Qualifications](#). These checks are normally only undertaken for the preferred candidate/s.

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). This does not preclude a hiring manager from seeking Referee Checks prior to the preferred candidate stage provided that the candidate has given permission for their referees to be contacted at that stage.

Employment Offer Documentation

Hiring Managers are required to complete the relevant Appointment Summary Form (available through the [online recruitment system](#)). The recommendation should clearly specify if the offer is to be made on a conditional basis and, if so, which pre-employment check/s the offer is subject to and which check/s have been undertaken or are yet to be undertaken. Following the necessary approval/s, the completed form and all accompanying documentation should then be forwarded to People and Culture via the recruitment system.

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 Summary Form and associated documentation, HR Administration will produce an offer of employment reflecting the specifics set out in the Appointment Summary 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 the required evidence of the legal right to work in New Zealand. Similarly, a person should not commence employment at the University where proof of identity has not been provided.

A children's worker position should not in any circumstances be able to commence employment until all the requirements of the safety check have been met. This is a legislative requirement. (However, as noted in 8.4 of this document it is possible to engage the children's worker in limited duties with limited or no contact with children until the safety check is completed and considered to meet the requirements of the Vulnerable Children Act 2014.)

Where any other conditions of employment specified in the employment offer have not been satisfied by the agreed date of commencement of employment, the start date will be affected. However, to enable the employee to commence their orientation to the role and the University, the manager can elect to employ the person on a casual employment agreement until the satisfactory checks have been received at which point the initial employment agreement will be in force.

Details of Specific Checks:

1. Criminal and Traffic Convictions (Security) Checks:

- 1.1 Massey University must comply with the Criminal Records (Clean Slate) Act 2004 which allows people to exclude previous convictions from being disclosed, if the following conditions are met:
- No convictions within the last seven years; and
 - Never been sentenced to a custodial sentence (including imprisonment, corrective training, borstal); and
 - Never been ordered by a Court following a criminal case to be detained in a hospital due to his/her mental condition instead of being sentenced; and
 - Not been convicted of a "specified offence" (e.g. sexual offending against children and young people or the mentally impaired); and
 - Paid in full any fine, reparation, or costs ordered by the Court in a criminal case; and
 - Never been indefinitely disqualified from driving.

Under this Act, when an individual meets all of the eligibility criteria (set out above), he/she is entitled to say "no" if asked whether 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 Service requirements in order to take up an offered appointment at Massey University, will be considered to have met the criteria above.

Criminal and Traffic Convictions Check – Process (for checks being undertaken in erecruit, see [section 1.9](#) below)

- 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 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 Culture (P&C) website or the Ministry of Justice website www.justice.govt.nz/privacy. This semi-completed form will be loaded into the 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 manager's budget. Details for accessing this service can be found on the P&C 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.
- 1.9 Instead of the manual criminal history checking process, if the position is being transacted through the recruitment system, erecruit, the following process applies:
 - A 'Request For Criminal Convictions History By a Third Party' form is automatically loaded in erecruit against a position for which Criminal History Check is indicated as required at the time a 'Requisition' (Request to recruit) is raised.
 - This check is triggered via erecruit if the panel convenor indicates that the check is to be initiated via the recruitment system (on the 'Reference and Additional Pre-Employment Checks Form' in erecruit).
 - The form is sent via e-mail to the candidate to fill in and return to recruitment@massey.ac.nz.
 - When the completed form is received, the Staff Recruitment Team will submit this to Ministry of Justice at priorityapps@timg.co.nz.
 - Upon receiving the form, the Ministry of Justice will perform the check and forward the result by email to the Staff Recruitment Team at People and Culture. The result file will then be uploaded against the candidate in the erecruit system and the result will be available on the Appointment Summary Form.
 - (Alternatively, the forms can be sent to the candidate manually as per the current practice – see 1.5-1.8 above.)

Conditional Offers subject to Security Check

- 1.10 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 security check. Please note that if a conditional offer of employment is made and accepted by an employee, the person **must not commence duties before the information has been received and considered by Massey University to meet the University standard**. This may affect the commencement

date contained within the offer of employment. In these circumstances, until the results of the security check are made available it is permissible for the manager to engage the person on a casual employment agreement basis with appropriate limited access to systems, information, people etc (as relevant depending on the role requirements).

- 1.11 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 manager with Authority Band A delegation (in consultation with the Employment Relations Manager).**
- 1.12 Where a criminal or significant traffic history is evident, the hiring manager will send any appointment files to the manager with Authority Band A delegation for consideration and will also check the initial application form to ensure that correct information was disclosed with regard to previous convictions.
- 1.13 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, the manager should consult with their HR Advisor in relation to appropriate proceedings to terminate the employment relationship.

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 – Process (for checks being undertaken in recruitment, see [section 2.4](#) below)

- 2.2 A copy of the 'My Credit File' Form will be attached to the recruitment system by the hiring School/Institute/Service for applicants to view, download and print. The form is available on the provider's website (currently Equifax: <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 manager's budget. Details for accessing this service can be found on the P&C website under [Credit History Check](#). Managers may choose to access the credit details directly via the [Equifax site](#).
 - 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 Equifax for processing. The service provider (currently Equifax) 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.

- 2.4 Instead of the manual credit history checking process, if the position is being transacted through the recruitment system, erecruit, the following process applies:
- A 'Credit check fast track form' is automatically loaded against a position for which Credit Check is indicated as required at the time a 'Requisition' (request to recruit) is raised in erecruit.
 - This check is triggered via erecruit if the Panel Convenor indicates that the check is to be initiated via the recruitment system on the 'Reference and Additional Pre-Employment Checks Form' in erecruit.
 - The form is sent via e-mail to the candidate to fill in and return to recruitment@massey.ac.nz.
 - Once the form is received, the Staff Recruitment Team undertakes the Credit Check directly from the Equifax website and uploads the result against the candidate in erecruit.
 - The result is available on the Appointment Summary Form.

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. In the erecruit system this check is performed by the Staff Recruitment Team in People and Culture. 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

- 2.6 The normal University approval process for the preferred applicant can commence immediately. However, if the credit history check is not yet received from Equifax 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 credit check. Please note that if a conditional offer of employment is made and accepted by an employee, the person **must not commence duties before the information has been received and considered by Massey University to meet the University standard**. This may affect the commencement date contained within the offer of employment. In these circumstances, until the results of the credit check are made available it is permissible for the manager to engage the person on a casual employment agreement basis with appropriate limited access to systems, information, people etc (as relevant depending on the role requirements).
- 2.7 Wherever the credit history information requested provides evidence of the preferred applicant having a credit history of 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 manager with Authority Band A delegation (in consultation with the Employment Relations Manager)**.
- 2.8 The hiring manager will send any appointment files where a credit history is evident to the relevant manager with Authority Band A delegation for consideration and will also check the initial application form to ensure that correct information was disclosed with regard to their credit history.
- 2.9 Should the applicant already have signed the letter of offer and the University subsequently receives a credit check that provides evidence of the new employee having a credit history of significant concern and this is unsatisfactory to the University, the Manager should consult with their HR Advisor in relation to appropriate proceedings to terminate the employment relationship.

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. For current or previous employees at Massey it is usual practice for the person's previous/current immediate line manager to be contacted in relation to the person's suitability for employment in the new position.

- 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 (or more) referee checks to be undertaken.
- 3.3 Referee contact can only be made with the permission of the applicant. Contact with the referees of an applicant without the express 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 managers should record or note their interactions with referees. The manager is required to make a declaration in the recruitment system attesting to the completion of referee checks in accordance with the [Policy on Pre-Employment Checks for Prospective Appointees](#).
- 3.7 Referee check(s) must be undertaken **before** an offer of appointment is confirmed. Managers are required to make a declaration via the recruitment system confirming that referee check(s) have been completed.

4. 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:
 - Proof of identity, e.g. birth certificate, passport or New Zealand drivers licence
 - Proof of legal entitlement to work in New Zealand, e.g. New Zealand citizenship/permanent residency or a valid work permit. If a work permit is provided, 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 as a true and accurate copy of the original by a Justice of the Peace, Lawyer, Notary Public, a Massey University People and Culture staff member or a hiring manager. It means that the original document has been sighted by the person providing the verification assurance.

5. Qualifications Check:

- 5.1 Prior to commencing duties at Massey University all prospective employees must have their qualifications verified and/or validated in accordance with the [Policy and Procedures on Verification and Validation of Qualifications](#).
- 5.2 The level of verification/validation and the process for obtaining the same is set out in the [Procedures on Verification and Validation of Qualifications](#). The Staff Recruitment Team will ensure that checks for those qualifications that are required for the job are undertaken before an offer of appointment is confirmed. Other qualifications checks are carried out by the Staff Recruitment Team as part of the onboarding process.
- 5.3 Notwithstanding the above, if an offer has been made and it is subsequently identified that the qualification/s of the applicant cannot be verified or validated in accordance with the policy, the offer of employment may be withdrawn prior to its acceptance. **This should only be undertaken following consultation with an HR Advisor.**
- 5.4 The process for verifying/validating qualifications that are indicated as required for the job (on the email triggered from erecruit) is set out below:
 - The Staff Recruitment Team in People and Culture will check the publicly available information (e.g. university websites and public registers for registration and practising certificate information).

- Where qualifications cannot readily be checked, the Staff Recruitment Team will initiate a check undertaken by a contracted organisation, CVCheck. If this outsourced check is undertaken, the cost is to be met by the hiring manager's department (an internal transfer will be arranged by the recruitment team).
- When the result of the check is received, it will be loaded in erecruit against the candidate's record.

6. Previous Employment at Massey University Check:

- 6.1 All applicants will be required to complete the Massey University Application for Employment Form that asks whether or not the individual has previously worked for Massey University.
- 6.2 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) of any potential shortlisted applicant(s) who declared they have worked previously at Massey University. The HRHelpdesk, through the Employment Relations Team, 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 where it has been agreed that the terms of settlement and all matters discussed remain confidential to the parties.
- 6.3 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.
- 6.4 Wherever the pre-employment check provides information that the applicant has had a previous questionable employment history of significant concern, the applicant may only be shortlisted and interviewed if the hiring manager has gained the prior approval of **the relevant manager with Authority Band A delegation (in consultation with the Employment Relations Manager)**.

7. Health Assessment Pre-Employment Check:

- 7.1 Where a position requires a particular health capacity status for safe performance of duties, then the health requirement is to be included in the job description prior to appointment.
- 7.2 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 or provide information from a registered health professional confirming the job requirement is met.
- 7.3 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 to trigger this process however new or further information may come to light in the interview process. A pro-forma letter of request for a health assessment by a registered medical practitioner is available on the P&C website. This letter will require modifying to reflect the nature of the job requirements.

Conditional Offers subject to Health Check

- 7.4 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. Please note that if a conditional offer of employment is made 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**. This may affect the commencement date contained within the offer of employment. In these circumstances, until the results of the health check are made available it is permissible for

the manager to engage the person on a casual employment agreement basis with appropriate limited duties (catering for the person's health issue and/or the physical requirements of the job).

8. Safety Checking of Children's Workers under the Vulnerable Children Act 2014:

8.1 The procedures for safety checks on *children's workers* (including both "core" and "non-core" children's workers) are set out in the Vulnerable Children Act 2014 and the Vulnerable Children (Requirements for Safety Checks of Children's Workers) 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 passport¹ 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).

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

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?*

¹ The Act is silent as to whether the passport should be current

- **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.

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

8.3 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

8.4 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 made, 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.

8.5 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.

8.6 All children's 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.

8.7 Managers undertaking safety checks of children's workers must provide all information pertaining to the employee to People and Culture.

Information Storage:

All information on applicants will be held securely in accordance with the Privacy Act 1993.

At the conclusion of the recruitment and selection process, all pre-employment information (including the outcome of the check/s undertaken) must be provided to People and Culture. 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

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
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 at Work Act 2015 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.

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:

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

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PROCEDURES FOR PRE-EMPLOYMENT CHECKS FOR PROSPECTIVE APPOINTEES

APPENDIX A:

Type of Check	Type of Applicant	When required	Academic			General			Management		
			i	ii	iii	i	ii	iii	i	ii	iii
Referee Check <i>Minimum of current or previous employer</i>	Preferred applicant	Pre Employment	✓	✓	✓	✓	✓	✓	✓	✓	✓
Qualifications - Relevant to Position - Trade - Professional Body	All applicants identified for short listing	Pre Employment	✓	✓	✓	✓	✓	✓	✓	✓	✓
Previous Employment at Massey University Check <i>Looking to ensure applicant hasn't been subject to a significant and questionable previous employment matter at Massey e.g. serious misconduct, dismissal, serious natured employment investigation, defendant in a complaint process that has been upheld.</i>	All applicants identified for short listing	Pre Employment	✓	✓	✓	✓	✓	✓	✓	✓	✓
Credit History <i>Looking to identify whether the applicant is under financial stress, whether they have judgements against them and whether they have been classed as bankrupt.</i>	Preferred applicant	Pre Employment			✓			✓			✓
Criminal and Traffic Convictions (Security) Checks - All convictions including traffic and fraud - Includes sentencing from court appearances - Doesn't include Youth Court Charges or less serious convictions in line with the Criminal Records Act 2004	Preferred applicant	Pre Employment		✓	✓		✓	✓		✓	✓
Health Assessment Pre-employment Check <i>Looking to ensure applicant has the required particular health capacity for safe performance of duties of the position</i>	All applicants identified for short listing	Pre Employment	*	*	*	*	*	*	*	*	*
Safety Checking of Children's Workers under the Vulnerable Children Act 2014 <i>All children's workers must undergo a periodic safety check every three years and this is a legislative requirement.</i>	All applicants identified for short listing	Pre Employment	+	+	+	+	+	+	+	+	+

Key: Level of Verification

- (i) Generalised population that doesn't fit into category ii or iii
- (ii) Positions with moral and/or ethical responsibility, areas where people are dealing with vulnerable individuals for example NSATS, Residential Assistants (RA's), Counsellors, International student support, Staff who are involved in Student Placements, and positions where individuals may have responsibility for access for research purposes to information about vulnerable individuals, or sensitive data where the primary sources (e.g. medical data) have yet to be anonymised, pseudoanonymised and/or keyed. This shall not apply automatically to academic positions simply by virtue of the inherent relationship which academic staff have with students, but may apply to academic positions which are determined by the College or School to involve risk of sufficient level to warrant use of the check.
- (iii) Positions with a high level of accounting and financial responsibility and any role that has financial delegated authority to approve expenditure. In addition, positions who have high-level access to University systems and commercially sensitive information such as core IT systems or Treasury functions. Examples of positions include Business Managers, Payroll, Finance and Asset Management, Office of Strategy, Staff with petty cash or ordering responsibility e.g. Registry Office Petty Cash Administrators, Finance Administrators and external appointments to Heads of Institutes/Schools/Sections.

This is not required for:

- (a) an internal appointee, where the relevant Level 3 manager determines that the position does not involve a significant change in career track (which may include appointment to a Head of Institute/School/Section where the scope and scale of financial responsibility is bounded by established robust checks and balances) and the applicant has an established record of good character in the University, being well known to the hiring manager through personal, direct, longstanding and current knowledge of the applicant.
- (b) one-off, short-term appointments of circa three months duration for which the immediacy of the need to make the appointment makes the check impracticable; or the work is undertaken under ongoing, close supervision which the hiring manager is satisfied makes it improbable that serious wrong-doing would occur.
- (*) The position description should specify any specific health requirements, and applicant assessed on case by case basis by hiring manager relative to the position Job Description. Examples are roles which have tasks that require distinction of colour, visual accommodation, noise or tone distinction, exposure to sensitising chemicals, allergy to animals, repetitive movements, strength, stamina, or physical dexterity.
- (+) All positions that are defined under the Vulnerable Children Act 2014 will have this requirement included in the job description. A children's worker is defined under the Act as one whose work may or does involve regular or overnight contact 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's worker present with the child/ren or the worker with primary responsibility for the child/ren in providing a regulated service.