Employee Background Checks Policy

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In developing this policy the University had regard to the provisions of section 40B(1)(b) of the Human Rights Act 2004 (ACT).

PURPOSE:

Employee Background Checks are a crucial part of the recruitment process. They help the University determine whether a candidate possesses the qualifications, skills, and experience required by the role and to ensure there are no impediments to their carrying out the role.

This Policy seeks to ensure:

- The recruitment of high-quality and trustworthy employees;
- The University is meeting legislative obligations; and
- The University can manage risk in the interest of sound corporate governance.

BACKGROUND

1. The Tertiary Education Quality and Standards Agency (TEQSA) has outlined specific requirements for tertiary institutions and teaching personnel, including that:
    a. Members of the higher education provider's corporate governing body and the higher education provider's key personnel are able to demonstrate that they are "fit and proper" persons; and
    b. Staff with responsibilities for academic oversight, teaching and supervisory roles have a qualification in a relevant discipline at least one level higher than the course of study (as per the Australian Qualifications Framework), or equivalent relevant academic or professional expertise.
2. Some roles may require an employee to hold current registration with a professional body (e.g. Registered Health Professional, Chartered Accountant, Lawyer etc.)
3. University staff are often engaged in sensitive conversations or have access to sensitive data relating to its students and/or research. The University must ensure that the staff who have access to this data or are engaged in these conversations are appropriately risk assessed in line with community standards and expectations.
4. The University has roles where trustworthiness and integrity are deemed as inherent requirements of the

position, for example positions that involve certain financial delegations; access to sensitive or confidential information; or access to/working with Vulnerable Persons.

5. If the University engages with Sensitive Defence or other Government research it may be necessary for relevant staff to obtain Government security clearances at the appropriate level. These situations will be dealt with on a case-by-case basis and will not be covered in this policy.

SCOPE:

This Policy applies to all new contracts for current and prospective University staff occupying a position that has been identified as requiring an Employee Background Check from the Effective Date of the Policy.
The Policy does not preclude the University from requiring an employee to undergo further Employee Background Checks in the course of their employment for whatever reason. Such a reason may include, but is not limited to:

- because the University deems that such an Employee Background Check is required in order for the employee to satisfactorily continue to perform their duties;
- because the University deems that such an Employee Background Check is necessary to comply with its obligations under legislation; and/or
- because a third party with whom the employee in question deals with in the course of their University duties requires an Employee Background Check to be carried out, and any associated clearance to be attained, prior to that employee performing any further work with them.

PRINCIPLE:

1. The University is committed to upholding a culture that provides a safe environment for our students, staff, visitors and other partners;

2. The University is committed to aligning with community standards and expectations as they relate to informed and risk-assessed recruitment;

3. The University recognises its responsibility with regard to compliance with the requirements of legislation, relevant Government agencies, and Tertiary Education accrediting bodies;

4. Offers of employment for new appointments are dependent and conditional upon on all required checks being and remaining satisfactory; and

5. The University is committed to the protection and safety of data and information, in line with its legislative obligations under the *Privacy Act 1988 (Cth)*.

TYPES OF CHECKS

Type of Check	Overview	Evidence Gathering

Reference Checking	Confirmation of an individual's performance and conduct from a current or former employer. For casual and sessional roles, alternative information may be ascertained to confirmed suitability.	• The Manager will undertake reference checking as part of the recruitment process. • For casual and sessional roles, the Manager confirms the individual has the skills, experience and aptitude to conduct the requirements of the role.
Working with Vulnerable People (WWVP) *Or relevant state/territory equivalence for alternate campus locations or online environments*	WWVP registration with the Office of Regulatory Services aims to reduce risk to Vulnerable Persons as established under the *Working with Vulnerable People (Background Checking) Act 2011* and ascertain if there is a notifiable outcome which may affect the safety of the campus, campus users or users of online environments. Exemptions referred to under "Registered Professional's" category in the *Type of Check* table are identified by Section 12(2) of the Act. This exemption extends to staff who are engaged in the regulated activity as a registered health practitioner, lawyer or financial services licensee under the Corporations Act. These staff are not required to hold WWVP by legislation. A copy of professional registration and/or license in the case of exemptions is required as evidence as referred to under "Registered Professional's" category.	• Copy of receipt of registration if WWVP is being processed; and/or • A scanned copy of the WWVP unexpired registration card. *Where a new employee does not have current WWVP Registration (or relevant state equivalent), the University will cover the initial cost of registration. Renewals will not be paid for by the University.*

National Police Check	Provides a full national criminal history check for an individual to identify if there are Disclosable Outcomes which may affect the safety of the campus or campus users or suitability for the role..	• Copy of receipt if National Police Check is being processed; and/or • A scanned copy of a National Police Check less than 3 months old. *The cost of the National Police Check will not be covered by the University.*
Qualifications	Confirmation an individual has completed the qualifications required for the position, or the qualifications they have declared to have obtained, or the individual has the equivalent relevant academic or professional experience (AQF) per the Recognition of Equivalence in Academic Staff Policy.	• Submission of scanned copies of relevant qualifications; or • Submission of equivalent relevant academic or professional experience.
Professional Registration	Confirmation an individual is registered with the appropriate registering authority, where the registration is required for the individual to perform the duties of the position.	• Submission of scanned copies of relevant registration. • The Manager will undertake checking of public registration records as relevant to the position.
Right to Work	Confirmation an individual has the legal right to work in Australia, consistent with legislative requirements.	• People and Diversity will undertake Visa checks for the *Department of Home Affairs Visa Entitlement Verification Online (VEVO)* for all those who do not hold Australian citizenship or permanent residency.

REQUIREMENT

Positions within the University identified as requiring a form of Employee Background Check are detailed in the Requirement table below. From time to time this table may be amended to reflect changes to legislation and University requirements.

	Type of Check						
Category	**Reference Checking**	**Working with Vulnerable People**	**National Police Check**	**Qualifications**	**Professional Registration**	**Right to work**	**Reason for Checks**
All staff	Y					Y	To ensure the employee is capable and has the right to be employed under Australian law.
SMG (SM0 and above) / Delegation Band 5 and above	Y	Y		If required	If required	Y	To confirm the employee is capable in consideration of the high-level delegations and requirements of the position.

Academic Staff engaged in Teaching (inc. sessional)	Y	Y		Y	If required	Y	To ensure the employee is appropriately qualified to meet TEQSA compliance and in consideration the employee will likely engage in activities with Vulnerable Persons.
Academic Staff engaged as Research Only (inc. sessional)	Y	1		Y	If required	Y	To ensure the employee is capable and has the appropriate qualifications required by the position.
Academic Staff in the following categories: *Guest Lecturers, Sessional staff not engaged in teaching activities (e.g. marking only).*	If required	1		If required	If required	Y	To ensure the employee is capable to perform the requirements of the position.
Registered Professionals (e.g. Chartered Accountants, Registered Health Professionals)	Y	2		Y	Y	Y	To ensure the employee has the appropriate qualifications as required by the position and/or Australian law.

Delegation Band 6 roles / Professional Staff employed at UC8 or above (inc. casual) (or as designated by the Director). Delegation Band 6 roles.	Y		Y	If required	If required	Y	To confirm the employee is capable in consideration of the high-level delegations and access to confidential and/or sensitive information required of the position.
Professional Staff (inc. casual) in roles identified as engaging in a Regulated Activity	Y	Y		If required		Y	To ensure employees are suitable to work in an environment requiring engagement in regulated activities under Australian Capital Territory law.
1 Required if engaged in a Regulated Activity 2 Required if engaged in a Regulated Activity, and the Working with Vulnerable People (Background Checking) Act 2011 (ACT) does not exempt the registered professional							

Type of Check	**Timing**
Reference Checking	Prior to offer being made
Working with Vulnerable People	Prior to commencement
National Police Check	Prior to commencement
Qualifications	Prior to commencement
Professional Registration	Prior to offer being made
Right to Work	Prior to offer being made

RESPONSIBILITIES:

Notification of Required Evidence

- The **Manager** in collaboration with **People and Diversity Staff** are responsible for reviewing the positions identified as requiring Employee Background Checks to ensure the inherent requirements of the role require such checks. **People and Diversity Staff** will ensure that advertisements and recruitment/onboarding related paperwork reflect this requirement.

Evidence Gathering

- Responsibilities as they relate to evidence gathering are identified within the 'Type of Checks' table above.

Assessment of Disclosable Outcomes from WWVP or National Police Check

- Assessment of Disclosable Outcomes will be undertaken in accordance with the *Employee Background Check Procedure*

LEGISLATION:

This policy is governed by:

- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Higher Education Standards Framework (Threshold Standards) 2021 (Cth)
- Human Rights Act 2004 (ACT)
- Racial Discrimination Act 1975 (Cth)
- Working with Vulnerable People (Background Checking) Act 2011 (ACT)

SUPPORTING INFORMATION:

Other related documents:

- Australian Qualifications Framework
- Charter of Conduct and Values
- Child Safety and Wellbeing Policy and Procedures
- Delegation of Authority Policy and Procedures
- Employee Background Checks Procedure
- Recognition of Equivalence in Academic Staff Policy
- Recruitment Procedures
- Talent Acquisition Policy

DEFINITIONS:

Terms	Definitions

Disclosable Outcome	Disclosable Outcomes are information gathered in the course of an Employee Background Check that may impact on an employee's suitability to perform their duties. This may include, but is not limited to, information relating to court convictions (including penalties and sentences), charges and findings of guilt with no conviction.
Employee Background Check	Include the checks set out in this policy.
Manager	The direct manager of the employment position.
Regulated Activity	Has the definition provided in the Working with Vulnerable People (Background Checking) Act 2011 (ACT**)**.
Vulnerable Persons	Has the definition provided in the Working with Vulnerable People (Background Checking) Act 2011 (ACT**)**.