



## Index

- Purpose
- Risks
- Recruitment process

## Purpose

Recruitment decisions in the Victorian public sector must comply with the merit employment principle. Recruitment is the process of finding and hiring the best person to fill a job vacancy in a timely and cost effective manner. The recruitment process includes analysing the inherent requirements of a job, attracting and screening applicants, offering employment to the preferred applicant and getting them on board. Wrong choices can easily be made at any of these stages. This guidance note will help employers to understand and manage the risks inherent in the recruitment process.

## Risks

### **Why is recruitment an important risk to be managed?**

Employers want to appoint the best person available to their organisation. They want to do this quickly and with minimal expenditure. If the person is not able to perform the work adequately, takes too long to get up to speed or ultimately leaves the organisation, then productivity and staff morale can be adversely affected.

### **What types of risk are associated with recruitment?**

There are a number of risks that need to be managed, both internally and externally.

## **Internal risks include:**

- The organisation acquires a new function either through machinery of government change or other means, that presents new integrity risks to be managed
- The organisation is large, decentralised and/or geographically dispersed so that HR is unable to sit on all selection panels or give timely advice
- Hiring managers lack recent recruitment experience and don't understand their practical and legal obligations including anti-discrimination and privacy
- The hiring manager creates a job description with a particular person in mind
- The hiring manager gives an unfair advantage to a particular person by having them act in a role for an extended period without first undergoing a competitive process
- Short cuts are taken to recruit someone quickly for a temporary assignment but mean that the market was not adequately tested
- A member of the selection panel does not declare a conflict of interest and advances the interests of an applicant who is a friend, relative or other close associate
- A member of the selection panel unfairly discounts an applicant because of personal bias against them
- The selection panel wrongly assumes that an applicant working for an organisation with a good reputation will necessarily have a good employment history
- The selection panel finds it difficult and time consuming to properly verify the credentials and work history of an applicant, particularly if they have spent a significant time overseas.

## **External risks include:**

- Employees accused of serious misconduct are encouraged to resign rather than be dismissed, possibly leaving an unfinished investigation behind
- Relevant information is not shared between employers, leading to the re-employment of people with questionable work histories
- The applicant falsifies their qualifications, registrations, licenses or employment history to increase their chance of being selected
- The applicant fails to disclose a relevant criminal record or personal association that would prevent them from performing the inherent requirements of the job
- The applicant's referee does not give an honest assessment of their work



performance and conduct

- The applicant's referee falsifies their role or their relationship to the applicant.

### **Post-employment risks include:**

- The new employee is corruptly influenced to make decisions in favour of a third party
- The new employee is a member of a group that is seeking to infiltrate the organisation
- Conflicts of interest associated with a new employee's secondary employment means that they are unable to fulfil their role

### **How can these risks be mitigated?**

Organisations that include recruitment in their risk management system, establish simple, transparent processes and keep a record of decisions taken will be better able to mitigate risks. Random auditing of the organisation's recruitment decisions would highlight any particular problems that need to be addressed through changes to policy or practice.

## **Recruitment process**

### **How can the organisation help managers to confidently recruit staff?**

Although recruitment is a natural part of every manager's role, it is not something that they need to do very often. It is therefore important for the organisation to publish clear, practical policies, step by step instructions and templates on its intranet or other readily accessible place. Examples include the VPSC's Best Practice Recruitment and Selection Toolkit.

Just in time training and refresher courses are better options than a one off approach to skills development. For example, organisations might consider using short videos to help remind managers of what they need to do next. Managers only need the information when they are about to recruit someone. They will not retain this information indefinitely.

Small and centralised organisations might consider having an HR representative on each selection panel. They can guide the manager through the process. Alternatively HR might offer an advisory service to managers so that they can discuss any issues that crop up.

Managers should be encouraged to document their decisions at each stage of the process. This allows the recruitment process to be audited.

## **What decisions must a hiring manager make when planning to fill a vacancy?**

Vacancies are an opportunity for managers to think about the staffing in their team. For example, the job may have changed over time. Its roles and responsibilities, qualifications or classification may have changed. Alternatively, the job may no longer be required on an ongoing basis. It might then be filled by fixed-term, temporary or contract employment. Or the job's responsibilities may be better assigned to other roles in the team. This might be done to become more efficient and streamline work.

## **Other questions the manager might consider are:**

- What are the inherent requirements of the job?
- Does the job require any mandatory qualifications, licenses or registrations to operate?
- Is there a legal requirement for a National Police Check or Working with Children Check?
- Does the job provide services to vulnerable clients, manage significant financial resources or have access to confidential information?
- Would a person's secondary employment in a related industry present a potential conflict of interest?
- Could personal associations compromise a person's ability to perform their role?
- Could the job be filled from within the organisation or should it be advertised more broadly?
- Will it be necessary to temporarily fill the vacancy while recruitment is taking place?
- How can the hiring manager make an objective decision about a job description?



The same role can be performed in different ways depending on the skills and interests of particular individuals. The manager might have a more narrow view of what is required based on how the job was previously performed or their knowledge of a particular person. Describing a job too narrowly can limit its attractiveness to potential applicants and also provide an unfair advantage to the person known to the manager.

Managers can avoid this risk by using objective tools such as the VPSC's Victorian Public Employment Capability Card Set, comparing the vacancy to similar jobs in the organisation or in the same industry and seeking HR advice.

## **How else can the hiring manager avoid providing an unfair advantage to someone?**

Someone who acts in a role for a significant period of time may come to believe they will be appointed to the job when it is finally advertised. To avoid this situation, the manager might choose to fill the vacancy without delay, share the acting assignment between different staff members, second someone at level from within the organisation or fill the temporary vacancy through a labour-hire company. The manager should certainly not involve the person in drafting any of the recruitment documentation or in answering any queries about the vacancy.

## **Why is taking short cuts in the recruitment process a risk?**

Managers may sometimes have an urgent need to fill a vacancy and may be tempted to take short cuts in the process including not advertising the job broadly, not completing background checks and not checking credentials. This represents a risk if the person is then found unsuitable for the job. In cases like this it might be better to temporarily fill the vacancy while a more robust process is undertaken.

## **Why should applicants be alerted to any background checks that are required?**

Informing applicants about background checks in the job description and advertisement will help them decide whether or not to apply. It will also discourage unsuitable people from applying. Background checks include:



- National Police Checks and Working with Children Checks
- Personal associations that could present a risk for the organisation
- Reference checks of previous work performance and conduct
- Verification of employment history with previous employers including roles and dates
- Sighting of original academic records and other professional credentials
- Evidence of secondary employment that could present a conflict of interest with the advertised role.

## **When should background checks be undertaken?**

Background checks are undertaken on the preferred applicant. The selection panel has considered each of the applicants and decided which is best qualified to perform the job. The background checks are then used to verify this assessment and to test out any issues with referees. For more information read the VPSC's Guidance Note on Police Checks.

## **When should members of the selection panel declare any conflicts of interest?**

If any member of the selection panel has a personal association with one or more of the applicants, they should declare it to the panel at the start of the process. If the conflict of interest cannot be managed they might excuse themselves from the process. If they remain on the panel, they cannot be a referee for any of their associates and should not be involved in reference checking. Care should also be taken that their association with some of the applicants does not influence the views of other panel members.

## **Is there a difference between a personal and a professional association?**

Hiring managers may know many of the applicants, particularly if they are employees. In most circumstances their association with the applicants will be purely professional. They will base their judgement on each applicant's abilities rather than be influenced by irrelevant factors.



## **How can membership of the selection panel lead to objective decisions?**

Including people from outside the immediate work area, such as an HR representative, a manager from another division or an independent expert can bring greater objectivity to the selection panel's decisions.

## **What type of questions can the selection panel ask applicants in the interview?**

Behaviourally based questions related to the inherent requirements of the job work best and form the major part of the interview. However the panel will also want to confirm that the applicant consents to them conducting background checks and contacting referees. Preferably referees will be either current or previous direct supervisors. However applicants might not consent to the panel contacting a current supervisor if it could jeopardise their current employment.

The panel should ask about any unexplained gaps in the applicant's employment history. These might indicate that the applicant was dismissed by a previous employer or resigned while under investigation for misconduct. The panel should also ask about secondary employment if this could pose a potential conflict of interest. An example is a person who owns a building company or whose personal associates work in the building industry and the job is involved in managing building contracts on behalf of government. The applicant's personal interests might prevent them from being able to perform the job impartially.

The panel must not ask questions that are discriminatory or breach a person's privacy.

Applicants should be asked direct questions about their suitability for employment. Such questions might include their reasons for leaving a former employer, proof of mandatory qualifications and anything that might limit their ability to undertake a particular role, such as a relevant criminal record or a history of misconduct. They must answer these questions honestly. Providing false or misleading information can be the basis for dismissal in the Victorian public sector.

## **What type of questions can the selection panel ask**



## referees?

A senior member of the selection panel, possibly the hiring manager, should conduct the reference checks. Having one person hear and record all the referees' comments provides consistency. The panel member should ask the referee to confirm the applicant's role and period of employment and ask questions about the applicant's experience and skills. The panel member might like to use the [Reference Check Template](#) to record the discussion.

Referees may be obliged to give a fair and truthful assessment of the applicant's work performance and conduct. This can include information about an applicant being disciplined or dismissed from an organisation. It can also include the progress the applicant has made to improve their performance.

Applicants can ask to see the comments referees make about them. Referees should therefore limit their comments to information relevant to the employment relationship such as the applicant's work performance, conduct, skills and experience. Any comments should be honest and fair. Referees should not comment on the applicant's personal attributes.

## What type of information can be sought from former employers?

Former employers are under no legal obligation to provide a reference. They may choose to simply confirm the details of the applicant's employment with them, such as dates and title. This may be done to avoid risking any claims of misrepresentation, defamation or invasion of privacy. Misrepresentation happens when critical information about an applicant is withheld or inaccurate information is given. The applicant might be described in undeservedly glowing terms to the prospective employer. Or the applicant's skills and experience might be downplayed and so they miss out on being employed. Additionally privacy laws require that an applicant's consent be sought before contacting a person they have not nominated as one of their referees. Additionally privacy laws require that an applicant's consent is given prior to a reference check being undertaken. This includes circumstances where the organisation wishes to contact a former employer for the purposes of reference checking but the applicant has not provided that person as a referee.



## **How does the hiring manager inform the new employee about standards of conduct?**

The induction program should cover topics such as the VPSC's Code of Conduct for Victorian Public Sector Employees and any relevant policies, guidelines or instructions that the organisation may have issued. Some jobs such as those involved in regulation, procurement, licensing or enforcement may be targeted by third parties hoping to obtain an unfair advantage. In these cases the VPSC's GIFT test postcard might be a useful reminder for how to avoid a conflict of interest.

## **What should the hiring manager do if they have any concerns about a new employee?**

The manager should extend the new employee's probation period (in accordance with any applicable contract or industrial agreement such as an Enterprise Agreement or Determination) if they have any concerns about their abilities or conduct.

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**Download the [Reference-Check-Template](#) (DOC 0.38MB 3 pages)**

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