

# VPS executive pre-employment screening policy



**Victorian  
Public Sector  
Commission**

## 1. Purpose

The Victorian Public Service (VPS) needs employees who act in accordance with the public sector values. Public service executives occupy positions of trust in the community and must be accountable for their actions.

Misconduct<sup>[1]</sup> puts the safety of employees and the community at risk and erodes public trust.

Appropriate pre-employment screening can prevent employees from moving between employers without misconduct being known.

The VPS Executive Pre-employment Screening Policy (this Policy) sets out the responsibilities and obligations for all VPS employers and candidates for employment in executive level roles in public service bodies.

This Policy requires that the Statutory Declaration and Consent Form (the Form) provided at Attachment A be completed by candidates prior to a formal offer of employment being finalised for all VPS executive positions advertised in public service bodies.

A public service body is a Department, an Administrative Office established under section 11 of the *Public Administration Act 2004* and the Victorian Public Sector Commission.

## 2. Principles

### Public sector values

The Victorian Public Sector Commission (the VPSC) issues the binding Code of Conduct for Victorian Public Sector Employees based on the public sector values. The values and this Code strive to meet the high standards the community rightly expects

of the public service and provides the foundation of the integrity and accountability framework for all public service employees. The Code of Conduct is binding on employees and a contravention of it constitutes misconduct.

## **Public interest**

VPS employees are obliged to act in the interests of the Victorian community. They must perform their official functions and duties, and exercise any discretionary powers, in ways that promote the public interest that is applicable to their official functions.

## **Employment principles and standards**

Section 8 of the PAA outlines the public sector employment principles. Section 62 of the PAA requires the VPSC to issue binding standards concerning application of the public sector employment principles. The VPSC has issued six standards that define essential elements of the employment principles: fair and reasonable treatment; merit in employment; equal employment opportunity; human rights; reasonable avenue of redress; and career public service.

## **Natural justice**

The principles of natural justice ensure that any decisions are fair and reasonable. In the context of pre-employment screening, natural justice requires that candidates are provided opportunity to view any information obtained about them and respond to this information.

## **Risk based approach**

A risk based approach to pre-employment screening ensures appropriate and proportionate screening according to the risk level of the position in question.

## **3. Mandatory Requirements**



## Employers

Employers must ensure that all candidates for VPS executive roles complete the Form prior to a formal offer of employment being finalised.

The Statutory Declaration component of the Form provides information about a candidate's previous conduct history. A declaration of previous misconduct or investigation does not necessarily rule out the preferred candidate from employment. Employers should refer to A Guide to Implementing the VPS Executive Pre-employment Screening Policy for assistance in determining the relevance of declared information to the inherent requirements of the position.

In most cases the Form should be completed once a preferred candidate has been identified. However, declarations made at earlier stages in the recruitment process may be appropriate for some roles.

The Form also provides the required consent to enable employers to verify the accuracy of declarations made with previous and/or current employers. A Guide to Implementing the VPS Executive Pre-employment Screening Policy sets out a risk based approach to validating information provided by candidates in application for employment.

## Candidates

Candidates who have progressed through the recruitment process to the stage of preferred candidate, must complete the Form prior to accepting a formal offer of employment.

An offer of employment cannot be finalised until the Form is complete.

Making a false declaration is an offence and may result in a charge of perjury.

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[1] Misconduct is defined in the *Public Administration Act 2004* as:

contravention of a provision of this Act, the regulations or a binding code of conduct;

improper conduct in an official capacity;

a contravention, without reasonable excuse, of a lawful direction given to the employee as an employee by a person authorised (whether under this Act or

otherwise) to give the direction;

a refusal by an employee to perform duties assigned under Part 3 (public service employment) or Part 7A (emergency situations);

an employee making improper use of his or her position for personal gain;

an employee making improper use of information acquired by him or her by virtue of his or her position to gain personally or for anyone else financial or other benefits or to cause detriment to the public service of the public sector.

