

Circular 2020-19 | Updated guidance for pre-employment screening



**Victorian
Public Sector
Commission**

Circular Number	2020-19
Issue date:	15 October 2020
Application:	All Victorian public sector employees
Resources:	<ul style="list-style-type: none">• Policy – Victorian Public Service pre-employment screening• Guide – Victorian Public Service pre-employment screening
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Key points

The Victorian Public Sector Commission (VPSC) has updated the Victorian Public Service Pre-employment Screening Policy (the policy) and associated Guide to Implementing the Victorian Public Service Pre-employment Screening Policy (the guide) in October 2020.

The policy addresses integrity risks associated with inadequate pre-employment screening of candidates seeking employment in the Victorian Public Service (VPS), and sets a minimum standard of pre-employment screening for both executive and non-executive positions within the VPS.

Update summary

These updates to the policy and guide do not reflect any changes in policy. They are designed to clarify the existing policy intent. The updates are:

- Clarifying that the policy applies to candidates who are internal to the VPS or to an organisation as well as to external candidates. This includes candidates at the executive level.
- Clarifying that a risk-based approach should be taken to validating declarations for roles with a higher risk rating, even where no misconduct has been declared on the form. This is to check that candidates for key roles have provided accurate information.
- A number of minor editorial changes.

Requirements

The policy requires candidates to complete a declaration and consent form (the Form) as part of the recruitment process, covering a number of questions relating to misconduct in employment. The Form must be completed by all candidates, including those who already work in the VPS, unless one of the exceptions outlined in the guide applies.

Statutory declaration and consent form templates for executive and non-executive roles are available at Appendices 1 and 2 of the guide. Model (non-statutory) declaration and consent form templates are available at Appendices 3 and 4 of the guide.

Candidates with an adverse conduct history are not necessarily precluded from employment within the VPS. The policy includes specific features to support natural justice and protect candidates from unlawful discrimination. The policy is designed to better inform employers to determine a candidate's suitability for a position based on an understanding of their past employment conduct history.

To ensure information provided by candidates is kept confidential and considered with relevant expertise, completed declarations are to be reviewed by a 'Consideration Panel'; a decision-maker or group of decision-makers independent from the hiring panel. Information conveyed to the hiring panel should be confined to a decision to rule out a candidate, or to continue with the hiring process as normal.



Employers are strongly encouraged, as part of a robust integrity approach, to validate a completed Form for all roles assessed by the organisation as higher risk. The guide includes some guidance on determining the risk rating of a role.

Background

Integrity vulnerabilities in Victorian public sector recruitment processes, particularly in pre-employment screening have been highlighted by several Independent Broad-based Anti-corruption Commission (IBAC) and Victorian Ombudsman (VO) investigations, such as IBAC's August 2018 research report *Corruption and misconduct risks associated with employment practices in the Victorian public sector*.

On 30 October 2018, the VPSC issued the VPS Executive Pre-employment Screening Policy as an initial step towards the development of a whole of Victorian public sector pre-employment screening policy. The VPSC subsequently released the VPS Pre-employment Screening Policy to cover all non-executive appointments from 1 October 2019.

In December 2019, the VPSC combined the pre-employment screening policies and guides for VPS executives and non-executives into a single set of accessible documents to cover all VPS appointments.

In May 2020, the Victorian Auditor-General's Office (VAGO) released its performance audit report *Personnel Security: Due diligence over public service employees*. The report highlighted that agencies were not applying the VPS Pre-employment Screening Policy consistently across the VPS and recommended that the VPSC update the policy to clarify that pre-employment screening applies equally to internal and external candidates.

The policy has been developed with the agreement of the Victorian Secretaries Board.

Scope

This Circular applies to all public service bodies for both executive and non-executive officer recruitment.

A public service body is a Department, an Administrative Office established under

section 11 of the PAA and the Victorian Public Sector Commission.

Departments are obliged to notify Administrative Offices in their portfolio that this policy now applies.

Date of application

The policy came into effect on 30 October 2018 for executive officer recruitment and on 1 October 2019 for non-executive officer recruitment.

