Victorian Public Service Pre-employment Screening Policy

1. **Purpose**

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

Misconduct[[1]](#footnote-2) by VPS employees can put the safety of employees and the community at risk and erode public trust.

Thorough pre-employment misconduct screening can reduce the chance of employees moving between employers without relevant misconduct being identified. It also enables a risk assessment of any misconduct identified in a candidate’s work history.

The Victorian Public Service Pre-employment Screening Policy (this Policy) sets out the responsibilities and obligations for **all VPS employers and candidates for employment** in public service bodies[[2]](#footnote-3).

This Policy requires that a declaration and a consent form (collectively, the Form) be completed by all candidates as part of the recruitment process for all VPS positions in public service bodies. This includes candidates already working in an organisation or the broader VPS, at the VPS officer or executive level, as well as external candidates. The *Guide to Implementing the Victorian Public Service Pre-Employment Screening Policy* provides a model declaration and consent form and a statutory declaration and consent form that meet the minimum requirements for a declaration under this policy.

Under this Policy, offers of employment in public service bodies should be made subject to the successful outcome of screening checks.

1. **Principles**

Public sector values

The Victorian Public Sector Commission (the VPSC) issues the [Code of Conduct for Victorian Public Sector Employees](https://vpsc.vic.gov.au/resources/code-of-conduct-for-employees/), based on the Public Sector Values enshrined in the [Public Administration Act 2004](https://vpsc.vic.gov.au/about-vpsc/legislative-framework-the-public-administration-act-2004/) (PAA).

Under the PAA, the Code of Conduct is binding on public sector employees and any contravention of it constitutes misconduct. The Values and the Code of Conduct support the high standards the community expects of its public sector. They are the foundation of the integrity and accountability framework for all public sector employees.

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.

Public Sector Employment Principles and Standards

Section 8 of the PAA outlines the public sector employment principles (the employment principles).

Section 62 of the PAA requires the VPSC to issue binding standards concerning application of the 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.

Equal opportunity and human rights
VPS employers must consider whether an adverse conduct record would impact on the preferred candidate’s ability to fulfil the inherent requirements of the position. An adverse conduct record does not automatically preclude a candidate from VPS employment.

Natural justice

The principles of natural justice and procedural fairness must be applied in the pre-employment screening process. Following the principles of natural justice and procedural fairness, it is important that the candidate is provided the opportunity to discuss the declared conduct with the prospective employer, and to respond to any information presented by a current or former employer.

A preferred candidate with an adverse conduct history will not necessarily be precluded from employment within the VPS.

Risk-based approach

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

Consistency with other policies and processes – an efficient public sector

The Policy is to be implemented in a way that ensures consistency with other Government or VPS directives, such as the **Human Resources Systems Statement of Direction for the Victorian Public Service**, issued in 2016.

The Policy sets a minimum standard for pre-employment screening. Where departments have existing screening processes that are more comprehensive than those provided in the Policy, the Policy should be incorporated into, and not replace or duplicate, those processes.

1. **Mandatory requirements**

Employers

Employers must ensure that candidates complete the Form as part of the recruitment process. This includes candidates already working in the organisation or the VPS, including at VPS officer or executive level, as well as external candidates. The Form should generally only be required from an applicant after they have been identified as the preferred candidate. Forms provided at earlier stages in the recruitment process may be appropriate in some circumstances, such as for high risk roles. In general, departments may find it useful to require the Form at the same stage of the recruitment process as police checks.

The Form consists of a declaration, or statutory declaration, and a consent form.

The Form provides information about a candidate’s history of conduct in employment. A declaration of prior misconduct or open investigation does not necessarily rule out the preferred candidate from employment. Employers should refer to [A Guide to Implementing Pre-employment Screening Policy](https://vpsc.vic.gov.au/resources/pre-employment-screening-misconduct-victorian-public-service/)for assistance in determining the relevance of declared information to the inherent requirements of the position.

The consent form provides permission from the prospective employee to enable the employer to verify the accuracy of declarations made with current and previous employers. [A Guide to Implementing the Victorian Public Service Pre-employment Screening Policy](https://vpsc.vic.gov.au/resources/pre-employment-screening-misconduct-victorian-public-service/)sets out a risk-based approach to validating information provided by candidates in their application for employment.

Candidates

Candidates must complete the Form as part of the recruitment process. Offers of employment should be made conditional on the successful outcome of any pre-employment screening.

The **Oaths and Affirmations Act 2018** (Vic) provides that it is a criminal offence for a person to make a statutory declaration they know to be false. Under the PAA, knowingly providing false information in a declaration may be serious misconduct.

1. Misconduct is defined in the **Public Administration Act 2004** as including:

	1. contravention of a provision of this Act, the regulations or a binding code of conduct;
	2. improper conduct in an official capacity;
	3. 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;
	4. a refusal by an employee to perform duties assigned under Part 3 (public service employment) or Part 7A (emergency situations);
	5. an employee making improper use of his or her position for personal gain;
	6. 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 or the public sector. [↑](#footnote-ref-2)
2. 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. [↑](#footnote-ref-3)