

# Pre-employment screening checks

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Pre-employment screening is used to ensure the suitability, integrity and identity of people engaged to work in the NSW Public Service.

## Legal requirements

**Section 54** of the GSE Act contains a non-exhaustive list of conditions of engagement that employees may be subject to. Requirements relating to these conditions are set out in the GSE Rules. Those requirements that are relevant to pre-employment screening include:

Probation periods ([GSE rule 5](#))

citizenship or residency ([GSE rule 6](#))

formal qualifications ([GSE rule 7](#))

security and other clearances ([GSE rule 8](#))

health assessment ([GSE rule 9](#)).

There may be requirements in other legislation that apply to employment in certain roles in the NSW Public Service. For example:

- a working with children check is a prerequisite for anyone to be employed in child-related work in NSW under the [Child Protection \(Working with Children\) Act 2012](#); and
- national police checks are sometimes required for employment in NSW (e.g. to be employed to provide disability support and services directly to people with a disability in a way that involves face to face or physical contact under the [Disability Inclusion Act 2014](#)).

# About pre-employment screening checks

Subject to legislative requirements, it is up to the employer to determine the pre-employment screening checks required for the role.

The level of pre-employment screening needed will vary according to the organisational context and role being filled. It is therefore necessary to consider the **essential requirements** of the role, identify any risks associated with these requirements and decide on the screening needed to manage these risks.

The Independent Commission Against Corruption has published a guide on **Strengthening employment screening practices in the NSW public sector**. The guide emphasises the importance of screening checks to prevent employment application fraud and provides advice on designing an employment screening framework.

## Candidate consent

You should obtain consent from candidates to undertake pre-employment screening checks.

The screening checks needed for the role should be stated clearly in the job ad or application form and explained during the assessment process. Candidates need to be made aware that their employment is dependent on the results of the screening checks.

## When to do screening checks

Pre-employment screening checks should be completed prior to a formal offer being made. In some circumstances this may not be possible. If this occurs, an offer can be made conditional to satisfactory pre-employment being completed. However, the person must not be employed before the check has been completed. When making a verbal offer pending the outcome of a screening check, it is your responsibility to make sure the candidate is fully informed of this condition of the offer.

It is best practice to make sure there is separation between those collecting the information and the recruitment panel to prevent discrimination or the perception of discrimination in employment.

## Types of screening checks

There are a range of different pre-employment screening checks that can be used to verify information about preferred candidates. The key types are outlined below.

Suppliers on the **Employment Checks Contract** can be engaged to screen for **essential requirements** including:

- National and international criminal history checks
- Entitlement to work (visa) checks
- Licence checks

- Qualification checks
- Employment history checks
- Financial responsibility checks.

As well as providing checks for essential requirements, agencies can engage a supplier under the contract to do:

- Verification of identity
- Confirmation of previous employment.

## Citizenship, residency or visa status

An **essential requirement** that applies to the employment of all individuals in the Public Service is that the individual must be eligible to work in Australia for the period of their employment.

## Formal qualifications check

For some roles, an employee may be engaged subject to the condition that they hold a formal qualification necessary for the role.

This requirement should be assessed first in the **application and resume review** by asking candidates to self-report that they meet the requirement. The formal qualification check ensures there is documentary evidence of the completion of the qualification from an accredited institution (e.g. an original academic transcript showing completion of requirements for the relevant course).

## Security and other clearances

Engagement of an employee in a Public Service agency may be subject to a condition that the person is required to have the **security or other clearances** determined by the employer to be necessary for performing the duties of the role to which the person is to be assigned.

A security clearance authorises an individual to access certain information and resources following completion of background checks.

For example, a security clearance is needed for employees who access information that has a security classification of 'protected' or above in accordance with Australian Government requirements, including appropriate security clearances. See: **Digital NSW for the NSW Government Information Classification, Labelling and Handling Guidelines**.

## National police checks (or criminal records checks)

There are a range of circumstances where a national police check may be required, such as admission to a particular profession (e.g. to be admitted as a lawyer in NSW) or engagement to deliver particular services (e.g. to provide disability support and services directly to people with disability in a way that involves face to

face or physical contact). See: [\*\*NSW Police Force's Criminal Records Section\*\*](#) for information about National Police Checks.

It is up to the employer to assess a person's suitability for employment based on the findings of a national police check.

No national police check should be made on:

- any recommended candidate to whom it is not proposed to offer immediate employment; or
- children under the age of 14.

Criminal record checking should be carried out with the subject's consent.

If, following review of the results of the criminal record check, an agency forms a view that the candidate should not be employed, the agency should give the candidate the opportunity for discussion prior to making their final decision.

Agencies that obtain details of a person's criminal record should destroy the information after it has been used.

## Working with children checks

A [\*\*Working With Children Check\*\*](#) is a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct. See the [\*\*Office of the Children's Guardian's website\*\*](#) for information on who needs a working with children check.

## Professional membership of an industry association

Confirmation of professional membership may be needed where the employee is required by legislation to be a member of a professional association to perform their professional duties.

## Employment history checks

Employment history checks help to validate information provided by candidates about their previous work experience. This may include verifying the organisation where they worked, their job title, seniority and salary, period of employment, accomplishments and any evidence of misconduct or disciplinary action.

The Independent Commission Against Corruption recommend doing employment history checks for public and private sector roles.

## Service checks (or HR checks)

A service check should be completed for Public Service candidates who are recommended for appointment. The check usually involves confirming the candidate's current department and role, employment status and a brief comment on their conduct and services.

## Health assessments

A health assessment may be carried out where a candidate's physical fitness to perform the duties of a role to which they are to be assigned is a **condition of engagement**. To access pre-employment health assessment services, refer to the **Employment-related medical services scheme**.

**GSE rule 9 (3)** sets out some of the forms health assessments may take.

Health assessments of this kind should be carried out only to assess the person's capacity to carry out the inherent requirements and demands of the role.

## Additional Resources

- **Australian Government guide to hiring someone in Australia**
- **Australian Human Rights Commission – Police checks**
- **Australian Human Rights Commission: Avoiding discrimination in health assessments**
- **Office of the Children's Guardian – Role of an employer**
- **Independent Commission Against Corruption: Strengthening employment screening practices in the NSW public sector**