# Employee Background Checks Procedure

# Section 1 - Purpose

(1) The Procedure sets out the process for the use of and management of outcomes from Employee Background Checks in accordance with the Employee Background Checks Policy (the Policy).

# Section 2 - Scope

(2) This Procedure directly supports the Policy and is intended to act as a guide to University of Canberra (University) staff involved in responding to and managing Employee Background Checks.

(3) The Procedure does not replace applicable legislation or the Policy, but is intended to provide guidance for practical application to Disclosable Outcomes produced as part of Employee Background Checks.

# Section 3 - Procedure

### Identifying Positions Requiring Employee Background Checks

(4) Where the University advertises a position that requires an Employee Background Check, People & Culture should ensure that advertisements, recruitment and onboarding related paperwork reflect this requirement.

(5) Any advertisement should:

a. explain the basis upon which the Employee Background Check is being required;
b. how the requirement for the Employee Background Check relates to the requirements of the advertised position, "e.g. a childcare worker will require a background check given the nature of the duties"; and
c. note that, by applying for a position the employee or prospective employee will be taken to have consented to:
    i. such an Employee Background Check being conducted;
    ii. any information that arises from the Employee Background Check being used and disclosed for the purpose of considering the individual's suitability for the position in question; and
    iii. having any information that arises from the Employee Background Check being stored by the University for the purposes of ongoing assessment of the individual's suitability for the position.

(6) Depending on the type of Employee Background Check(s) required, the final pool of prospective employees may be required to either:

a. attain the relevant Employee Background Check(s) themselves; or
b. consent to the University conducting an Employee Background Check on the prospective employee's behalf.

(7) A person in the final pool of propsective employees who does not consent to an Employee Background Check may be ineligible for the position.

(8) Nothing in this Procedure prevents the University from dealing with information gathered in an Employee

Background Check in a manner that is consistent with its Privacy Policy or legislation.

## Returning a Disclosable Outcome

(9) Disclosable outcomes will be considered on a case-by-case basis. The University will deal with any information concerning a Disclosable Outcome in accordance with its Privacy Policy and relevant legislation.

(10) Current and prospective employees who return a Disclosable Outcome will be notified.

(11) Where an Employee Background Check returns a Disclosable Outcome, the Chief People Officer, (or nominee) together with the approving delegate for new staff appointments, as identified by the University Delegations of Authority Policy, will meet with any other relevant staff to discuss the results of the Employee Background Check and consider the impact, if any, of the Disclosable Outcome on the current or prospective employee's suitability for the role in question. The prospective employee may also be requested to attend to discuss the results.

## Disclosable Outcome Not Relevant to Position

(12) Where a Disclosable Outcome is determined to either not be relevant to an available position or have no affect on the safety of the campus or campus users, the University will not prevent the relevant employee or prospective employee from being offered that position.

(13) However, the Disclosable Outcome will be recorded on the employee's human resources record in the event that it becomes relevant in the future.

(14) The University may review a decision on the relevance of a Disclosable Outcome to a position at any time. If it is determined that a Disclosable Outcome has become relevant to a position already filled by an employee, they will be notified and it will be subsequently dealt with as relevant moving forward.

## Disclosable Outcome Relevant to Position

(15) Where a Disclosable Outcome is determined to either affect the safety of the campus or campus users or affect the current or prospective employee's suitability for the role, the University will consider and determine whether:

a. any risk mitigation strategies could be implemented so that the Disclosable Outcome does not affect the current or prospective employee's suitability for their role; or
b. the Disclosable Outcome renders the current or prospective employee unsuitable for the role.

(16) Where it is determined that risk mitigation strategies can be implemented to a point that the Disclosable Outcome does not affect the current or prospective employee's suitability for a role, the University must inform the current or prospective employee of the mitigation strategies that will be implemented. These strategies must be agreed upon by the University and the individual, and it will be recorded on the employee's personnel file.

(17) In some cases, the presence of a Disclosable Outcome may result in an employee or prospective employee being unsuitable to perform the inherent requirements of a position. In these circumstances, they will not be offered the position. Where a current employee, occupies a position and it is determined that a Disclosable Outcome renders them unsuitable for their role, the University will consider what adjustments can be made, given the severity and nature of the Disclosable Outcome.

(18) Without limiting the actions that the University can take to address this issue, where it is determined that an employee who is the subject of a Disclosable Outcome is no longer suitable to perform the position they hold, the employee may be transferred to an alternative position where the Disclosable Outcome is not relevant.

# Section 4 - Policies

(19) Refer to Employee Background Checks Policy.

# Section 5 - Definitions

| Terms | Definitions |
|---|---|
| Disclosable Outcome | Disclosable Outcomes are information gathered in the course of an Employee Background Check that may impact on an employee's suitability to perform their duties. This may include, but is not limited to, information relating to court convictions (including penalties and sentences), charges and findings of guilt with no conviction. |
| Employee Background Check | Include the checks set out in this Procedure. |

## Status and Details

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| **Status** | Current |
| **Effective Date** | 18th April 2023 |
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| **Approval Authority** | Vice-Chancellor |
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