

# Zero Tolerance practice advice 1: Safer Recruitment and Screening

This practice advice has been developed to assist service providers on how to use recruitment and screening processes to prevent potential abusers gaining employment. It provides useful tips that should form the basis of any good human resources processes for organisations that support vulnerable people.

Recognising the value of good recruitment processes as a significant abuse prevention technique, the advice sets out a detailed and diligent approach to employment of new staff.

## 1. Preparation

A position being created or becoming vacant offers an opportunity to consider all aspects of the role. Job design is not just about the roles that will be performed, but the values, experience, levels of responsibility, autonomy and supervision that might be required. Reflect on each of these and reinforce through job documentation.

### ○ **Understanding the Role**

- Take time to understand the role and the attributes of the person required to do it
- For direct support roles, ask service users about the qualities they would like to see in staff
- If this is an existing position, consider any previous issues that may be contributing to unsafe situations and make the required adjustments
- Develop corresponding Key Selection Criteria and stay true to them through the process

### ○ **Job documentation**

- Use advertisements and related documentation to reinforce your organisation's core values in relation to rights of people with disability and open and transparent feedback
- Be specific about accountabilities and requirements of role with regard to people with disability
- Be clear about the personal attributes required, including any suggested by service users. Consider use of phrases like "our service users said they wanted..." to reinforce your values and why this job exists
- Describe how the role contributes to bettering the lives of people with disability and to your organisation

## 2. Short-listing

The participation of a set group of people gives applicants confidence the recruitment process will be fair and balanced. It also provides organisations with multiple perspectives on the suitability of a person to a specific role.

### ○ **Putting together a short-listing and interview panel**

- Identify appropriate panel members. An ideal mix includes the supervisor for the position, with two others – of which one should be from a different area of the organisation. A gender and experience mix is advised.
- Include service users on panels where possible - especially where roles involve direct support work. An excellent resource for organisations needing guidance in this area can be found [here](#).

### ○ **Résumés**

*Zero Tolerance is a project led by National Disability Services in partnership with the disability sector.* The project aims to develop a practical framework with tools and resources for the sector, based on prevention, early intervention and remediation of abuse and neglect of people with disability. This practice advice sheet is part of a planned series designed to help disability service organisations improve and build on practices that improve safeguards for people they support.

- Take the time to read resumes properly, noting previous experiences and work environments
- Use resumes and any cover letters to assess applicant against your KSC.
- Note any lengthy time periods not accounted for and follow up with questions at interview

### 3. Interviews

Interviews provide an opportunity for you to get a better understanding of an applicant. In particular they can be used to get a sense of a person's **attitudes and values** in relation to working with vulnerable people.

- Make sure candidates are relaxed and at ease so you can get a better sense of their true personality.
- Take time to explain the position, restating nature of the role, expectations and organisational values
- Use the same pre-prepared questions for all applicants. Add additional questions if required based on resumes
- Seek specific on-the-job examples answers to your questions: what was the challenge; what action did the applicant take; what was the result?
- Develop and use on-the-job scenarios ('What would you do if...?') which require applicants to explain how they'd manage situations.
- Ask about personal motivations for applying for this particular role
- Be clear that a police check is required for successful applicants. If applicant has declared any previous incidents or criminal activity, seek detail. Ask candidate to reflect on any lessons for them personally.
- **Watch and listen** to responses. Look for **evasiveness** and **inconsistency** with resumes or other answers provided during interview. Make notes to reflect your gut feelings. Discuss afterwards with panel members.
- Be clear that you will be contacting nominated referees and will ask about anything which might affect them from performing the job, including any conduct issues, pending investigations or relevant criminal offences.
- Use the same panel members for all interviews. Ensure any service users on the panel are actively involved in the whole process and have opportunity to ask questions in their preferred communication method.

**Behavioural Questioning:** use specific questions to better understand applicants' values and motivations:

- Describe a time when you had to work with someone who got on your nerves
- Tell us about what you enjoy most about working with people with disability
- Have you ever had to report a colleague or friend to a supervisor? What was the outcome? How did you feel?
- Have you ever had to break a rule, procedure or code of conduct at work?

Taking time to make sure a person is **right for the role**, **right for the responsibility** and **right for your organisation** is one of the most important things you can do when hiring.

### 4. Screening and Reference Checking

Even the best conducted interviews cannot guarantee the suitability of applicants to work with vulnerable people. A range of other checks should always be used to build as much understanding as possible. Individual checks cannot completely eliminate all risk but by using all the resources at your disposal you can reduce risk for the people you support and for your organisation.

#### ○ Pre-employment checks

- Identity – is the person who they say they are; do they use other names (an alias) professionally or privately
- Employment status – does a person have the right to work e.g. appropriate visa or residency status?
- Qualifications - do they have the appropriate qualifications e.g. Certificate III or IV; Drivers' Licence
- Do they have current **Working with Children Checks** or **Working with Vulnerable People** checks if required by the role/legislation? Checks are not transferable between states and territories. People changing jurisdictions or working across boundaries must have appropriate clearance [for each separate jurisdiction](#).
- Undertake internet searches including social media, professional networking sites to further your understanding of the applicant. Consider any links to organisations or movements that cause concern.

## ○ Reference Checking

- Request at least 2 referees who can provide information relevant to the position sought, observed over a reasonable length of time. Referees should typically include a current or recent supervisor.
- Applicant might not include a current supervisor to be discrete about job seeking. Seek explanation where no current employers are offered, including willingness for contact where the applicant is the preferred candidate.
- Only contact referees given by the applicant but be alert if no previous supervisors are included as referees.
- Referees might also include a person with disability who has received support from the applicant.
- If you feel referees might not be able to give the information you require ask applicants for an alternative, clearly explaining your reason why.
- Request full work contact details for all referees including previous / existing relationship, any job titles, email and a current landline number.
- Schedule a time in advance when referees have time (and a private space) to talk freely and openly.

## ○ Plan Ahead

- Prepare questions for referees in advance and run by your panel members
- Focus on conduct, knowledge, capabilities and attributes of the person.
- Include questions to address any specific concerns from the interview.
- Use a template to help you stay focused on listening to referee responses.

## ○ Talking to Referees

- Seek to use a work landline where possible to confirm identity of referee.
- Introduce yourself (and any others present) and your roles.
- Be explicit about the role and nature of work with vulnerable people.
- Confirm employment dates from resume and address any gaps or inconsistencies.
- Use behavioural questioning (see examples in box) to explore referee's view of applicant's attitude and performance.
- Listen out for tone and hesitancy or inconsistency in replies.

## 5. Police Checks

All organisations supporting people with disability have a duty of care to do all that is reasonable to ensure the safety of their clients. Undertaking police checks on prospective employees should form a part of any organisation's abuse and neglect risk management strategy, and incorporated into their client safeguarding approach.

All states and territories have legislation in place which requires government funded-organisations to ensure employees working with vulnerable people undertake police checks. [Mandatory child-protection measures](#) are also in place in each jurisdiction for people working with children, including children with disability.

- Police checks should be undertaken once an applicant is identified as the preferred candidate. Applicants must be informed that a police check is being undertaken and provide written consent prior to application.
- Individuals or organisations can seek certification from [local state and territory police services](#) or via an [accredited third party](#).

## ○ Limitations to the existing police checking processes:

- In most cases, only *current* convictions are listed- cases currently before the courts will not be identified.
- People not actually convicted of a crime will not be identified, even where a criminal process occurred.
- Checks are undertaken based on any names provided – take care to provide accurate, detailed information.

**Referee Questions:** use reference checks to explore any specific issues or concerns:

- 'What are the applicant's strengths and weaknesses?'
- 'Was the applicant diligent in completing allocated tasks?'
- 'How would you describe their attitude towards supervision and feedback?'
- 'Would you be comfortable asking them to work unsupervised with people with disability?'
- 'Did they ever breach any policies or code of conduct / professional boundaries?'
- 'Would you employ this person again in this type of role without reservation?'

## ○ **Discrimination based on Criminal History**

- Organisations should take care not to discriminate against an applicant based on their criminal history<sup>1</sup> by only considering offences relevant to the position being applied for. Relevant offences include:
  - abuse of any vulnerable people including children, people with disability or the elderly
  - any sexual or violence related offences
  - crimes related to major dishonesty, deception or exploitation
- The length of time passed since the conviction should also be considered.

## ○ **International Police Checks**

- There is no formal national process for International Police Checks.
- Where a person is from, or has spent significant time working overseas, organisations should:
  - Seek two character references from the applicant who can speak on their behalf
  - Request the applicant sign a Statutory Declaration stating that they have never been convicted of an offence or, if they have been convicted of an offence, setting out the details of that offence.
- Statutory Declarations may also be considered where an organisation urgently requires a new employee to start work immediately, but they have not yet received a police certificate.
- Organisations should have processes in place requiring police checks are up to date. This should include a requirement that staff declare any convictions as they occur, with full renewal at least every three years. Volunteers should also be subject to these checks (see [Volunteering Australia website](#) for more detail).

## 6. On-the-Job Monitoring

Evidence shows that organisational culture is one of the most significant factors in the perpetuation of abuse, neglect and violence. It is critical to set out your organisation's values and expectations with regard to the rights, quality of support, safety and attitudes towards people with a disability to all new starters.

### ○ **Induction and Orientation**

- Use induction process to reinforce your organisation's values and expectations. Include human rights, decision making, restrictive practices, professional boundaries and abuse and neglect of people with disability in training.
- Clearly articulate staff duty of care, and back up with written Codes of Conduct.
- Be explicit about staff and service user complaint and feedback processes. Highlight the value of feedback and the range of ways that feedback can be provided, including whistleblower protections and confidentiality.
- Involve service users in training where possible, seeking their input into how they would like to be supported.
- Take time to properly cover specific tasks that might increase service user vulnerability (e.g. intimate personal care or supporting a person with money management). This might mean certain tasks can only be undertaken with supervision until a person has reached a certain standard.

### ○ **Probation Periods**

- Organisations can end a person's employment within probation periods. This can be up to six months for organisations with more than 15 employees, and up to 12 months for those with less than 15 employees
- Use probation periods proactively to ensure new employees are suitable for the position **and** your organisation
- Ensure new employees understand actions that lead to disciplinary action, including possible dismissal
- Be clear that breaches of Code of Conduct could mean termination of employment
- Consider including service user feedback as a criterion for ongoing employment
- Use probation periods to build on existing training and skills around human rights, decision making, restrictive practices and abuse and neglect of people with disability

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<sup>1</sup> See Australian Human Rights Commission's [Guidelines for the Prevention of Discrimination in Employment on the Basis of Criminal Record](#)

## 7. Safer Recruitment: legislation, guidelines and resources

### Legislation and Resources

<b>ACT</b>	<i>Working with Vulnerable People (Background Check) Act 2011: click <a href="#">here</a></i>
<b>NSW</b>	NSW Family and Community Services Ageing, Disability and Home Care Funding Agreement (May 2012) Click <a href="#">here</a>
<b>NT</b>	Disability Services Standards (1999) 7.1: click <a href="#">here</a>
<b>QLD</b>	Preventing and Responding to the Abuse, Neglect and Exploitation of People with Disability Policy: click <a href="#">here</a>
<b>SA</b>	<i>Safeguarding People with Disability Policy Framework (2013): click <a href="#">here</a></i>
<b>TAS</b>	<i>Working with Vulnerable People (Background Check) Bill 2013L click <a href="#">here</a></i>
<b>VIC</b>	DHS Service Agreement Information Kit: 4.6 Police Record Check policy (including <i>Working with Children</i> Check): click <a href="#">here</a>
<b>WA</b>	Disability Services Commission Disability Services Standards 8.1: click <a href="#">here</a>
<b>National</b>	<ul style="list-style-type: none"><li>• Commonwealth HACC Police Certificate Guidelines: click <a href="#">here</a></li><li>• National Working With Children Checks by State and Territory: click <a href="#">here</a></li><li>• Crimtrac: national information-sharing service for Australia's police and national security agencies: click <a href="#">here</a></li><li>• Volunteering Australia: information on background checks for volunteers: click <a href="#">here</a></li></ul>

## 8. Useful Resources

Fair Work Ombudsman: Templates for Employing Staff: click [here](#)

Step by Step guide to Undertaking Referee Checks (Tasmanian Department of Premier and Cabinet): click [here](#)

Recruitment and Selection Toolkit (Victorian Funded Agency Channel):click [here](#)

Australian Government Attorney General's Department Statutory Declaration Template: click [here](#)

Community Sector Workforce Capability Framework – Capability Cards: click [here](#)

*How to Involve People with a Learning Disability in Choosing and Developing the Staff who Support them - East Sussex and Brighton & Hove Learning Disability Partnership Boards (UK): click [here](#)*

This NDS Zero Tolerance practice advice sheet is not legal advice. Every effort has been made to ensure the accuracy of advice provided. However, organisations should contact the [Fair Work Ombudsman](#), the [Office of the Australian Information Commissioner](#) or their state/territory police authority for specific local information.

For more information on the Zero Tolerance project and related resources visit the [project page](#) on the NDS website

This practice advice is current as at July 2015. ©National Disability Services