NSW GOVERNMENT | Family & Community Services
Ageing, Disability & Home Care

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Glossary

Disclaimer: The Department of Family and Community Services (FACS) does not warrant that these definitions are legally correct. Directors should seek professional legal advice relevant to their issues.

adverse action – defined in section 342 of the *Fair Work Act 2009* (Cth), and includes but is not limited to dismissal of the employee, injury to the employee, and discrimination against the employee. A comprehensive list is contained in section 342 of the *Fair Work Act 2009*.

appointment sub-committee – a committee of the board that is formed or appointed with the delegated authority to undertake all or part of the recruitment and selection processes (usually of the CEO or other committee members), and to make recommendations back to the board.

board – the governing body of a non-government organisation, made up of directors. *Note: some organisations refer to the board as management committee and to the directors as management committee members. The term 'board' is used in this manual to include management committee.*

CEO – chief executive officer. *Note: CEO in this resource refers to the senior employed manager of the organisation, whatever their title.*

conflicts of interest – situations where one set of interests held by an individual or organisation could impact on another set of interests in a way that could lead to exploitation, gain, or poor decisions. Conflicts of interest include not only situations where actual conflicts arise, but also situations where perceived conflicts arise.

director – a person formally elected and/or appointed under law to a board, in accordance with the organisation's constitution. *Note: Some organisations refer to the members of their governing body as management committee members. The term 'director' is used in this manual to include management committee members.*

human resource management – an effective, legal, fair and consistent approach to managing the recruitment and selection processes, and the ongoing employment relationship.

inherent requirements of the job – the inherent requirements of the job are tasks that must be carried out in order to get the job done. Not all of the requirements of a job will be inherent and the focus should be on achieving results rather than the means for achieving those results. The *Disability Discrimination Act 1992* (Cth) (DDA) uses the concept of 'the inherent requirements of the job' in defining discrimination and in defining some of the exceptions to the obligation not to discriminate. The term inherent requirements is not defined in the DDA. In the Commission's view (*www.humanrights.gov.au/quick-guide/12052*), inherent requirements need to be determined in the circumstances of each job. They may include:

- the ability to perform the tasks or functions which are a necessary part of the job productivity and quality requirements
- the ability to work effectively in the team or other type of work organisation concerned
- the ability to work safely.

job description – a description of the tasks, functions and responsibilities required of a job or position.

probity in employment – the processes, systems and checks that an organisation uses to confirm the integrity of a potential employee or volunteer.

recruitment and selection – the process of advertising for, screening, interviewing and selecting appropriate persons to fill vacant positions in an organisation.

spent convictions – criminal convictions that expire after 10 years (or three years for juveniles convicted in a Children's Court) under section s.33 of the *Children (Criminal Proceedings) Act 1987*. They must be minor convictions under New South Wales law and the person must have had no further convictions. See sec 7–8 of the *Criminal Records Act 1991*. Note that the Working with Children Check looks at charges or convictions for any sexual offence, assault, ill-treatment or neglect of a child or any registrable offence punishable by imprisonment for 12 months, whether or not the convictions are otherwise spent.

strategic human resources plan – the written document resulting from strategic human resourcing.

volunteer – an individual who willingly gives time for the common good and without financial gain (based on Volunteering Australia's definition).

About this chapter

This chapter provides information relevant to boards and directors on probity in the employment process.

Probity refers to a range of formal and informal processes which can be used to assess the integrity, character and honesty of prospective employees, board and other volunteers who are or are likely to be engaged.

Probity checks are part of, and are underpinned by, good employment practices.

There is an expectation on organisations in the community/not-for-profit sector that they will put in place robust procedures to ensure that suitable people are employed to deliver services to those in our communities that are most vulnerable.

The expectation on the sector means that boards need to understand and create policy on probity checks to ensure adequacy of systems for identifying risks at the point where individuals enter an organisation or move within an organisation to take on new responsibilities, whether employees are board members and other volunteers, student or contractors. These include national criminal history records checks, Working with Children Checks, and reference checks.

At the end of this chapter there is a list of issues and resources that the board should consider in relation to probity checking, including robust processes in recruitment and selection.

8.1 Introduction

8.1.1 Relevant legislation

Relevant legislation in relation to recruitment, the workplace, criminal and other checks, conflicts of interest and administrative and governance matters are all set out in Chapter 2 of this Manual (*It's Your Business* – Chapter 2 – Legal Issues). Organisations who receive government funding or provide disability and/or aged care services must comply with a range of other mandatory employment probity checks as stipulated by the relevant Acts.

8.1.2 Why is it important to manage the recruitment and selection process?

Good probity checking is underpinned by robust employment practices. An organisation has robust employment practices so that it:

- manages risk and protects vulnerable service users by checking the good standing of potential employees
- gets the right people into the right positions, building a strong organisation that delivers on its vision and mission
- treats candidates fairly and reasonably so that a person's skills and abilities are matched to the position, and are the basis for the selection decision.

Sound processes means that probity checks, health and other selection criteria are managed in a way that produce the best outcomes for the organisation, service users, and candidates.

8.1.3 Why are probity measures important?

Organisations in the community/not-for-profit sector are accountable to a diverse range of stakeholders and need to ensure that the most suitable and skilled people are employed to deliver services to those in our communities that are most vulnerable.

Probity in employment measures are important because they:

- minimise risk associated with hiring employees, including reputational risk
- decrease risk to vulnerable service users
- decrease the risk of claims or financial loss to the organisation.

Fair recruitment and selection processes and probity checking are part of an overall risk management strategy, and need to be implemented and monitored by the board.

8.1.4 Balancing probity and the rights of the individual

Organisations must accept a degree of risk with employment.

An organisation must comply with relevant legislation and funding requirements when it comes to undertaking probity checks. Anti-discrimination legislation and privacy requirements dictate that the process of checking is equitable and respectful of people's rights.

For example, an organisation may be required to undertake a national criminal history record check, but the information gained from that check should only be used to exclude a candidate where it affects the candidate's ability to do the inherent requirements of the job, and poses a risk to the organisation. This is discussed in more detail in 8.4.

8.1.5 How do fair and reasonable practices and probity in employment fit with strategic human resourcing?

Strategic human resourcing is 'the coherent approach to managing staff in order to achieve the organisation's objectives' (see chapter 5 of this resource: Human Resources).

Organisations working in the disability sector need to deliver services in ways that don't create risk to vulnerable service users, or financial risk to the organisation. For these reasons probity checks are an important part of strategic human resourcing.

Probity checks must be underpinned by good employment practices.

Put simply, an organisation should plan human resource needs so that it can meet its strategic objectives.

The chapter on strategic human resourcing in this manual (*It's Your Business* – Chapter 5) concentrates on aligning human resources with the organisation's objectives.

8.1.6 Volunteers and others

Directors must ensure that there are adequate processes and practices in place in filling all vacancies – including volunteers, student placements and committee members (both board and other committees).

> **TIP:** Under the *Disability Inclusion Act 2014* (NSW) (DIA), service providers have obligations in relation to probity in employment or engagement of "relevant workers" and "relevant board members". When dealing with probity requirements, the DIA refers to the concepts of "relevant worker" and "relevant board member".

8.1.7 Relevant workers and relevant board members under the Disability Inclusion Act

The DIA imposes certain probity in employment requirements on funded disability service providers with respect to "relevant workers" and "relevant board members".

The DIA defines the term "relevant worker" means a person who is engaged to provide disability supports and services directly to people with disability, in a way that involves face to face or physical contact with those persons, and covers:

- employees (whether casual, temporary, or permanent);
- volunteers;
- self-employed people, contractors, subcontractors or consultants; and
- students undertaking training as part of an educational or vocational course or program (other than school students on work experience).

The term "relevant board member" refers to members of the governing body of the organisation, whatever that governing body is called (e.g. board or management committee), who works, or is likely to work, directly with persons in the target group in a way that involves face to face or physical contact with those persons.

For an overview of the DIA probity requirements please go to sub section 8.3.10.03 in this Chapter.

8.2 The recruitment and selection process

This section covers the recruitment and selection process and the role of boards, with specific focus on probity checking and broader issues so that directors can ensure the organisation has a fair and equitable process in place.

8.2.1 The recruitment process

The flow chart below shows the different stages of the recruitment process.

Each stage requires a decision, and the board could be involved at any number of these stages.

The recruitment process has four stages. Probity checks take place in the 'selection and screening' stage and criminal records checks must be repeated at least every four years.

FIGURE 1: THE STAGES OF THE RECRUITMENT AND SELECTION PROCESS

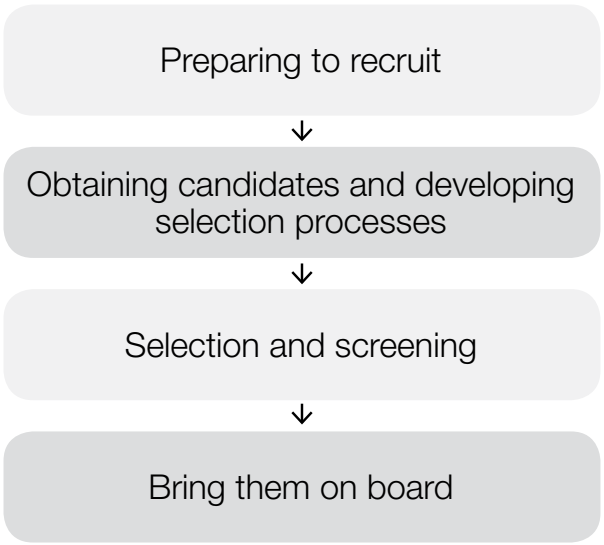
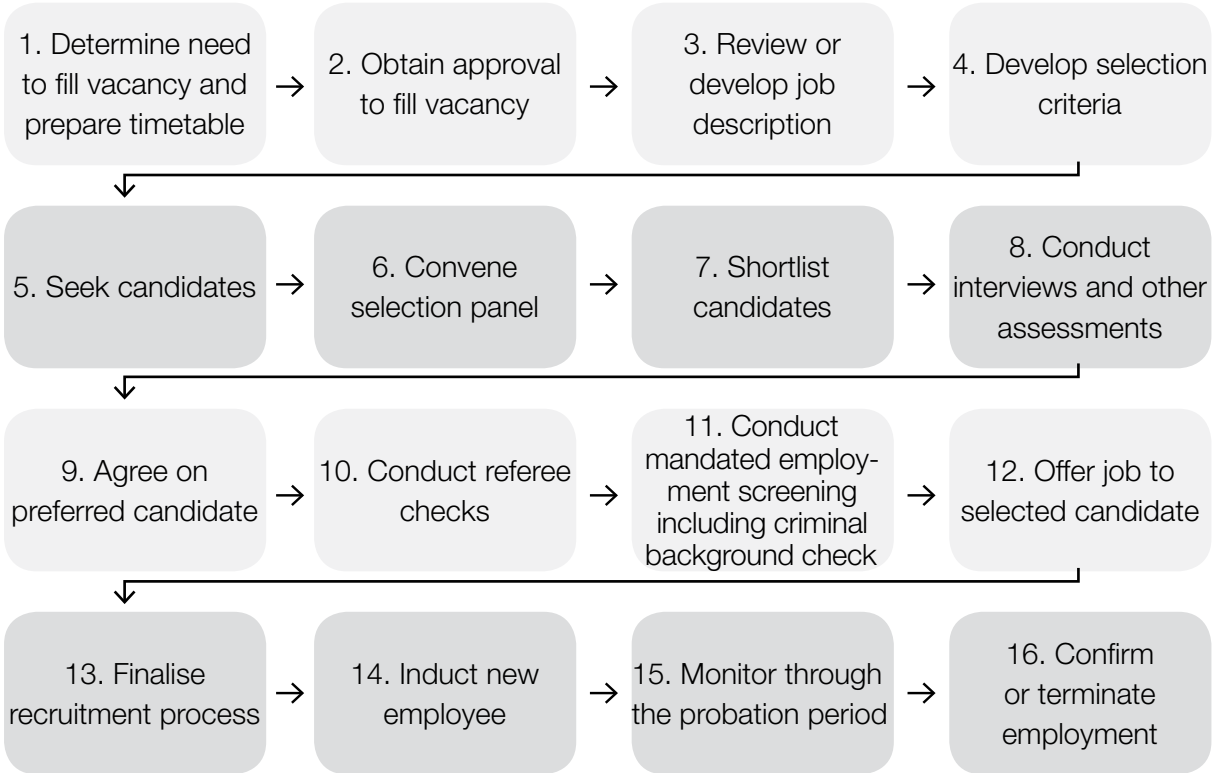


FIGURE 2: THE STEPS IN THE RECRUITMENT AND SELECTION PROCESS



8.2.2 The role of the board

The role of the board is to:

- ensure required probity checks are undertaken (in step 11 in figure 2)
- set the standard for other checks that will be done (in steps 8 – 11 in figure 2)
- ensure probity and other checks are underpinned by robust policy, which the board must set and review (for all the other steps in the process).

The Probity in Employment Policy Settings Matrix at the end of the chapter is a tool that steps through policy considerations for the board.

The board must consider:

- what checking processes are mandated?
- will there be additional systems, process or policy beyond what is mandated?
- how many of the processes will be controlled at the board level?
- for those parts of the process that are delegated, how will the board be assured that the process is being carried out?

The important role of the board, which cannot be understated, is to make certain that probity checks are underpinned with policy, and that appropriate selection and recruitment policy is signed off and reviewed regularly.

Boards delegate the employment of staff to the CEO or equivalent position, but are responsible for the recruitment and selection of the CEO or equivalent position.

Delegation may be made in different ways, depending on how each board decides to discharge its obligations and how confident they are in their delegations and the size of the organisation. As an example: a mature, confident board of a large organisation may choose to sign off on a strategic human resources plan and then delegate all authority to the CEO to deliver that plan, asking only that the CEO report back at meetings on any deviance from the plan. However a less experienced board of a smaller organisation may require that approval be sought from the board prior to any employment, and that the board have a position on any interview or selection panel.

The board is tasked with:

- understanding the probity checking requirements
- understanding the good employment practice that underpins probity checks
- delegating the responsibility for employment/employment probity in a clear and understandable manner, so that it is clear to everyone what is, and isn't, delegated
- requesting reporting from the CEO that meets the level of assurance required
- monitoring and signing off on employment practices/policies within the organisation
- ensuring the organisation and service users are protected through adequate probity checks.

8.2.3 Reporting back to the board

How much and how often the board gets information on employment matters and in what form depends on the size and type of organisation and the resources available. Reporting items and time frames are suggested in Figure 3 below.

FIGURE 3: BOARD REPORTING SCHEDULE

Type of information sought by the board	Reporting schedule
A report in relation to employment against the organisation's strategic human resource plan/ workforce plan or a general report on appointments made within budget	Each board meeting
A report on any requested employment outside of the strategic human resources plan/workforce plan or budget, including why the position is important to achieving the goals of the organisation, and the costs involved with the employment	Each board meeting
A collated report on turn over, over a determined period, together with comments and feedback from exit interviews	Every six months
A report on any staffing incidents that have arisen where there has been inappropriate behaviour, whether it involved other staff or service users (or not), and whether it be physical or verbal (this would include such things as harassment, bullying and discrimination, as well as inappropriate use of monies, or organisation property, or a breach of other organisation policies)	Every meeting, or more frequently via telephone or out of session if the circumstances are serious enough to warrant it
A report on what remedies were taken in relation to any incidents	Every meeting, or more frequently via telephone or out of session if the circumstances are serious enough to warrant it
A report back on the operation of policies that have been signed off by the board, including recommended policy changes	Yearly for each policy or otherwise as determined by the board to drive strategic directions

This is not an exhaustive list of human resource reporting requirements – there may be other matters the board considers important to know in relation to recruitment. In addition (but beyond the scope of this chapter) the board would also require other human resource feedback, such as work health and safety reports and workforce trends.

8.2.4 Employment of the CEO

The one employment decision that the board cannot delegate (although may decide to get the assistance of a recruitment agency) is employment of the CEO.

The CEO is generally the conduit between the strategic decisions and directions set by the board, and the operation of the organisation. Employment of the CEO is therefore one of the most important decisions of the board. As the CEO is tasked to undertake the day-to-day running of the organisation it is essential that probity checking be undertaken on any candidates, and essential that the CEO chosen to lead the organisation also understands probity requirements.

The board may also sometimes be responsible for the recruitment and selection of the senior management team in conjunction with the CEO.

Given the higher responsibilities carried by the CEO role, and the organisational risks associated with the CEO's leadership function, extensive probity checking should be conducted by or on behalf of the board. These checks (with consent provided from the applicant), could include:

- reports from previous employers who were not nominated as referees
- reports from professional bodies relevant to the industry
- character references from respected community members who have observed the applicant in previous employment situations.

The chair may drive these senior appointments, or the board may create an 'appointments sub-committee.'

If the board is not comfortable conducting probity checks themselves then they could consider outsourcing this function to a reputable agency.

8.3 Probity check requirements and supporting processes

8.3.1 The information package

An information package sets out clearly what checks will be done with employees and enables unsuitable candidates to self-select out of the process. The board should sign off on the framework/policy in relation to the information package that is sent to prospective employees. There is no need for the board to sign off on the package for each individual employment opportunity, but the board should set generic guidelines.

The information package should align with the organisation's external communications strategy and promote the organisation as a great place to work to potential employees.

> **TIP:** In the competitive environment created by the National Disability Insurance Scheme (NDIS), the need to attract capable staff will continue for a number of years. Organisations need to position themselves as being an employer of choice by creating the internal conditions to be attractive to a prospective employee as well as communicating externally in a clear and professional way the benefits of working for the organisation.

8.3.2 Salary packaging and salary sacrificing

The recruitment package should include salary information, including salary packaging if applicable. This can be a strong selling point for many organisations.

Both salary packaging and salary sacrificing are beyond the scope of this chapter, but it is important for the board to decide, with the appropriate advice, the organisation's approach to salary packaging.

8.3.3 Fairness and equity

The board must be assured that fairness and equity are embedded in employment practices and that procedures relating to legislative and policy aspects of probity be applied.

Examples include:

- advertising jobs in a clear way, setting out probity requirements, selection criteria and required skills
- having an open, transparent and competitive selection process
- having selection criteria that are clearly related to the inherent requirements of the job
- only excluding candidates on requirements related to the inherent requirements of the job
- having uniform criteria to narrow the field of candidates at each round, or in final selection
- giving candidates the right to respond where a criminal record has been identified
- having procedures to deal with any conflict of interest that arises during employment processes.

8.3.4 Advertising internally/externally

The board needs to have a clear policy to guide a fair recruitment process in relation to internal and/or external applications for for any position.

External applicants will require a probity check, while probity checks required for an internal application will need to be clearly stated in policy prior to the recruitment.

When deciding to recruit internally or externally some considerations are:

- deciding the appropriate levels of probity checks for internal and external candidates
- striking a balance between developing career options for staff already within the organisation, and advertising to the wider community and pool of possible candidates
- creating pools of suitable candidates for appointment (where there are more suitable candidates than positions)
- determining the probity requirements for those in a pool of candidates, and how long those probity checks will be valid.

8.3.5 Selection panels and the use of service users

Some organisations invite service users to participate in the recruitment and selection process, in particular to be part of a selection panel. Service users may give valuable insight into the attributes and values of the candidate, and their suitability to working in the sector. Service users should be fully supported with proper preparation about their roles and responsibilities to fulfil this role.

8.3.6 Documenting the process and documenting decisions

The board is accountable for recruitment and selection policy and procedure.

Proper documentation of the recruitment and selection process must extend beyond probity issues to all of the steps and processes in the recruitment and selection process. There should, at all times, be a reliable paper trail to support decisions.

The organisation should also have a clear policy on keeping sensitive documentation in an appropriately secure location, and destroying documentation once it is no longer required in line with any legislative/policy obligations.

8.3.7 Use of the probation period

The probation period can be used for supporting and monitoring a candidate's performance. The relevant manager (the board in the case of recruitment of the CEO) should use the probation period to assess the employee's performance against determined criteria to make certain that the skills and experience match the one put forward during the interview process.

Probationary periods should be actively managed. New employees should be provided with adequate support and supervision, including, for example, a clear written induction plan, copies of relevant policies and procedures they will be expected to be familiar with to undertake work within their delegated authority. A good probation plan should be partly generic to the organisation and partly specific to the new employee. It should identify risk factors and how to manage any related risks are clearly set out for the probationary manager.

Review of any employee within a probation period should be a two-way process between the employer and the employee. If the process is properly managed then there should be no surprises for the employee if they do not meet the expectations of the board (or employer).

Employees may take action against an employer where they allege there has been an 'adverse action' against them under the *Fair Work Act 2009*. It may apply to dismissals where clear agreed processes have not been followed. Procedures should include the length of time of any probation period, provision for any extension of any probation period, and how many times and for how long probation can be extended. Clear documentation and processes surrounding the use of probationary periods should be maintained.

8.3.8 Appeal processes

The board should consider the appeal process and what it entails in relation to probity decisions (and in relation to other employment matters too). Ultimately it may fall to the board to make the final decision in some cases.

8.3.9 Conflict of interest

The board has a legal obligation to manage conflicts of interest in the organisation. The process of recruitment and selection of staff is one area that has the potential for conflict of interest. This applies in particular to how members of selection panels deal with conflicts of interest where they know or have had a previous association with the person being interviewed.

Note that a conflict of interest does not necessarily mean that an interviewer must exclude themselves from the panel. Disclosing a conflict to the people involved may be enough for the parties to be satisfied that an impartial decision can be made. In each case how the conflict is dealt with will be a matter for the panel convener, the CEO, or the board, and the board should ensure the organisation has a clear policy on conflict of interest.

8.3.10 References and probity checks

Obtaining references minimises the risk of employing unsuitable people. Probity checking (including criminal record checks) against an established probity baseline enables the risk of an unsuitable hire to be further reduced. This checking can prevent abuse of service users, and ensure the organisation has the right staff in place.

8.3.10.1 Obtaining and checking references

It is a part of probity measures to use referees as a way of assessing a candidate's suitability. For example, for disability service providers, checking of at least one referee is mandated under the DIA. It is good practice to check more than one referee.

Apart from recruiting the CEO, the board and directors will not usually be involved in the checking of references, but should have a basic understanding of a proper reference check process.

Reference checks may be carried out on the final preferred candidate or as a part of identifying the preferred candidate from a short list following interview.

It is recommended that referees be provided with a copy of the job description in order to obtain a clear understanding of the position.

It is considered best practice to only check references from those referees that a potential employee provides to you. When a potential employee provides the name of a referee there is a perception that the previous employer can provide personal information to the potential employer about the previous employment relationship. Contacting previous employers that are not nominated as referees is problematic, and those previous employers may be breaching privacy legislation if they do provide information. It is recommended that organisations seek information only from referees that the employee has provided or seek permission from the candidate before contacting any other person to act as a referee.

The recruitment of a CEO, in particular, is a situation in which the organisation may seek permission to undertake a wider range of reference checks, with other employers, professional bodies and respected community members.

Questions to ask the referee should be based on the job role, and should clarify or confirm anything the candidate may have said in interview or in their application. It may be a breach of privacy legislation for a previous employer to respond to any questions that are wider than the job role (such as health information) as the information is not employment related. A standardised referee form may be appropriate.

There must be relevant policy on how the organisation will deal with any negative information that arises as part of the checking process. Policy should include:

- what sort of feedback would lead to the candidate being possibly unsuitable for the job?
- how and what information will be conveyed to the candidate without breaching confidentiality?
- how will any sensitive information be handled and stored for unsuccessful and successful candidates?

8.3.10.2 Working with Children Check

Working with Children Checks (WWCC) are a central and required probity check for many positions.

All people working in positions or preferred applicants for positions (including volunteers) that involve child related work must have a Working with Children Check (WWCC) clearance from the Office of Children's Guardian.

For the WWCC a child is anyone under the age of 18. Relevant information about WWCC can be obtained by reviewing policy and legislative material at *www.kidsguardian.nsw.gov.au*.

Individuals, including volunteers, are responsible for their own application for certification. Service providers operating in a child-related industry must register online with the NSW Office of the Children's Guardian and conduct online verification of applicants clearance.

The website provides a range of resources that will assist the non government sector to develop appropriate policy that complements the employment risks identified.

Working with Children Checks should only be conducted on the recommended candidate.

8.3.10.3 *Disability Inclusion Act 2014* (NSW)

The DIA, which commenced on 3 December 2014, updated probity requirements and clarified the obligations of disability service providers to ensure that any person working directly with people with disability is "a suitable person to be involved in the provision of supports and services to such persons".

In addition to the mandatory Working with Children Check (WWCC – requirements set out by the Office of the Children's guardian), the DIA requires service providers to undertake the checks below:

- at least one referee check of the person prior to engaging the person; and
- a criminal record check (CRC) prior to engagement; and
- subsequent CRCs at least once every four years.

Disability service providers are required to conduct these checks for all relevant workers / board members who work directly with people with disability in a way that involves face to face or physical contact. For a full definition of "relevant worker" and "relevant board member" see Subsection 8.1.7 of this Chapter.

The CRC requirements apply to existing relevant workers / board members as well as potential relevant workers / board members.

Disability service providers must not engage, or continue to engage, a person as a relevant worker or relevant board member who has been convicted of certain "prescribed" criminal offences as set out in Schedule 2 of the DIA. These offences include murder, a range of sexual assaults, and some serious physical assaults resulting in imprisonment for more than two years.

Where a person is required to obtain a CRC and refuses to do so, a service provider must not engage or continue to engage that person as a relevant worker/board member.

For further guidance on the DIA probity requirements visit *http://www.austlii.edu.au/au/legis/nsw/consol_act/dia2014228/*.

8.3.10.4 Criminal record checks

Like the Working with Children Check, criminal checks are a necessary and often mandated probity check. Where criminal checks are not mandated, it will be best practice in many situations to require criminal checks.

Under the DIA and the *Aged Care Act 1997* (Cth), National Criminal History Records Checks are mandated for relevant workers (including volunteers) and board members. An organisation should consider:

- whether there is a mandatory requirement for criminal checks
- if there is no mandatory requirement, does the job require working directly with service users, or high levels of trust (such as handling money)
- if the candidate will not be working in a position where the organisation or service users might be at risk, whether the organisation will require criminal checks, or no checks.

Care should be taken by each organisation to check the accuracy and currency of mandated criminal checks and repeat them every four years in the case of disability service providers or as mandated.

The organisation is required to consider the risk inherent in the job, and decide on whether a check is necessary. Risk assessment will include consideration of:

- the contact that the position will have with service users, valuables and finances
- the level of supervision that the position will have
- the consequences to service users and the organisation of any incident
- any other factors that will affect the level of risk.

The aforementioned risk assessment can also be adapted for current employees where probity concerns have been identified. Regardless of whether the organisation has a mandatory requirement, it might want to consider introducing a baseline checking approach for all new employees, commencing with recruitment of new employees and eventually setting in place a policy to follow for the checking of existing employees.

A criminal history check should only be sought from candidates who are to be offered positions.

Before seeking any criminal record information the board should ensure that robust procedures are in place to assess risk and suitability should a recommended candidate have a criminal record. The organisation will need to develop a risk assessment tool that addresses the following issues:

- what level of criminal record will lead to the candidate being unsuitable for the job?
- how will the candidate be informed of this?
- what type of criminal records will require further investigation?
- if further investigation is required, what are the relevant questions, and when and how will they be asked?
- how will sensitive information be handled and stored for unsuccessful and successful candidates?

Where a criminal record does exist, and doesn't lead to exclusion, the organisation must have a policy that sets out the considerations that will be taken into account to decide on a candidate's suitability. In the aged care sector it is mandatory that candidates with convictions for serious offences such as of murder or sexual assault, or convicted and imprisoned for any other form of assault are excluded from employment. With respect to other types of conviction the Police Certificate Guidelines for Aged Care Providers (March 2017) from the Department of Health lists the following factors to consider:

- access: the degree of access that the position will have to service users, their belongings, their information and the level and quality of supervisions
- relevance: whether the convictions mean the person is unable to perform the inherent requirements of the job
- significance and proportionality: the type and seriousness of the conviction, and whether excluding someone from employment is proportional to the conviction
- timing and employment history: how long ago the conviction occurred and the employment history since then
- information about the individual: any findings or interventions or treatment reports
- pattern and likelihood: isolated incident or a pattern and likelihood of recurrence
- consequences: the impact of a potential incident
- treatment and strategies: procedures that will assist in reducing the likelihood of an incident occurring.

As detailed above, the *Criminal Records Act 1991* (NSW) allows minor convictions under New South Wales law to be 'spent' after a period of 10 years without further conviction for adults (or three years for juveniles convicted in a Children's Court). A minor conviction in this context is one involving up to six months' imprisonment. However, there are exceptions to the legislation where sexual offences were involved and for employment in some occupations, such as child-care, teaching, prison officers and police officers.

A person who believes they have been discriminated against on the basis of their criminal record can bring an action with the Human Rights and Equal Opportunity Commission.

It is important to understand an applicant's right to privacy with respect to their personal information. Principle 11 of the Privacy Act stipulates that if an "entity holds personal information about an individual and the entity no longer needs the information for any purpose for which the information may be used […] the entity must take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified".

Employers should therefore not retain any personal information for any longer than required as this removes any further privacy requirements, including the requirement to keep it secure and up-to-date. While there could be circumstances where an organisation may be able to argue that keeping the records is necessary for the purposes of being able to impose appropriate supervision arrangements relevant to the person's criminal history, organisations should give very careful consideration to the risks associated with keeping such records under the *Privacy Act 1988* (Cth).

Providers of criminal record checks require that the police certificate be destroyed after a specified period of time, unless legislation requires otherwise. The DIA requires that criminal record check information be retained for up to four years or until the check is repeated.

8.3.10.5 Health checks

Health screening is not a probity check in the strict sense, but can be considered in many circumstances to be an important part of the screening process.

Health-screening processes must balance the needs of the organisation against the privacy of the individual.

Health checks should only relate to the duties of the job, and can encompass two things:

- whether a person is able to do the inherent requirements of the job
- whether any adjustments or assistance is needed in the work place to enable the candidate to do the job.

It is vital that a pre-employment medical test relates exclusively and directly to the particular duties of the job and does not discriminate against people with disabilities. Employers could be liable for discrimination if they misuse pre-employment medical tests. As a result health screening should only be undertaken when there has been a risk assessment of the workplace done, and the health screening questions will relate to the inherent requirements of the job, or the need for a safe or supportive work environment.

Health screening prior to employment can range from a simple questionnaire to a requirement that the employee undergo a health examination by a qualified medical practitioner.

Where it is necessary to test for specific attributes it is best to only test people who meet all the other requirements of the job. This helps to protect employers from allegations of discrimination on the ground of disability. The aim of health screening is to ensure a match between the person and the demands of the job.

Ongoing medical testing is not usually done but, where there are safety concerns, the Work Health and Safety duties of care imposed on an organisation might dictate that health testing is used as a last resort where there is a perceived risk in the workplace.

There must be processes and systems in place to manage any health related adjustments that need to be made that arise as part of the checking process.

8.3.11 Privacy

It is important for the board to recognise that in all matters of employment that adequate provision must be made for the privacy of individuals in relation to background and reference checks. Information needs to be collected and stored in a manner that is consistent with privacy obligations. See *Privacy Act 1988* (Cth) and *Privacy and Personal Information Protection Act 1998* (NSW). Employers must comply with the 13 Australian Privacy Principles set out in the *Privacy Act 1988* (Cth) (refer to Chapter 2).

Criminal and other record checks should be used only for the purpose of employment screening. All records should be stored securely during the recruitment process and all records should be destroyed in accordance with the *Privacy Act 1988* (Cth) and other relevant legislation.

8.3.12 Issues of ongoing probity

Part of ongoing probity is to ensure that other matters affecting honesty and good standing of an individual are adequately recorded, investigated and dealt with where appropriate – for example, matters of misconduct.

Where an investigation of misconduct results in an employee resigning prior to the completion of that investigation, the Independent Commission Against Corruption strongly advises that the investigation continue to be undertaken and that findings are reported. This may happen even if the employee leaves employment, but the employee should still be given the opportunity to address any potential findings against them. For more information visit *www.icac.nsw.gov.au*.

The organisation may also consider policy in the form of a 'code of conduct' for employees that require them to report any criminal or other matters relevant to their employment that may affect their ability to do the job.

> **TIP:** Disability organisations must repeat National Criminal History Records Checks for relevant workers and board members every four years and must ensure workers and volunteers who are required to have a current Working with Children Check complete a new check every five years.

8.4 Providing references for past employees

Employers are not required to give references. Some employers have a policy of providing a statement of service listing only the date(s) employed and the position(s) held. Most organisations rely on verbal references, to minimise the risks of a written reference. A risk minimisation policy in relation to providing references as an employer could include guidance on:

- who may give references?
- what areas the referee can comment on?
- receiving questions in writing prior to giving a reference so difficult responses can be thought through
- providing constructive criticism about an ex-employee only if the criticism is relevant and was raised with them and discussed as part of the employment relationship.

If your organisation agrees to give references to former employees, it is important that the person giving the reference has the authority of the organisation to do so, and that they define the context in which the reference is given. Context could include the relationship between the referee and the person seeking the reference eg. colleague, supervisor, friend or other; how long they have known the candidate; and how able they are to comment on the candidate's work (have they supervised them or viewed how they worked in the team?).

An organisation has a duty of care when providing references and must not defame any candidate by publishing or disseminating false and/or derogatory statements about the candidate.

References should be given in confidence and made clear to the person requesting the reference that it is confidential. It is recommended that a note be kept detailing time, date, person spoken with, subject of reference, and content of conversation.

It is best practice to request confirmation that the candidate put forward your details as a referee.

References

NSW Anti-Discrimination Board
Website: *www.antidiscrimination.justice.nsw.gov.au*

Australian Human Rights Commission
Website: *www.humanrights.gov.au*

Office of the Australian Information Commissioner
Website: *www.oaic.gov.au*

Office of the Children's Guardian
Website: *www.kidsguardian.nsw.gov.au*

National Criminal History Check
Website: *www.nationalcrimecheck.com.au/police-checks-individualshttp://lawlink.nsw.gov.au/lawlink/*

Other employment related information can be found in Chapter 5: 'Strategic Human Resources' and legal information can be found in Chapter 2: 'Legal Issues'.

For further information in relation to probity in employment for disability service providers refer to the *Disability Inclusion Act 2014* (NSW).

Relevant legislation

Legislation is often updated, and this list should not be relied on as being current. Refer to chapter 2 for further information on employment legislation. This is not intended to be an exhaustive list.

Discrimination legislation relating to employment:

- *Sex Discrimination Act 1984* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Fair Work Act 2009* (Cth)
- *Anti-discrimination Act 1977* (NSW)
- *Disability Inclusion Act 2014* (NSW)

NSW child protection legislation:

- *Advocate for Children and Young People Act 2014* (NSW)
- *Child Protection (Working with Children) Act 2012* (NSW)
- *Child Protection (Offenders Registration) Act 2000* (NSW)
- *Children and Young Persons (Care and Protection) Act 1998* (NSW)
- *Ombudsman Act 1974* (NSW)

Privacy legislation:

- *Privacy Act 1988* (Cth)
- *Privacy and Personal Information Protection Act 1998* (NSW)
- *Health Records and Information Privacy Act 2002* (NSW)

In relation to criminal records:

- *Criminal Records Act 1991* (NSW)

Record-keeping:

- *State Records Act 1998*

Governance and probity – key considerations

The Board should ask itself the following questions in the interests of governance and to ensure probity in employment:

1. What part of the recruitment and selection process will the board delegate?
2. How will the board document the delegation so that the terms of the delegation are clear?
3. Has the board signed off on an organisational structure and developed a workforce plan. If not, how will the board document the strategic human resourcing needs of the organisation to align human resources with the organisation's mission and vision?
4. Has the board signed off on a volunteer recruitment and selection process?
5. Has the board signed off on recruitment and selection processes for future board members?
6. Has the board considered all other human resources that are used within in the organisation, and signed off on appropriate recruitment or selection processes?
7. What levels of probity checks is the organisation mandated to carry out for workers, volunteers and board?
8. What reports will the board seek in relation to recruitment and selection, to assure themselves that the recruitment and selection process are being carried out in a best practice manner? Examples of the types of information that the board might seek are set out in section 8.3.4.
9. Has the board signed off on relevant recruitment and selection policies? The board should turn its mind to each of the following policy areas:
    - 9.1. Delegation of the process (see section 8.3.3)
    - 9.2. Reporting requirements back to the board required by any delegation (see section 8.3.4)
    - 9.3. Advertising and the organisation's information package, and its consistency with other external communications (see section 8.4.1)
    - 9.4. Internal versus external advertising for candidates (see section 8.4.4)
    - 9.5. Use of pools of suitable candidates (see section 8.4.4)
    - 9.6. Salary packaging and salary sacrifice (see section 8.4.2)
    - 9.7. Use of merit based selection criteria, including policy in relation to the need for candidates to be able to undertake the inherent requirements of the job (see section 8.4.3)
    - 9.8. Use of interview panels and interview ranking tools (see section 8.4.5)
    - 9.9. Use of service users as part of the selection and recruitment process (see section 8.4.5)
    - 9.10. Conflict of interest procedures (see section 8.4.9)
    - 9.11. Use of referee check processes, including the giving of relevant authorities for referee checks to take place (see section 8.4.10.1)
    - 9.12. Criminal Record Check processes (see section 8.4.10.3)
    - 9.13. Working with Children Check processes (see section 8.4.10.2)
    - 9.14. Health checks (see section 8.4.10.4)

9.15. Dealing with criticism that is received during any part of the probity (checking) process (see section 8.5)

9.16. Adequate documentation for all checks is kept and then destroyed in accordance with privacy considerations. The organisation should have a privacy plan covering not only this, but all areas of privacy relevant to the organisation, such as service user privacy (see section 8.4.11)

9.17. The use of ongoing probity checking of employees after employment, and provisions for dealing with any negative information that arises from ongoing checking (see section 8.4.12)

9.18. The use of probation periods (see section 8.4.7)

9.19. Processes that set out mechanisms for appeal against a decision (see section 8.4.8)

9.20. The giving of references for past employees (see section 8.5).

9.21. When and how will the board review each of these policies? (see section 6)

10. In relation to employment of the CEO, will the board take responsibility for the whole of the process or outsource the process to an agency? If the latter, what checks and controls will the board put in place to ensure the process works well? (see section 8.3.5)

10.1. If the board retains the process of the recruitment of the CEO, will the board set up a recruitment sub-committee? How will that delegation take place, what documentation will be put in place, and how will that sub- committee report back to the board? (see section 8.3.5)

10.2. If the board retains the process of recruiting the CEO, does the board have the requisite skills and knowledge to undertake the process, and how will the board up-skill if it doesn't? (see section 8.3.5)

10.3. Whatever the board decides in relation to the employment process for the CEO, does the board have adequate probity checks in place? Some relevant questions for the board are set out in paragraph 8.3.3 and 8.3.5.

Operational resources

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Overview of the resources

The following resources have been developed to assist those who are tasked with recruitment and selection of paid staff.

The resources provide a plain English guide to the steps involved in staff recruitment and selection, with information and explanation of each step, identification and management of probity hot spots. Templates, scripts, sample letters and sources of further information.

The resources are set out in a sequential manner, and colour coded to match the various parts of the selection and recruitment process. However, it is acknowledged that the process might not always flow in the manner suggested in this resource, as each organisation will adapt the process to suit their particular needs.

The resources are based on the following principles:

- organisations have a duty of care to their service users
- people are the major asset of the organisation
- recruiting and keeping good people builds a good organisation
- making the wrong recruitment choice costs time and money
- poor recruitment choices can damage the organisation's morale, effectiveness, reputation and standing in the community
- an open and transparent process aids fairness and probity
- comprehensive documentation supports accountability and fairness.

Today's organisations are required to satisfy community expectations and legal requirements for probity, fairness and transparency. As organisations grow, the need for policy and good record keeping to demonstrate how recruitment and selection decisions are made has also grown. These resources provide the building blocks for a systematic approach to recruitment and selection and can be adapted to suit an organisation's business, needs and size.

Overview of the recruitment and selection process

FIGURE 1: THE STAGES OF THE RECRUITMENT AND SELECTION PROCESS

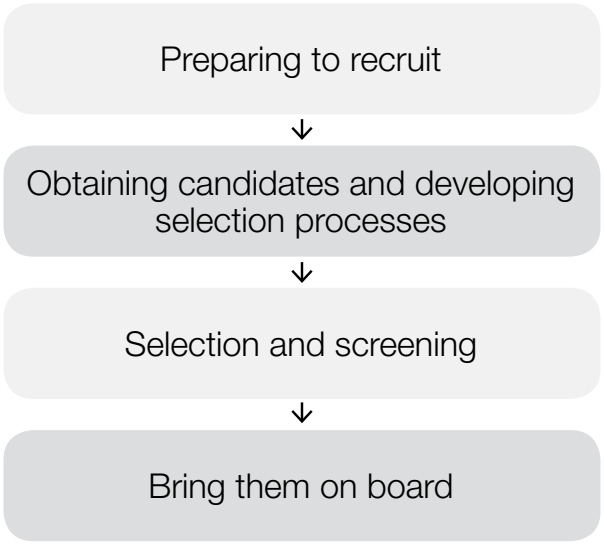
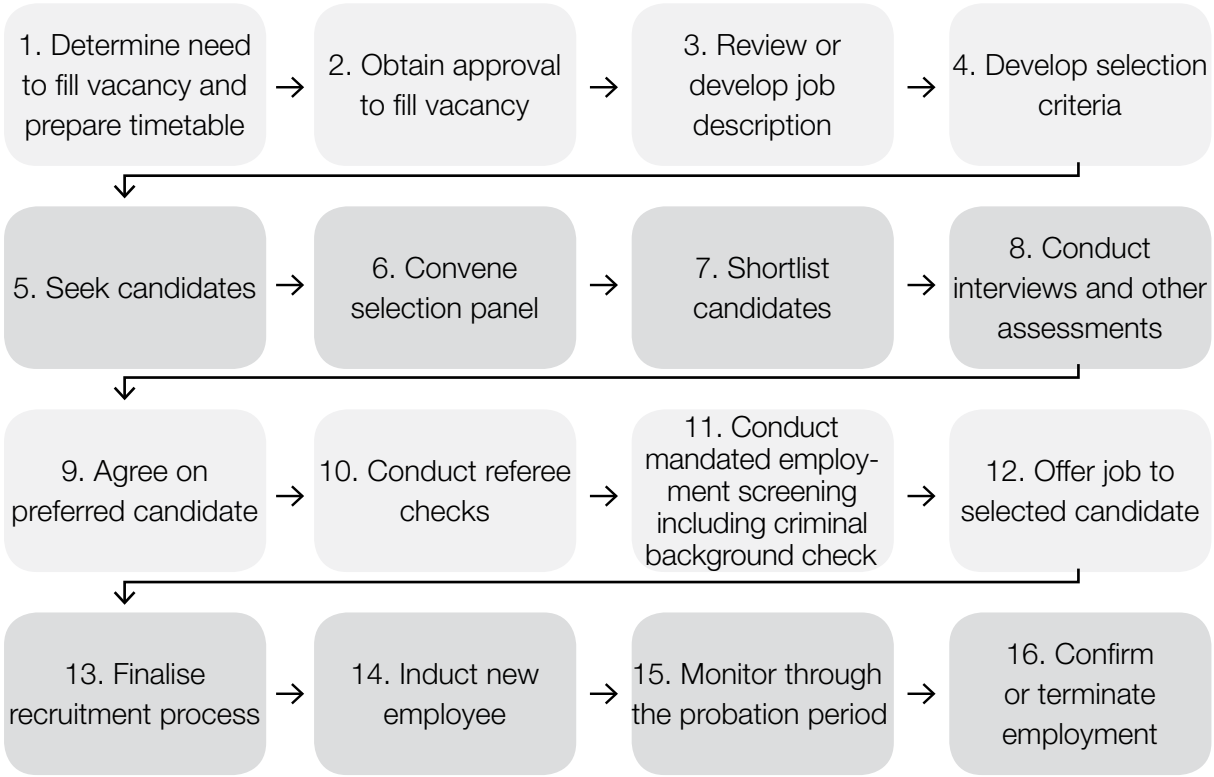


FIGURE 2: THE STEPS IN THE RECRUITMENT AND SELECTION PROCESS



1. Assessing needs and options for filling vacancies

Determine need to fill vacancy and prepare time table

Recruitment hot spot: *A systematic approach to assessing the need to recruit can save the organisation money on unnecessary recruitment.*

Probity hot spot: *Good timelines mean recruitment isn't rushed, and proper probity checks can take place.*

The length of time it takes to recruit a person to a vacancy depends on a number of variables and these are listed at Appendix 1 *Recruitment timeline*. Some parts of the timeline can be shortened however other parts may be beyond your control – these include Working with Children Checks and criminal record checks. Trying to save time by cutting out important checking and process stages will expose your organisation to risk and breach mandated requirements in relation to screening checks as well as breaching duty of care to your service users.

It is good practice to advise candidates of the steps in the recruitment process and an estimate of how long it will take before the position is filled. If unexpected delays occur, keep your candidates engaged during the recruitment period by staying in touch with them via email or phone and giving them regular updates.

Workforce planning requires that organisations consider not only their current staffing needs, but also what will be needed in the future. Before starting recruitment action, consider the following questions:

- what are the tasks the organisation needs done?
- what is the purpose of the job?
- where does it fit in with the rest of the team?
- does the position need to be improved or adapted?
- can its functions or responsibilities be modified, reallocated or eliminated entirely?
- how will the position fit into the current and future direction of the organisation?
- could the position be full-time, part-time, job-share, temporary, contract or some other employment arrangement?
- what level of experience is required for the position?
- can the position be filled temporarily by secondment from another organisation?
- is there money available to fill the position?
- has the job been reviewed against the appropriate Award?
- would it be more effective and efficient to outsource the function?

After considering these questions, you may decide not to fill the vacancy, find other ways of getting the work done, or eliminating the work or the job entirely.

> **TIP:** In a context of change like the one created by the NDIS, organisations need to challenge their traditional way of doing business and question established practices. Cost structures and ability to meet customer needs are critical factors in decision making. Where traditionally a vacant position may have been normally replaced, it may be worthwhile for the organisation to consider a different approach like redesigning the role, outsourcing it, making the role become casual to meet variable demand or partnering with another organisation to provide that aspect of the service.

2. Approval to fill the vacancy

Obtain approval to fill vacancy

Recruitment hot spot: *Obtaining appropriate approval to recruit demonstrates proper delegation processes.*

Keeping a record of salary benefits for each job shows accountability and open and consistent remuneration decision-making.

The board of the organisation is ultimately responsible for all of the activities of the organisation, even if the directors delegate the operational tasks, such as recruitment.

Generally, boards delegate the recruitment of staff to their chief executive officer (CEO), with the exception of recruiting for a new CEO where it is important that the board has hands-on involvement.

Appendix 2 is a template for an approval to fill a vacancy.

3. Job description

Review or develop job description

Probity hot spot: *A current, well-written job description is the basis for selection criteria and therefore the basis for the requirements of the job, including probity check requirements.*

Job descriptions are not static documents. Roles, competencies and responsibilities change over time and it is important to schedule regular reviews of all job descriptions. By regularly reviewing job descriptions you will save time when recruitment action commences.

An effective job description is a management tool allowing managers, employees and potential employees to:

- define and understand the purpose of the role
- identify competencies rather than tasks
- link the position into the overall design of the workplace and strategic plan
- link performance development to the job description
- create a link between the job description and probation criteria to more effectively manage the probation process
- use the job description as the source document to develop and respond to selection criteria for recruitment and selection
- identify the right candidate in the recruitment and selection process.

As a minimum, each job description contains the following information:

- name of position
- name of the relevant industrial award (if applicable)
- title of position and to whom (position) it reports
- summary of the role
- key accountabilities of the job and the performance outcomes expected
- financial responsibilities
- list of specific duties and responsibilities
- competencies and personal qualities to be demonstrated.

Appendix 4 is a *Job description template*.

4. Selection criteria

Develop selection criteria

Probity hot spot: *Selection criteria provide objective and transparent criteria on which to base selection decision- making. Selection criteria will include probity requirements. Being specific about the inherent requirements of the job can avoid claims of discrimination, and are especially important in relation to probity checking.*

In order to recruit to a position you need to have an objective tool on which to base your selection choice. The tool is your selection criteria. The selection criteria are drawn mainly from the job description.

Selection criteria define the competencies needed to successfully perform the job. The criteria are used as a benchmark against which to measure candidates and decide on the preferred candidate. Using selection criteria maintains consistency of treatment of candidates during the process and consistency in standards of assessment; it makes selection methods transparent to both selection panel members and candidates; and it provides a degree of objectivity in the selection process that is crucial should it be necessary to justify any decision.

Selection criteria can be broken down into four parts:

- knowledge
- skills
- attributes
- specialised requirements.

Knowledge

Knowledge is the accumulation of understanding gained from formal education or through past job experience that the candidate would require to meet the prerequisites of the job. For example, the required knowledge to perform as a disability support worker could include *'knowledge of the needs of people with a disability to provide appropriate support and care'.* This knowledge might have been gained through past experience in a similar role or through formal qualifications, or both.

Note that some knowledge can be gained on the job so it is important to assess how much and what types of knowledge are required before recruiting for a job.This will help avoid overstating selection capabilities and excluding candidates with potential to learn on the job.

Skills

Skills are the specific skill or ability needed to meet the required outcomes of the role. In the above example good communication skills would be required in order to communicate with persons with a disability, their family, colleagues and for writing reports. Examples of other skills could be problem-solving skills, negotiation skills, and the ability to prioritise workloads.

Attributes

Attributes are the personal qualities, attitudes, values and personal style needed to perform in the role and fit with the values of the organisation. These may include traits such as good judgement, flexibility, empathy, collaborative work style, motivation, ethical behaviour, initiative, reliability, interest in people, cultural awareness, honesty and service user-focussed.

Specialised requirements

As well as knowledge, skills and attributes, there may be specific inherent requirements in the position such as availability to do shiftwork, possession of a current driver license, willingness to work overtime, and a clean driving record.

Weighting selection criteria

Sometimes organisations decide to place more emphasis on certain selection criteria and give these 'weightings' to demonstrate their relative importance. This may be done by calling some criteria *'essential'*, and others *'desirable'* or by assigning a score. For example a public sector advertisement for the position of Deputy Manager, Assessments with the NSW Independent Commission Against Corruption had the following selection criteria and weightings:

Selection criteria	Weighting %
Proven high level organisational and team leadership skills	30%
Experience in a high volume complaint-handling or similar environment and an understanding of the processes, challenges and risks involved in such an environment	20%
Demonstrated high level judgement, analytical and problem-solving skills	20%
Demonstrated high level communication, liaison and negotiation skills	15%
Knowledge of the role of the ICAC. An ability to interpret the ICAC Act and other relevant legislation. Knowledge of the general NSW public sector	10%
Relevant tertiary qualifications or equivalent work experience	5%

To increase transparency and probity of process, it should be explained to candidates if a weighting system is used and how it is applied. This could be achieved by including a statement about the use and purpose of *'essential'* and *'desirable'* criteria, or if a percentage system is used, a statement outlining the weighting given to each criterion.

5. Seek candidates

Seek candidates

Probity hot spots: *Open advertising of vacancies demonstrates transparency and accountability, and widens the pool of candidates, increasing the candidates likelihood of a good hire.*

A bad hire puts your service users at risk, costs money, and can damage your organisation's reputation.

The inherent job requirements must be carefully and realistically identified and publicised.

The advertisement must state if criminal record checks or Working with Children Checks will be required.

Finding and attracting a pool of suitable candidates involves determining where they might be and how they can be encouraged to apply for your vacancy.

There are a number of options available to source candidates including personal networks, using a recruitment agency, using recruitment databases, specialised recruitment sites, advertising, approaching candidates currently in similar organisations, or recruiting from within the organisation. All of these methods have their benefits and drawbacks. Some of the considerations involved in deciding which method, or combination, to use include:

- are there time constraints? Does the position need to be filled quickly? How much time can you spend on the recruitment process?
- what is the cost of each method? In terms of both time and money, how much are you willing to spend on filling the vacancy?
- is the vacancy likely to attract many candidates or are the skills relatively scarce?
- who are your major competitors for staff?
- are you looking for staff from a specific community group?

Open advertising – or not

You should have clear organisation policies that set when it's appropriate to only advertise internally. At a minimum, it is recommended that all vacancies be advertised internally among your permanent, temporary, casual staff and volunteers. Doing this provides a measure of transparency and probity, and gives your staff encouragement and a feeling of being valued.

Effective job advertising

Effective job advertising must include any of the inherent requirements of the job that are relevant, including medical and criminal requirements. It's important to include these in the advertisement so that potential candidates have the opportunity to self-select out of the process if they do not meet the requirements. The inherent requirements of the job must themselves be based on the job description and relevant selection criteria.

Advertising also highlights the assets of the position and appeals to the career needs and wants of the desired candidates. Advertising should be succinct, clear, engaging and realistically describe the position.

Sentences should be short and to the point and provide enough information to interest candidates without overloading them.

Include information about the organisation, specific duties of the role, required qualifications and experience, special requirements such as exemptions or exceptions from sections of discrimination laws, and any checks required such as criminal record or working with children checks.

The award name (if applicable) and salary ranges should also be included in the advertisement.

A closing date for submission of applications, contact details for candidates to obtain further information, and the address to send applications should be included.

More detailed information on the position can be placed on the organisation's website or in the information package provided to candidates.

Job websites

There are numerous websites specifically to advertise job vacancies in the community sector. For example *www.carecareers.com.au*; *www.ethicaljobs.com.au*; *www.jobseeker.org.au*; *www.probonoaustralia.com.au*; *www.ncoss.org.au*.

Employment agencies

Using an employment agency to source candidates can save time and they may also have access to a specialised pool of candidates. However, these benefits need to be balanced against the cost of using an agency, and of losing some control over the choice of candidates presented for your consideration.

When using an employment agency it is important that the recruiter has a full understanding of the role being filled, the work your organisation does, the job requirements and the attributes of person you are seeking.

Recruitment agencies must also abide by discrimination laws and cannot discriminate against candidates, nor follow discriminatory instructions from their client.

Identify selling points of the role and the organisation

Attracting quality candidates can be a challenge. Many organisations do not adequately promote the benefits of working for them.

Identifying and including the benefits of working for your organisation in recruitment advertisements and job information helps you stand out from the crowd and attract candidates.

Some studies show that employees work and stay in community careers for the following reasons and framing your advertising to reflect these reasons will strengthen your recruitment strategies:

- being part of a profession
- making a difference to people's lives
- challenging work
- lots of variety
- opportunities to be innovative and creative
- the opportunity to give back to the community
- flexible working hours.

Information for candidates

Providing accurate and comprehensive information to candidates contributes to them having a realistic view of the job and its requirements. During the recruitment period, the role of responding to all enquiries by phone, and email should be delegated to an appropriate administrator. An information pack should be available online and be posted to candidates on request. The information pack should include the following:

- the job description
- the salary and other benefits of the position
- the selection criteria
- the job application form
- timeframes for the recruitment process and how to lodge the job application
- information about the organisation, which might include a copy of the annual report, newsletter, web address, strategic plan or publicity brochures
- information about the conditions and benefits of employment with your organisation
- information about any fitness and health requirements inherent in the job
- information about specific checking requirements which will be undertaken on the recommended candidate such as referee checking, criminal record checks and Working with Children Checks
- anything else which would tell the candidate what the job is, why the work is done and the benefits of working for the organisation
- the advertisement and information kit should include the name and phone number of a person who candidates can contact to discuss the job.

A template letter for candidates explaining the recruitment process and screening requirements is provided at Appendix 5.

For candidates requiring more than the available information, or who want to discuss the role confidentially by phone, enquiries should be referred to a nominated member of the selection panel.

6. Selection panel

Convene selection panel

Probity hot spots: *Selection panel members must be impartial. If a personal or business relationship exists between a panel member and a candidate, the panel member must make this known to the selection panel.*

Service users on the selection panel may be considered as an important part of the selection process. A candidate's attitude and behaviour towards service users in the interview setting can be an important indicator of suitability for the job.

Using a selection panel comprising of three or five people has the advantage of increasing impartiality and bringing different perspectives to the selection process, therefore increasing the likelihood that the diverse sets of skills and attributes of candidates will be recognised and considered.

It is recommended that the panel contains between two and five persons. The larger the panel, the more time is required to coordinate its members, and therefore it is more costly to organise. Additionally, a large panel can be confronting for candidates.

Composition of the panel

The supervisor or manager of the position being recruited should always be on the selection panel, as this person will have the best knowledge of the requirements of the vacant position. Other panel members could include a number of areas:

- a board member
- a community representative
- a specialist in recruitment
- a service user.

To increase the efficiency of the panel, questions and roles should be defined and allotted to the members of the panel before the interview.

Sometimes service users are asked to sit on selection panels, or to otherwise engage in the recruitment and selection process. The organisation should have clear policy on the use of service users and make certain that service users are supported in the role if they participate. Currently, there is no accepted best practice method of including service users in the selection process. Appendix 6 contains a case study and tips from the NSW Council for Intellectual Disability on using a service user on a selection panel for disability service providers.

Role of the panel members

Convenor of the selection panel

Selection panels should be lead by a convenor. The convenor is usually the supervisor or manager of the position being recruited.

The convenor is responsible for:

- defining the selection criteria and selection options
- obtaining selection panel members
- ensuring that the recruitment process is confidential, fair and ethical, including managing any real or perceived conflicts of interest among panel members
- convening and chairing meetings to coordinate the short-listing of candidates, and arranging interview dates, times and locations
- ensuring that all panel members have a clear understanding of the vacancy
- providing panel members with all necessary documentation
- coordinating or conducting referee checks, and organising employment screening checks (including verification of essential qualifications, identifications checks, Working with Children Checks, and other pre-employment checks)
- liaising with candidates
- notifying successful and unsuccessful candidates of the result of the selection process
- negotiating all conditions and terms of offer with the successful candidate
- providing post-selection feedback to candidates
- writing and finalising selection reports.

Panel members

Panel members are responsible for:

- helping the convenor determine the selection criteria
- declaring any conflict of interest in writing
- assessing and short-listing candidates
- participating in the selection process in a fair and ethical manner
- maintaining confidentiality at all stages, including after the selection process has been finalised.

To demonstrate and ensure probity of the panel, it is preferable that the panel does not include any person who may have a real, perceived or potential conflict of interest in the process. However, in some circumstances this may be unavoidable.

Appendix 7 is a *Declaration of conflict of interest* form.

7. Short-listing candidates

Short-list candidates

Probity hot spot: *Making sure all candidates are assessed equally and fairly against the selection criteria provides you with evidence on the reasons behind the panel's decisions if explanation is required in the future. The justification for culling any candidate based on probity checks must be clearly demonstrated (although formal probity checks do not often take place at this stage of the process).*

Once the deadline for submission of applications has been reached, the convenor should gather all applications and organise a meeting time and date for panel members to convene and short-list candidates for interview. If it is not possible for panel members to come together at this time copies of the applications could be distributed to them and an assessment of each application could be done by each member. If this is done panel members must handle all applications in a confidential manner and make sure that the applications are not misplaced or left in open view.

Process

Short-listing of candidates excludes candidates who do not meet the selection criteria of the position or are ineligible for appointment (for example due to visa restrictions or other legislative requirements).

Appendix 8 is a *Short-listing template* that can be used to assist in the process.

If the panel disagrees about whom to shortlist, further discussion should be held until consensus is reached.

Employment and discrimination law

When short-listing it is important that candidates be short-listed (or not) only in relation to matters that relate to the requirements of the job.

Under federal and state laws, it is against the law to discriminate against people (treat them unfairly compared with others) in employment.

In NSW, the effect of these laws means that employers must not treat employees/job candidates unfairly, or harass them, because of their:

- age
- carers' responsibilities
- disability
- homosexuality
- marital status
- race
- sex
- transgender status.

Exceptions and exemptions to discrimination law

Generally, you cannot discriminate against candidates on the basis of any of the characteristics listed above. However, there are some exceptions to this where jobs or services are targeted at a specific group such as women, or men, or people with disabilities, or a particular race or ethnic group. Further information on exceptions and exemptions can be found on the NSW Anti-Discrimination Board's website at: www.antidiscrimination.justice.nsw.gov.au

8. Interviewing and assessing candidates

Conduct interviews and other assessments

Probity hot spot: *A well-planned and structured interview and assessment process reduces the risk of a bad hiring decision and demonstrates an ethical recruitment process. Probity checks may be raised as part of the interview process and candidates may volunteer or discuss information regarding probity matters.*

Organising interviews

After short listing has been completed the panel convenor or delegate should contact the short listed candidates and invite them for interview. Contact should be made by phone, and confirmation of interview time and details confirmed by email.

Ideally, candidates should be given sufficient time between notice of interview and the interview. A good time period is at least 3 working days' notice.

Candidates should be given the following information:

- the panel convenor's name and contact details
- interview time, location and estimated length of interview
- what documents the candidate should bring to interview (e.g. proof of identity, birth certificate, academic qualifications, current drivers license)
- interview format including information about work sample tests etc. if applicable
- the interview questions (if applicable).

Appendix 9 is a *Schedule for organising interview schedule* document and Appendix 10 is an *Invitation to interview script* to use when inviting candidates to interview.

Alternative selection tools

There are a number of tools that can be used in the selection process. Choosing one or a combination of tools depends on cost, validity, time and appropriateness for the situation. Most commonly used is the structured job interview but other tools are listed in the table below, reflecting their cost and validity.

The *Australian Master Human Resources Guide* (CCH Australia Ltd, 11th edition, 2016) gives the following rankings of common selection methods, their cost and validity (validity is the measure of how accurately a technique or method predicts job performance):

Selection technique	Cost	Validity
Behaviourally-based interview	Low	Very good
Assessment centre or group interview	High	Very good
Cognitive ability test	Medium–low	Very good
Work sample test	Low	Good
Aptitude test	Medium-low	Good
Standard interview	Low	Low
Personality test or psychometric assessments	High	Low-medium

Combining a structured, behaviourally based interview with a work sample test and a structured referee check will greatly increase the likelihood of a good selection.

Interview questions

The most commonly used styles of questions in Australia are:

- behavioural questions
- situational questions
- open-ended questions.

As past behaviour is an excellent predictor of future behaviour, behavioural questions ask the candidate to talk about a specific situation where they demonstrated specific skills, their role, what they did and the outcome they achieved.

Situational questions are used to find out how a candidate would approach problems by presenting them with a hypothetical situation and asking them to describe what they would do in that situation.

Open-ended questions are more general questions. Examples of these would be 'tell me about yourself?' and 'why are you interested in this job?'.

Appendix 11 sets out the advantage and disadvantages of a broad range of question types.

Determining person-organisation fit

Person-organisation fit is the extent to which an individual's values match those of the organisation.

It can be difficult to determine if a person will fit into the organisation, but some methods that can provide insight into the degree of alignment include:

- clearly stating organisational values in the job description, so candidates can self-assess their degree of fit with the organisation
- using behaviourally-oriented interview questions to determine person-organisation fit
- identifying key attributes through job analysis
- asking referees relevant questions to identify the candidate's values and possible behaviours in specific situations.

Structured and unstructured interviews

Job interviews can be structured or unstructured. Research from the *U.S Office of Personnel Management, Structured Interviews: A Practical Guide September 2008* reviewed the differences between the two and concluded that although unstructured interviews appeared attractive due to their loose framework, conversational flow and discretionary content, research consistently indicated that they have little value in predicting job performance.

Structured interview	Unstructured interview
All candidates are asked the same questions in the same order	Different candidates may be asked different questions
All candidates are evaluated using a common rating scale	A standardised rating scale is not used
Interviewers agree on acceptable answers	Interviewers do not have to agree on acceptable answers

Conducting the interview

Interviews should be conducted so that the format, information and order of questions are the same for each candidate.

You may decide to give candidates a copy of the questions that will be asked, 10 or 15 minutes before the interview. This has the advantage of giving candidates time to settle their nerves and consider their answers. After the interview, be sure to remember to collect the copies from the candidates and destroy them.

Remember: the interview is a two-way process. You will be assessing the candidate, but they will also be assessing you as a representative of your organisation. It is important to make the candidate comfortable in the interview as this creates a good impression of the organisation, and helps them perform at their best in the interview. Simple things such as a quiet room, good seating arrangements, introductions to panel members, water and a welcome when they arrive all contribute to creating a positive atmosphere and interview setting.

Rating interview answers

At the same time as writing their interview questions the panel should have determined what are the ideal responses to their questions based on the competencies they want the candidate to demonstrate, and how they will rate and rank candidates on their answers. A rating system makes it relatively easy to compare several candidates on the merit of their responses. It also goes a long way toward eliminating distortions caused by interviewer bias and interpersonal factors such as physical attractiveness, style of dress, and so forth.

Appendix 12 is an *Interview comment sheet*

Appendix 13 is an *Interview ranking sheet*

Between interviews

Allow at least 15 minutes between interviews to make notes on the candidate and review and discuss the candidate's responses to the interview questions.

9. Panel recommendation

Agree on preferred candidate

Recruitment hot spots: *Organisations should have policy in place to deal with panels being unable to make a unanimous recommendation.*

This policy should also identify the final decision-maker in the recruitment process.

At the conclusion of all the interviews the panel should discuss each candidate in turn. The aim is to ensure all members are working from the same information base and that each member can articulate their judgement of each candidate. Discuss each selection criterion for each candidate, and discuss and seek to resolve conflicting viewpoints between panel members.

It is important to fully consider all information obtained and for all the panel members to reach consensus. However, if a panel member has serious doubts about a candidate, this should not be overlooked for the sake of agreement with the other members. The panel member should articulate their doubts, and decide if the panel should seek further information by speaking to referees about the issue, re-interviewing or obtaining other information.

Each panel member should rate each candidate against each selection criterion and based on these ratings, decide which candidate is suitable for the job and which candidate is unsuitable for the job. Rank the suitable candidates in order of merit. If there are differences in job rankings between panel members, discuss the reasons for these differences.

A written record of the steps taken to reach the recommendation should be maintained. This record will show why one candidate was preferred over another and how fully or otherwise each candidate demonstrated his or her fit with the selection criteria.

When the panel agrees on their preferred candidate, the next stages are referee and qualification checking.

Mandated pre-employment screenings such as the National Criminal Record History Check and the Working with Children Check should only be undertaken for the preferred candidate.

If, after due consideration, the panel is unable to agree on a preferred candidate, the matter should be taken to the CEO of the organisation or the board chair for decision, or other action taken consistent with organisational policy on recruitment and selection.

Eligibility lists

For positions that have a high turnover or are difficult to fill, organisations may decide to create an eligibility list. The list is created from each recruitment action and contains the names of candidates the panel deems suitable for appointment and arranged in order of merit. The candidate ranked first on the list is offered the advertised role. If the preferred candidate refuses the offer, or if there are future roles that have similiar criteria, the people on this eligibility list can be approached in order of their rank.

Not all suitable candidates have to be included in the eligibility list. Eligibility lists should remain current for a defined period of time and common practise is 12 months from date of interview.

If an eligibility list is created, you must make sure that all required checks, including referee reports are conducted on the candidates before offering employment.

10. Referee and qualification checking

Conduct referee checks

Probity hot spots: *Referee and qualification checks are a clear and important way of conducting probity checks, and must be conducted fairly, thoroughly and consistently.*

The principles of procedural fairness must be applied to any decision-making.

Referee checks may be carried out on the final recommended candidate or the most competitive candidates to determine order of merit.

Candidates will have been made aware that they needed to provide two names of referees who may be contacted by the selection committee.

Benefits of referee checking

Referee checking is an important part of the total selection process and under the *Disability Inclusion Act 2014* (NSW) the checking of at least one referee is mandatory for disability services providers. Referee information should be considered together with the job application, the resume, and the interview or selection tool used when making a selection decision.

Referees provide information on the actual performance of the candidate in the workplace, as well as detailed information about the candidate's personal attributes such as teamwork, diligence, and reliability.

Verbal or written referee checks

Used in a structured manner, verbal referee checks are more effective than written references. Verbal referee checks give you the opportunity to:

- explore any issues that arose during the interview you need clarification or confirmation of
- gain a greater in-depth knowledge of the candidate and their previous professional experience and/or personal attributes
- explore in detail the candidates' skills, knowledge and personal qualities.

Non-nominated referees

It is considered best practice to only seek referee checks from those referees that a candidate provides to you. When a candidate provides the name of a referee there is an express or implied agreement that the referee can provide personal information to you about the previous employment relationship. Contacting non-nominated referees is problematic, and in some cases those referees may be breaching privacy legislation if they do provide information. It is recommended that organisations seek information only from given referees or seek permission from the candidate before contacting any other person to act as a referee.

Conducting referee checks

To streamline the referee checking process and improve its effectiveness, the following preparation should take place before conducting the referees:

- nominate a member of the selection panel to speak with referees
- allow sufficient time to conduct referee checks – at least 30 minutes per referee
- find a quiet, confidential place to conduct the referee conversation
- prior to the discussion, email the referee a copy of the job description and another relevant information. This will help them understand the requirements and the context of the job.

Questions to the referee should relate directly to the selection criteria and probe the candidate's capabilities and clarify or confirm anything the candidate may have said in interview or in their application. It should be noted that it may be a breach of privacy legislation for a previous employer to provide any information that is not employment-related, such as health information.

Examples of referee questions include:

- would you employ this person again?
- would you recommend the candidate for this position?
- what particular strengths does the candidate have (and ask for examples)?
- what areas of of their work does the candidate need to develop?
- how did the candidate interact with your service users?

It is important to find out if the referee has had adequate opportunity to observe the candidate at work and is suitable, competent and qualified to evaluate the candidate's work performance.

Information from the referees is then discussed with the selection panel, allowing them to make a fully-informed decision based on all available information.

Appendix 14 provides a *Referee check template*. A record should be kept of the conversation with the referee and the template can be used to both guide the referee checking process and keep a written record.

Disciplinary action information

Information should be sought from the referees on whether there is any pending disciplinary action involving the applicant and the outcomes of any formal disciplinary investigations. This information needs to be kept private and confidential.

Is it critical that this information be considered carefully and used appropriately. Where the candidate has previous substantiated allegations, or disciplinary action is pending, a risk assessment should be conducted to determine if there is an unacceptable risk for the organisation in employing the candidate.

Where a risk assessment determines that the risk posed to the organisation is significant this information must be used as part of the decision making process for the selection committee. The risk assessment must be documented and kept with the recruitment documentation. Giving the candidate the opportunity to address any concerns arising from this disclosure is procedurally fair and best practice.

Certain investigations, called *'relevant employment proceedings',* are reportable to the Office of Children's Guardian and are included in Working with Children Checks. Further information on these can be found at www.kidsguardian.nsw.gov.au.

Negative referee information

If a negative referee check is received, you have a number of options:

- accept the referee comments at face value and proceed to the next suitable candidate
- contact the candidate and discuss the referee's comments, to seek clarification or an explanation
- ask the candidate for another referee.

Giving the candidate the opportunity to address any negative information is procedurally fair and best practice. It is recommended that the organisation have relevant policy in place on how it will deal with negative information that arises out of the checking process.

Additional and extended checking

Given the higher responsibilities carried by the CEO role, and the organisational risks associated with the CEO's leadership function, extensive probity checking should be conducted by or on behalf of the board. These checks, provided consent is received from the applicant, could include:

- reports from previous employers who were not nominated as referees
- reports from professional bodies relevant to the industry
- character references from respected community members who have observed the applicant in previous employment situations.

Verifying qualifications and memberships

The essential qualifications of the preferred candidate should be sighted prior to making any offer of employment. Qualification and membership checks can be made by:

- consulting the records of professional bodies and
- asking the individual to bring original certificates or transcripts and other documents along at the interview stage for checking.

There may be cases where the selection panel chooses to make an offer of employment subject to the candidate producing evidence of the necessary qualification within a specified period. This usually applies in instances where the manager employs an undergraduate who has satisfactorily completed all the requirements of a course but is waiting for the degree to be conferred, or where for some reason the person is not immediately able to produce evidence of the qualification.

Overseas qualifications

For information on the recognition of overseas professional and other qualifications, contact either the professional body covering their profession or Australian Education International at *https://internationaleducation.gov.au/services-and-resources/pages/qualifications-recognition.aspx*

11. Employment screening checks

Conduct

Probity hot spots: *Criminal and other screening checks are an important part of probity checking and are mandatory for some types of employment and voluntary work. Be clear for each position what the required level of probity checking will be, and what information will lead to a decision not to proceed with appointment.*

Conduct employment screening only on the preferred candidate.

If negative information is found, apply the principles of procedural fairness when deciding how to proceed, making certain that an employee is given ample opportunity to address any negative information.

Checks should only be carried out on the candidates who are to be offered positions. Probity checking (including criminal record checks) against an established probity baseline enables the risk of an unsuitable hire to be further reduced. This checking can prevent abuse of service users, and ensure the organisation has the right staff in place.

The consequences of neglecting reference and probity checks can be severe, with long and destabilising consequences. Service users suffer, the organisation may be in breach of mandatory legislative requirements, the organisation's funding can be placed in jeopardy, and staff morale can be affected leading to the loss of loyal and hardworking existing staff.

Working with Children Checks

Employers are required to undertake the Working with Children Check (WWCC) for potential employees and volunteers (and others in significant roles) if they do child related work. For the WWCC a child is anyone under the age of 18.

All people working in positions or preferred applicants for positions that involve child related work must have a WWCC clearance from the Office of Children's Guardian.

Individual applicants, including both employees and volunteers, are responsible for their own application for certification. Service providers operating in a child-related industry must register online with the Office of the Children's Guardian and conduct online verification of applicants' clearances.

The organisation must register as an organisation working with children, and must provide details of the potential employee to the Office of the Children's Guardian. The Working with Children Check assesses an applicant's national criminal history. The records include:

- convictions (spent or unspent)
- charges (whether heard, unheard or dismissed)
- juvenile records.

Organisations should establish a policy that details how the organisation will deal with any negative information that arises as part of the checking process.

More information about the Working with Children check can be found at *http://www.kidsguardian.nsw.gov.au/*

Criminal record checks

Under the *Disability Inclusion Act 2014* (NSW), disability service providers have obligations in relation to probity in employment or engagement of relevant workers and relevant board members. Service providers must:

- ensure that appropriate probity checking is carried out on individuals involved in the provision of disability supports and services;
- not engage or employ individuals who have been convicted of certain offences
- repeat criminal records checks every four years.

Under the *Disability Inclusion Act 2014* (NSW), a 'relevant worker' is defined as a person who is engaged to provide disability supports and services directly to people with disability, in a way that involves face to face or physical contact with those persons (including employees, volunteers, self-employed people, agency staff, contractors, subcontractors, consultants, students undertaking training as part of an educational or vocational course or program other than school students on work experience).

Under the *Disability Inclusion Act 2014* (NSW) a 'relevant board member' is defined as a member of the governing body of the organisation who works, or is likely to work, directly with persons in the target group in a way that involves face to face or physical contact with those persons.

Even if an organisation is not required to conduct the criminal record check by law, the organisation may choose to require a candidate to disclose their criminal history.

As with other areas of information gathering, privacy and discrimination, the issue of criminal record checks involves a balancing of different rights. On one side the former offender has right to seek employment, and on the other hand there may be certain occupations or circumstances where a person with a particular criminal record poses an unacceptably high risk if they are employed in a certain position or may be prohibited from being employed in a certain position.

Before seeking any criminal record information, procedures should be in place as to how to handle information if the candidate does have a criminal record. The organisation will need to know:

- what level of criminal record will lead to the candidate being unsuitable for the job?
- how will the candidate be informed of this?
- has the candidate been informed of the types of criminal convictions that will give rise their being unsuitable to the position, or types of criminal conviction that will be investigated further, and those which are irrelevant?
- if the criminal conviction falls within that category of convictions that require further questions before a decision is made or a conviction which prohibits the candidate from being employed in a certain position, determine how the organisation will handle the communication with the candidate
- how will the sensitive information be handled and stored for unsuccessful and successful candidates? There are confidentiality requirements in relation to the use and storage of criminal records.

The Criminal Records Act 1991 allows minor convictions under NSW law to be 'spent' after a period of 10 years without further conviction for adults (or three years for juveniles convicted in a Children's Court). A minor conviction in this context is one involving up to six months' imprisonment. However, there are exceptions to the legislation where sexual offences were involved and for some types of employment in some occupations.

A criminal history check is required and should only be performed on candidates who are to be offered positions. All existing employees and volunteers must also undergo mandated probity checks.

All information obtained is to be treated confidentially, and candidates should be given the opportunity to discuss any conviction before a final decision is made. Consideration should be given to the circumstances around the conviction, including the time that has lapsed since the conviction, the candidate's age at the time, the number of convictions, the sentence imposed and any extenuating circumstances. It is suggested that the following matters get taken into account when deciding how to deal with a positive criminal record:

- the nature of the offence
- the number of offences
- the severity of the punishments
- the age at which the offences were committed
- good behaviour bonds and how they were completed
- any mitigating or extenuating circumstances
- general character since the offences.

Lastly, criminal records should be destroyed after six months in accordance with NSW government record keeping guidelines.

Criminal records and discrimination

Criminal record discrimination occurs when someone does not experience equality of opportunity in employment because of their criminal record. This may include being refused a job, dismissed from employment, and denied training opportunities or being harassed at work on the basis of their criminal record.

Criminal record discrimination in employment is prohibited by the International Labour Organisation Convention 111 (ILO 111).

It is not discrimination if a person's criminal record means that he or she is unable to perform the inherent requirements of a particular job. This must be determined on a case-by-case basis, according to the nature of the job and the nature of the criminal record. Employers in certain industries may also be legally obliged to refuse employment to people with certain types of criminal records.

The Australian Human Rights Commission can investigate complaints resulting from discrimination on the basis of a person's criminal record.

This does not necessarily prevent the organisation from developing criteria concerning the employment of people with certain criminal records. Organisations should ensure there is an opportunity for an individual assessment of a person's particular criminal record and the correlation between the criminal record and the inherent requirements of the job as set out in the job description, licensing bodies and other requirements.

For more detailed information on this matter, go to the Australian Human Rights Commission's website at *www.humanrights.gov.au/our-work/rights-and-freedoms/projects/discrimination-employment-basis-criminal-record*

Pre-employment medical and functional assessments

As with criminal record checks, the needs of the organisation must be balanced against the privacy of the individual.

Health screening should only be undertaken when there has been a risk assessment of the workplace, the inherent requirements of the job identified, and the health of the individual will impact the performance of these inherent requirements.

Health screening prior to employment can range from a simple questionnaire to a requirement that the employee undergo a health examination by a qualified medical practitioner.

Appendix 15 is a sample of a detailed pre-employment medical assessment and questionnaire form. Great care must be exercised when considering whether the position requires such specific insights into a person's capabilities. The questions in this form are sample questions only, and will not be relevant to the inherent requirements of many jobs. The questions must be tailored to suit each particular job.

Where it is necessary to test for specific attributes it is best to only test people who meet all the other requirements of the job. This is not a legal requirement but it is more cost effective and protects you from allegations of discrimination on the ground of disability.

For jobs with legitimate physical requirements it is useful to establish regular medical testing of employees to ensure they continue to meet the requirements and are not at risk of injury. It is important that all employees in this type of job are tested, and factors such as age or personal/physical presentation are not factors in determining who is tested.

More detailed information on the meaning of inherent job requirements, pre- employment health assessments and medical tests can be found on the Australian Human Rights Commission website at *www.humanrights.gov.au/publications/human-rights-record-chapter-4*

Privacy and confidentiality

All information gained through the recruitment process should be dealt with consistent with privacy obligations. This includes information on criminal record checks, Working with Children Checks, referee checks, health screening, job applications, and records of the selection panel's deliberations. All members of the selection panel should be made aware of their responsibility to maintain privacy and confidentiality in the handling and retention of information obtained in the selection process.

Procedural fairness

In all parts of the recruitment and selection process the common law principles of procedural fairness must be adhered to. These are:

- the fair hearing rule: which requires a decision-maker to give a person whose interests will be adversely affected by the decision, an opportunity to be heard
- rule against bias: which requires that a decision-maker not be biased or be seen by an informed observer to be biased in any way.

12. Offering the job

Offer job to selected candidate

Probity hot spots: *Job offers should be conditional upon satisfying the various checking processes.*

Prevent misunderstandings around employment conditions by confirming job offers in writing.

Once the selection panel has all the pieces of information – their assessment of the candidate at interview; the outcomes of referee and other checks; qualifications and membership verifications; other assessment tools – the panel's delegate contacts the successful candidate to offer them the position. This is usually done by phone and confirmed in writing.

If information such as qualifications and membership checks and Working with Children's Checks are pending, the job can still be offered, subject to successful checks.

The panel delegate should cover the following matters with the candidate:

- starting date
- confirm salary and conditions of employment
- probation period (if any)
- any other matters.

Appendix 16 is a sample *Letter of offer* template.

13. Finalise recruitment process

Offer job to selected candidate

Recruitment hot spots: *Selection panel reports provide a complete record of your decision-making and form the basis of advice to unsuccessful applicants and of any review of the selection process.*

Records must be stored securely and destroyed after a determined period of time.

Giving feedback to unsuccessful candidates provides them with a development opportunity and demonstrates probity of process.

Record keeping

Selection panel members should sign off all related paperwork and provide it to the selection panel convenor for confidential storage. Each organisation will need to decide how they go about complying with record keeping requirements.

The following recommendations were developed from the NSW Government Recordkeeping Manual accessible at www.records.nsw.gov.au

Selection panel reports and deliberations, job applications, referee reports, the job advertisement and other related selection panel documentation should be kept for a minimum of two years and then securely destroyed.

Criminal record checks should be kept separately from normal filing systems under secure arrangements and with only limited access to an authorised staff member, such as the Human Resources Manager or the CEO.

Under the *Disability Inclusion Act 2014* (NSW) disability service providers must keep records that can demonstrate that:

- a criminal record check, which is not more than four years old, has been done for each relevant worker/board member; and
- a statutory declaration has been provided by any relevant worker who was a citizen or permanent resident of a country other than Australia.

The collection, use, storage and disclosure of personal information about relevant workers/board members must be in accordance with the *Privacy Act 1988* (Cth) where relevant.

Employers must keep records of the current Working with Children Checks. Records must include the full name, Working with Children Check number, date of verification and expiry date for each child-related worker/volunteer.

Organisations may be audited by Office of the Children's Guardian.

Notifying and providing feedback to unsuccessful candidates

Written notifications should be sent out to the unsuccessful candidates thanking them for their interest in the position and advising them they had been unsuccessful at this time.

It is good practice to offer candidates feedback on their application. This helps them with their future job applications and demonstrates that you have nothing to hide as your process has been fair and transparent. It also presents a positive view of the organisation as an employer. If you have kept clear selection records this feedback should be relatively simple to provide.

Feedback can be given in person or by telephone.

To give feedback, the following process should be followed:

- arrange a suitable time to provide feedback in confidence
- prepare for the discussion by reviewing the selection panel documentation including the selection criteria and interview notes
- plan how you will conduct the feedback discussion – what points you want to make, what were the candidate's strengths and what areas need development
- explain the purpose of the discussion. It is not being done to justify the panel's decision, but to assist the candidate in future applications
- only discuss the candidate's performance in relation to the specific selection criteria. Do not enter into personal criticism or disagreement
- never discuss another candidate's performance
- listen, acknowledge and demonstrate empathy
- offer positive suggestions for improvement or development
- close the conversation with a statement of the candidate's positive qualities and wish them well
- take notes of the discussion and store these notes with the recruitment records.

In summary, post-selection feedback is very similar to performance management feedback – it should be factual, supported by evidence, acknowledge the positive qualities of the individual and the areas for improvement, and be given courteously, kindly and with empathy.

14. Induction of the new employee

Induct new employee

Recruitment hot spot: *Good induction programs improve employee performance and retention*

It is important to conduct a positive and effective induction for new employees as their initial experience profoundly affects how they feel about the workplace and how well they settle in to the position. Recruiting a new employee is time-consuming and often expensive, and a structured induction process increases the likelihood of the employee fitting into the organisation, having a positive experience and quickly coming up to speed in their new job. The induction of new staff is a long process that starts from the moment a candidate accepts the job and finishes when the employee is fully integrated into the workplace. This may take up to six months.

Information to be provided on commencement

There are five main categories of information the new employee needs to know:

- organisational information – the vision, mission, strategic plan and unique value proposition of the organisation; its management structure and its activities; its code of ethics and conduct.
- procedural information – workplace culture; hours of work; leave; forms; record-keeping rules; policies; work health and safety; emergency procedures; housekeeping; Work Health and Safety; First Aid officer; grievances and complaints procedures; policies; how to use the photocopier; computer use; phones; terms and conditions of employment; procedures for obtaining stationery and equipment; phone numbers; business cards.
- job information – what the employee needs to know in order to do the job effectively – where their desk is; information on major tasks and accountabilities and how the job fits into the overall work of the organisation; any specific training required for the job, including computer systems training; supervision; staff meetings; relevant legislation.
- personal information – where the toilets are; where they can store personal belongings; when and where to eat; tea/coffee facilities; all the things which can make the first day at work less stressful.
- team information – introduction to team members; what everyone does; and any informal information such as social events.

Responsibility for induction

The first point of contact should be the new employee's supervisor with information about the specifications of the role.

Depending on the size of the organisation, other people may be involved in the induction process – the human resources advisor, the manager of the organisation, board members, the administrator etc.

Induction program

Before the new employee starts, the supervisor should develop a structured induction program. A *Sample induction schedule* is provided at Appendix 17.

15. Monitor through the probation period

Monitor through the probation period

Probity hot spot: *Use the probation period to assess the new employee, including the veracity of their claims as to their skills and experience.*

Take prompt action to manage and improve poor performance.

During probation the new employee is on a steep learning curve. They are learning about the job, the organisation, the people, the service users and the culture. The employee's supervisor should be closely monitoring the employee's performance and providing support, guidance and performance feedback.

Also during this time the training and development needs of the employee should be identified and a performance management and development plan put in place.

The probation period is also a time when an organisation may assess whether the employee has the relevant skills and experience that they put forward during the recruitment process.

Giving feedback

Performance feedback should be done on a regular basis, confidentially and provide the employee with specific, measurable and attainable goals.

Appendix 18 provides some tips on giving and receiving feedback.

16. Confirmation or termination of appointment

Confirm or terminate employment

Recruitment hot spot: *Decisions to confirm or terminate employment should be well documented and supported by evidence.*

Confirmation of employment

Once the probation period has been completed satisfactorily, employment should be confirmed. This can also be the time when you review their salary and employment conditions and make any necessary adjustments to the job description to reflect the role.

Appendix 19 is a *Letter of permanent appointment* template. Appendix 2 can also be used to clarify the elements of the roles renumeration and/or package.

Termination of employment

Sometimes despite performance management and improvement measures, the best course of action for the organisation and the employee is to sever the employment relationship. This course of action should not come as a surprise to the employee if feedback and regular reviews of performance have been taking place. For the sake of harmony, you may decide to allow the employee to resign, unless there has been gross misconduct.

Under the *Fair Work Act 2009*, employees must serve a minimum employment period before they are eligible to make claims for unfair dismissal. For small organisations that employ less than 15 employees, that period is 12 months, and for larger organisations it is 6 months. More detailed information about dismissal can be found at the Fair Work Commission site at *www.fwc.gov.au* and the Fair Work Ombudsman site at *www.fairwork.gov.au*.

Appendix 1: Recruitment timeline

Action	Best case scenario (Note: 'day' is a working day)	Variables	Options to shorten time taken
Obtain approval to commence recruitment action	1 day	Approver not available	
Prepare job description and advertisement	2 days	Prepare job description and advertisement	Conduct regular reviews of all job descriptions Create a 'template' advertisement for use when advertising
Advertise position	1 day	Print media: Missing publishing deadlines will extend time taken for advertisement to appear	Advertise online – usually appears immediately
Position closing date	10 days	Applications received after closing date	Refuse late applications Shorten closing date
Short listing candidates for interview	1 day	Selection panel availability Number of applications	Convenor conducts short listing on behalf of panel Panel organised at the beginning of the recruitment process, diary dates, times and availability confirmed
Interview candidates and decide on preferred candidate	1 day	Selection panel availability Number of applications Candidate availability Panel disagree on preferred candidate Type of selection process chosen may require more time Second interviews, if required, will extend this time	Panel organised at the beginning of the recruitment process, diary dates, times and availability confirmed Publicise interview date in job advertisement Policy in place on managing disagreement on preferred candidate

Action	Best case scenario (Note: 'day' is a working day)	Variables	Options to shorten time taken
Conduct referee checks	1 day	Availability of referees Availability of selection panel member delegated to do referee checks	Set date for referee checks with panel member at the beginning of the recruitment process
Conduct Criminal Record Check; Working with Children Check; academic qualifications and memberships; health/ functional screening	1–20+ days	Internal systems in place to organise and manage these checks	
Make verbal offer to preferred candidate and determine starting date	5–20 days	Negotiation with candidate on salary and other matters	
Offer accepted Start date	When candidate can give notice and how much notice they have to give		

Appendix 2: Approval to fill a vacancy

Job details

Job title and location: _____

Salary level: _____

Award: _____

Job description

Is there a job description? ☐ Yes ☐ No

If no, use the job description template to create a job description.

If yes, does the job description reflect the current role needs?

☐ Yes ☐ No

If no, update the job description to reflect the current role. Check also that the salary level is correct.

Employment details

Is the job:

☐ Permanent full-time

☐ Permanent part-time - _____ hours per week _____ hours negotiable?

☐ Yes ☐ No

☐ Temporary full-time

☐ Temporary part-time - _____ hours per week _____ hours negotiable?

☐ Yes ☐ No

Casual/contract - _____ hours per week _____ hours negotiable?

☐ Yes ☐ No

If job is temporary, please state the expected employment period, including starting date and finishing date: *e.g. up to 6 months, starting on 1 April 2016 and ending by 2 October 2016.*

Reason for vacancy

☐ New position ☐ Resignation/retirement

☐ Leave coverage ☐ Other:

Supervisor recommendation:

Signature: _____ Date:_____

Manager approval:

Signature: _____ Date:_____

Appendix 3: Job remuneration record

Job details

Job title and location: _____

Job number: _____

Date job created: _____

Salary package

Salary level or range: *e.g. from $60,000 to $82,000 p.a. as at x date*

Award: _____

Package components:	
Item	**Value per annum**
• Motor vehicle	$
• Parking	$
• Petrol	$
• Mobile phone	$
• Laptop/iPad/other mobile device	$
• Tolls	$
• Superannuation	$
• Other *(list other components which may be offered, such as phone calls, internet, etc)*	$
Add annual salary:	**$**
TOTAL REMUNERATION PACKAGE	**$**

Package approved:

Name: _____

Position: _____

Date: _____

Next review date of package: _____

Appendix 4: Job description template

POSITION	Name of position
LOCATION	If more than one location or branch
REPORTS TO	Title of supervisor
DATE	Date job description written
AWARD/AGREEMENT	Name of Award/Agreement (if relevant)

PRIMARY PURPOSE OF JOB

Write why this job exists. A sentence or two summarising the main areas of responsibility and the main reasons for the existence of the job.

JOB IN CONTEXT

Describe the organisation environment. Provide a broad size indicator of the organisation, e.g. total staff, level of advice provided by position. Attach an organisation chart.

FREEDOM TO ACT/AUTONOMY OF POSITION

The position's influence, control or authority over resources, decision-making, freedom to act, size of budget controlled (if any), delegated authority.

JOB DUTIES

What is the position holder expected to do?

KEY RELATIONSHIPS

List the key people (titles) and organisations that the position deals with on a regular basis both inside and outside of the organisation. Include the reason for the frequency of the contacts and the influencing/persuasion skills required of the position.

Internal:

External:

KNOWLEDGE, SKILLS, ATTRIBUTES AND ANY SPECIALISED REQUIREMENTS

These are the selection criteria. They are the things a person needs to have or be able to learn or show potential in, so that they can perform the job. If tertiary qualifications or equivalent experience is required, it is listed here.

MEASURE OF RESULTS

List the specific objectives and measures of results used for appraising performance.

KEY CHALLENGES

A sentence summarising the main challenges facing the position.

Signature of manager: _____ Date: _____

Signature of position holder: _____ Date: _____

Appendix 5: Information for candidates

Organisations should dedicate a section of their website to information to assist candidate applying for roles within their business. Clear information about the organisation, its culture, its expectations and the benefits of working for the organisation will assist potential applicants in deciding whether the candidate and the organisation will be a good fit.

Each position advertised on the website should be accompanied by a role description (or instructions on how to obtain one) and relevant selection criteria.

An application form could be provided as a downloadable document or as a form to be completed online if the organisation has a data management system that allows them to do that.

Details of the application process should be provided as well as contact numbers for enquiries about the role.

If pre-employment screening (eg. Working with Children Checks, criminal record checks, etc) are required, this should be clearly identified.

Criminal Records Check

An organisation needs to undertake a criminal record check on candidates recommended for appointment. A criminal record does not necessarily disqualify a person from a position. However, for disability service providers the Disability Inclusion Act (DIA) prohibits the engagement of certain persons as relevant workers/board members. If an applicant is required to obtain a criminal record check and refuses to do so, (organisation) will not be able to continue the recruitment process with that person.

Under the DIA a person who has been convicted of a criminal offence listed in Schedule 2 of the DIA cannot be employed or engaged as a volunteer.

Working with Children Checks

Some positions may have responsibilities that will, at times, require unsupervised contact with a child. For these designated positions, organisations should clearly state that a Working with Children Check is required as an essential condition of employment, as required by the *Advocate for Children and Young People Act 2014* (NSW) and the *Child Protection (Working with Children) Act 2012* (NSW) and that under these Acts it is an offence for a prohibited person to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment.

Health assessment

Certain jobs may pose a threat to people with pre existing injuries or medical conditions and in such jobs there may also be greater exposure to risk. Under these circumstances organisations may require the recommended applicant to undergo a health assessment prior to commencing employment to ensure the inherent requirements of the job will not harm their health.

Depending on the job, organisations may require candidates to complete a Pre-Placement Health Declaration and/or undergo a medical examination or functional assessment. This should be clearly indicated in any information published about the role.

Appendix 6: Using service users on selection panels

1. Case study

Background

A disability organisation, was established by families looking to provide for their young adults with a disability services. The organisation provides around 100 participants of the NDIS with accommodation/tenancy assistance, assistance with daily life tasks, assistance with daily personal activities, and other support services for people with disabilities.

The organisation sees one of its key attributes is the strength of partnership between the person with a disability, their family and the Service.

Demonstrating this partnership, it includes NDIS participants or carers in various phases of the recruitment process, including, where possible and appropriate, on the selection panels for Support Worker positions and other positions where direct support, training and/or care are provided.

The strategy

When a vacancy arises in one of the services, an NDIS participant of that service may be invited to participate in the selection panel. A core group of NDIS participants are available for selection panels and they have been trained up in the interview process and protocols.

Short-listing of applicants is usually done by the supervisor and management representative. However, the organisation is considering changing this process to include the NDIS participant in all aspects of the recruitment and selection process.

Applications are then reviewed (normally on the day) prior to the interview itself and talked through with the NDIS participant. Where literacy skills permit, the client is coached in interpreting and understanding the written application.

The supervisor prepares probes and question prompts in conjunction with the NDIS participants, and the client is usually allocated one or two questions for each applicant.

The NDIS participant completes all of the interviews as a full panel member, and reviews with the panel each applicant and makes their own determination on their preferred candidate.

Direct support, prompting and coaching is provided to the NDIS participant, with special attention paid to reminders on confidentiality, question phrasing, candidate welcome etc. As with all panel members the client is aware that business/ smart dress is recommended.

The results
Stakeholder participation with a genuine consumer perspective.

Skills and competency development for all panel members.

Initial surprise and now full acceptance of the level of people judgement by people with disability – they know when someone is not right.

Personal empowerment and self esteem growth for the NDIS participant. The organisation is achieving what they have set out to do.

Biggest challenge?
Communication. For other panel members to be discrete, subtle and sensitive to interpretation of person with disability communications. It really helps if the panel members know one another well.

Biggest win?
The pride the NDIS participant shows when introducing a new starter they have interviewed.

2. Hints and tips

The NSW Council for Intellectual Disability gives the following tips on including a person with an intellectual disability on interview panels:

The NSW Council for Intellectual Disability has involved people with an intellectual disability (board members and panel members) on interview panels for positions such as executive officer, information officer, participation worker.

We have also supported individuals to be on external panels interviewing for positions such as managers of services involving matching volunteers and people with an intellectual disability for social connections.

Including a person with an intellectual disability on panel
Consider including a statement about a person with an intellectual disability as a participant on any recruitment panel in your organisation's policy/ procedure documents around staff recruitment.

Who to invite onto the panel?
Take into account someone who knows what happens in the service. Can the person sit and concentrate for a length of time? How many days will be required?

Support person for the person with an intellectual disability
Think about who can support the person with an intellectual disability to prepare and if needed, to sit on the panel with them (if not already one of the other panellists). Weigh up factors such as independence (and support person may need to be paid); person who is well known and a good communication partner; understanding of their own role as support in this context i.e. they are not there to speak for the person with an intellectual disability, nor advocate, nor give their own opinion. Maintaining confidentiality of the recruitment process.

Supporting the person with an intellectual disability

Provide clear job descriptions and have a discussion around job requirements. Make sure the language used is not sector or management jargon. Allocate interview questions to reflect individual interests, experience and strengths as an interviewer. This can make it easier for the panellist to remember and get the right words out when asking the questions. Observe how the candidates address their answers – to all, not just people without disability, eye contact etc. Walk through what will happen, role of the person with an intellectual disability as representative for people with an intellectual disability in the service, and other panellists.

Use easy language in your questions

Depending on the individual's strengths and needs, provide prompts for

the person with an intellectual disability such as pictures and key words on cards. There may be some varying from the 'script' – this is to be expected. Memorising lines is not for everyone.

Use a score sheet to rate the candidate's interview performance

This can be done quite discretely with planning and if needed, practice. Person may need support to write, or may point to a score with support person to record it, or may place a mark next to pre-written scores. This helps people to record immediately, especially if they have literacy/fine motor difficulties. It can be hard to remember these things for later review, especially when there are multiple interviews.

Scheduling and running interviews

Take into account panel discussion between interviews and allow extra time if possible as these may take a bit longer. Also take into account the possibility of panellist fatigue.

In which part/s of the recruitment process should the person with an intellectual disability be included?

They could be involved in selecting applicants for interviews, or just for interviews and decisions about a successful candidate. Ask the panellist what they would like to do, keeping in mind the time this can take, and the interests of the panellist.

Benefits of including a person with an intellectual disability in the recruitment and selection process

The candidate's attitude to the person with an intellectual disability can be assessed in the interview. Including a person with an intellectual disability in the process highlights to employer and candidates the valued status of people with an intellectual disability…a reminder of why we are all here.

Challenges

As most people with an intellectual disability have had very little prior opportunities to learn selection panel skills organisations may need to develop strategies/training over time to allow experience and skills to build.

Reimbursement and recognition of the person with an intellectual disability's contribution

- pay travel expenses and provide food and refreshments.
- pay, or give gift vouchers in recognition of their time and expertise.

Appendix 7: Declaration of conflict of interest

This declaration is to be completed by all selection panel members when all applications have been received and before short-listing of candidates commences. The declaration should be kept with documents related to the position being recruited for.

Title of job being recruited:

The nature of my relationships with other panel members or candidates and the names of the people concerned are as follows:

☐ **None**

☐ **Personal** Details:_____

☐ **Professional** Details:_____

I the undersigned: _____

☐ believe I can undertake my panel role in an ethical manner free of discrimination or bias and my involvement on this panel will not be seen to present a conflict of interest

☐ wish to withdraw from this panel due to a relationship, professional or personal, which may present or be perceived to present a conflict of interest.

Name: _____ Signature: _____

Date: _____

Panel convenor:

I have sighted and considered the above information.

Name: _____ Signature: _____

Date: _____

Appendix 8: Shortlisting grid

Name of position: _____

List selection criteria:

1	2
3	4
5	6
7	8

If using a weighting system (i.e. placing more emphasis on some criterion than others) incorporate this into the grid:

Candidate name	**Selection criteria**								**Shortlist for interview?**	
	1	2	3	4	5	6	7	8	YES	NO
Comments/ for discussion										
Candidate name	**Selection criteria**								**Shortlist for interview?**	
	1	2	3	4	5	6	7	8	YES	NO
Comments/ for discussion										

Selection Criteria Rating scale might be a tick ✓ for meeting the criteria, an **X** for not, or a **?** if not sure. Alternatively, you might use a score from 0 to 5 for example:

0 = Cannot assess 1 = Inadequate 2 = Adequate

3 = Good 4 = Excellent 5 = Outstanding

Appendix 9: Interview schedule

Name of position: _____ Date of interview: _____

Interview location: _____

Approximate length of interview:_____

Number	Candidate's name and phone number	Date and time of interview	Any special requirements? e.g. wheelchair access	Confirmed (date)
1				
2				
3				
4				
5				
6				

Appendix 10: Invitation to interview script

'Hello, my name is …….. I am calling you about your application for the position of …… at <<organisation>>. Are you free to talk at the moment?'

If NO, arrange a mutually suitable time to call them back. If YES, proceed as below.

- ☐ Are you still interested in the position?

  If NO, thank them for their time and wish them all the best. If YES, proceed as below.

  'Congratulations, you have been shortlisted for interview. I would like to invite you to an interview, but before I continue, I need to ask you some questions.'

- ☐ Are you an Australian citizen?

  If YES, ask them to bring in their birth certificate or passport

  If NO, ask them if they are eligible to work in Australia. If YES, ask them to bring in proof of eligibility to work in Australia, and if NO, apologise and advise that you cannot proceed with their application.

Give the candidate the following information:

- ☐ Date of interview
- ☐ Time of interview
- ☐ Location of interview *(make sure your directions are clear and provide map if necessary)*
- ☐ Ask the candidate to bring the following to interview (as applicable):
  - ☐ Originals and copies of qualifications and memberships
  - ☐ 100 point ID check
  - ☐ Names and telephone numbers of two referees

  Advise if the role will require a Working with Children Check and/or a Criminal Record Check
- ☐ Tell them the names and titles of panel members
- ☐ Advise them of any special requirements (e.g. questions will be given prior to the interview etc)
- ☐ Ask them to arrive 10 minutes early to give themselves sufficient time to fill in any paperwork
- ☐ Tell them how long the interview process will take (approximately)
- ☐ Ask them if they have any questions
- ☐ Tell them that you will be sending these details to them by email. Confirm their email address.
- ☐ Thank them for their time and offer your name and contact number if they have any problems attending the interview
- ☐ Wish them luck for their interview

Appendix 11: Types of interview questions

Type of questions	Example	Advantages	Disadvantages
Open questions: these encourage an expansive response	How… who… what… when… where… tell us about… 'How did you apply your training to your work?'	Encourages candidate to do most of the talking; May turn up unexpected areas to pursue; Allows candidate to talk about topics in their own words; Good for exploring opinions, attitudes and feelings.	Can be difficult to phrase succinctly; Can leave the candidate floundering and unsure of the expected answer.
Closed questions: these are framed to elicit yes/no answers	Do…did…can…is…are…have…will…would… 'How long did you work there?'	Can be used to obtain or check specific information; Useful when you want to gain quick confirmation of basic facts; Can be used to regain control from a talkative person; Can clarify vague response; Can direct the interview to specific areas or come before more open questions.	Not useful if you want to get the candidate to talk in depth about their experience or attitudes; Using too many closed questions can turn the interview into an interrogation; Doesn't encourage shy or nervous candidates to expand on their answers.
Probing questions: these get under the surface of an answer. While the same questions should be asked of all candidates, probing questions will vary according to the initial answer	How… who… what… when… why… where… describe… explain… in what way?	Useful for encouraging people to concentrate on specific points, or clarifying uncertainties, testing validity and seeking evidence.	If used too much the candidate may start to feel they must have given an incorrect response.

Type of questions	Example	Advantages	Disadvantages
Hypothetical questions: these set up a possible situation or event and ask the candidate for a possible course of action	'Suppose one of the residents became sick while you were on duty. What would you do?'	Can be useful to check for theoretical knowledge; Can be used by candidates to inform the panel of their own experience with similar scenarios.	If not asked correctly, the candidate may not have the opportunity to demonstrate their own practical experience Can encourage text-book answers; Often little correlation between what people say they would do, and what they actually do; If lots of background information needs to be provided to the candidate, this type of question can leave the candidate confused.
Leading questions: as the name suggests, these types of questions suggest the expected answer	'Surely you don't agree with that?' 'Of course, you'd want to report that wouldn't you?'	Nil	Reveals more about the interviewer than the candidate and compels the candidate to say what the interviewer wants to hear rather than what the candidate believes or thinks; Based on assumptions on the part of the interviewer.
Multiple parts to a question	'What do you think about XYZ? Do you agree with it, why, and what other issues would you see as being relevant to XYZ?'	Some types of multiple questions may be useful for senior level jobs to test complex problem solving and cognitive skills but should be used carefully and skilfully.	Confuses candidate and panel members; Demonstrates a lack of clarity and planning on the part of the questioner;

Type of questions	Example	Advantages	Disadvantages
Heavily prefaced questions	'One of the many challenges faced by staff is harassment by service user family members who are often unhappy about the rules we have to operate under. These rules I think are sometimes too harsh but that's what we have to work with. This has a big impact on staff, but I won't go into that now at this time. Could you tell us what you think you would about do in this situation?'	Nil	What was the question again? Confusing for candidates and can indicate a lack of planning and clarity on the part of the interviewer.
Trick questions and stress tactics	'Please make a five minute presentation to us on the value of our organisation and its services.'	Can be useful if it is a senior role and requires performing tasks under pressure, within short timeframes and/or with little supervision.	Job interviews are 'unnatural' situations and reaction to stress in an interview is unlikely to predict reaction to stress on the job. Additionally, a stressful interview can lead to the loss of potentially good recruits because of the poor impression they gain of the interviewers or the organisation as a whole.

Type of questions	Example	Advantages Disadvantages
Personal questions	'How old are you?' 'Do you have children?' 'Who will look after your children while you are on night shift?' 'Do you have a disability?'	While you may have no intention of discriminating, asking these types of questions can give that impression and lead to complaints or appeals from applicants about the outcome of the recruitment process. If you are asking them to find out specific things about the candidate in relation to their ability to do the job, rephrase the questions. For example: 'The job requires extensive travel throughout NSW – will that be a problem for you?' 'Frequent bending and lifting is an inherent part of this job. Are you able to comply with this?'

Appendix 12: Interview comment sheet

This sheet can be used by panel members to take notes during the interview, in conjunction with *Appendix 13 Interview ranking sheet*. A separate sheet is used for each candidate.

Candidate name: _____ Interview date: _____

Question	Candidate's answer/comments
1	
2	
3	
4	
General comments	

Appendix 13: Interview ranking sheet

This sheet can be used in conjunction with *Appendix 12 Interview comment sheet*

Name of position: _____Date interviewed: _____

List selection criteria:

1	2
3	4
5	6
7	8

If using a weighting system (i.e. placing more emphasis on some responses than others) make a note of this in the grid.

Candidate name	**Selection criteria**								**Recommend?**	
	1	2	3	4	5	6	7	8	YES	NO
Comments/ for discussion										
Candidate name	**Selection criteria**								**Recommend?**	
	1	2	3	4	5	6	7	8	YES	NO
Comments/ for discussion										

Using a score from 0 to 5:

0 = Cannot assess 1 = Inadequate 2 = Adequate

3 = Good 4 = Excellent 5 = Outstanding

Appendix 14: Referee check template

Name of candidate _____

Name of job _____

Name of referee _____

Title of referee _____

Contact details of referee _____

Relationship of referee to candidate *e.g. former boss; supervisor; colleague etc*

_____

Date and time of conversation _____

Introduction: *thank referee for making time to provide this feedback. Explain that this conversation will take around 30 minutes. Check they have a copy of the job description at hand. Say that the decision has not yet been finalised as to the successful candidate, and that referee checking is one part of the selection process.*

Information on referee's relationship with candidate

What is the working relationship between you and the candidate (name)?
How long have you known the candidate? How long have you supervised or worked with the candidate?

What work did the candidate do whilst under your supervision or when they were working with you?
What did the candidate achieve?
How would you rate their work performance?
Would you work with/employ the candidate again? (If they just say yes or no, obtain more detail)
Questions related to the selection criteria, asking for examples of the candidate's performance that demonstrate the selection criteria
Question 1
Question 2
[Add further questions as necessary]
Questions to further explore or verify information given by candidate in interview or application
[Add questions as necessary]

Closing questions to obtain a summary of candidate's attributes
Question 1 – What do you think are the candidate's main strengths?
Question 2 – Are there any areas of their work the candidate needs to develop?
Question 3 – Referring to the job description, do you think the candidate could perform the role at a high level?
Question 4 – Do you have any further comments?

Thank the referee for their time. Reiterate that referee checking is just one part of the selection process.

Name of person conducting the referee check:

Position: _____

Title: _____

Date: _____

Appendix 15: Health assessment

IMPORTANT NOTE: Great care must be exercised when using this form. The questions in this form are sample questions only, and will not be relevant to the inherent requirements of many jobs. The questions must be tailored to suit each particular job.

PRE-EMPLOYMENT MEDICAL ASSESSMENT

Information provided will be treated as confidential

Surname: _____ Given name(s): _____

Date of birth: _____/_____/_____

Street address: _____ Postcode: _____

Contact telephone no: (H) _____

(M) _____

Position applied for: _____

We will in all cases endeavour to accommodate applicants with disabilities who, by way of merit, are successful in applying for any available position.

So as to enable us to identify any possible work adjustments/needs we need to be able to determine the extent of any disability and ask that you complete the attached questionnaire as truthfully as possible.

In exceptional circumstances where limitations affect an applicant's ability to perform the essential requirements of a job we may not be able to offer employment at this stage.

Instructions:

Section A: Job Demands Checklist to be completed by employer and provided to applicant and GP if required.

Section B: Medical Questionnaire to be completed by applicant.

Section C: Medical Clearance to be completed by GP.

SECTION A: JOB DEMAND CHECKLIST

Position: _____

Description of main tasks required: _____

Frequency definitions:

Occasionally (O): Activity exists up to one-third of time tasks are performed

Frequent (F): Activity exists between one-third and two-thirds of the time tasks are performed

Constant (C): Activity exists more than two-thirds of the time tasks are performed

Repetitive (R): Activity involves repetitive movements

N/A: Does not apply

Demands	Description	Frequency				
		O	F	C	R	N/A
Physical demands of job tasks						
Kneeling/ squatting	Tasks involve bending of the knees and ankles with or without back flexion to work at low levels					
Leg/foot movement	Tasks involve use of the leg and/or foot to operate machinery					
Hand/arm movement	Tasks involve use of hands/arms e.g. typing mopping, sweeping, sorting, inspecting					
Reach forward or above shoulder level	Tasks involve use of hands/arms in an elevated position e.g. making beds, dusting, stacking shelves					
Bending/ Twisting	Tasks involve forward or backward bending or twisting at the waist					
Standing	Tasks involve standing in an upright position without moving about					
Driving	Tasks involve operating any motor powered vehicle – list type of vehicle					
Sitting	Tasks involve remaining in a seated position during task performance					
Walking/running	On even surfaces					
	On uneven surfaces					
	Up steep slopes					
	Down steep slopes					
	Whilst pushing/pulling objects					
Climbing	Tasks involve climbing up or down stairs, ladders, scaffolding, platforms, trees, vehicles, etc.					
Working at heights	Tasks involve making use of ladders, footstools, scaffolding, etc where person stands on the object whilst working					

Demands	Description	Frequency				
		O	F	C	R	N/A
Lifting/carrying	Tasks involve raising/lowering or moving objects from one level/ position to another, usually holding an object within the hands/ arms					
	Light lifting/carrying (0–9kgs)					
	Moderate lifting/carrying (10–15kgs)					
	Heavy lifting/carrying (16kgs and above)					
	People handling					
Pushing/pulling	Tasks involve pushing/pulling objects away from or towards the body. Also includes striking or jerking					
Grasping	Tasks involve gripping, holding, clasping with fingers or hands					
Manual dexterity	Tasks involve fine finger movements e.g. keyboard operation, writing, drawing					
Sensory demands of job tasks						
Sight	Tasks involve use of eyes(sight) as an integral part of task performance e.g. looking at screen/keyboard in computer operations, interpreting maps, reading reports, navigating unfamiliar environments					
Hearing	Tasks involve working in a noisy area e.g. workshop and/or operation of noisy machinery/ equipment or to hear noise of oncoming vehicles					
Smell	Tasks involve the use of smell as an integral part of task performance e.g. working with chemicals					
Taste	Tasks involve use of taste as an integral part of task performance					
Touch	Tasks involve use of touch as an integral part of task performance e.g. dressing service users					
Psychological demands						
	Tasks involve interacting with people with mental illness or behaviour problems					
	Tasks involve dealing with potentially differing priorities					

Demands	Description	Frequency				
		O	F	C	R	N/A
Working environment						
Dust	Tasks involve working with dust e.g. sawdust, road dust, household dust etc.					
Gasses	Tasks involve working with gasses – specify					
Fumes	Tasks involve being exposed to fumes – specify					
Liquids	Tasks involve working with liquids which may cause skin irritations if contact is made with skin e.g. dermatitis					
Hazardous substances	Tasks involve handling hazardous substances including storage and/ or transport					
Lighting	Tasks involve working in inadequate lighting e.g. glare, poor natural or artificial light					
Sunlight	Tasks involve exposure to sunlight					
Temperature	Tasks involve working in temperature extremes e.g. coolroom, outdoor work					
Confined space	Tasks involve working in confined spaces					
Biological hazards						
Food products	Tasks involve handling both raw and cooked food					
Biohazards	Tasks involve exposure to body fluids					

Completed by:

Name: _____ Signature: _____

Date: _____/_____/_____

IMPORTANT NOTE: Great care must be exercised when using this form, and especially section B. The questions in this form are sample questions only, and will not be relevant to the inherent requirements of many jobs. The questions must be tailored to suit each particular job.

SECTION B: PRE-PLACEMENT MEDICAL QUESTIONNAIRE

Job offers are conditional upon completion of this medical questionnaire. This information will be maintained in a confidential medical file and will not be used to deny employment except in exceptional circumstances. Where concerns are raised by your answers regarding your ability to perform the inherent requirements of the job you have applied for we reserve the right to require medical verification of your ability to perform the inherent job functions.

Please complete the questionnaire in your own handwriting. Sign and date it please. Check 'yes' or 'no' for each question and provide further clarification where warranted.

No:	Question	Yes	No	Comments
As a result of injury, illness or other cause, do you have impairment of:				
1	hands that limit dexterity or your ability to maintain a strong grip or hold objects firmly?			
2	arm, wrist, back, shoulder or other upper body parts with limits of normal range of motion, full use or strength?			
3	ankle, knee, foot, legs or other lower body parts which limit normal range of motion or your ability to stand, walk, squat, kneel, climb, get into and out of vehicles or equipment or walk on uneven surfaces?			
4	the neck which interferes with bending or rotation of your neck, or which interferes with your ability to hold your head in a fixed position for prolonged periods of time?			
5	the back that interferes with your ability to bend, twist or flex your back frequently or stand for prolonged periods?			
6	the back that interferes with your ability to lift or carry objects of particular weights or on a repetitive basis?			
7	the joints resulting from stiff, painful or swollen joints or broken bones?			
8	vision in either eye that interferes with your ability to read, see at a distance, distinguish colours or see in dim or bright light?			
9	hearing that interferes with your ability understand spoken words, hear safety alarms or sirens, or requires you to avoid exposure to excessive noise?			

No:	Question	Yes	No	Comments
As a result of injury, illness or other cause, do you have any impairment which may:				
1	affect your equilibrium or ability to maintain your balance?			
2	alter your normal state of consciousness or cause you to become unconscious?			
3.	make it dangerous for you to work at unguarded heights or around moving machinery?			
4	prohibit you from driving licensed company vehicles on public highways?			
5	prohibit you from working alone, at heights or in confined spaces?			
Have you ever:				
1	had fainting spells, loss of consciousness, seizures, or epilepsy?			
2	been treated for shortness of breath, emphysema, or other respiratory problems?			
3	had a heart attack, stroke, other heart or circulatory system disease or failure, high or low blood pressure?			
4	had an illness that affected your nervous system?			
5	had any kind of back problem or any history of back pains?			
6	had back surgery or been treated for a back condition?			
7	had a rupture or hernia?			
8.	had permanent work restrictions placed on you by your doctor?			
9	been exposed to hazardous materials, radioactive substances or prolonged loud noise?			

No:	Question	Yes	No	Comments
Are you:				
1	currently taking any prescribed medication that has side effects that could cause drowsiness or affect your ability to safely perform job duties?			
2	allergic to inhalants (dust etc), fumes, solvents, detergents etc or other substances commonly found in the work place in our industry?			
Do you have any other limitations not mentioned above which could affect your ability to perform the duties as outlined in the job description or this role? If yes please specify and give details of how this could be accommodated.				

The above answers are true, correct and complete to the best of my knowledge. I understand that falsifications, misrepresentations or omissions, determined to be material by the company, may result in withdrawal of any offer or employment, or termination, regardless of how or when discovered.

Name: _____ Signature: _____

Date: _____/_____/_____

I agree to submit to a medical examination if requested to by my potential employer and for the release of any relevant medical information and findings from this examination.

Name: _____ Signature: _____

Date: _____/_____/_____

SECTION C: EXAMINING DOCTOR'S HISTORY AND MEDICAL CLEARANCE

Please make comment on any of the issues identified by the applicant and whether this is likely to affect ability to perform essential requirements of the position.

Doctor's name	Doctor's signature	Date

Appendix 16: Sample letter of offer

[Print on business letterhead] [Date]

Private and confidential

[Insert employee's full name]

[Insert employee's residential address]

Dear [insert name]

Letter of engagement

I am pleased to offer you employment in the position of [insert position title] with us at

[insert organisation] ('the employer') on the terms and conditions set out in this letter.

1. Position

Your start date will be [insert start date].

Your employment will be [full-time/part-time].

The duties of this position are set out in the attached job description. You will be required to perform these duties, and any other duties the employer may assign to you, having regard to your skills, training and experience.

You will be required to perform your duties at [location], or elsewhere as reasonably directed by the employer.

2. Probation

[Delete as necessary]

A probation period will apply for the first [insert number] months of your employment. During this time we will assess your progress and performance in the position.

During the probation period you or the employer may end your employment by providing notice in accordance with the table in clause 8.1 below.

3. Terms and conditions of employment

Unless more generous provisions are provided in this letter or in the attached Schedule, the terms and conditions of your employment will be those set out in the [insert award] and applicable legislation. This includes, but is not limited to, the National Employment Standards in the *Fair Work Act 2009*. Neither the [insert award] nor any applicable legislation is incorporated into your contract of employment.

The additional terms and conditions set out in the attached Schedule will also apply to your employment.

4. Ordinary hours of work

Your ordinary hours of work will be [insert number of hours] per week, plus any reasonable additional hours that are necessary to fulfil your duties, or as otherwise required by the employer.

5. Remuneration

5.1 You will be paid [weekly/fortnightly/monthly] at the rate of $[XX] per [hour/ week/month/ year].

5.2 The employer will also make superannuation payments on your behalf in accordance with the *Superannuation Guarantee (Administration) Act 1992*.

5.3 Your remuneration will be reviewed annually, and may be increased at the employer's discretion.

6. Leave

6.1 You are entitled to leave (e.g. annual leave, personal leave, carers leave, compassionate leave, parental leave, community service leave and long service leave) in accordance with the [insert award] and the National Employment Standards.

7. Your obligations to the employer

7.1 You will be required to:

(a) perform all duties to the best of your ability at all times;

(b) use your best endeavours to promote and protect the interests of the employer; and

(c) follow all reasonable and lawful directions given to you by the employer, including complying with policies and procedures as amended from time to time. These policies and procedures are not incorporated into your contract of employment.

8. Termination of employment

8.1 Under the *Fair Work Act 2009* the employer may terminate your employment at any time by providing you with notice in writing in accordance with this table:

Length of continuous service with employer	Period of notice
Not more than 1 year	1 week
More than 1 year but less than 3 years	2 weeks
More than 3 years but less than 5 years	3 weeks
More than 5 years	4 weeks

8.2 You are entitled to an additional weeks notice if you are over 45 years old and have completed at least 2 years of continuous service with the employer on the day the notice of termination is given.

8.3 If you wish to terminate your employment you are required to provide the employer with prior notice in accordance with the table at 8.1 above.

9. Confidentiality

By accepting this letter of offer, you acknowledge and agree that you will not, during the course of your employment or thereafter, except with the consent of the employer, as required by law or in the performance of your duties, use or disclose confidential information relating to the work of the [insert organisation] including service user information.

10. Work Health and Safety

Our organisation takes very seriously its obligations under the *Work Health and Safety Act 2011* (NSW).

It is the responsibility of all staff to ensure that their activities are carried out in a safe manner. Observation of any matter, including bullying, that would constitute an unsafe work environment must be reported to the supervisor who will rectify the matter or isolate the problem immediately.

11. Smoking and alcohol policy

[Insert organisation] is a smoke-free workplace. All premises and vehicles controlled by the Centre are designated as smoke-free areas. Smoking and the consumption of alcohol are not permitted on the premises.

12. Entire agreement

12.1 The terms and conditions referred to in this letter constitute all of the terms and conditions of your employment and replace any prior understanding or agreement between you and the employer.

12.2 The terms and conditions referred to in this letter may only be varied by a written agreement signed by both you and the employer.

If you have any questions about the terms and conditions of employment, please don't hesitate to contact [me/insert contact person] on [insert phone number].

To accept this offer of employment, please return a signed and dated copy of this letter, to me, by [insert date].

Yours sincerely,

[Insert name]

[Insert position]

[Insert date]

I, [insert name of employee], have read and understood this letter and accept the offer of employment from [insert organisation] on the terms and conditions set out in the letter.

Dated:

Signed:

Name:

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

JOB DESCRIPTION
[Insert Job description]

Appendix 17: Sample induction schedule

This checklist will assist line managers to contribute to positive first impressions of a workplace. It is designed to be used as part of an induction program to quickly and effectively integrate new employees.

Pre-arrival

Preparing the new employee

- Provide the new employee with basic instructions: how to get to work (including public transport and parking options), what time to arrive, who to ask for and likely activities for their first day.
- Ensure payroll details are completed.

Preparing staff & the workspace

- Inform front counter staff at reception and immediate team members that a new employee is starting.
- Ensure the new employee's supervisor will be present on their first day.
- Assign a Buddy for the new employee to give an informal introduction to the workplace and to answer any questions.
- Prepare a list of available people the new employee may contact with any questions.
- Plan a task for the new employee on their first day, ensuring it is achievable considering their newness.
- Ensure a clean workspace, telephone, computer, email, security access, key, and any other relevant equipment have been set up prior to the new employee's arrival.

Day 1

- Notify all staff of a new employee, either by email or any other electronic systems.
- Discuss the roles of key staff and also explain key reporting relationships to the new employee.
- Introduce the new employee to their co-workers, senior management and other key staff.
- Provide a tour of the workplace, including offices, equipment, emergency exits, kitchen and toilets. It may also be helpful to provide directions to local lunch bars and public transport.
- Give the employee some light reading and discuss any tasks assigned to them prior to their arrival.
- Have an informal discussion before the new employee leaves after Day 1, and ask for their first impressions of the organisation.

First week

- Meet with the new employee to discuss:
  - The Induction Program (staff induction manual)
  - The organisation's aims and goals (this may include key corporate documents) and how the new employee's role contributes to the overall picture
  - Work expectations and confirm some of the tasks to be undertaken by the new employee (this may include any organisation performance development or management systems)
  - Organisation policies and procedures, codes of conduct, occupational safety and health procedures
  - Employment terms and conditions, such as probationary details, annual and sick leave entitlements.
- Ensure the new employee is booked into relevant meetings (team, branch, directorate) and upcoming training sessions (Equal Employment Opportunity (EEO)/Work Health Safety (WHS)). Also give consideration to upcoming appointments that the new employee's peers may be attending, such as professional development training or seminars.
- Check that the new employee is added to email and other contact lists.
- Consider a welcome morning tea or lunch for the new employee and team members.
- At the end of week one, arrange an informal 'catch-up' to share information and gain the new employee's perception of their work environment. Ask the new employee whether their role is in keeping with their expectations.

First month

- Arrange a meeting to ensure all planned induction activities have occurred or are continuing, as needed. This may include EEO and WHS training or setting up performance plan objectives, development or management systems.
- If a Buddy was assigned does the employee feel this assisted or is any other mentoring needed?
- Address any discrepancies between the job in practice and the new employee's perception of their role and working environment. For example, a new employee may feel the work does not accurately reflect the job description, or reporting relationships are not consistent. Alternatively, the new employee may have identified additional tasks they would like to undertake.

First three months

- Arrange a meeting to discuss performance plan objectives, development or management.
- Obtain evaluation feedback regarding the new employee's induction. This may include a confidential questionnaire, or feedback incorporated into the new employee's performance plan. Explain how management will use the feedback.
- Discuss any upcoming milestones or goals of the new employee, team and organisation.
- Celebrate the end of the induction period with a morning tea, or lunch and include any staff who put time and effort into the new employee's workplace experience.

Appendix 18: Tips for giving and receiving feedback

Setting the scene:

- Always give feedback in private and without interruption.
- Put the individual at ease.
- The feedback session should be a sharing of ideas and information and an exploration of alternatives.
- Ask open questions.
- Listen to understand and suspend any judgement.
- Be open to employee feedback.
- Clarify their achievements.

Tailor feedback to the individual:

- Concentrate on an individual's behaviour and results rather than attitude and personality.
- Be well informed of the individual's progress.
- Take into account the individual's circumstances & characteristics.
- Show empathy and make allowances for extenuating circumstances.
- If the employee disagrees with the feedback, give evidence and examples.
- Explain the consequences of their behaviour.

Effective feedback:

- Is balanced and objective.
- Does not make judgement or generalisations.
- Should be frequent and consistent.
- Is immediate (as long as you have all the facts).
- Focuses on where performance can be improved rather than what is unacceptable.
- Recognises accomplishments and keeps the employee motivated.
- Takes a problem solving approach where both parties constructively tackle an issue.
- Is balanced – what they do well and what they can improve.
- Describes actions or behaviours that the individual can address.

Receiving feedback effectively:

- Accept and discuss feedback.
- Allow the person to say what they need to say and listen attentively without interruption.
- Summarise and reflect what you hear.
- If the feedback is factually incorrect, explain the situation calmly and objectively.
- If the feedback is not constructive, ask for positive suggestions on how you might improve the situation.
- Identify issues that may impact on future performance.
- Ask for help, training or resources if required.

If feedback is vague:

- Ask questions to clarify.
- Ask for examples.

Appendix 19: Sample letter of permanent appointment

[Print on business letterhead] [Date]

Private and confidential

[Insert employee's full name]

[Insert employee's residential address]

Dear [insert name]

Letter of engagement

I am pleased to confirm your ongoing employment in the position of [insert position title] with us at [insert organisation] ('the employer') on the terms and conditions set out in this letter, following completion of your probation.

1. Position

I am pleased to confirm your ongoing employment effective <immediately/from <insert date that is either on or before the first day after the probation period is due to end>>.

Your employment will be [full-time/part-time].

The duties of this position are set out in the attached job description. You will be required to perform these duties, and any other duties the employer may assign to you, having regard to your skills, training and experience.

You will be required to perform your duties at [location], or elsewhere as reasonably directed by the employer.

2. Terms and conditions of employment

Unless more generous provisions are provided in this letter or in the attached Schedule, the terms and conditions of your employment will be those set out in the [insert award] and applicable legislation. This includes, but is not limited to, the National Employment Standards in the *Fair Work Act 2009*. Neither the [insert award] nor any applicable legislation is incorporated into your contract of employment.

The additional terms and conditions set out in the attached Schedule will also apply to your employment.

3. Ordinary hours of work

Your ordinary hours of work will be [insert number of hours] per week, plus any reasonable additional hours that are necessary to fulfil your duties, or as otherwise required by the employer.

4. Remuneration

4.1 You will be paid [weekly/fortnightly/monthly] at the rate of $[XX] per [hour/week/month/year].

4.2 The employer will also make superannuation payments on your behalf in accordance with the *Superannuation Guarantee (Administration) Act 1992*.

4.3 Your remuneration will be reviewed annually, and may be increased at the employer's discretion.

5. Leave

5.1 You are entitled to leave (e.g. annual leave, personal leave, carers leave, compassionate leave, parental leave, community service leave and long service leave) in accordance with the [insert award] and the National Employment Standards.

6. Your obligations to the employer

6.1 You will be required to:

(a) perform all duties to the best of your ability at all times;

(b) use your best endeavours to promote and protect the interests of the employer; and

(c) follow all reasonable and lawful directions given to you by the employer, including complying with policies and procedures as amended from time to time. These policies and procedures are not incorporated into your contract of employment.

7. Termination of employment

7.1 Under the *Fair Work Act 2009* the employer may terminate your employment at any time by providing you with notice in writing in accordance with this table:

Length of continuous service with employer	Period of notice
Not more than 1 year	1 week
More than 1 year but less than 3 years	2 weeks
More than 3 years but less than 5 years	3 weeks
More than 5 years	4 weeks

7.2 You are entitled to an additional week's notice if you are over 45 years old and have completed at least 2 years of continuous service withthe employer on the day the notice of termination is given.

7.3 If you wish to terminate your employment you are required to provide the employer with prior notice in accordance with the table at 8.1 on previous page.

8. Confidentiality

By accepting this letter of offer, you acknowledge and agree that you will not, during the course of your employment or thereafter, except with the consent of the employer, as required by law or in the performance of your duties, use or disclose confidential information relating to the work of the [insert organisation] including service user information.

9. Work Health and Safety

Our organisation takes very seriously its obligations under the *Work Health and Safety Act 2011* (NSW).

It is the responsibility of all staff to ensure that their activities are carried out in a safe manner. Observation of any matter, including bullying, that would constitute an unsafe work environment must be reported to the supervisor who will rectify the matter or isolate the problem immediately.

10. Smoking and alcohol policy

[Insert organisation] is a smoke-free workplace. All premises and vehicles controlled by the Centre are designated as smoke-free areas. Smoking and the consumption of alcohol are not permitted on the premises.

11.Entire agreement

11.1 The terms and conditions referred to in this letter constitute all of the terms and conditions of your employment and replace any prior understanding or agreement between you and the employer.

11.2 The terms and conditions referred to in this letter may only be varied by a written agreement signed by both you and the employer.

If you have any questions about the terms and conditions of employment, please don't hesitate to contact [me/insert contact person] on [insert phone number].

To accept this offer of employment, please return a signed and dated copy of this letter, to me, by [insert date].

Yours sincerely,

[Insert name]

[Insert position]

[Insert date]

I, [insert name of employee], have read and understood this letter and accept the offer of employment from [insert organisation] on the terms and conditions set out in the letter.

Dated:

Signed:

Name:

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

JOB DESCRIPTION
[Insert Job description]

Appendix 20: Links to additional resources

Discrimination

- Australian Human Rights Commission *www.humanrights.gov.au*
- NSW Anti-discrimination Board *www.antidiscrimination.justice.nsw.gov.au*

Employment screening – working with children

- NSW Office of the Children's Guardian *www.kidsguardian.nsw.gov.au*

Interview questions

- Hoevemeyer, V.A. (2006) High impact interview questions: 701 behavior-based questions to find the right person for every job, NY American Management Association.

Privacy

- Commonwealth Office of the Australian Information Commissioner *www.oaic.gov.au*
- NSW Information and Privacy Commission *www.ipc.nsw.gov.au*

Psychological testing

- American Psychological Association Standards for Psychological Testing, available at *www.apa.org*

Recruitment and selection

- Albrecht, K. (2002). The right fit: Recruiting, selecting and orientating staff. Illinois: New Horizons.
- Carless, S.A. (2007) Literature review on best practice recruitment selection techniques, Melbourne, Monash University.
- The Our Community group *www.ourcommunity.com.au*

Workplace rights and responsibilities

- Fair Work Ombudsman, available at *https://www.fairwork.gov.au/*
- NSW Government, Industrial Relations, *http://www.industrialrelations.nsw.gov.au/*