
POLICY STATEMENT

Employees are critical to the success of any organisation, and effective recruitment is one way to build our people capability. The Ministry's recruitment policy is supported by our commitment to:

- selection decisions that are based on merit;
- open, honest and transparent recruitment processes;
- our approach to valuing equity, diversity and inclusion; and
- privacy for the individual.

The recruitment process is a two-way process where candidates are assessed on their suitability for a role but are also deciding if Te Tāhū o te Ture – Ministry of Justice is an organisation where they wish to work.

In order for the policy and related process to be effective it is essential all managers who are involved with the recruitment and/or selection of employees adhere to this policy.

Te Tāhū o te Ture - Ministry of Justice is an equal opportunity employer and is a member of [Diversity Works New Zealand](#).

SCOPE

This policy covers all activities forming part of the recruitment and selection process for permanent, fixed term and secondment positions.

This document describes policy, not process. The [recruitment process](#) is described in detail on the Ministry's intranet.

OUR POLICY

Inclusion, diversity and equity

Our focus on inclusion, diversity and equity is a key part of our strategic priority of making the Ministry 'a great place to be'. Having people from diverse genders, cultures, abilities and backgrounds enables us to see issues and possibilities through a different lens.

We work to ensure all our roles are equally attractive to all potential employees.

Unconscious bias

It is essential hiring managers have an awareness and understanding of [unconscious bias](#) and how it can affect the recruitment process. It is vital we understand these automatic preferences or stereotypes, so we cultivate a culture of workplace inclusion, diversity and equity.

Approval to recruit

Approval to recruit must be obtained before recruitment is initiated. Hiring Managers should consult the [HR Delegations](#) for required approvals. For advice please contact AskHR@justice.govt.nz and read the [Recruitment Go-To- Guide](#).

Vacancies

All vacancies must be entered into the Ministry's Vacancy Management System ([Springboard](#)) which will initiate the recruitment process. Hiring managers should refer to the information on the Ministry's intranet. There is further training for managers on [Manager 101](#) (including recruitment).

Advertising	<p>Wherever possible the Ministry encourages all vacancies (including short term ones) to be advertised widely within the Ministry and across the Public Service. The Ministry requires every vacancy (permanent, fixed term or secondment) over six months in duration is advertised to enable suitably qualified people to apply.</p> <p>In cases where advertising a secondment is not perceived to be practical, consult with your PX Business Partner.</p> <p>Roles should be advertised externally and internally. There may be some cases where internal advertising only is appropriate. Please discuss with your recruitment advisor in the first instance. In these cases, roles should be advertised internally for at least five working days.</p> <p>Advertising must be made utilising the Ministry’s standard style. Adverts must contain the standard information about the Ministry, the position description, the applicable remuneration range for transparency, how to apply, the closing date, and being consistent with relevant legislation.</p> <p>All job advertisements should be written to encourage a diverse pool of candidates to apply for the position.</p>
Use of recruitment agencies	<p>In most circumstances, recruitment processes should be managed internally. Due to the fees involved managers must gain required approval to engage a recruitment agency (refer to the HR Delegations schedule). Situations where it may be appropriate to outsource recruitment include:</p> <ul style="list-style-type: none"> • Where the Ministry is recruiting for specialist skills that are hard to otherwise obtain • There is a bulk recruitment exercise and the use of a recruitment consultant can be demonstrated to be cost effective • Where a confidential approach to prospective applicants is required. <p>All applicants submitted by a recruitment agency must fill out an application form before the interview process begins, and the same approval steps must be followed as in an internally managed recruitment process.</p> <p>When a recruitment agency is engaged this must be in accordance with the Ministry’s obligations under the All of Government recruitment panel requirements. Hiring managers can refer to the relevant page on the Ministry’s intranet for more information.</p>
Support for interviewees	<p>Applicants selected for interview should be asked if they have any accessibility or other requirements for the interview. They should also be advised they may bring (at their own expense) a support person, group or whānau. The protocol for the interview in these circumstances will need to be arranged by the Hiring Manager before the interview.</p>
Selection panel	<p>The Selection Panel should consist of at least two people, although three is preferable to provide a range of perspectives in the decision-making process. The selection panel should be diverse in its make-up and should be chaired by the line / hiring manager for the vacancy.</p> <p>Where an assessment centre is required to fill a role, consideration should be given to whether internal candidates are required to complete a full assessment centre or not. Where the candidate has been in the same or a similar role within the Ministry the hiring manager can opt to assess the candidate using the normal interview process instead.</p>
Mandatory pre-employment checks	<p>The following checks are mandatory before an offer of employment is made:</p> <ul style="list-style-type: none"> • Serious misconduct disclosure • Referee checks • Criminal conviction and outstanding fines check • Proof of Identity and Right to Work check

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- 'Safety Check' for those employed into any position which is deemed to be part of a 'regulated service' under the Vulnerable Children Act 2014.
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Medium/high risk pre-employment checks

Hiring Managers must determine if more than the mandatory checks (listed above) are required. There must be a justified reason for completing any pre-employment check and it must be relevant to the role or workplace. Hiring managers should consult with [AskHR](#) if they think their role requires medium/high risk checks to be completed.

Medium/high risk pre-employment checks can include:

- New Zealand police vetting
- Credit check
- Qualification check
- Security clearance check

The Risk Assessment Guide on JET will help distinguish if any of the roles you are recruiting for may require medium/high risk pre-employment checks.

Serious misconduct disclosure

The Public Service Commission/Te Kawa Mataaho workforce assurance model standards require that employing agencies are aware of any previous concerns relating to serious misconduct of candidates. An applicant is now required to disclose whether they have been subject to a serious misconduct investigation concluded and upheld or currently underway within the last three years within the Public Service. If an employee does disclose a serious misconduct investigation or refuses to provide an answer, please seek advice from your PX Business Partner.

Referee checks

Fixed term employees who are moving into a permanent position with the same manager do not require further referee checking. However, the hiring manager can request relevant references.

For every other preferred applicant, whether an existing employee or an external applicant, referee checks are required to be completed. Moving to the Approval to Appoint stage should not take place until satisfactory referee checks are obtained.

Before completing the referee checks the Hiring Manager should check the applicant has provided express permission to contact the referees.

Referee checks should be undertaken by the Hiring Manager, rather than a recruitment company or other third party. References should be completed using the online form in Springboard.

External candidates, including the private sector - two reference checks are required to be completed. Where practicable, reference checks should be undertaken with the applicant's current or previous manager.

Internal applicants - a minimum of one reference check must be completed with the employee's existing line manager, or if on secondment their reporting manager. Hiring managers are encouraged to obtain a second reference check.

In some circumstances it may not be possible to conduct a referee check with the current line manager. In these cases, Hiring Managers should seek to speak to a recent line manager or the HR department of the candidates current or most recent organisation to receive adequate assurance.

Referee checks include questions on whether the candidate has ever, to their knowledge, had a serious misconduct investigation, upheld or currently occurring, or has been dismissed from employment.

Hiring managers can also seek advice from AskHR where referee checks are not deemed practical.

When completing referee checks the referee's comments are provided to the selection panel on a confidential basis unless otherwise agreed. The referee may also request for their comments not to be disclosed to the candidate.

Criminal convictions and outstanding fines checks	<p>Before an Approval to Appoint form is put forward, a criminal convictions and outstanding fines check must be initiated for all external candidates.</p> <p>Internal candidates must disclose any criminal convictions or fines, as per the Code of Conduct.</p> <p>If an applicant has a criminal record of any kind or any outstanding fines consult with AskHR.</p> <p>Any offer of employment is provisional until this check has been completed and the hiring manager is satisfied with the results.</p>
Psychometric testing	<p>It is the Ministry's policy that psychometric testing is not generally used as part of recruitment processes. In most situations robust interviews and reference checking should suffice.</p> <p>Where a manager does wish to use psychometric testing, they must speak with the recruitment team and ensure that they do not rely solely on this assessment practice and that is part of a multi-method approach.</p> <p>Managers should ensure that any provider they use to conduct the testing meets the Ministry's standards and in particular that they demonstrate that their practices are free from bias and discrimination. These standards are contained in the guidelines document for 'Best Practice in the Use of Psychometric Assessments'.</p>
Starting salary	<p>The Starting Salary Guide should be considered and applied to all employment offers (internal and external), to ensure that starting salaries are a fair reflection of the candidate's skills and experience, and equitable both within their team and the wider Ministry.</p>
Pay Restraint	<p>The Ministry's Pay restraint remuneration guiding principles are effective 20 May 2021 to 30 June 2023. While they are in force, the following apply:</p> <ul style="list-style-type: none"> - For positions in salary band J4, PDS2 and ICT1 and above, appointment above the top step needs Tier 3 manager approval. - For positions in salary band J11, appointment above the top step needs Tier 2 approval. - Appointment remuneration for Senior Leaders in J12 and above should not exceed step 11 of the band. - If a salary recommendation is above the maximum for the range of the position, approval is required from the General Manager People Experience and the Chief Executive. <p>When they are not in force, approvals are required as per the HR Delegations Schedule.</p>
Appointment	<p>Appointment to the Ministry is subject to:</p> <ul style="list-style-type: none"> • all mandatory pre-employment checks (references, serious misconduct, proof of identity and right to work, and criminal convictions and outstanding fines); • sighting of originals of stated qualifications and practicing certificates (where the role requires a qualification or equivalent); • sighting of proof of residency or work permit status to confirm the preferred candidate's legal right to work in New Zealand; • any relevant medium/high risk pre-employment checks; • the return of all required signed documentation; and • any review of appointment being satisfactorily resolved (see below for Review of appointment).

Notification of outcome	<p>All applicants should be advised of the outcome of their application. It is recommended non-successful internal candidates, where practical, are personally advised of the outcome of their application and given feedback. Hiring managers should use the Ministry's recruitment system to notify non-shortlisted applicants.</p> <p>All interviewed applicants should be informed of the outcome of their interview by the hiring manager or chair of the panel.</p>
Promulgation	<p>In accordance with relevant legislation all permanent and fixed term appointments of over six months duration that were advertised as a vacancy must be notified (promulgated) internally (on the Ministry's intranet). This includes secondments over six months' duration. The promulgation period is 10 working days.</p>
Review of appointment	<p>During the promulgation period, any Ministry employee can request a review of the appointment (as per Schedule 8, Section 5 of the Public Service Act 2020).</p> <p>For further information on the review process, please see the Review of Appointment Process on the Ministry's intranet.</p>
Provision of feedback	<p>Constructive feedback should be given to any applicants who request it. Feedback should be based on the requirements of the position. Written notes regarding the recruitment process, including interview notes and appointment memos, can be requested by an applicant.</p>
Privacy of information	<p>Personal information gathered from or about candidates should only be used for the purpose of assessing their suitability for a vacancy.</p> <p>Notes or documents from the recruitment process should be retained by the hiring manager for 6 months after completion of the recruitment process. Personal information about an appointed candidate will be retained on their personnel file.</p>
Overlap of existing and new employees	<p>The following rules apply when employing a new employee in a permanent or fixed-term role to replace a staff member leaving the same role:</p> <ul style="list-style-type: none"> • The Hiring Manager has the discretion to allow for a maximum of two business weeks overlap, for the purpose of hand-over. • For an overlap period greater than two weeks and less than one month, the Hiring Manager must obtain the prior written authorisation of the General Manager of the business unit.
Expenses	<p>All costs associated with the recruitment and selection process will be met by the business unit that is recruiting. This may include but is not limited to advertising, travel and recruitment agency fees.</p>

RESPONSIBILITIES

Hiring Manager (often also the Selection Panel Chair)	<p>Obtain the appropriate approval to recruit (refer to HR Delegations Schedule).</p> <p>Write and/or update the Position Description if necessary, including ensuring it is in the correct Ministry template and that it has been through job evaluation prior to advertising the position.</p> <p>Write the vacancy advertisement.</p> <p>Initiate and manage the recruitment and selection process according to policy and process (refer to the information on the Ministry’s intranet).</p> <p>Complete the Approval to Appoint form and gain appropriate approval (refer to the HR Delegations schedule).</p> <p>Make the offer to the preferred candidate.</p> <p>Ensure all paperwork is returned from the preferred candidate and the on-boarding process is initiated.</p> <p>Ensure all recruitment documentation is retained for 6 months after completion of the recruitment process.</p>
Approving Manager	<p>The Approving Manager approves the Hiring Manager’s request for Approval to Appoint and cannot be on the selection panel.</p> <p>Consider and approve the Recommendation for Appointment.</p>
Selection Panel Chairperson	<p>Chair the panel and ensure that the selection and assessment activities occur in the appropriate way and time.</p>
Selection Panel members	<p>Participate in the interviews.</p> <p>Collectively make a merit-based selection decision, in conjunction with the chairperson.</p>
Recruitment team	<p>Provide guidance and high-level advice to Hiring Managers.</p> <p>Manage queries from applicants.</p> <p>Promulgate appointments and coordinate any requests to review the appointment process.</p>

RELATED POLICIES, PROCEDURES AND LEGISLATION

- Recruitment process
- Remuneration policy
- Child Protection Policy
- HR Delegations schedule
- Diversity and Inclusion policy
- Starting salary guide
- Risk assessment guide
- Public Service Act 2020
- Employment Relations Act 2000
- Te Haerenga Strategy
- Equal Pay Amendment Bill
- Human Rights Act 1993
- New Zealand Bill of Rights Act 1990
- Privacy Act 2020
- Immigration Act 2009
- Collective agreements
- Individual employment agreements
- Review of appointment process
- Pay Restraint Remuneration Guiding Principles

CONTACT	AskHR and PX Business Partners	OWNER(S)	General Manager People Experience
LAST REVIEWED	January 2023	NEXT REVIEW	December 2024
LAST UPDATED	January 2023		