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Employee checks: where does responsibility lie?

By: GUBBINS Craig

Auckland-based investigator Craig Gubbins explains the problems with so-called police checks required by many employers.

A few days ago, The Marlborough Express reported that a seven- year prison sentence had been handed down to 28-year-old Samuel Wiremu John Edmonds in the Blenheim District Court.

Edmonds had broken into an Eltham Road house, sexually violated the occupant in her bedroom and threatened to smother her when she resisted.

It was the biggest police investigation in Blenheim in 2011.

During sentencing, it emerged that Edmonds was an employee of a furniture removal company and that he had worked on a job moving the woman into her property several months earlier.

An Express reporter spoke to the removal company concerned and apparently it had subcontracted another removal company to do the move. Edmonds was their employee and the primary contractor presumed Edmonds had been vetted because it requires its own employees to sign a form which says a police check will be done before they are hired.

Edmonds' direct employer claimed he had every employee screened, and a third removal company said it not only ran a police check on every employee but also had a memorandum of understanding with the supplier of the labour force that workers had been police-checked.

The curious aspect about these statements is that the police do not offer a criminal checking service for organisations such as these companies. What the police do offer is a vetting service, but it is available only to approved organisations hiring employees who will be involved in the care and protection of children, young people, those with special needs and other vulnerable members of society. Examples of occupational groups eligible for police vetting include teachers, school volunteers, social workers, rest home staff, counsellors and nannies.

In addition to a criminal records check, police vetting involves a search of the police database for behaviours of a violent or sexual nature that may not have resulted in a conviction, including family violence.

For all other employers, the criminal record of a job applicant must be requested from the Ministry of

Justice.

If a company does not know the difference between a "police check" and a Ministry of Justice criminal records request, it begs the question - are they carrying out a check at all?

And if they are carrying out a Ministry of Justice check, what standard are they applying in assessing the result?

Edmonds' criminal history was public information and had been reported in the Express in 2008, 2010 and 2011. The news reports showed he was a convicted thief who failed on 45 occasions to turn up to serve his community work order for earlier offending, and who was sentenced to prison in 2010.

Why would a furniture removal company hire such a person?

If the furniture removal company had operated to a higher standard, it would never have employed Edmonds.

Even a criminal records inquiry is not enough. The police website warns that its vetting service is not a complete background check and that it should be used only as part of a robust recruiting and screening process.

Other background checks available to employers include confirming an individual's identity, their right to work in New Zealand, driving history and convictions, financial reports and bankruptcy proceedings, verification of their qualifications and contacting previous employers. It is possible to do all these checks yourself if you familiarise yourself with the relevant privacy and human right legislation, but it may be more economical to contact a specialist provider for help.

A basic screening package (comprising New Zealand checks of criminal, driving, and financial history, an ACC injury report, confirmation of their right to work and past employment history), plus an all-important written assessment of the information, will cost about what you would pay for an AA report on a second hand car.

By incorporating a pre- employment screening programme into your recruitment process, you can minimise or even avoid the financial and legal nightmares that arise from hiring a person with an unsuitable history or some other issue that renders a job applicant unqualified or dangerous.

Craig Gubbins is a director of Personal Verification Ltd, an independent pre-employment background screening company based in Auckland.

CAPTION:

Police checks: The police do not offer a criminal checking service for companies. Picture: FILE

Craig Gubbins
