

Background checking for staff from overseas



The employment of non-resident workers is becoming much more widespread within OSCAR and we hear frequently that this has been working well. We feel any option that widens the pool of potential staff must be a good thing, provided proper processes are in place to appropriately screen potential staff.

This article briefly explains the background checking for a NZ work or study visa, as well as some of the risks an OSCAR service could be exposed to when hiring staff from overseas. While evidence of a clean overseas police record is one of the requirements discussed below, it is critical that other background and employment history checking also be undertaken.

Visas for work or study in New Zealand

Student visa: This is usually limited to 20 hours per week during periods of study and possibly longer during breaks. These restrictions will be stated on the visa.

Work visa: This may specify the location and type of work that the person is allowed to do. If these restrictions don't allow the work you are offering, there will need to be an application for a "variation of conditions" (could take up to 6 weeks).

Requirements for obtaining a visa

When applying for a visa, a verification of identity is carried out based on the person's passport, as well as background & health checking. The applicant will need to provide a police certificate for their country of citizenship and any country they have lived in for 5 years or more since turning 17.*

Additionally, according to the Immigration NZ web-site: *"Applicants for all visas must be of good character, not pose a security risk and not threaten New Zealand's international reputation."*

We recommend that the visa document be sighted and check that the passport number on the visa matches applicant's passport.

Police vetting and background checks

For the OSCAR Accreditation process, MSD will mostly not expect any overseas police checking but do require that NZ Police vetting is completed, as well Australian Police vetting where relevant (a section for this purpose is included in the NZ vet form), along with other referee and employment history checks. It would be reasonable for an employer to ask to sight overseas police certificates that were provided for the visa application.

Even when a person can produce a clean overseas police certificate, it is worth keeping in mind that the person may have engaged in activities which would be an offence in New Zealand, but which is legal in the country issuing the certificate. The reverse may also be true – that a conviction overseas may be for something that is legal in New Zealand.

If an agency is being used to obtain suitable applicants it is advisable to still undertake all these recommended checks as it is quite likely that no checks other than sighting passport and visa will have been undertaken.

Background checking of refugees

It is possible that people with refugee status will not have visa or other identity documents but a NZ Police Vet would still be required by MSD Accreditation. In this instance it would seem advisable to take extra care with verification of identity and checking of appropriate referees.

Where police certificates or identity documents cannot be provided, some sources recommend that the applicant be required to sign a statutory declaration to the effect that they have no overseas convictions – although this may be of limited effect in actually safeguarding an organisation.

What is important is that the trusted nature of the role is made clear to the applicant and that the whole programme and all staff take child safety & wellbeing very seriously, which carries over to clear policies around supervision of staff during the programme.