

### POLICY STATEMENT

Recruitment is one component of building people capability. Kaimahi from all communities are critical to the success of any organisation. The Ministry's recruitment policy is supported by our commitment to:

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

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

It is essential all people leaders involved with the recruitment and/or selection of kaimahi follow policy and process for consistency.

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 key components about recruiting and selecting permanent, fixed term and secondment positions.

This document describes policy and process.

The [recruitment process](#) is described in detail on the Ministry's intranet.

### OUR POLICY

Inclusion, diversity, and equity

Focussing 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 understand issues and wider possibilities.

We work to make sure all roles are equally attractive to all potential kaimahi.

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 dismantle any stereotyping, so we offer a representative workplace culture, including belonging, inclusion, diversity, and equity.

Approval to recruit

Approval to recruit must be gained before recruiting begins. Hiring Managers should consult the [HR Delegations](#) policy for required approvals. For advice please contact [recruitmentteam@justice.govt.nz](mailto:recruitmentteam@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 starts the recruitment process. Hiring Managers should refer to the information on the Ministry's intranet. There is further recruitment training for managers on the Ministry's learning and development system (Thrive).

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## Advertising

The Ministry encourages all vacancies to be advertised widely in the Ministry, and across the Public Service, where possible. The Ministry requires every vacancy (permanent, fixed term or secondment) over six months duration to be advertised.

Where advertising a secondment is not practical, Hiring Managers should consult with their Senior PX Advisor.

Roles should be advertised externally and internally. There may be some cases where only internal advertising is appropriate. Hiring Managers should discuss this with their Recruitment Advisor. In these cases, roles should be advertised internally for a minimum of five working days.

Advertising is made using the Ministry's standard style. Adverts must contain standard information about the Ministry, the position description, the applicable and correct remuneration range, how to apply, the closing date, and show consistency with current employment legislation.

All job advertisements should be written to encourage candidates from representative communities to apply.

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## Use of recruitment agencies

In most circumstances, recruitment processes should be managed internally. Hiring Managers must gain required approval to use a recruitment agency due to fees (refer to the HR Delegations schedule). Situations where outsourcing recruitment may be considered include:

- recruiting for hard to staff specialist skills.
- there is a bulk recruitment exercise.
- using a preferred recruitment provider is demonstrably cost and time effective.
- where a confidential approach to prospective applicants is required.

All applicants submitted by a recruitment agency are required to complete the Ministry's application form as part of the recruitment process. The same approval steps must be followed, in line with the internally managed recruitment process.

When a recruitment agency is engaged this must align with the Ministry's obligations under the All of Government talent acquisition service providers requirements. Hiring Managers can refer to the Ministry's intranet for more information.

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## Support for interviewees

Applicants selected for interview should be asked if they have any accessibility requirements or accommodations. They should be advised they may bring a support person, group or whānau (at their own expense). The protocols in these circumstances will need to be arranged by the Hiring Manager before the interview.

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## Selection panel

The Selection Panel should consist of at least two people, although three is preferable to provide a range of perspectives in the decision-making processes. The selection panel should be representative of different communities and chaired by the line / Hiring Manager for the vacancy.

Where an assessment centre is required to fill a role, consideration should be given if internal candidates are required or not to complete a full assessment. 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 usual interview process. There should be a consistent chairperson across all interviews in a recruitment round.

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## Mandatory pre-employment checks

The following checks are mandatory before an offer of employment is made:

- Serious misconduct disclosure.
  - Referee checks should be done over the phone in the first instance.
  - Criminal conviction and outstanding fines check.
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- Proof of Identity and Right to Work check
  - '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 decide if more than the mandatory checks listed above are required. There must be a justified reason for completing any pre-employment check, the relevance to the role or workplace. Hiring Managers should consult with Recruitment, [AskHR](#), Strategic PX Business Partner or Senior PX advisor if they think the role requires medium/high risk checks.

Medium/high risk pre-employment checks can include:

- New Zealand Police vetting.
- Credit check.
- Qualifications check.
- Security clearance check.

Consult with the Recruitment team to help determine if any of the roles may require medium/high risk pre-employment checks, as per the principles in the Ministry's Risk Framework.

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#### Disclosing Serious Misconduct

The Public Services Commission/Te Kawa Mataaho workforce assurance model standards require employing agencies being aware of any previous serious misconduct by candidates.

An applicant is required to disclose whether they have been subject to a serious misconduct investigation (concluded and upheld) or currently underway within the last three years in the Public Service. If a kaimahi discloses a serious misconduct investigation or refuses to provide an answer, please seek advice from your Strategic PX Business Partner or Senior PX Advisor.

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#### Referee checks

For fixed term kaimahi moving into a permanent position with the same manager, the Hiring Manager should consult with the Recruitment Team to determine if further reference checks are necessary.

Referee checks are required to be completed for every preferred applicant, whether an existing kaimahi or an external applicant. Moving to the 'Approval to Appoint' stage should not happen until satisfactory referee checks are completed.

The Hiring Manager should check the applicant has provided permissions for contacting referees before completing referee checks.

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

Two reference checks must be completed for external candidates. Reference checks should be done with the applicant's current or previous manager.

A minimum of one reference check must be completed for internal applicants with the applicant's existing line manager, or their reporting manager if on secondment. Hiring Managers are encouraged to get a second reference check.

In some circumstances it may not be possible to conduct a referee check with the current line manager. In these situations, Hiring Managers should speak with a recent line manager or the People Experience team of the candidate's current/most recent organisation.

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

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	<p>Hiring Managers can also seek advice from the Recruitment Team where referee checks are not judged practical.</p> <p>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 their comments are not shared with the candidate.</p>
Checking criminal convictions and outstanding fines	<p>Before an Approval to Appoint form is put forward, the 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 the Recruitment team in the first instance. 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 used as part of recruitment processes. Robust interviews and reference checking should suffice.</p> <p>Where a manager wants to use psychometric testing, they must speak with the recruitment team and make sure they do not rely solely on this practice, and that it is part of a multi-method approach.</p>
Starting salary	<p>The <a href="#">Starting Salary Guide</a> must be considered and applied to all employment offers (internal and external), to ensure starting salaries are a fair reflection of the candidate's mātauranga skills and experience, and equitable both in their team and across the Ministry.</p> <p>Hiring Managers will be provided with the Ministry's Starting Salary Comparator Tool at the pre-employment check phase. This tool can be used alongside the Starting Salary Guide to support fair and consistent starting salary decision making.</p> <p>If employees are appointed between steps 1 and the top step, they must be appointed on a specific step. Refer to the <a href="#">Remuneration policy</a> for further starting salary information.</p>
Approvals – HR Delegations Schedule/Policy	<p>Approvals are required for Advertising, Recruitment, Selection and Appointment as per <a href="#">HR Delegations policy</a> and <a href="#">HR Delegations Schedule</a>.</p>
Appointment	<p>Appointment to the Ministry is subject to:</p> <ul style="list-style-type: none"> <li>• completing all mandatory pre-employment checks (references, serious misconduct, proof of identity and right to work, and criminal convictions and outstanding fines).</li> <li>• sighting originals of qualifications and practicing certificates (where the role requires a qualification or equivalent).</li> <li>• sighting proof of residency or work permit status confirming the preferred candidate's legal right to work in New Zealand.</li> <li>• any relevant medium/high risk pre-employment checks.</li> <li>• the return of all required signed documentation.</li> <li>• any review of appointment being satisfactorily resolved (see below for Review of appointment).</li> </ul>
Notifying applicants of application outcome	<p>All applicants should be advised of the outcome of their application. It is recommended non-successful internal candidates are personally advised of the application outcome and given feedback where practical. 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 (10 working days)	All permanent and fixed term appointments of over six months duration must be notified (promulgated) internally (on the Ministry's intranet) in line with relevant legislation. This includes secondments over six months' duration. The promulgation period is 10 working days. If someone is reassigned or reconfirmed during a change process, no promulgation is required.
Reviewing appointments	<p>During the promulgation period, any Ministry kaimahi can request a review of the appointment (as per <a href="#">Clause 5, Schedule 8, Public Service Act 2020</a>).</p> <p>For further information on the review process, please see the Review of Appointment Process on the Ministry's intranet.</p>
Offering feedback to applicants	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.
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 kept by the hiring manager for 6 months after completion of the recruitment process. Personal information about an appointed candidate will be kept on their personnel file.</p>
Overlap of existing and new employees	<p>The following rules apply when employing new kaimahi in a permanent or fixed-term role to replace kaimahi leaving the same role:</p> <ul style="list-style-type: none"> <li>• The Hiring Manager has the discretion to allow for a maximum of two business weeks overlap, for the purpose of hand-over.</li> <li>• 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.</li> </ul>
Expenses	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.

## RESPONSIBILITIES

Hiring Manager (usually 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/reviewed by the Remuneration Team, before advertising the position.</p> <p>Write the vacancy advertisement in plain language i.e. no jargon.</p> <p>Initiate and manage the recruitment and selection process according to policy and process (refer to the recruitment 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	The Approving Manager approves the Hiring Manager's request for Approval to Appoint and cannot be on the selection panel.

	Consider and approve the Recommendation for Appointment.
Selection Panel Chairperson	Chair the panel and ensure that the selection and assessment activities occur in the appropriate way and time. The chairperson should be present in all interviews taking place in a recruitment round.
Selection Panel members	Participate in the interviews. Collectively make a merit-based selection decision, in conjunction with the chairperson.
Recruitment team	Provide guidance and high-level advice to Hiring Managers. Manage queries from applicants. Promulgate appointments and coordinate any requests to review the appointment process.

## RELATED POLICIES, PROCEDURES AND LEGISLATION

- Recruitment process
- Remuneration policy
- Additional Duties Allowance policy
- HR Delegations schedule
- Starting salary guide
- Risk assessment guide
- Public Service Act 2020
- Employment Relations Act 2000
- Te Whaiao Outcomes Framework
- Equal Pay Amendment Act 2025
- Human Rights Act 1993
- New Zealand Bill of Rights Act 1990
- Privacy Act 2020
- Immigration Act 2009
- Relevant Employment agreements
- Review of appointment process

CONTACT	<a href="mailto:Recruitmentteam@justice.govt.nz">Recruitmentteam@justice.govt.nz</a>	OWNER(S)	General Manager People Experience
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