



## **FACT SHEET: CHECKING CRIMINAL RECORDS**

*The purpose of vetting is to minimise the likelihood of the more vulnerable members of society (children, older people, and those with special needs) being put at risk by individuals who may have displayed behaviour that could be detrimental to others' safety and wellbeing.*

As part of a robust recruitment and vetting process we strongly advise organisations undertake criminal records checks. Having a criminal record does not mean you need to exclude a potential volunteer (or paid staff member), but it does mean that you get to make a more informed choice.

There are currently two ways to check criminal records:

### **MINISTRY OF JUSTICE—REQUEST FOR CRIMINAL CONVICTION HISTORY**

Any person, business or organisation can request the criminal records (criminal conviction history) for someone else, of any age, with the other person's signed agreement. To do this, both you (the third party) and the other person must fill in different parts of a "Request Criminal Convictions History—Third Party" form.

You will also need to send a copy of the person's valid identification. The Criminal Records Unit aim to process these requests within 20 working days.

A criminal conviction check covers criminal and traffic convictions only, and does not include any charges that did not go to court or where there was no resulting conviction. It also does not show any charges that have not gone to court yet.

[www.justice.govt.nz/criminal-records/get-someone-elses/](http://www.justice.govt.nz/criminal-records/get-someone-elses/)

### **POLICE VETTING**

Organisations providing services to vulnerable people (this includes children, older people and people with special needs) can ask the New

Zealand Police to vet (check) people who want to work or volunteer for them. Police checks can be done for anyone aged 10 or over.

Organisations need to apply to become an 'Approved Agency' in order to undertake Police vetting, and once approved can request police checks online.

The difference between a Ministry of Justice criminal record check and a Police vetting is that the criminal record check only covers convictions. As well as the criminal records, Police vetting can also include information on any contact with the police.

This information may include charges that have not gone to court yet, charges that did not result in a conviction, court appearances that resulted in a not guilty verdict.

To find out more about police vetting, go here:

[www.police.govt.nz/advice/businesses-and-organisations/vetting](http://www.police.govt.nz/advice/businesses-and-organisations/vetting)

To find out if your organisation is eligible to use the NZ Police Vetting Service, go here:

[www.police.govt.nz/about-us/publication/approved-agency-criteria-accessing-police-vetting-service](http://www.police.govt.nz/about-us/publication/approved-agency-criteria-accessing-police-vetting-service)



## CLEAN SLATE SCHEME

A person with previous convictions is said to have no criminal record (criminal conviction history) if **all** of the following are true. If they have:

- Had no convictions within the last 7 years
- Never been sentenced to a custodial sentence (such as prison, corrective training, or borstal)
- Never been convicted of a sexual offence ('specified offence')
- Fully paid any fine, compensation, reparation or costs ordered by the court in a criminal case
- Never been banned from driving until further notice (indefinite disqualification)
- Never been held in hospital by the court in a criminal case instead of being sentenced, due to their mental condition

## THE RESULTS OF VETTING

The information supplied by the Police will be sent directly to a designated person within the requesting organisation. This information is to be securely stored until such a time as it is no longer useful for the purpose it was obtained. The information should be stored in such a way that only those required to access the information are able to do so.

The decision as to whether an individual is suitable or not for a given position remains with the employer. In making this decision employers might need to consider the following when assessing the results of vetting:

- The nature of the offence and the relevance to the position.

- Length of time since the crime was committed.
- Age and maturity now as compared to when the crime was committed, the seriousness of the crime e.g. length of sentence, use of a weapon, the circumstances at the time of violent behaviour.
- Pattern of crime, e.g. a short spate may indicate a "phase" but a regular pattern may indicate continuing inappropriate behaviour.
- The proximity of the person undergoing vetting to the vulnerable person(s). That is, is he/she likely to have unsupervised access to these vulnerable people?

Information supplied by the Police must be destroyed once it is no longer useful for employment purposes. Burning or shredding the information ensures secure destruction.

Details of police vetting are not to be disclosed to any staff, other than the individual tasked with handling this information.

**IMPORTANT:** Neither Police vetting or criminal conviction checks are a complete background check. It should be used only as part of robust recruiting and screening process.

Another great resource is "Safe Not Sorry" by Anthea Simock from Child Matters, PO Box 679, Hamilton.

Source: [www.police.govt.nz/service/vetting](http://www.police.govt.nz/service/vetting)

Source: Volunteering Waikato—Revised August 2020