

Criminal Record Check Policy

Purpose

CAP's stakeholders place a high degree of trust in CAP as an organisation, and also in you as a CAP employee. Given this trust, it is important that CAP take all practical steps to demonstrate that the organisation is aware of any potential risks from our employees, volunteers and coaches. For this reason, CAP's practice is to maintain current criminal record checks for all employees in accordance with this policy.

CAP complies with the screening and vetting requirements in accordance with the Children's Act 2014. Current criminal record checks provides CAP confidence when providing its services to vulnerable families.

Application

This policy applies to all CAP Support Office employees, coaches, volunteers and contractors, effective from **10 June, 2024**.

Disclosing convictions

During the recruitment or selection process for any role at CAP (whether employed, voluntary, contract or otherwise), you will be asked to disclose any convictions that are not covered by the Clean Slate Act 2004. Any failure to disclose a conviction (other than one that is protected by the Clean Slate Act) may result in disciplinary action up to and including the ending of your recruitment process or employment with CAP. If you are unsure whether a conviction is covered by the Clean Slate Act 2004, you can find more information here: <https://www.justice.govt.nz/criminal-records/clean-slate/>.

During the course of your employment or volunteering at CAP, you are also expected to inform the People & Culture team of any charges against you that may result in a conviction. This is a part of an ongoing open relationship of trust and confidence. Failure to disclose charges or convictions that arise while you are a CAP employee or volunteer, may result in disciplinary action up to and including dismissal from your role.

Criminal Record Check

Upon appointment into a role with CAP you will be asked to complete a criminal conviction check by the Ministry of Justice. CAP requires Criminal Record Checks to be completed prior to your first working day with CAP. You are not legally required to agree to a check, however withholding your consent will be presumed to mean you have convictions on your record that are relevant to your role with CAP. This may result in disciplinary action up to and including dismissal from your role or removal of your right to represent CAP.

Criminal conviction checks for contractors will be required on a case by case basis as determined by the relevant department director.

CAP requires all support office employees to provide a satisfactory criminal record check every 3 years of employment.

CAP requires all coaches to provide a satisfactory criminal check every 2 years of employment.

Decisions Regarding Convictions

Having a criminal conviction will not necessarily impact your appointment into a role with CAP. If you disclose a criminal conviction during the recruitment process or as a CAP employee, CAP will discuss the circumstances of the conviction with you in order to determine whether it is relevant to your role. (Note: This conversation will not be required if you are a job candidate and CAP decides not to progress your application based on grounds unrelated to your conviction)

If a member of CAP's Executive Leadership Team (ELT) believes that a particular conviction on your record may impact your ability to perform your role due to impacting your credibility in your role or undermining trust and confidence in you in your role, this will be raised with you and you will be given an opportunity to comment before any final conclusion is reached.

A member of CAP's ELT will be the final decision-maker on any question of whether a conviction impacts your ability to perform your role. If it is concluded that it does have an impact, you may be withdrawn from the application process (if an applicant), or a disciplinary process may be entered into (if already an employee).

Confidentiality Around Convictions

Your criminal convictions may be disclosed to the following people as necessary or beneficial to the process of recruitment, decision-making or management:

- Your Manager (if you are an employee of CAP);
- Head of Partner Services and Support (if you are a coach representing CAP)
- Head of Health, Safety and Environment and/or the People & Culture team
- Members of the interview panel (if you are in the application process for a role);
- Members of CAP's ELT;
- The CAP Board;
- Other individuals only with your express consent.

Information about your convictions will be kept confidential by the above individuals. A record will be held on your confidential employee file. You may request for this record to be destroyed if a conviction becomes covered by the Clean Slate Act 2004 and you replace it with a new check from the Ministry of Justice.

Signed by Policy Owner

A handwritten signature in black ink, appearing to read "Cayce Haitoua".

Cayce Haitoua, People & Culture Advisor

Staff Confirmation

I have read and understood and agree to abide by this policy.

Signature:

Name:

Date: