

TULLIE

Criminal Records Policy

Date: Reviewed February 2024

Introduction

Tullie House Museum & Art Gallery Trust actively promotes equality of opportunity for all and welcomes applications from a wide range of applicants.

Tullie House Museum & Art Gallery Trust is committed to safeguarding those that use our service, which includes carrying out background checks on all volunteer and staff roles.

Tullie House Museum & Art Gallery Trust recognises the contribution that people with criminal records make as employees and volunteers and welcomes applications from those with a criminal record.

This policy explains how we use criminal records as part of our recruitment and selection process.

Scope and Purpose of this Policy

This policy applies to all Tullie House Museum & Art Gallery Trust staff and volunteers.

The aim of this policy is to ensure that:

- Everyone is treated fairly and consistently.
- Everyone is treated equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- Everyone knows what to do and what will happen next.

The Policy

1.1 Processing principles

Tullie House Museum & Art Gallery Trust is committed to best practice when recruiting people with a criminal record.

Tullie House Museum & Art Gallery Trust undertakes to treat all applicants fairly. It is essential that people do not face unfair discrimination in any role within the Trust, whether paid or voluntary.

A criminal record will not normally prevent an applicant from being appointed as an employee or volunteer. We will judge each case on its merits and not discriminate unfairly against any applicant on the basis of a conviction or criminal record information disclosed to us.

We will rely on consent as our legal basis for the collection and processing of data in order to carry out these checks and assess the suitability of applicants. The collection and processing of this data is necessary in order to protect the interests of the users of our service.

We will retain the data provided in order to complete the necessary checks. Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. Information relating to criminal records will only be shared with authorised people, which may include Director/Line Manager, Safeguarding Lead and Tullie House Museum & Art Gallery Trust HR and Volunteer Services team.

1.2 Recruitment and advertising

For each vacancy at Tullie House Museum & Art Gallery Trust, we will make it clear in the role description what level of check will be submitted on the individual being offered the position.

1.3 Criminal Record checking process

To ensure we recruit purely on skills and experiences, we do not ask for criminal record details at application stage.

Criminal records should be disclosed at the point of completing a criminal record application. We will ask applicants to disclose any unspent convictions or cautions.

For all employment roles this will take place after a conditional offer of employment has been received. For relevant volunteering roles, applications will be completed after a volunteer has been selected at the early stages of training.

Applicants have the option to self-disclose to their Line Manager before completing their criminal record application in case they wish to discuss this; however this is not mandatory. For those potential employees or volunteers who have convictions that may present a safeguarding concern we encourage individuals to disclose this at the earliest opportunity, so that all options can be explored.

Where information is identified on a criminal record check, a volunteer or employee may not be able to continue in their role until the decision-making process below has been followed, depending on the role being applied for.

Enhanced criminal record checks will be repeated annually and basic criminal record checks will be repeated at a maximum of three-year intervals unless the organisation identifies a need to carry out a check sooner – for example, we become aware that a volunteer or employee may have received a caution or conviction since their previous check.

1.4 Decision making process

Tullie House Museum & Art Gallery Trust will only take a criminal record into account when the conviction is relevant. Since questions about criminal records are only asked of the successful candidate, job applicants can feel assured that having a criminal record will play no part in the initial selection process.

Where the Disclosure certificate discloses a criminal record, an assessment to decide the relevance of the criminal record will be made. To reach a fair and balanced decision this assessment will involve an evaluation of the associated risks. Protection of the applicant's rights and interests must be weighed against the rights and interests of the organisation, its employees and those bodies or members of the public with whom an employee or volunteer may come into contact.

The Recruiting Manager, in discussion with the Head of Finance and HR, and if it presents a potential safeguarding risk the Designated Safeguarding Lead, will consider each case on its individual merits but will consider the following factors as a minimum:

- the relevance of the offence to the duties and responsibilities of the post;
- the seriousness of the offence and its relevance to the safety of other people and resources;
- the length of time since the offence was committed;
- the nature and background of the offence;
- details of the circumstances that led to the offence (e.g. domestic or financial problems);
- changes to the individual's circumstances that make re-offending less likely,
- whether the individual has a history of re-offending.

If appropriate, Tullie House Museum & Art Gallery Trust may request a reference from a relevant professional who knows the applicant. Before a final decision is made the applicant will be given the opportunity to discuss the disclosure information with the Recruiting Manager and Head of Finance and HR. This will provide the applicant with the opportunity to explain, question and promote their own views.

Once a decision has been made, the Recruiting Manager will confirm the decision in writing.

In exceptional circumstances, if the nature of the offence(s) is considered by the Designated Safeguarding Lead to be highly relevant to the post and serious enough to bar the person from volunteering or employment within that post, the Designated Safeguarding Lead or Head of Finance and HR will write to the applicant to inform them of this. Examples of this would be:

- someone on the Sex Offenders' Register applying for a non-exempted post;
- someone convicted for serious financial fraud applying for a finance-based post

1.5 Starting work pending a disclosure

It is Tullie House Museum & Art Gallery Trust's policy that no one should be allowed to start work before the Disclosure certificate is received. However, in some cases, waiting for certificate may not be practicable e.g. to ensure minimum staffing levels; therefore we may allow someone to start work before receiving the certificate.

Arrangements should be reviewed on a regular basis, at least every two weeks, until the certificate is received. All other pre-employment checks must also have been completed including identity check and satisfactory references for the whole of the previous three years.

1.6 Portability

For applicants with a Data and Baring Service (DBS) check, the DBS has an Update Service, which will allow employers to check the status of criminal record checks online.

If an individual subscribes to the DBS Update Service, the Trust can, with their consent, go online to check whether or not the individual's DBS certificate is up to date.

If the applicant requiring a Basic Disclosure certificate advises the organisation that they subscribe to the update service the HR Department will obtain copy of the original DBS certificate and make the appropriate check.

Complaints

Applicants or staff who are unhappy with any aspect of the application of this policy should initially raise their concerns with the Head of Finance & HR. Where this fails to produce a satisfactory resolution, applicants have the right to complain to the Director.

The above complaints procedure is intended to deal with the Trust's own internal processes. Complaints relating to mistaken identity or the nature of the information given in a criminal record disclosure can only be dealt with by the DBS.

Approval and Review

This policy was prepared to provide a framework for the management of the criminal records vetting process. It will be reviewed annually to ensure continuing appropriateness.