

## Employing Ex-offenders

### Sarah Taylor: Acas Trainer

There is currently a group of potential employees which, in the main, are being ignored by employers - those with a criminal record. The numbers are too big to be ignored: 11 million people in the UK (20% of the workforce) possess a criminal record and 31% of men have a criminal conviction by the age of 40. There are currently 83,673 people in prison in the UK, and of these, 4,400 are veterans. It does not make commercial sense to overlook ex-offenders who can provide a diverse and often untapped pool of skills. There are wider benefits to society and the UK economy as a whole; employment reduces re-offending by up to 59% (Source-MOJ, 2013). Business in the Community states that employment of ex-offenders would secure significant savings for the taxpayer, estimating that reoffending currently costs the tax payer £15 billion every year.

According to the Chartered Institute of Personnel and Development, over half of employers struggle to fill vacancies due to skills shortages. Such shortages are responsible for 35% of vacancies in construction, 20% of vacancies in wholesale and retail, and 19% of vacancies in hospitality. Latest figures from the Bank of England suggest the situation will worsen as a result of Brexit and our ageing workforce demographic. The charity Only a Pavement Away, which is founded by representatives from the hospitality industry, estimates there will be 130,000 vacancies in the hospitality, pub and restaurant industry by 2024.

Based on my previous experiences as a Probation Officer, I can confidently say that in my view, one of the biggest barriers, if not *the* biggest barrier to successful rehabilitation of ex-offenders, is being unable to obtain meaningful employment, aligned with their hopes and goals.

Many offenders undertake skills training in prison or the community to enhance their existing skill-set, but are prevented from entering the workplace due to often misguided fears about their criminal record. Whilst there are some so called 'career criminals' that have no interest in obtaining employment, in my experience, this group was few and far between.

A lot of offending is not premeditated and is based on unwise decisions, errors of judgement and a loss of emotional control in response to adverse events; such is the unpredictability of life. Many offenders come from deprived and disadvantaged backgrounds and it is important to acknowledge that being a victim and offender are by no means mutually exclusive.

A criminal record is extremely stigmatising and is far too often regarded by society as a permanent stain on someone's character, rather than what is

usually a temporary transgression. For example, should an individual be excluded from the labour market for life, because they set fire to a litter bin as a teenager, to keep in favour with their 'mates'? The likelihood is that we have all made mistakes and broken the law on occasion. Does it make sense to condemn people who have been prosecuted for making similar mistakes? Obviously, there will be degrees to this, and some offences are without question very serious, although I still maintain that most people can be rehabilitated, with support.

Society accepts that offences vary in terms of their long lasting impact on victims and society, as demonstrated by the use of community sentencing disposals, including fines and Probation. However, employers seem unable or unwilling to draw upon this distinction. The resulting stigmatisation and social exclusion is often dis-proportionate to the nature of the offence.

The principles underpinning Criminal Justice intend that the sentence must be proportionate to the crime, whether that be rehabilitation, punishment, or indeed both. When, as commonly occurs, ex-offenders are excluded from equal opportunities in employment and society for a very long time afterwards, if not for life, many ex-offenders consider that their punishment far outweighs the crime, and that as their debt to society has been paid, the punishment should finish.

Employment is a strong protective factor against poverty, poor mental and physical health, substance abuse and re-offending. This in turn fosters less reliance on the welfare state, health care and other services. Does it then make sense for society to have to support an individual through the benefits and/or the prison system, often for the rest of their lives?

Many employers operate an implicit 'blanket ban' on recruiting ex-offenders. Such practices are illegal, (as 'spent' convictions can only legally be taken into account in certain 'exempt' professions), highly discriminatory and unfair. They do so for a variety of reasons, including misconceptions of risk and a misunderstanding of the relevant legislation. There is a mistaken presumption that all ex-offenders cannot be trusted. It is worth remembering that nearly all dismissal for gross misconduct cases concerns employees without previous criminal records.

The significance of the barriers to employment facing the female ex-offender population are often over-looked, (and female offending often has different underlying triggers than male offending). For example, 'Working Chance'-A recruitment agency and social enterprise, states that one third of women prisoners have previously spent time in care. Women are also prone to being stigmatised more negatively than their male counterparts as being 'mad/bad', whereas male offending is sometimes viewed (or tolerated) as an almost natural 'rite of passage'.

Considering employing ex-offenders is about giving them a fair chance at a stake in society, based on their skills and abilities and not excluding them at the outset. Given a genuine opportunity to prove themselves, many individuals

could excel in satisfying unmet business needs, particularly if they channelled their often considerable skills and problem solving abilities in constructive directions. Many ex-offenders are highly motivated; they realise they have more to prove, and will work extremely hard and be very loyal if given a chance. A 2002 CIPD report found that 87% of employers considered ex-offenders at least as productive as other employees and 82% perform at least as well. A 2007 CIPD Report found that 65% of organisations that choose to promote appointing of ex-offenders reported a positive effect on their corporate reputation; only 7% reported a negative experience.

## **If you are interested in finding out more about this topic and how your organisation may benefit:**

On the 21<sup>st</sup> September, Eversheds Sutherland, on behalf of the **Corbett Network** and in conjunction with social justice charity **NACRO**, will be hosting a **free, half-day briefing and networking event regarding employing ex-offenders**. NACRO will be well known. The Corbett Network is a charity set up by Lady Corbett to ensure that the legacy of Lord Corbett, the former Chairman of the Home Affairs Committee and the All Party Parliamentary Penal Affairs Group, until his death in 2012, continues. The event will provide Employers, HR professionals, Recruitment Managers and those with responsibility for equality and diversity matters with the **necessary tools, confidence and support** to access this particular talent pool. Both employers and ex-offenders will be sharing their success stories around successful recruitment and employment. There will also be discussion around the innovative approaches to filling vacancies being pioneered in the construction and hospitality sectors.

**Tapping into New Talent: a Corbett Network employer event, by Nacro-London-21<sup>st</sup> September 2018:** <https://www.eventbrite.co.uk/e/tapping-into-new-talent-a-corbett-network-employer-event-tickets-47807394203>

This event will also help delegates understand the recent changes in legislation, such as the reformed '**Public Services Social Value Act**' (2013), which for relevant employers will mean they are now obliged to **explicitly demonstrate social value in order to be awarded government contracts, rather than just value for money**. Implications of this mean that it is important employer's policies and procedures are compliant.

In addition, the event will also offer the opportunity to learn more about the government's new education and employment strategy for offenders: <https://www.gov.uk/government/publications/education-and-employment-strategy-2018>

In May this year, the MOJ outlined measures to improve prisoners' skills while in custody and improve their chances of securing employment on release. This included the formation of a new body, the New Futures Network, which will work alongside employers to generate job opportunities and link local businesses directly with their local prisons.

Furthermore, the **'Ban the Box'** campaign, which started in 2016, calls upon UK employers to give ex-offenders a fair chance to compete for jobs by removing the disclosure tick box from application forms in the initial stages and enquiring about criminal convictions later in the recruitment process. More than 90 employers have now signed up, including Boots, Marks and Spencer's and the entire Civil Service. The Civil Service will continue to lead by example with 'Going Forward into Employment', an ex-offender recruitment pilot. Under this scheme, government departments will place risk assessed ex-offenders into fixed-term office-based roles, at a variety of grades, dependent on their skills and experience. The pilot is being launched on a small scale in the North West, before the model is rolled out to other regions throughout 2018.

I'll allow 'The Chrysalis Program' (a 'not for profit' social enterprise supporting ex-offenders) to neatly surmise the current and innovative thinking in this area, with their simple declaration that "There is nothing about a caterpillar that tells you it is going to become a butterfly..."