

How have people with criminal records been affected by Covid-19 and social distancing measures?

Covid-19 and the social distancing measures introduced to help control it have created widespread challenges. For people with criminal records, some of these challenges can be particularly difficult to overcome.

Since the UK went into lock-down in mid-March, we've been contacted by people with criminal records – those in the community, people in prison and people who are subject to licence or community orders – concerned about what Covid-19 means for them. Unlock has published [information and advice](#) on Covid-19 and how it impacts on those with a criminal record.

Emerging issues

We are looking carefully at the policy implications of Covid-19 and the social distancing rules, and at how these might affect people with criminal records in the future. Based on the issues raised through our helpline and our survey (see below) we have identified the following areas of concern.

- Court delays meaning children are left with adult criminal records
- Supervision arrangements
- Finding a new job when unemployment is higher
- Disclosure rules and DBS checks
- Applying for university
- Housing

Court delays meaning children are left with adult criminal records

In November 2019 the Guardian reported that court delays meant hundreds of children were being convicted and sentenced [as adults](#). Children aged 10-17 would normally have their cases heard in the [youth court](#) which is better equipped to meet the needs of young defendants. By February 2020 delays in the youth court had already reached [record levels](#). Since mid-March courts have suspended non-urgent hearings and most children will find their case has stalled. This is likely to increase the number of children who are convicted and sentenced as adults.

Sentencing in the youth justice system is primarily about rehabilitation and there are options that are not available for adults. Children who appear before the court after their 18th birthday will no longer have these options available to them. They will be sentenced as adults and their conviction will take twice as long to [become spent](#). For example, a child who received a fine would have to declare it for 6 months. A child who, as a result of court delays, was convicted and sentenced as an adult, would have to declare the same fine for 12 months. This can create significant disadvantage for young adults who are applying for college or university, for car insurance or their first job.

The Youth Justice Legal Centre (YJLC) have published a [legal update](#) on delays, time limits and video link hearings for children.

The Ministry of Justice and Youth Justice Board to monitor delays in the youth court and investigate ways to ensure children whose cases are delayed are not saddled with an adult criminal record.

Finding a new job when unemployment is higher

The lockdown restrictions will have a disproportionate effect on people in temporary jobs and on zero-hours contracts. Many will now find themselves out of work. With fewer businesses predicted to be hiring in the next few months, PWCRs could find themselves overlooked.

Finding a new job is more difficult for PWCRs. About [75% of large employers](#) ask about criminal records on application forms. 75% of PWCRs say they would [avoid applying for a job](#) where they were asked about criminal records on application. Generally, people don't believe they'll be treated fairly – and with good reason. 50% of employers say they would [reject](#) an applicant who declared a criminal record.

[Food producers](#), [supermarkets](#) and other [essential services](#) are boosting their workforce. Applicants with a spent conviction won't need to disclose it for these jobs. However, they may find the employer uses open source information – online news, or social media posts – to find out about their criminal record. Recruiters will usually ask about unspent convictions and sometimes have [blanket bans](#) on applicants with unspent convictions.

Employers who proactively recruit PWCRs report [positive experiences](#), citing [loyalty and reliability](#). Others recognise employment as key to [reducing reoffending](#). People who can support themselves and their families are contributing to society and the economy. Without employment opportunities, people are forced to rely on the state. [1 in 3](#) Job Seekers' Allowance claimants in 2010 had a criminal record. The cost of reoffending is [£18bn a year](#).

As we look to an uncertain economic future, we can't afford not to include law abiding people with criminal records. Government will need to consider how to support fair recruitment for people with criminal records at a time when unemployment is likely to be higher than in recent years.

Changing motivations for employers

Companies actively recruiting PWCRs do so for many reasons:

- [HSS](#) had difficulties with recruitment and retention.
- [Halfords](#) wanted to ensure a truly diverse workforce
- [South Tees Hospitals NHS Trust](#) aimed to develop opportunities for the local community.

The sudden loss of so many jobs means more people will be looking for work and some businesses may no longer have difficulty attracting applicants. This could lead to discrimination against PWCRs. On the other hand, skills shortages and retention difficulties are more complex than simply the number of applicants. The care sector has carried [significant vacancies](#) for the last few years. [Thousands of agriculture jobs](#) were filled by EU nationals who have either left or may be affected by the planned [new immigration rules](#). Jobs in these sectors are not automatically more attractive to people who find themselves recently redundant from the airline or hospitality industries.

Employers should look to include people with criminal records in their business. Not because it's socially responsible (though it is). Not because it helps make communities safer (though it does) but because recruiting reliable and loyal workers is essential to rebuilding the British economy.

DBS checks

The Disclosure and Barring Service (DBS) are providing two new services to support the response to Covid-19. The first is standard and enhanced checks free of charge for eligible roles. The second is fast-track checks of

the barring lists within 24 hours. Prospective employers will receive confirmation that the applicant is not on the barred list and an enhanced certificate will be provided in time. These checks can be requested for voluntary or paid roles provided they are [eligible](#).

These models create possible problems for applicants with criminal records. Free of charge checks may lead some employers to carry out higher level checks for ineligible roles, meaning people with cautions or spent convictions are at risk of being unfairly excluded from employment.

Fast-track barring checks could lead to problems later on where employers become aware of criminal records when the full check comes through. We'd like to think that an employee's performance to date would be taken into account but employers tend to be risk averse. While most people with criminal records are not barred, we regularly see people with old and minor cautions and convictions rejected by health and social care employers.

The DBS's approach raises questions about the existing 'barring AND disclosure' model. If a person is barred from regulated activity, a decision has been taken by the DBS that they are unsuitable for this work. If they are not barred, the person's criminal record is shared with the employer to make a second decision around suitability.

The changes could signal an opportunity to rethink this approach, drawing on international comparisons. For example [Spain](#) uses the barring test as the only test of suitability for regulated roles, where employers need only seek confirmation that an applicant is not barred.

The DBS have responded quickly to the needs of some sectors and introduced these changes. It's disappointing that they have not moved as quickly to bring the filtering rules [in line with the law](#).

Applying for university this year

Although UCAS no longer collect criminal records information for all courses, [some universities do](#). Courses leading to regulated professions – including medicine and teaching – require applicants to disclose criminal records that are not yet [protected](#). We strongly encourage universities to carry out disclosure discussions [in person](#). This gives applicants the chance to explain the circumstances and decision makers can ask questions and discuss concerns. While social distancing measures remain, we suggest the use of video conferencing facilities to enable applicants to take a full part in the assessment. This could remain an option in future for applicants who cannot attend in person.

Applying to university in the future

Universities face uncertainty in domestic and international admissions. This could be an opportunity for them to consider recognising students with criminal records as a widening participation group.

Housing

Prison leavers without a confirmed address will find it harder to source housing support due to office closures and remote provision of services.

People in approved premises and those in bail accommodation may find it harder to move on while social distancing restrictions remain in place. They will be isolated from friends and family and will be unable to access support services beyond those provided in-house. The lack of certainty may create or exacerbate anxiety and worry about the future and make a difficult transition even harder.

People on probation/licence

Calls to our helpline have identified some inconsistencies in the way that probation are currently delivering their services. This causes concern for individuals who are trying to adhere to their licence conditions and reporting requirements and avoid a potential recall to prison.

The inconsistency is, in part, due to the fact that **21 privately owned** Community Rehabilitation Companies (CRCs) work alongside the National Probation Service (NPS) to supervise people on licence or on community sentences. There has been no centralised guidance for people under CRC supervision. HMPPS have published a brief [information sheet](#) for those under NPS supervision.

People under supervision may be socially isolated as a result of social distancing measures and difficulties accessing support services.

People on the sex offenders register

There is a lack of consistency in arrangements across the country for dealing with visits to those on the register. At least one force has suspended all visits indefinitely, whilst others continue their visits unless an individual shows symptoms of Covid-19.

Police forces are under pressure and facing their own difficulties with staffing, but clear and accessible information to those who have reporting requirements will save effort in the long run. Provision of information should take into account restrictions on internet use – online information will be unavailable for many.

Survey

From May to June 2020, Unlock ran an online survey asking people with criminal records about their experiences of Covid-19 and social distancing rules. There were 67 respondents:

- 62% had one or more unspent convictions
- 25% had spent convictions
- 6% had one or more cautions

The remainder had a mixture of spent and unspent convictions, or spent or unspent convictions and cautions.

- 16% were on licence from prison
- 21% were serving a community or suspended sentence
- 62% were not under supervision

The findings are summarised below.

1. Problems immediately after leaving prison

We asked about problems faced by people leaving prison since 16th March.

Over half of respondents who had left prison since 16th March had difficulties with finances, such as opening a bank account or claiming benefits. They reported a variety of problems including finding somewhere to live, physical or mental health problems that they needed help with, and anxiety or depression that they had not experienced before. Practical difficulties using a mobile phone or smartphone, and transport from the prison were also reported.

2. Supervision arrangements

We asked those who were under NPS/CRC supervision to tell us about changes to their reporting arrangements.

Of those who previously had face-to-face supervision, 47% said this was now carried out by telephone. 23% said supervision now took place at the doorstep or through a window. Some were supervised by a mixture of the two. 1 person remained on face-to face supervision although it was now carried out through a window. One person who had recently been released from prison had been on doorstep/telephone supervision from the outset.

24% of people reported that they were in more frequent contact with their supervisor than when they had met face-to-face. 18% reported that frequency remained the same. Only one person reported that supervision took place less frequently.

3. People required to sign the sex offenders' register (SOR)

67% of respondents were required to sign the SOR. This is much higher than the proportion in the population of people with convictions and may skew the findings.¹

People on the SOR reported a number of problems related to changing supervision arrangements. These included lack of clarity about what would happen with visits, police/PPU coming to their address in full PPE, making them highly visible to neighbours, anxiety about the possibility of additional restrictions being imposed, and feelings of isolation due to lack of contact with supervisors.

Other problems included being unable to use the internet due to restrictions on owning devices, feeling more visible due to not being on local social media groups or being unable to volunteer, abuse from neighbours exacerbated due to everyone being at home more often, feeling isolated and anxious.

4. Work before Covid²

Before 16th March 2020, 43% of respondents were in employment: 33% full-time, 6% part-time and 4% on zero hours contracts. 24% were self-employed. 3% were retired, 3% were in education or training. 25% were unemployed.

People on the SOR more frequently reported being self-employed. Unemployment was significantly more common among people on the SOR. The number of people in employment (full or part-time or on a zero hours contract) was about the same for those on the SOR and others.

¹ As of March 2018, 60,000 people were required to sign the SOR – 0.6% of the total number of people with criminal records.

<https://hub.unlock.org.uk/applying-to-come-off-the-sex-offenders-register/>

² Respondents could select multiple answers, total may not add up to 100%

5. Work after lockdown³

Respondents were asked about changes to their employment status as a result of lockdown and social distancing.

- For 9% their employment status remained the same.
- 7% were furloughed
- 14% reported that their business had lost customers – two people said their business had folded completely
- 14% reported that their business was busier and/or they were working more hours.
- 28% reported that they were not working previously and not working now

One person had been made redundant. One person was officially working from home but unable to complete it due to SOR restrictions on IT systems.

6. Housing

We asked respondents whether social distancing rules had affected their housing situation.

- 70% of respondents were in housing they rented or owned.
- 16% lived with friends or family.

Others lived in supported housing, in accommodation provided by a family member or friend, either temporarily or permanently. None reported living in approved premises.

Three respondents reported that they were planning to move but, due to lockdown, were unable to. One was not planning to move but now had to.

Financial security was a concern – two reported difficulties paying their rent or mortgage, but had made arrangements to resolve. There did not appear to be any problems specific to a criminal record.

7. Other problems caused by Covid-19

We asked respondents to tell us, in their own words, about any other problems they were facing. Responses are grouped into themes.

Isolation and/or loneliness

Some reported already being very isolated already and that this had exacerbated it. Others were experiencing isolation for the first time – not being able to see friends or family as before. Being or feeling unable to join in local support groups or social media created feelings of isolation but also of standing out. For some, isolation prevented activities that were done to prevent 'relapse into offending'. One person described 'socially distancing because of my conviction for over three years now' and that the impact had been minimal.

³ Respondents could select multiple answers, total may not add up to 100%

Helplessness

Several people reported that they felt they could do so much more for people in their community but were unable, or felt unable, to volunteer because of criminal record disclosure requirements. This was not unique to people on the SOR (who would likely find it impossible to volunteer) but others with cautions and spent convictions.

Financial problems

Losing work or business was an issue, but others who were dependent on friends or family for financial support were also finding it difficult as this was no longer possible.

Health

Concerns about their own or loved ones' health, including a partner with underlying conditions in prison

Other

Several expressed that, although things were difficult, they felt lucky to have what they did and could see that others were suffering more.

8. What does the future hold?

We asked respondents to tell us, in their own words, about the anticipated long-term impact of Covid-19 and social distancing, in general and on them personally. Responses are grouped into themes.

Employment

Respondents view of the future was dominated by fears about job security or finding a new job, or the loss of their existing business. This wasn't exclusive to people with unspent convictions or on the SOR – spent convictions and cautions were still a worry. Concerns about the impact of a recession on people with 'something to declare' were common – fewer jobs, more discrimination and worries that people would be less compassionate/forgiving. Others thought it may lead to reoffending as people faced more difficulty finding work and that all of this could have a negative impact on mental health.

Disclosure/DBS

Some responses pointed to the disclosure regime as having a role to play in preventing the negative impact on employment. The length of time a conviction remains unspent, as well as the ongoing disclosure of old and minor cautions and convictions, created a sense of dread. The availability of DBS checks for any job underlined this.

Technology

Some were positive about the change to remote supervision and support in particular, as well as the use of video technology in prisons. Conversely there were worries that contact tracing technology might be applied to people on the SOR. The specific needs of people on the SOR in relation to home working was mentioned – high security standards meant this was not possible for everyone.

About Unlock

Unlock is an independent, award-winning national charity that provides a voice and support for people with convictions who are facing stigma and obstacles because of their criminal record, often long after they have served their sentence. Our focus is predominantly on people in England and Wales.

Firstly, **we help people**. We provide information, advice and support to people with convictions to help them to overcome the stigma of their criminal record. This includes running an information site which has over 1 million visitors a year, and a confidential peer-run helpline that helps around 8,000 a year. This work is charitably funded; we do not deliver government-contracted services. We help practitioners support people with convictions by providing criminal record disclosure training. We support employers, universities and others to develop and implement fair and inclusive policies and procedures that enable the recruitment of people with convictions and that treat people with criminal records fairly.

Secondly, **we advocate for change**. Every year we hear from thousands of people who are unnecessarily held back in life because of their criminal record. We work at policy level to address systemic and structural issues. We listen to and consult with people with criminal records, undertake research and produce evidence-based reports to inform policy makers and the public. We challenge bad practice, influence attitudes and speak truth to power. We co-founded and support the Ban the Box campaign and we are pushing for reform of the criminal records disclosure regime. We have a track record of constructive engagement with government, the DBS and employers in working towards a fairer and more inclusive approach.

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