

# EFFRR

## Employers' Forum For Reducing Re-offending

### HOW TO EMPLOY WITH CONVICTION



- Christopher Stacey,  
Director (Services),  
Unlock

Disclosure is one of the most frequently cited issues in the employment of offenders. How can I deal with disclosure effectively? How can I develop fair and inclusive recruitment processes? And what impact will forthcoming changes to the Rehabilitation of Offenders Act 1974 have on my business?

Christopher Stacey is Director (Services) at Unlock, the national charity for people with convictions.

In an exclusive webcast for EFFRR, he gave employers the benefit of his vast experience in helping businesses to recruit with conviction.

### PEOPLE WITH CONVICTIONS

Over 9.2 million people within England and Wales have a criminal record, including a third of all men.

*"People with criminal convictions are pretty much everywhere,"* says Christopher. *"We aren't simply talking about people in prison or probation."*

The effects of employment on re-offending are known to be huge and yet an estimated three-quarter of employers will reject somebody who has a criminal record based purely on their application form. Having to disclose a past conviction, even an old and minor one from childhood, can cause significant disadvantage to an individual.

A 'CRB check' (now known as DBS checks) can destroy hopes of pursuing a career or just getting a job.

Many employers use criminal record checks when recruiting for a number of 'sensitive' roles (e.g. working with children and vulnerable adults).

Whatever the role, under the revised Rehabilitation of Offenders Act 1974 (due to change in late 2013), people's convictions are considered 'unspent' for a period of time depending on the sentence. This can range from a year (for fines) to a lifetime (prison sentences over four years), during which they must disclose to any employer that asks.

### BEING FAIR & INCLUSIVE

EFFRR and specialist organisations such as Unlock, can help your business to positively deal with the issue of disclosure, developing fair and inclusive recruitment practices.

### SPECIALIST TRAINING FOR YOUR BUSINESS

Unlock has developed specialist one-day training packages to support employers (HR & recruitment staff), voluntary organisations and professionals that work with people with convictions.

Training can be tailored to your specific need, covering a range of topics including how to:

- Deal with disclosure
- Develop fair & inclusive recruitment processes
- Learn about forthcoming changes to the Rehabilitation of Offenders Act 1974

 [www.unlock.org.uk](http://www.unlock.org.uk)

*"We can advise you on what groups potential candidates fall into,"* says Christopher. *"Whether that's a person that does not have to disclose; someone who has convictions to disclose; or someone who cannot be employed."*

Many employers do not currently have clear policies for the recruitment of people with convictions, which could result in the exclusion of talented applicants. Unlock supports employers in developing meaningful policies, which detail how the disclosure process works and gives a commitment to fair treatment.

*"No one is suggesting favouritism in terms of recruiting offenders - your aim is to find the best person for job. By considering all applicants you're ensuring you have a better chance of getting the right person. If the best person has convictions, you have to consider whether it's relevant to the job role."*

### UNLOCK - A SNAPSHOT:

- Registered charity established in 1999
- President - Lord Ramsbotham (former Chief Inspector of Prisons)
- Trustee Board includes people with convictions
- Information & advice to people with convictions
- Specialist training for employers
- Services include: helpline; forum; online information hub; disclosure calculator; online magazine

 [www.unlock.org.uk](http://www.unlock.org.uk)

**Unlock**  
for people with convictions

## ASKING ABOUT CONVICTIONS

Many employers are unsure of what to ask a candidate regarding a conviction and when it is appropriate to do so. The simple answer is that employers can find out as much as they like from the individual as long as they are fair and understanding.

As no two applicants are the same, a standard set of questions won't always be appropriate. Unlock can advise you on what to ask, when to ask it and what to do with the information you receive.

*"What questions you ask depend upon the job you have available,"* advises Christopher. *"We can help you to ask questions in a better way if you want to ask something of a candidate, but you don't have to ask a question if you don't think it's relevant."*

Employers are encouraged to judge an applicant on merit and application forms are not always the best way of doing so. Trying to talk about criminal convictions can be extremely difficult for the applicant. Trying to articulate that in writing can be even more challenging.

- Ask questions relevant to job role
- Judge applicant on merit
- Ensure application form does not exclude talented candidates
- Use interview process to find out more

*"We'd advise you to move questions about convictions further down the recruitment process. Many employers have used this information as part of sifting criteria which can exclude talented applicants."*

Unlock advocate face-to-face disclosure, with an interview providing an ideal opportunity to understand more about the individual's situation and whether you consider it relevant to the job role.

## ASSESSING WHAT'S BEEN DISCLOSED

Deciding whether a person can do the job, is ultimately the most important part of the recruitment process for any employer. Only then is it advisable to look into an individual's convictions.

*"Many employers don't necessarily understand the nature of specific convictions, so we would always encourage you to try and get support from people who do understand more,"* said Christopher.

Individual circumstances can vary considerably and blanket policies in relation to specific convictions are not always effective. Independent information can be obtained from an offender's employment worker and probation services, allowing you to understand more and make clearer decisions.

*"We would always advise an employer to look forward and assess the likelihood of someone reoffending in the future. If they haven't offended for a number of years, then that should all go in someone's favour."*

Should you have any queries regarding the enclosed, or a range of other topics concerning the recruitment of offenders, please get in touch.

**Email: [effrr@ppdg.co.uk](mailto:effrr@ppdg.co.uk)**

## HELPING YOU TO ASSESS A CANDIDATE

The factors that you should consider when employing an offender:

- Nature & seriousness of offence
- Relevancy of the offences to the role applied for
- Length of time since last offence
- Pattern of offences
- Age at time of last offence
- Circumstances of the offences
- Attitude to the offences – then & now
- Changes in circumstances & responsibilities taken on
- Efforts made to address past issues, not re-offend & make a change for the better

 [www.unlock.org.uk](http://www.unlock.org.uk)



## WHAT TO CHECK & HOW TO HANDLE INFORMATION

Employers carry out checks at various levels but ultimately those checks should only be used to confirm what's already been disclosed and discussed. Legal requirements are rare and only applicable to specific roles (e.g. teaching).

*"One of the things we find is that employers use information they find through checks as a means of initiating a subsequent conversation with the candidate,"* adds Christopher. *"Many are stung by what they find having already made job offers and it suggests that questions haven't been asked at the appropriate time."*

Asking for information before undertaking any checks gives an employer the opportunity to confirm what's been discussed rather than using it as a filtering process. What should you do with the information you obtain?

*"Make sure you look after sensitive personal data and only show it to people who need to know. Store it securely and advise the individual who, within the company, knows about their convictions."*

Unlock has recently published a helpful guide on the criminal records process in partnership with the Disclosure & Barring Service. Designed primarily for individuals, it is also of interest to employers, with a focus on understanding levels and checking eligibility.

To view Unlocking Criminal Record Checks, [please click here](#)