PRISON REFORM TRUST

Unlock
for people with convictions

Thinking Differently

Employers' views on hiring people convicted of sexual offences

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The Prison Reform Trust is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison. Our two main objectives are: reducing unnecessary imprisonment and promoting community solutions to crime, and improving treatment and conditions for prisoners and their families.
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Unlock is an independent award-winning national charity that provides a voice and support for people who are facing stigma and obstacles because of their criminal record, often long after they have served their sentence. We help people overcome the long-term disadvantages caused by their criminal convictions, and we work with government, employers and others to enable people to move on positively in their lives.
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Foreword

I am delighted to introduce this important report into the attitudes of employers towards hiring people convicted of sexual offences. It outlines the key issues and concerns that employers have about employing this group of people. It also offers useful suggestions for government and professionals to help to support employers to enable them to work confidently and safely with this group.

I have worked with people with sexual offences for much of my professional life, most recently as Governor of HMP Whatton (a specialist prison providing treatment programmes for people convicted of sexual offences) and as Chair and co-founder of the Safer Living Foundation, a charity established to prevent sexual (re)offending. Undoubtedly people with sexual convictions find it difficult to obtain work even though they are often well-motivated, skilled, and have a good work ethic – desirable characteristics for any employer. The stigma associated with the conviction is often fuelled by media reports of an extremely dangerous and predatory group of people. Understandably this causes anxiety in the wider community including employers, however inaccurate this picture may be. As this report outlines, there are a wide range of different types of sexual offences, some very much more serious than others, and yet people with convictions for sexual offences are often perceived as one highly dangerous homogenous group.

Although the impact of a sexual offence on an individual victim should not be underestimated, neither should the importance of reducing the likelihood of the creation of future victims. Providing a person with the opportunity to obtain stable employment has a significant impact on the prevention of sexual crime. Desistance literature outlines the importance of a stable job as one of the key factors in reducing the likelihood of an individual reoffending by improving self-esteem, reducing isolation and giving people a sense of purpose.

There have been a range of initiatives over the years focussing on providing people with sexual convictions with the skills to obtain work, whilst serving a prison sentence and when they return to the community. This report is a welcome and refreshing reflection on this approach, and looks instead at the issue from a different angle. It argues that perhaps employers with suitable information and support can be encouraged to see people with sexual convictions as individuals. Given advice about how they can be safely managed in the workplace, employers can assist their successful rehabilitation.

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Executive summary

This report, by the Prison Reform Trust and Unlock, explores employers' attitudes towards hiring people convicted of sexual offences. Sexual offending can have damaging psychological, emotional and physical effects on survivors. Unfortunately, it remains commonplace. In the year ending March 2020, police in England and Wales recorded 154,113 sexual offences, however the true extent of unlawful sexual behaviour is much greater than this figure implies. Sexual offences cover a wide range of very different behaviours, from some of the most serious crime on the statute book to, for example, 17-year-olds sending sexual images of themselves to their partners.

Having a stable job can help reduce reoffending by providing structure, a sense of belonging, personal fulfilment, and a perception of something to lose. Research evidence suggests that providing employment for people with convictions, including sexual convictions, helps to produce safer communities by reducing reoffending and therefore the number of future victims.

There are many barriers to employment for people with sexual convictions. Employers can learn about an applicant's sexual offence via job application forms, DBS checks, or internet searches. Employers tend to discriminate against people with convictions in general, and people convicted of sexual offences are the most stigmatised within that group. Despite their low reoffending rates, it is widely believed that people with sexual convictions are inherently dangerous and incapable of change. While they can get support for employment from various sources, whether they can access work ultimately rests with employers.

Understanding employers' views about hiring people convicted of sexual offences is therefore an important part of any strategy to increase opportunities for employment, in pursuit of reintegration and safer communities. The Prison Reform Trust and Unlock used an online survey to assess employers' attitudes towards hiring people convicted of sexual compared with a range of non-sexual offences: fraud, burglary, drugs, and violent offences. Recruitment methods for the survey, which included sharing it through social media, could have influenced the sample, possibly favouring people who were more knowledgeable and more open to hiring people with convictions. We also interviewed a small sample of employers and other professionals, including prison resettlement officers.

Key findings

Hiring practice – Most employers who responded to the survey asked applicants to disclose criminal convictions, and used DBS checks. Some did not have a written policy on recruiting people with convictions, meaning they were not fully complying with the DBS Code of Practice. Most employers (56%) did not know that it is illegal to carry out DBS checks at a higher level than required. Almost all employers would consider hiring people with convictions and almost half said they actively promoted hiring them. For most, the nature of the offence was an important deciding factor.

Knowledge – Most employers knew that: people convicted of serious sexual offences are strictly supervised; sexual offences cover a broad range of behaviours; employment reduces the risk of re-offending; some convictions never become spent; and that the ban the box campaign encourages waiting until interview or later to ask about convictions.

Concerns – Employers were more likely to say they had concerns about hiring people with sexual convictions than other types of offence, although they were almost as likely to have concerns about people convicted of violent offences. Their main concerns about hiring people with sexual convictions were other employees' reactions (65%), customer safety (62%), and workplace safety (54%). Fewer than half said they would be concerned about reoffending, managing them, or public opinion. Only 11% were concerned about reliability.

Contrasts with other types of offending – Employers were much more likely to be concerned about reliability for non-sexual offences than for sexual offences. Only 35% of employers were concerned about public opinion if they hired people convicted of sex offences, but this was much higher than non-sexual offences (13%). Employers were also much more likely to express concerns about employee reactions (65% compared to 39%) and customer safety (62% compared to 32%) when considering hiring people with sexual compared to non-sexual convictions. Employers were more concerned about workplace safety when considering hiring someone convicted of a violent (68%) than a sexual offence (54%).

Reassurances – More than half of employers would feel more confident hiring people with sexual convictions if they had access to management advice, or if they believed that the applicant wouldn't reoffend. Almost half would be reassured by knowing the person would be under strict probation supervision, and over a third if they believed that other workers would accept them. For 30% of employers, knowing the offence was not 'too serious' would boost their confidence. The top two confidence-boosting criteria for people with sexual convictions, (access to management advice, and the belief that they wouldn't reoffend,) were also the top two factors for every other crime type. Employers were more likely to be reassured by the potential of employee acceptance for people with sexual (39%) than non-sexual convictions (22%). Knowing an applicant personally was unlikely to reassure employers for any offence type.

The influence of accurate information – We sent two versions of the survey, so that we could assess whether better-informed employers might be more open to hiring people with sexual convictions. The long version of the survey provided information about sexual offending, supervision and support in the community and reoffending rates. Employers who received additional information were less concerned, in some ways, about hiring people with sexual convictions. They were substantially less likely to be concerned about reoffending (21% compared to 61%), workplace safety (42% compared to 67%), and customer safety (47% compared to 78%). They were more likely to be reassured by a sexual offence not being too serious (44% compared to 13%). These findings must be treated with caution, because employers taking the long version were more likely to report from the outset that they were open to hiring people with convictions, and actively promoting the recruitment of people with criminal records.

Interviews with professionals – We interviewed a small number of prison resettlement officers, employers, charities and other professionals to gain a wider understanding of how a sexual conviction might affect someone's job prospects. Interviews highlighted the impact of stigma towards people with sexual convictions on their wellbeing and likelihood of reoffending. These professionals echoed concerns noted in the survey, regarding reputational risk, other employees' reactions and customer and employee safety. The employers interviewed raised an additional barrier to hiring people with sexual convictions – the difficulty of working with probation officers and prison staff.

These professionals suggested that hiring people with sexual convictions could be good for business, good for the individuals themselves, and therefore good for wider society. They suggested means to increase employment, including subsidising companies, educating employers, dissuading companies from routinely asking about convictions, and promoting self-employment.

Some tried to tackle stigma towards this group by the ways they referred to and interacted with them. They recognised that changing attitudes towards people with sexual convictions would be a long and difficult process, but some were hopeful that in the not too distant future, companies would be more open to hiring them.

Recommendations

It is well established that employment can benefit people with sexual convictions, and therefore the wider community by preventing future victims. This report explains how employers' attitudes can act as a barrier to work for people with sexual convictions, and suggests possible ways to address this problem. Based on our survey of employers and interviews with a range of professionals, we propose the following recommendations:

Government should:

1. Reform the Rehabilitation of Offenders Act 1974 so that rehabilitation periods are fair and proportionate and nearly all convictions are capable of becoming spent
2. Review the punitive effect of Sexual Harm Prevention Orders (SHPOs) and Sexual Offences Prevention Orders (SOPOs) in preventing convictions from becoming spent
3. Provide a legal remedy when potential employers discriminate against people on the grounds of a conviction which is spent
4. Consult on amendments to the Police Act to ensure that the DBS shoulder the responsibility for preventing ineligible checks
5. Provide comprehensive, clear and consistent information to employers about recruiting people with convictions
6. Ensure that schemes to promote the employment of people with convictions in the public sector are evidence-led and do not place blanket exclusions on applications from people with sexual convictions
7. Adequately fund projects that support people with sexual convictions to reintegrate into the community, such as Circles of Support and Accountability, and Lincolnshire Action Trust.

The New Futures Network (NFN) should:

8. Create a workstream for employment opportunities for people convicted of sexual offences, recognising the challenges the group and employers face
9. Provide specific training for employment brokers about sexual offending. This should include information about what constitutes a sexual offence, reoffending rates, and supervision and support in the community, as well as how to communicate effectively with employers regarding this group, and how to counteract inaccurate perceptions of people with sexual convictions.
10. When brokering employment opportunities, take into account the varying ages, fitness levels, work backgrounds, and skills of people with sexual convictions
11. Provide employers with factual information about all offending, but particularly sexual and violent offending. This should include detail on risk factors and assessment and supervision and safeguards
12. Promote the business and social benefits of hiring people with sexual convictions, facilitating employers meeting people from this group
13. Ensure that partner employers providing prison industries workshops, working with the New Futures Network and on the Ministry of Justice's preferred supplier list have a fair approach to applicants in the community with criminal convictions.

Others

14. The DBS should establish a review process whereby an employer found to be requesting ineligible checks is required to provide more detailed information for future standard and enhanced checks.
15. Organisations involved in employer engagement or employment support (for example: the Department for Work and Pensions; Information, Advice and Guidance providers in prisons; and members of the Employment Support Retraining Agency and Recruitment and Employment Confederation) should have an evidence-based approach to people convicted of sexual offences.
16. Organisations such as the Employers Forum for Reducing Reoffending and Business in the Community should encourage businesses to share their experiences of hiring people with sexual convictions, including examples of best practice.
17. Employer networks should work with probation to improve employers' understanding of supervision and support for people with sexual convictions in the community.
18. The National Probation Service and the College of Policing should develop guidance for probation and police to increase their awareness of the impact of disclosure of a sexual conviction on employment prospects. This would help practitioners make proportionate decisions about disclosing information to employers, balancing the risk of harm with the rehabilitation needs of those they are supervising.

Introduction

Sexual offending

Sexual violence remains all too prevalent in society. There is no justification or excuse for sexual abuse, and it can have long-lasting negative effects on victims and survivors. The general public overwhelmingly agrees that sexual violence is abhorrent, however there is a widespread lack of awareness and understanding about these issues. For example, there are common myths about what counts as a sexual offence, and who commits sexual violence.

Sexual offences cover a wide range of illegal behaviour, including rape and sexual assault, child sexual abuse, prostitution and some forms of pornography. People can be convicted of recent sexual offences, or historical acts. Sexual assault involves touching a person sexually without their consent, or coercing them to engage in sexual behaviour against their will. Child sexual abuse involves forcing or inciting a person under the age of 18 to take part in sexual activity. This can involve physical contact, including non-penetrative acts such as kissing and touching outside of clothing. It can also involve non-contact activities, such as encouraging children to look at sexual images, or grooming a child in preparation for abuse. It is an offence to take, make, possess or distribute indecent images of children. Images can include photographs or video footage, but also drawings, tracings and digitally created images. Contrary to popular opinion, the vast majority of people who view child sexual abuse material do not also commit contact sexual offences.[1] It is illegal for children under the age of 18 to create or share sexual images of themselves, and for other children to have in their possession an explicit image of a child. Therefore, two 17 year olds in a relationship can be committing a crime by sharing explicit photographs of themselves with each other. There are numerous offences related to prostitution. It is illegal to: persistently solicit in public to offer or pay for sexual services; manage a brothel; or incite another person to become a prostitute for gain. Pornographic images that are deemed to be obscene, for example due to including extreme violence, are illegal. It is an offence to disclose private sexual images of another person without their consent (so-called ‘revenge pornography’).

People convicted of sex offences can be subject to stringent restrictions and requirements in the community. The sex offender notification requirements (commonly known as the sex offender register) were established in 1997. Anyone convicted of a sexual offence is ‘on the register’. As of 31 March 2019 there were 60,294 people registered, amounting to 116 per 100,000 of the population aged 10 and over.[2] People on the register must notify the police within three days if they change their name, address or bank account, or plan to travel abroad. They must also update the police if they start regularly staying at another address and if they begin to live with a child. They must continue to report to the police every 12 months, and may have their fingerprints and photograph taken. Those who fail to abide by the notification requirements are committing a criminal offence, and are liable to imprisonment of up to five years. In 2018/19, 2,228 people on the sex offender register were cautioned or convicted for breaching their notification requirements.[3] Police from the Public Protection Unit visit people on the register at home in order to check they are still living there and to informally assess their risk. They are entitled to tell any partner of a person on the register about their convictions. On the basis of a risk assessment, the police can inform a variety of people and organisations about a person being on the register. The

amount of time somebody spends on the register depends on the sentence they received. An adult given a caution spends two years on the register, while somebody sentenced to imprisonment for 30 months or more remains on the register indefinitely (adults can apply to have this reviewed after 15 years, and people convicted as juveniles can apply after eight years).

People who have not been convicted of a sexual offence can still be proscribed from certain behaviours if they are believed to pose a risk of sexual harm. The Sexual Offences Prevention Order (SOPO), replaced in 2015 by the Sexual Harm Prevention Order (SHPO), places restrictions on a person's behaviour. Issued by a court, they can apply to people judged to pose a sexual risk to others, even if the crime they were convicted of was not sexual in nature. Courts can also impose Sexual Risk Orders (SROs) on people who have not been convicted of any offence, which can again proscribe a variety of behaviours. These proscriptions are designed to be preventative but have punitive effects. Failing to comply with an SHPO or SRO can result in up to five years in prison. These orders can be indefinite, and SHPOs and SOPOs prevent convictions from becoming spent. For example, a two-year prison sentence becomes spent four years after the sentence ends. If the sentence included a SHPO or SOPO, it will remain unspent for the duration of the order.

People with sexual convictions who are released from prison are supervised by probation, and subject to licence conditions. As well as the standard conditions (such as living at an approved address and reporting to their probation officer) they might be subject to extra conditions regarding residency, contact with others, participation in programmes, internet access, possessing specified items, disclosure of information, curfews, freedom of movement and supervision in the community. Since 2014, certain people convicted of sexual offences can also be required to undergo polygraph examinations. Breaking the terms of their licence can result in being recalled to prison. Since 2001 people on the register have been subject to management through the statutory Multi-Agency Public Protection Arrangements, commonly referred to as 'MAPPA'. This involves the police, probation service and prisons working together, sometimes with other agencies such as social services, to monitor and manage the risk of harm presented by people convicted of sexual and/or violent offences.

In 2019, 5,017 people were found guilty of sexual offences in England and Wales[4]. Most people convicted of sexual offences are sentenced to immediate custody.[5] There were 12,774 people serving prison sentences for sexual offences on 31st March 2020, comprising 18% of the sentenced prison population.[6]

People convicted and imprisoned for a sexual offence represent a fraction of the people who commit them. This is because at each stage of the criminal justice process, the numbers drop. Not all crimes are reported. Of those that are, not all are recorded by police; not all recorded crime results in a suspect being charged; not all charges lead to a court case or conviction. The Crime Survey for England and Wales, based on self-reporting, found that 2.2% of adults experienced a sexual assault in the year ending March 2020.[7] In the same time, police recorded 154,113 sexual offences, including 55,130 rapes.[8] This amounts to 3 sexual offences per 1000 of the population.[9] Sexual violence can have damaging psychological, emotional and physical effects on survivors.

Almost all people with sexual convictions who are sent to prison will eventually be released, and it is therefore in everyone's interests to reduce reoffending and prevent future victims. Stable employment is widely acknowledged to play an important role in helping people with convictions desist from crime:

> *Work is said to help provide meaning to individual lives and give individuals 'something to lose' by getting in trouble with the law again. Employment also involves new forms of new routine activities, informal social controls, social supports and the possibility of meeting role models who are not involved in crime.*
> (Farmer, McAlinden and Maruna, 2015)[10]

There is growing evidence that the benefits of having a job in reducing the risk of reoffending also apply to people with sexual convictions. Given the beneficial role that employment can play in helping to reduce reoffending, and therefore keeping our communities safe, it is important to understand the employment prospects of people convicted of sexual offences.[i]

Barriers to employment

For anyone leaving prison, there are acute challenges in finding employment, especially in the period immediately following release. Only 17% of people are in PAYE (Pay As You Earn) employment a year after leaving prison.[11] However, barriers to employment are not exclusive to prison leavers. Over 11 million people in the UK have a criminal record, which includes cautions, reprimands and warnings, as well as convictions.[12] Every year, more than a million people are convicted at court and less than 10% of them are sentenced to prison. The effects of a criminal conviction on employment depend on the length of time a person is legally required to disclose it, the type of offence, the type of job they apply for, and whether information about them can easily be found on the internet.

The Rehabilitation of Offenders Act 1974 (ROA) requires applicants to declare criminal convictions, if an employer requests this information. It does, however, provide for criminal convictions to become 'spent' after a 'rehabilitation period', meaning that they no longer need to be declared. Until the rehabilitation period has elapsed, people with convictions legally have to disclose them, if asked by a potential employer (or when applying for insurance, to rent a property, or to take out a mortgage). Since most employers ask on application, applicants with unspent convictions are at immediate risk of discrimination.[13] The rehabilitation period is fixed in law and depends on the sentence received. For an adult given a fine or community order, their conviction is spent one year after the end of their sentence. For adults and young people sentenced to more than four years in prison, their conviction can never become spent. The ROA obliges employers and others to disregard spent convictions and to treat the person as if the conviction had never happened. There is, however, no legal penalty for failure to comply with the Act.

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i It is important to note that work is not always sufficient or necessary to prevent reoffending. Some people can desist from crime without finding work, and 'desistance seems to require changes in an offender's personal circumstances, and in their thoughts, desires and life plans'. [Farmer, M., McAlinden, A. & Maruna, S. (2015). 'Understanding desistance from sexual offending: a thematic review of research findings', Probation Journal, 62(4): 320-335. Page 321]

Part V of the Police Act 1997 established the provision of criminal record certificates. Employers can ask candidates to submit to Disclosure and Barring Service (DBS) checks, which list criminal convictions. There are three levels of DBS checks – basic, standard and enhanced. Any employer can apply for a basic check, which reveals all unspent convictions. For certain jobs, employers can request standard checks, which also reveal cautions, reprimands and warnings and spent convictions, or enhanced checks, which can also include relevant information held by the local police.

Employers sometimes apply for ineligible checks – standard or enhanced checks for roles that are only eligible for basic checks. Section 123(2) of the Act makes it a criminal offence to knowingly submit ineligible checks, with a penalty of imprisonment. However, it is almost impossible to evidence that an employer 'knowingly' submitted an ineligible check and it has never been legally challenged.

A SHPO or SOPO will appear on a basic DBS certificate until it expires and on an enhanced check indefinitely. While the SHPO is in force the conviction it relates to remains unspent. It must be disclosed to any employer who asks for a criminal record declaration and will appear on DBS checks. An SRO might be disclosed if an employer requests an enhanced DBS check.

Not all cautions and convictions are revealed by standard and enhanced DBS checks – some are filtered after a period of time, meaning they are no longer listed. The criteria for filtering offences are seriousness, sentence type and frequency. Many offences can never be filtered, such as convictions resulting in prison sentences, including suspended sentences. Multiple cautions can be filtered, but multiple convictions cannot. If there is more than one conviction on record, then details of all convictions will be disclosed.

Some people are barred from working with children or vulnerable adults due to the nature of their offence. Because the Act defines children as those under the age of 18, some people convicted of sexual crimes can be excluded from applying to work for employers who hire 16 and 17 year olds. Once a person is notified that they are barred from particular types of work, it is illegal for them to apply for such positions.

Beyond employers asking candidates about criminal convictions, and using DBS checks, there are other means of learning about an applicant's offence. MAPPA can require people convicted of sexual offences to disclose their convictions to prospective employers even when employers do not ask. Employers also use internet searches to learn about candidates, which can reveal criminal convictions through online news reports. People can apply to have information taken down from search engines but there is no certainty this will happen. Search engines usually only consider removing a link after a person's conviction is spent. If they refuse, people can complain to the Information Commissioner's Office, which considers whether the information breaches their data protection principles, and assess whether the public interest in having access to the information outweighs its negative effects on the person.

Many people with spent convictions can still be found online, which undermines the limited protection offered by the ROA. People might be treated more favourably if they proactively and voluntarily reveal a criminal conviction, rather than if they are discovered to have one, due to

being seen as more honest and trustworthy. However, that is not to say that people are treated favourably when they disclose voluntarily.

People with convictions are at greater risk of employment discrimination than people from other marginalised groups because the legal safeguards offered by the Equality Act 2010 do not extend to them, and prejudice towards them is generally considered acceptable. When companies refuse to hire people with criminal records, this can be considered akin to 'further punishing this population beyond what was intended by law'.[14] Employers often stereotype people with criminal records as dangerous and untrustworthy, and consider them more likely than people without convictions to engage in undesirable behaviour like being late for work and using inappropriate language.[15] In 2016, YouGov, commissioned by the Department for Work and Pensions, surveyed 1,849 employers on their attitudes towards hiring people from various disadvantaged groups. They found that 50% of employers would not consider employing 'offenders and ex-offenders'.[16] This was higher than the percentage who would not consider hiring people who are: rehabilitating from drug or alcohol dependency (49%), homeless or at risk of becoming homeless (31%), or long-term unemployed (16%).

Employers were concerned that people with convictions may:

- be unreliable (45%)
- damage the public image of the business (40%)
- have inadequate social skills (39%)
- upset their colleagues (36%)
- lack necessary work skills and capabilities (32%)
- be difficult to interact with (28%) or
- have health issues that affect their work (13%).

Some employers mistakenly believe that hiring people with convictions would invalidate their liability insurance, and others are unsure on the legality of hiring people with certain convictions.[17] Research in the United States has also found employers to be concerned about employee safety and criminal activity in the workplace.[18]

People with convictions are a diverse population, and people with convictions for sexual offences are particularly abhorred – even seen as 'the ultimate embodiment of evil'.[19] Negative attitudes towards this group appear to be more extreme in the UK compared with other European countries, corresponding to our more punitive legislation and more sensationalised media representations[20]. Most people acquire information about sexual offending via the media, who report in sensationalist ways. News reports often refer to people convicted of sexual crimes with dehumanising language such as "beasts" and "predators". Media reports rarely contain input from experts, mention treatment programmes, or the low reoffending rates of people with sexual convictions. Media representations shape both public perceptions and actions. The idea that people who have sexually offended, and those convicted of child sexual offending in particular, are subhuman is seen to legitimise treating them inhumanely. In 2000, The News of the World newspaper ran a 'Name and Shame' campaign, publishing the names and photographs of people convicted of sexual offending, which resulted in a number of vigilante attacks. In 2013, Bijan Ebrahimi, a disabled Iranian refugee, was beaten, set on fire and murdered due to the incorrect

assumption that he was a paedophile. Emotional reactions can be so intense towards people suspected of having committed a sexual offence that members of the public are willing to attack and even murder them.[21]

As explained above, people can be convicted of a broad range of sexual offences, of varying degrees of seriousness. However, they tend to be viewed as a homogenous group consisting of 'insatiable sexual predators out to harm the vulnerable'.[22] Such distorted views influence attitudes, policy and practice towards people with sexual convictions. For example, 'stranger danger' myths about child sexual predators obscure the unsettling reality that it is ordinary people, usually known to the victim, who commit such offences.[23]

There is a tendency to believe that people convicted of sex offences will always present a high risk of reoffending. In fact, 'sexual offending is generally short-lived, temporary, and circumscribed to a particular life stage' – on average, only between 10 and 15% of people convicted of sex offences are charged for another sexual offence within five years.[24] Recent data released by the Ministry of Justice reveal that adults convicted of sexual offences are less likely to commit a proven re-offence within a year (13.5%) than people convicted of theft (51.6%), possession of weapons (32.6%), robbery (29.9%) criminal damage and arson (29.1%) violence against the person (26.2%), drug offences (25.1%) and fraud (18.7%).[25ii] People convicted of sexual offences tend to be less likely to reoffend than people with other types of convictions. People with convictions for sexual offences tend to be seen as incapable of change, undeserving of basic human rights and in need of exceptionally close supervision. When people with sexual convictions are presented as inherently depraved and incapable of change, the logical conclusion is that they should be excluded from society. Due to punitive attitudes towards this group, perpetuated by the media, 'there is a political need for sex offenders to be seen to be controlled'.[26]

The Good Lives Model of rehabilitation holds that the best way to reduce reoffending is to enable people to find socially acceptable ways to live fulfilling, meaningful lives.[27] Stigma towards people convicted of sexual crimes undermines the Good Lives approach. Predictably, the limited existing literature suggests that employers are particularly averse to hiring people convicted of sex offences, meaning that they struggle to find anything but low-paid, 'unskilled' jobs.[28] Research suggests that employers are averse to hiring people with convictions for 'good' jobs, but not for 'bad' jobs, and in fact might even prefer to hire people with convictions for these positions.[29] As explained above, employment is associated with a reduction in reoffending, however, there is evidence that job quality plays an important mediating factor. Unsurprisingly, unstable and unsatisfactory forms of employment appear less likely to lead to desistance from crime.

Employment support

In response to discriminatory employment practices and high rates of unemployment for people with convictions, an international campaign, starting in the US in the 1990s, encourages employers to 'ban the box'. This involves removing the check box from application forms that

ii The number of proven reoffences inevitably underestimates true reoffending rates for all crime types.

asks about criminal convictions, and instead asking at a later stage of the recruitment process. The aim is to increase the likelihood of employers considering hiring people with convictions, by ensuring they consider an applicant's skills and experience before learning about their criminal record, which may or may not be relevant to the job.[iii] Asking about convictions at a later stage enables applicants to contextualise and explain their criminal record, and to show who they are as an individual beyond their offence.

In 2013, Business in the Community (BITC), along with Unlock and other organisations, launched the Ban the Box campaign in the UK. 141 employers have now signed up, encompassing over 914,000 potential jobs. The House of Commons Work and Pensions Committee (WPC) suggested in 2016 that the government consider making banning the box statutory for all employers.[30] This proposal has not, to date, been accepted. However, the government banned the box across 97% of civil service jobs in October 2016.[31] The WPC also suggested other means of tackling employment discrimination, including reducing National Insurance contributions for companies actively employing people with convictions – a technique that has been successful in encouraging companies to take on apprentices. The government is considering offering financial incentives to employers hiring people with convictions.[32]

People with convictions tend to come from socio-economically disadvantaged backgrounds, and therefore are more likely to experience barriers to employment. While 2% of people in the general population have a learning disability, this rises to 7% of people in contact with the criminal justice system, and 34% of people entering prison.[33] 62% of people entering prison have the literacy levels expected of an 11 year old.[34] 47% of adults in prison have no qualifications, compared to 15% of the working age population outside prison. 13% of people in prison have never had a job.[35] There is some evidence that people with sexual convictions tend to be older, convicted for the first time in later life, and to come from more professional backgrounds.[36] People with sexual convictions might therefore require different types of employment support than people with non-sexual convictions.

People with convictions can access support to improve their employability and prospects of gaining work. Prisons screen people on arrival for resettlement needs including education, training and employment. Prisons provide education, training and work opportunities, and some prisoners can access Release on Temporary Licence (ROTL), enabling them to gain valuable experience working or volunteering in the outside community. Work on ROTL can lead directly to employment on release, or provide prisoners with references. In 2016, at any one time 11,000 prisoners were working in prison industries, delivering on contracts for external parties, and a further 13,000 were providing prison services, such as cooking and cleaning.[37] People who engage in education in prison are more likely to be in P45 employment a year from release, and are 7.5 percentage points less likely to reoffend within 12 months.[38]

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iii There is evidence in North America that banning the box might inadvertently increase discrimination against marginalised ethnic groups. 'Ban the box' has been found to disadvantage young black and Hispanic men because when an applicant's criminal history is unavailable, some employers discriminate against demographic groups that they believe are more likely to have convictions. [Agan, A. Y. & Starr, S. B. (2016). 'Ban the Box, Criminal Records, and Statistical Discrimination: A Field Experiment'. University of Michigan Law & Econ Research Paper. Doleac, J. L. & Hansen, B. (2020). 'The Unintended Consequences of 'Ban the Box': Statistical Discrimination and Employment Outcomes When Criminal Histories Are Hidden', Journal of Labor Economics, 38(2): 321- 374]

Some employers work closely with prisons, for example basing training workshops in multiple establishments, with the aim of offering full time employment upon release. The government hopes that high demand for workers in some sectors, coupled with leaving the European Union, might encourage employers to consider hiring people with convictions. There are specific services for people with convictions, such as HMPPS' co-financing programme, which supports people coming to the end of a custodial or community sentence, on licence, or recently released from prison, with employability skills. Several charities support people in prison and post-release into employment. People with convictions can also access more general national initiatives such as Jobcentre Plus and the Work Programme. However, the quality of Jobcentre Plus support for people with convictions is inconsistent, and Work Programme providers often lack the necessary experience and expertise to advise on disclosure.[39]

Despite some good initiatives, and instances of good practice, unfortunately, prisons do not consistently provide access to the necessary support. Only 34% of prisons received a positive rating from inspectors in 2018–19 for their provisions of education, work and training.[40] Even in training prisons, which are intended to provide courses and training in order to reduce reoffending, 18% of prisoners are locked up for over 22 hours a day.[41] Less than a third of the prison population are in work at any one point.[42] The work available is often mundane and unchallenging, and those skills that prisoners do gain are not routinely recorded or accredited. The Ministry of Justice has acknowledged that prison jobs do not adequately prepare prisoners for the workplace, or provide a route into employment.[43] Opportunities do not always correspond to gaps in local job markets, or produce skills that employers value. Likewise, education is not tailored to the job market, and prisons often deliver low-level qualifications that do not help people gain work. ROTL use has decreased by 29% in the last five years due to the introduction of restrictions – between 2018 and 2019, on average just 572 prisoners per month were working in the community.[44] Between 2018 and 2019, 52% of people released from prison lacked settled accommodation, and 16% were homeless or sleeping rough.[45] This inevitably reduces their chances of gaining stable employment or accessing services in the community. Because people with sexual convictions are supervised under MAPPA, it is less likely that they would be released homeless. However, being housed in secure accommodation on release can act as a barrier to gaining employment.

In 2018, the Ministry of Justice launched its Education and Employment Strategy. Central to the strategy is the New Futures Network (NFN), which encourages employers to hire ex-prisoners and acts as a broker between prisons and companies. NFN draws on labour market information to identify priority sectors – in its first year it focused upon retail, catering and hospitality, construction, manufacturing, and agriculture and horticulture. The government's strategy seeks to tailor education and work in prison to job market requirements. It seeks to transform work in prison from being predominantly a means of providing purposeful activity and helping establishments to run efficiently, to being directly connected to employment opportunities on release. The government has launched mandatory personal learning plans for all prisoners, and committed to investigating means of increasing education opportunities through digital technology. The strategy announced a new Prisoner Apprenticeship Pathway to enable prisoners to gain qualifications and work experience in custody, and begin a 12-month apprenticeship upon release. To date, this does not appear to have been introduced. It also announced a partnership

with the Clink Charity, which will see: instructors based in prison kitchens to accredit learning; ROTL work-placements; and potentially employment opportunities upon release. The government has committed to employing prison leavers in the civil service through its Going Forward Into Employment scheme. However, the following groups are ineligible: people with convictions for fraud or sexual offences; people who received a life sentence; and people with outstanding Proceeds of Crime Act confiscation orders.

There is no employment strategy specifically for people convicted of sexual offences. In fact, the words 'sex' and 'sexual' are entirely absent from the Ministry of Justice's 2018 Education and Employment Strategy. Some of the companies proactively working with prisons or HMPPS to offer employment specifically exclude people convicted of sex offences.

In some geographical areas, Circles of Support and Accountability are available. Circles involve trained groups of volunteers assisting people who have sexually offended to reintegrate into the community through regular formal meetings. Circles volunteers can indirectly help people gain employment, for example by accompanying them to the job centre, and enabling them to become more confident and motivated about applying for work.[46] Any concerns regarding increased risk of reoffending are shared with the person's probation officer. Unfortunately, in 2018 the National Probation Service cut its £256,000 annual contribution to Circles. In 2019, The Safer Living Foundation launched The Corbett Centre, an innovative hub supporting people with sexual convictions to reintegrate into the community through practical and emotional support. The centre will provide employment advice, support with CV writing and interview techniques, and basic computer skills. Lincolnshire Action Trust have expertise in supporting the resettlement of people convicted of sex offences, including helping them into employment, and work with two prisons that house this population.[47]

There is little data pertaining directly to the employment of people convicted of sexual crimes. However, reports by Her Majesty's Chief Inspector of Prisons (HMCIP) suggest that, despite some positive work, prisons provide insufficient support for gaining employment upon release. Combining the latest reports for HMP Bure (2017),[48] HMP North Sea Camp (2017)[49] and HMP Whatton (2016),[50] all of which house predominantly people with sexual convictions, of the 520 people asked, almost half (45%) reported that they needed help with employment on release, but did not know of anyone in the prison who could help them. At HMP Bure, inspectors reported effective careers advice, including skills action plans and CV help. However, they recommended more facilities for prisoners to search for jobs in the community. At HMP North Sea Camp, prisoners in education and training developed useful employment skills; there was effective careers advice, including support with CV writing; activities were allocated based on skills action plans; and a small number of prisoners could also attend employability courses. However, there were too few external work placements for prisoners on ROTL. At HMP Whatton, prisoners were found to develop useful employment-related skills through work and vocational training. Good careers advice was available that took into account the likely impact of their offence on their employment prospects; prisoners could prepare CVs and job applications; and people approaching release were supported to search for jobs. HMCIP, however, criticised a lack of monitoring of outcomes for released prisoners.

The vast majority of prisoners in HMP Stafford (2020),[51] HMP Isle of Wight (2019),[52] HMP Littlehey (2019),[53] HMP Ashfield (2019)[54] and HMP Usk (2017)[55] have sexual convictions. Out of the combined total of 78 prisoners asked, 49% stated that they were not receiving help to gain employment on release, despite needing help with this. At HMP Stafford prisoners received effective employment advice and were realistic about their limited work prospects, yet positive about their futures. They gained confidence and self-esteem through work and often demonstrated good employability skills. However, there were too few links to employers, and not enough prisoners gained qualifications through work. Inspectors found that work environments at HMP Isle of Wight were realistic and professional, with most workers developing useful skills, and some gaining valuable qualifications. However, not all prison jobs promoted employability – some did not require written applications, and some prisoners did not know their job descriptions. Inspectors praised HMP Littlehey's 'WayForward' programme, which helped prisoners understand how their conviction would affect them in securing employment. However, there was insufficient support to find work on release, a lack of careers advice, and a lack of alignment between activities in prison and career aspirations. Inspectors praised HMP Ashfield for enabling prisoners to develop good employment skills, and for their provisions supporting self-employment in the community. At HMP Usk, prisoners had access to careers advisers, and received good mentoring support from staff.

As we have seen, there are opportunities for people convicted of sexual offences to access employment support, albeit of varying degrees of quality. However, irrespective of their work readiness, if employers are not willing to hire them, they will struggle to gain jobs. The next section of the report presents our findings on employers' attitudes towards hiring people with sexual convictions.

The survey

In May 2019 the Prison Reform Trust and Unlock launched two online surveys to assess employers' attitudes towards hiring people convicted of sex offences. We sought to learn whether companies would consider hiring someone with a conviction for a sexual offence, what specific concerns they might have, and what might reassure them. We advertised the surveys as exploring employers' attitudes towards people with different types of convictions, rather than focusing on people with sexual convictions.

The two surveys were identical, except one survey provided factual information at the beginning, through a series of 'did you know…?' questions. The following facts were provided:

1. Having a job reduces the risk of reoffending, whatever the offence
2. Compared to other types of crime, people convicted of sexual offences tend to show lower rates of reoffending
3. 'Sexual offences' covers a broad range of offences, which includes consensual sexual behaviour between two under-16 year olds, and young people sending sexual photographs of themselves (charged with distributing indecent images of children)
4. People who have been convicted of a serious sexual offence are stringently supervised after release. A multi-disciplinary scheme called MAPPA ('Multi-Agency Public Protection Arrangements') brings together police, probation, prisons, and other services to monitor the risk posed by individuals who have committed a serious sexual offence
5. In many parts of the country, people with a conviction for a sexual offence can get help from a charity, the Circles of Support and Accountability. Research in Canada found a 70% reduction in sexual recidivism among a group who participated in Circles of Support and Accountability.

Providing this information to some participants, and not others, enabled us to assess whether increasing employers' knowledge might make them more willing to consider hiring people with sexual convictions. Previous research suggests that exposure to factual information can improve attitudes towards this group.[56] Given media misrepresentations, outlined above, we predicted that employers would overestimate the gravity of sexual crimes that people commit, and their likelihood of reoffending. We hypothesised that providing some basic facts might reduce their reliance on negative stereotypes, allowing more impartial responses, and making them more likely to consider hiring people convicted of sex offences.

We emailed the surveys to approximately 250 employers – half received one survey, and half received the other. The employers varied in size, and covered a range of industries, including retail, food, construction, hospitality and the charity sector. We also shared the surveys via Prison Reform Trust's Facebook, Twitter and LinkedIn accounts.[iv] Given that both surveys were posted several times across all three platforms, participants should effectively have been randomly allocated to each version.

In total, 43 people took the surveys – 18 took the standard version, and 25 took the survey with additional information. Not all survey responses were complete.

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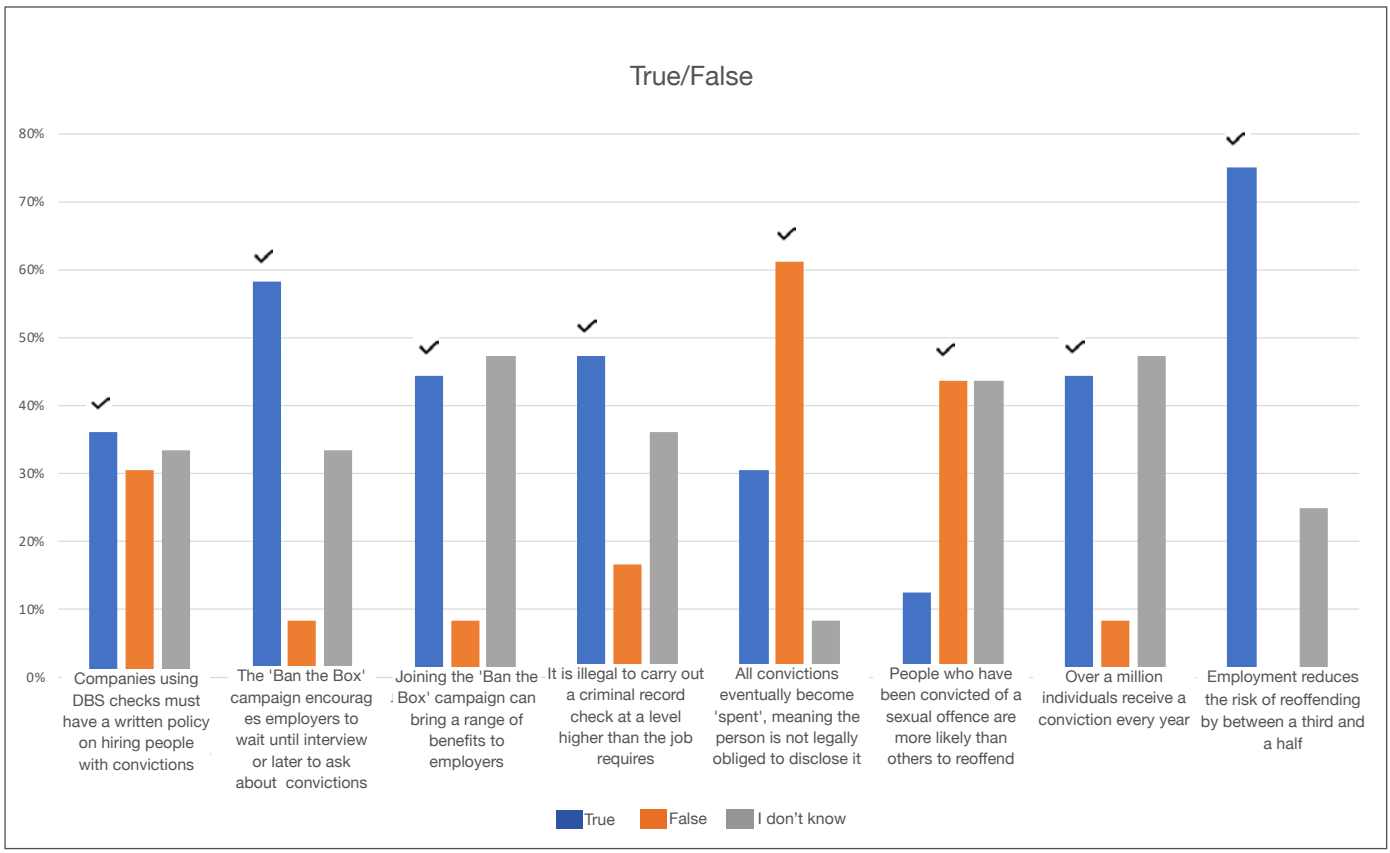
iv In order to balance responses to the two surveys, while avoiding drawing attention to the existence of more than one, we posted several times across each account, alternating which survey we provided the link to.

Survey findings

Knowledge

Given our hypothesis that better-informed employers will be more open to hiring people convicted of sexual crimes, it is important to establish our participants' baseline level of knowledge. We explored participants' understanding through eight 'true/false' statements. In five of these questions, the most common response given was the correct one. For two questions, 'I don't know' was slightly more common than the correct answer. Equal numbers of employers chose the correct answer and 'I don't know' on the remaining question. Overall, then, there was a fairly good base level of knowledge.

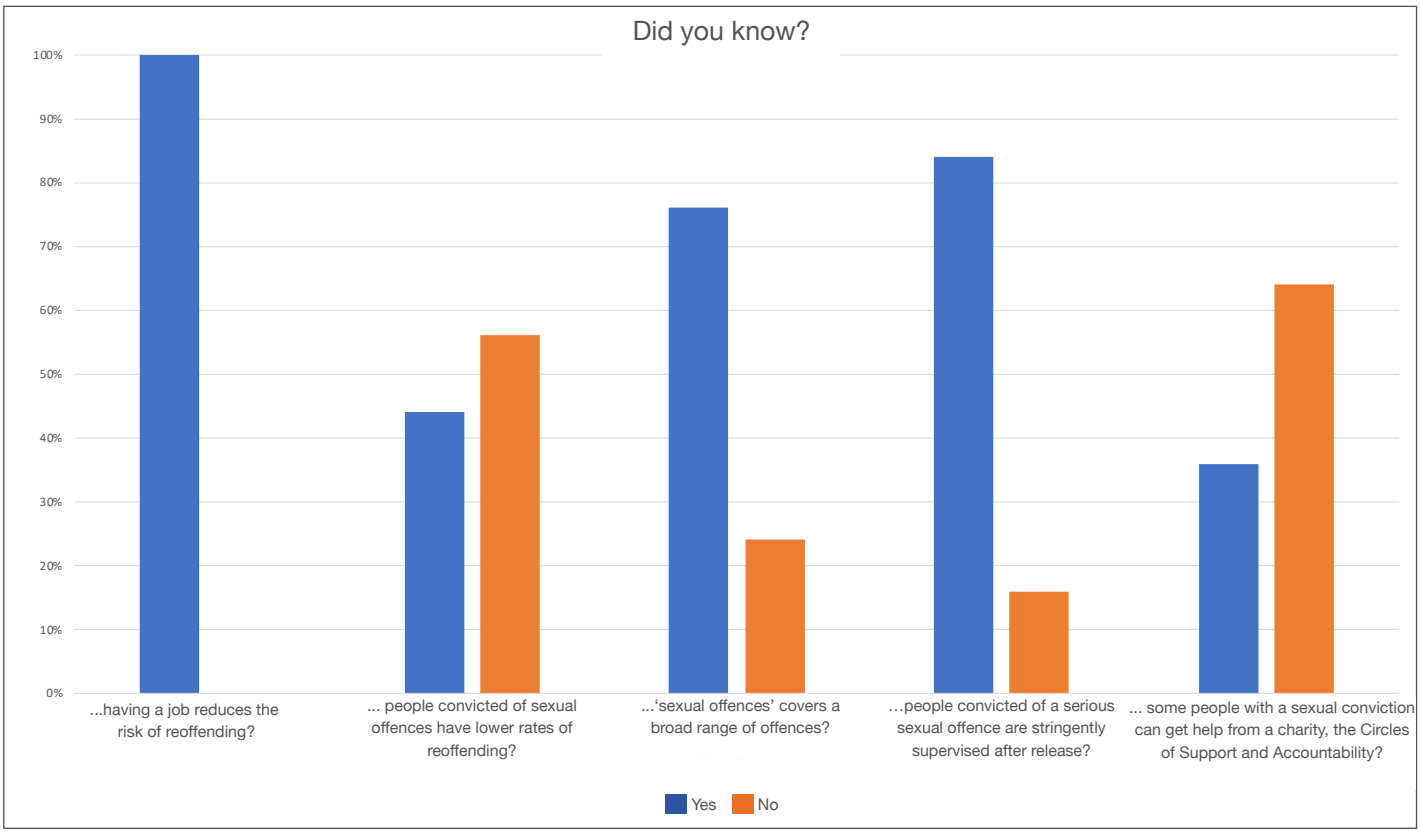
Some topics were better understood than others. The vast majority (75%) knew that employment reduces the risk of re-offending. More than half knew that some convictions never become spent (61%) and that 'ban the box' encourages employers to wait until the interview or later to ask about convictions (58%). Less than half of employers answered the remaining five questions correctly. Levels of knowledge were similar for four of these questions: that joining 'ban the box' can be beneficial for employers (44%); that it's illegal to carry out DBS checks at a higher level than required (47%); that people convicted of sexual offences are not more likely to reoffend than those convicted of other offences (44%); and that, every year, over a million people receive a conviction (44%). The least commonly known fact was that companies using DBS checks are required to have a written policy on hiring people with convictions (36%). This statement, along with 'all convictions eventually become spent' produced the highest percentage of incorrect responses (31%).



The ✓ symbol indicates the correct answer to the true/false question. Questions 6 and 8 only include data from the standard version of the survey, given that the 'did you know' questions in the longer survey provided information regarding these topics.

We do not know how representative our participants' levels of knowledge are in comparison to all employers. We lack a baseline measure of employers' knowledge about hiring people with convictions, with which to compare our data. Furthermore, seven of the 43 respondents did not complete the true-false questions, which came at the end of the survey. It is possible that those employers who completed the survey had different levels of knowledge than those who did not. Therefore, the degree of understanding indicated by the true-false section might not be representative of all of the participating employers.

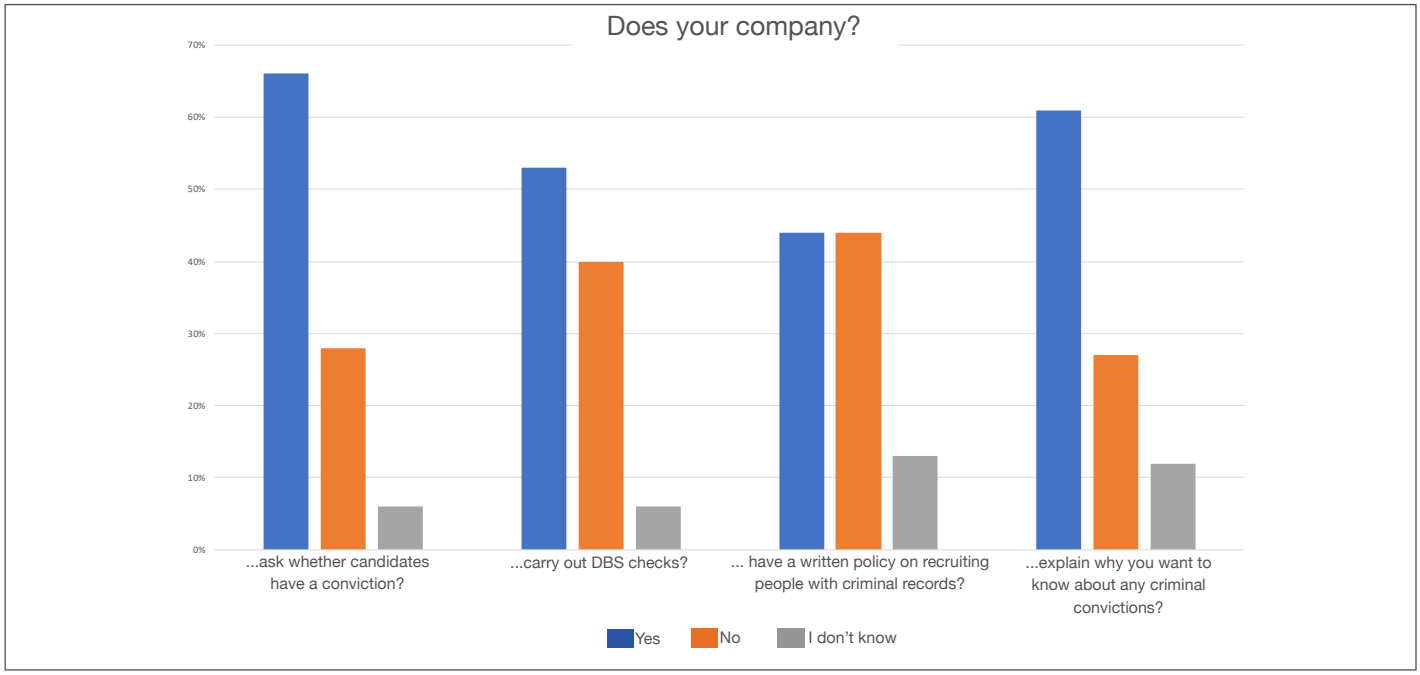
25 out of 43 participants completed the survey with additional information. The 'did you know…?' questions that they received provide an insight into how employers who responded to the survey understand sexual offences. All 25 reported knowing that having a job reduces the risk of reoffending. Most also knew that people convicted of serious sexual offences are strictly supervised (84%) and that 'sexual offences' covers a broad range of crimes (76%). Less than half knew that people with sexual convictions tend to have lower reoffending rates (44%), and that some people can access Circles of Support and Accountability (36%). If employers overestimate the risk of reoffending, they might be disproportionately anxious about the risk that potential employees pose. If they are unaware of external sources of support for people convicted of sex offences, employers might overestimate the degree of support they would need to provide. This suggests that better communication about reoffending rates and sources of support might make employers more likely to consider hiring this group.



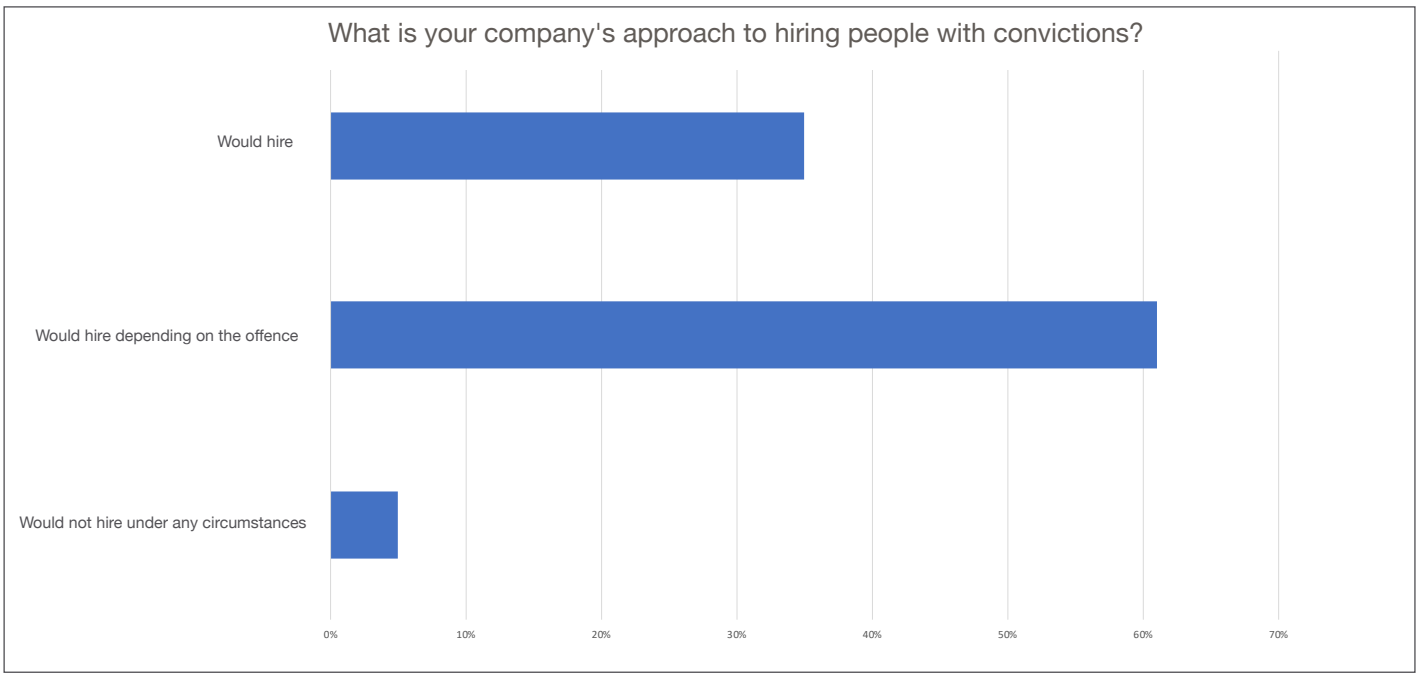
Recruitment practice

We also asked about employers' current hiring practices. 44% reported that their company was doing something 'to promote recruitment of people with a criminal record'. This might be higher than the norm, given the nature of employers likely to engage with Prison Reform Trust's social media posts. More generally, participants had a range of hiring practices. Most employers asked

job applicants whether they had a conviction (66%) and used DBS checks (53%). The majority (61%) explained why they wanted to know about convictions. Less than half (44%) of employers reported having a written policy on recruiting people with convictions. This indicates that almost one in five employers conducting DBS checks were doing so in breach of the DBS Code of Practice, because they lacked a written policy on hiring people with convictions.



Only two out of 43 employers reported that they would not hire people with convictions under any circumstances. Most employers (61%) reported that the nature of an applicant's offence would affect their hiring decision.



Due to sharing the surveys through Prison Reform Trust's social media accounts, our participants might be particularly likely to consider hiring people with convictions. Indeed, YouGov found that 18% of employers would definitely not consider employing 'offenders and ex-offenders', and a further 31% would probably not consider employing them.[57]

Three employers reported having knowingly hired someone with a sexual conviction. All reported being satisfied with their decision to do so.

Concerns

The survey explored what might concern employers about hiring someone with a sexual compared to a non-sexual conviction. It compared employers' attitudes about five different types of offence: sexual, violent, burglary, drugs and fraud.

Most concerning crime type

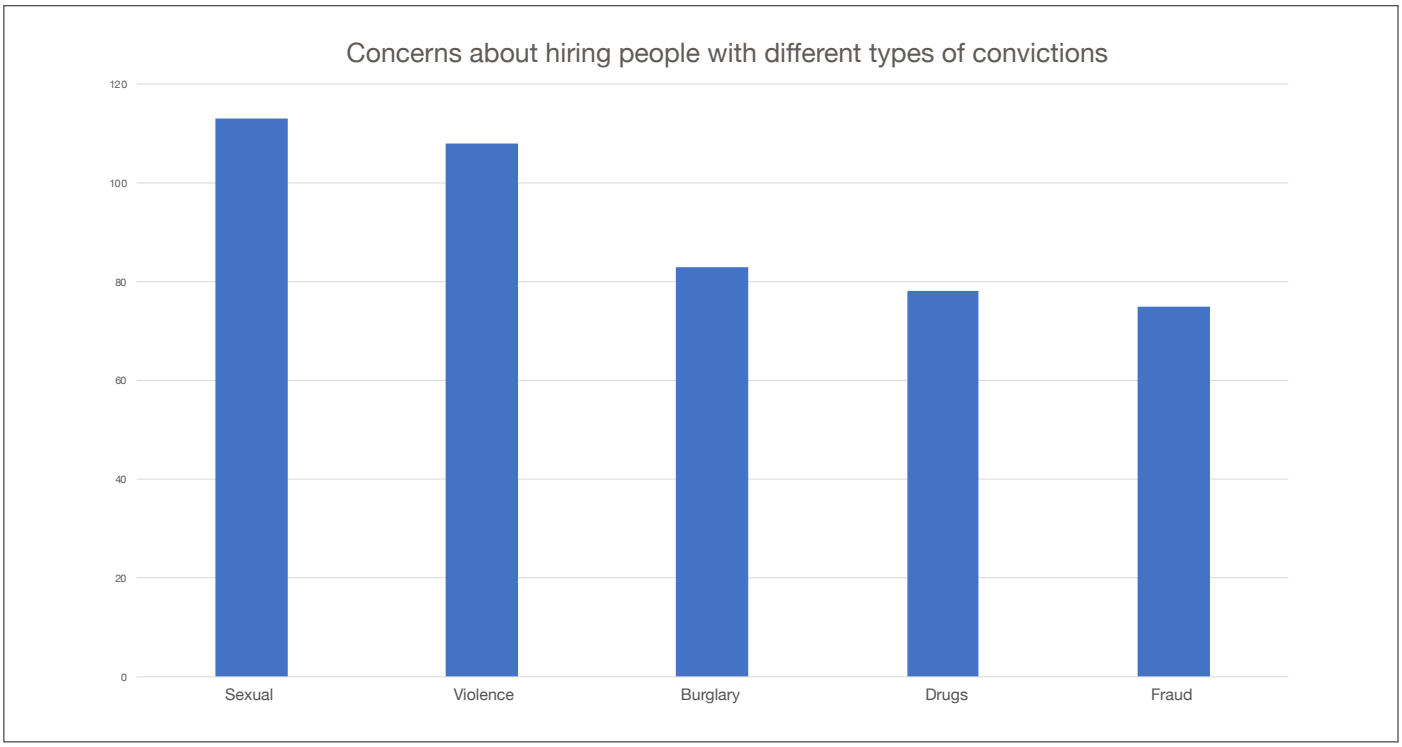
Employers were most likely to express concerns about people convicted of sexual offences, closely followed by people convicted of violent offences. A quarter of all concerns expressed were about people with sexual convictions. Employers expressed the least number of concerns about people convicted of fraud.

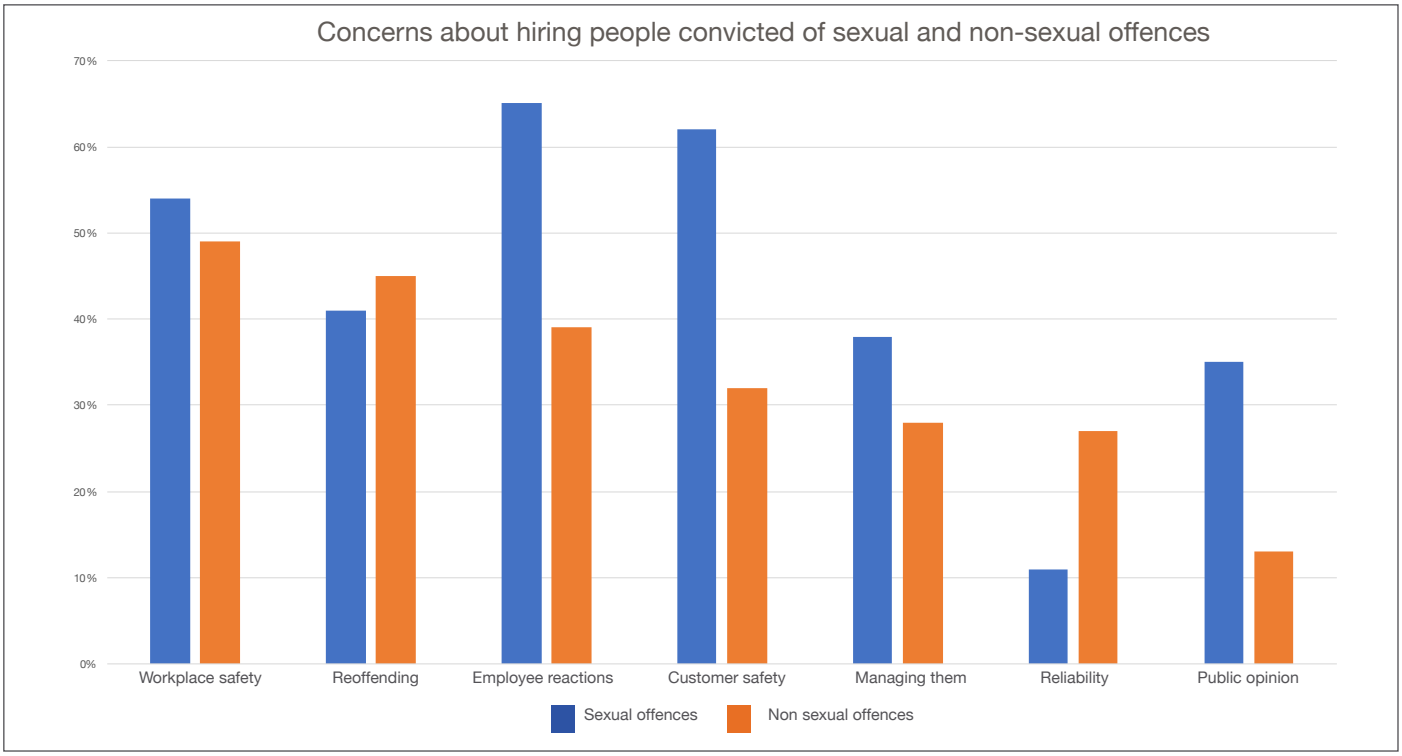
Concerns about people convicted of sexual compared to non-sexual offences

Participants used multiple-choice questions to express their concerns about people convicted of the five different types of offence. The seven concerns listed were:

- workplace safety
- how other employees would react
- risk of reoffending
- safety of customers
- how to manage them
- reliability and
- what the public would think.

Participants could choose as many concerns as they wanted.





For non-sexual offences, employers were most concerned about:

1 Workplace safety (49%)
2 The risk of reoffending (45%)
3 Other employees' reactions (39%)

For sexual offences, employers were most concerned about:

1 Other employees' reactions (65%)
2 Customer safety (62%)
3 Workplace safety (54%)

When considering workplace safety and the risk of reoffending, employers expressed similar levels of concern about hiring people convicted of sexual and non-sexual offences. However, employers were almost twice as likely to be concerned about customer safety for applicants with sexual compared to non-sexual convictions. Likewise, employers were much more concerned about other employees' reactions when considering hiring someone convicted of a sexual, compared to a non-sexual, offence.

For non-sexual offences, employers were least concerned about:

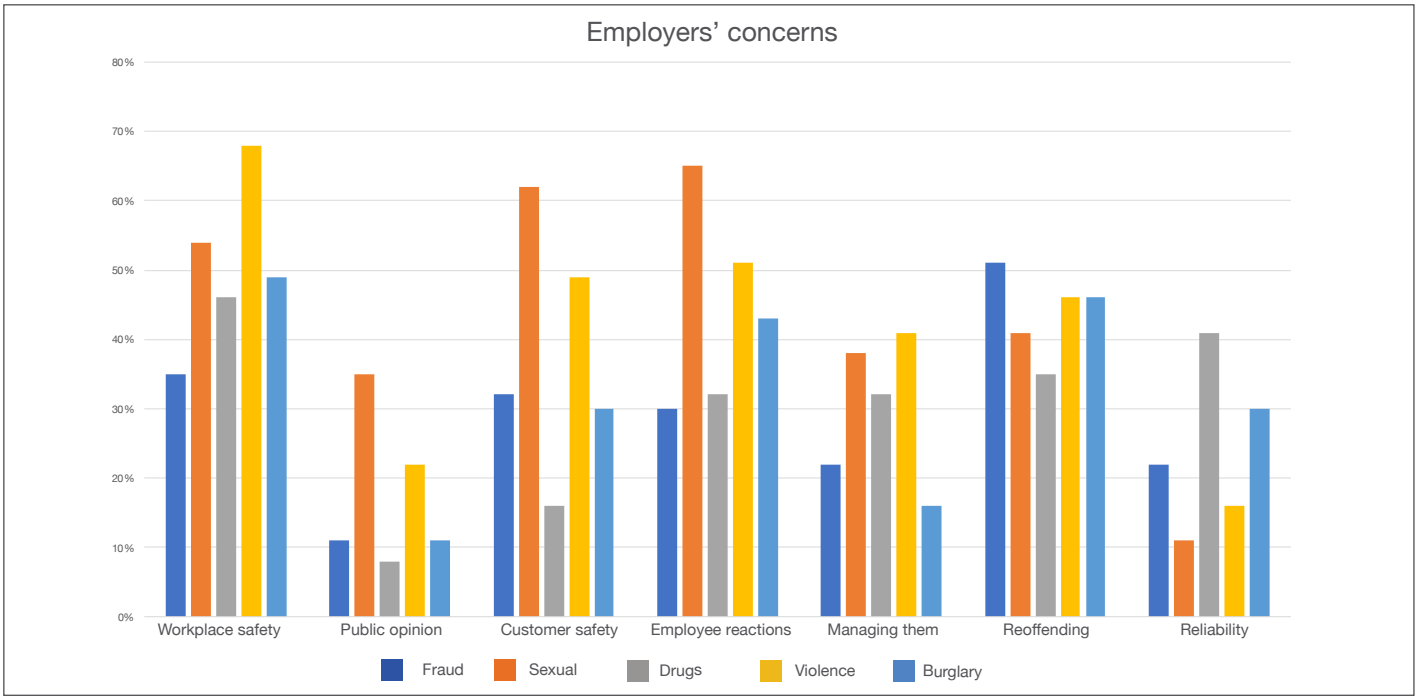
1 Public opinion (13%)
2 Reliability (27%)
3 Managing them (28%)

For sexual offences, employers were least concerned about:

1 Reliability (11%)
2 Public opinion (35%)
3 Managing them (38%)

Employers were almost three times more likely to be concerned about what the public would think if they hired somebody with a sexual conviction compared to a non-sexual conviction. They were slightly more likely to be concerned about managing somebody with a sexual conviction, but less concerned about the reliability of this group.

Concerns by offence type



Predictably, employers' attitudes varied according to the specific type of offence. For five out of the seven concerns that employers could choose from, sexual and violent offences were the two most commonly cited crime types.

For workplace safety, employers were most concerned about hiring people convicted of violent crimes (68%), followed by sexual crimes (54%). They were least concerned about people convicted of fraud (35%).

More than one in three employers were concerned about public opinion when considering hiring people convicted of sexual offences (35%), and more than one in five when considering people with violent convictions (22%). On average, only one in 10 employers were concerned about public opinion in hiring people convicted of fraud, burglary or drug offences.

For customer safety, employers were much more likely to be concerned about employing people with sexual (62%) and violent (49%) offences than drug offences (16%).

More than half of employers were concerned about other employees' reactions if they hired someone convicted of a sexual (65%) or violent (51%) crime. They were least concerned about hiring people convicted of fraud (30%) and drug offences (32%).

Violent (41%) and sexual (38%) offences were narrowly the most commonly cited concerns about managing people with convictions. Approximately one third of employers were also concerned about managing people convicted of drug offences.

Employers were most concerned about reoffending when considering hiring people convicted of fraud (51%). Out of the five crime types, people with sexual convictions ranked fourth in employers' concerns about reoffending. However, overall, the levels of concern about reoffending for candidates with sexual (41%) and non-sexual convictions (45%) were similar.

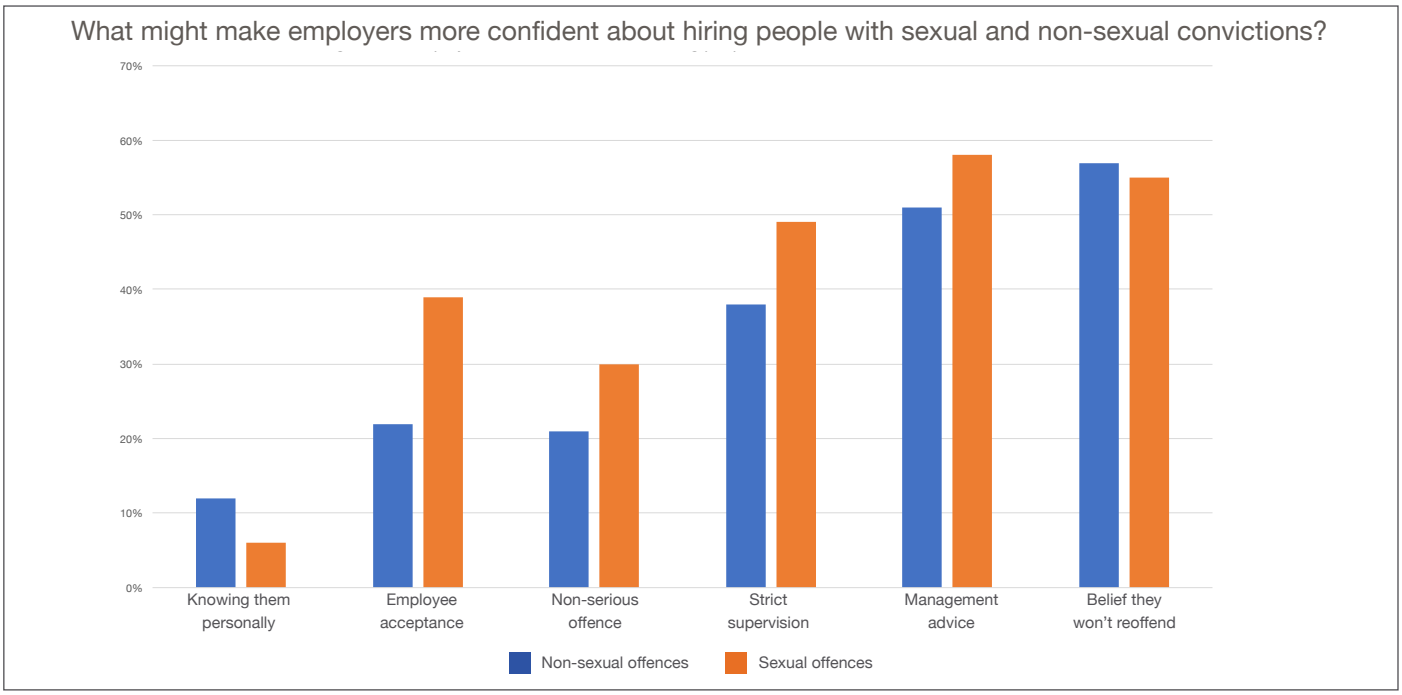
Employers were most concerned about the reliability of people convicted of drug offences (41%) and least concerned that people convicted of sex offences would be unreliable (11%).

Reassurances

Participants used multiple-choice questions to identify what would make them more confident about hiring people with convictions. The six factors listed were:

- knowing them personally from before their offence
- knowing they would be accepted by other employees
- knowing their offence was not 'too serious'
- knowing they would be under strict supervision
- being able to access management advice
- being convinced they would not reoffend
- Participants could choose as many factors as they wanted.

Confidence boosting criteria for people convicted of sexual and non-sexual offences



For non-sexual offences, employers were most likely to be reassured by:

1 The belief that the applicant wouldn't reoffend (56.5%)
2 Access to management advice (51%)
3 Knowing they would be under strict probation supervision (38%)

For sexual offences, employers were most likely to be reassured by the same three factors:

1 Access to management advice (58%)[v]
2 The belief that the applicant wouldn't reoffend (55%)
3 Knowing they would be under strict probation supervision (49%)

The belief that an applicant would not reoffend was equally reassuring for employers considering hiring people with sexual and non-sexual convictions. Access to management advice or knowing that an applicant would be under strict supervision were slightly more reassuring for employers considering hiring people with sexual compared to non-sexual convictions.

For non-sexual offences, employers were least likely to be reassured by:

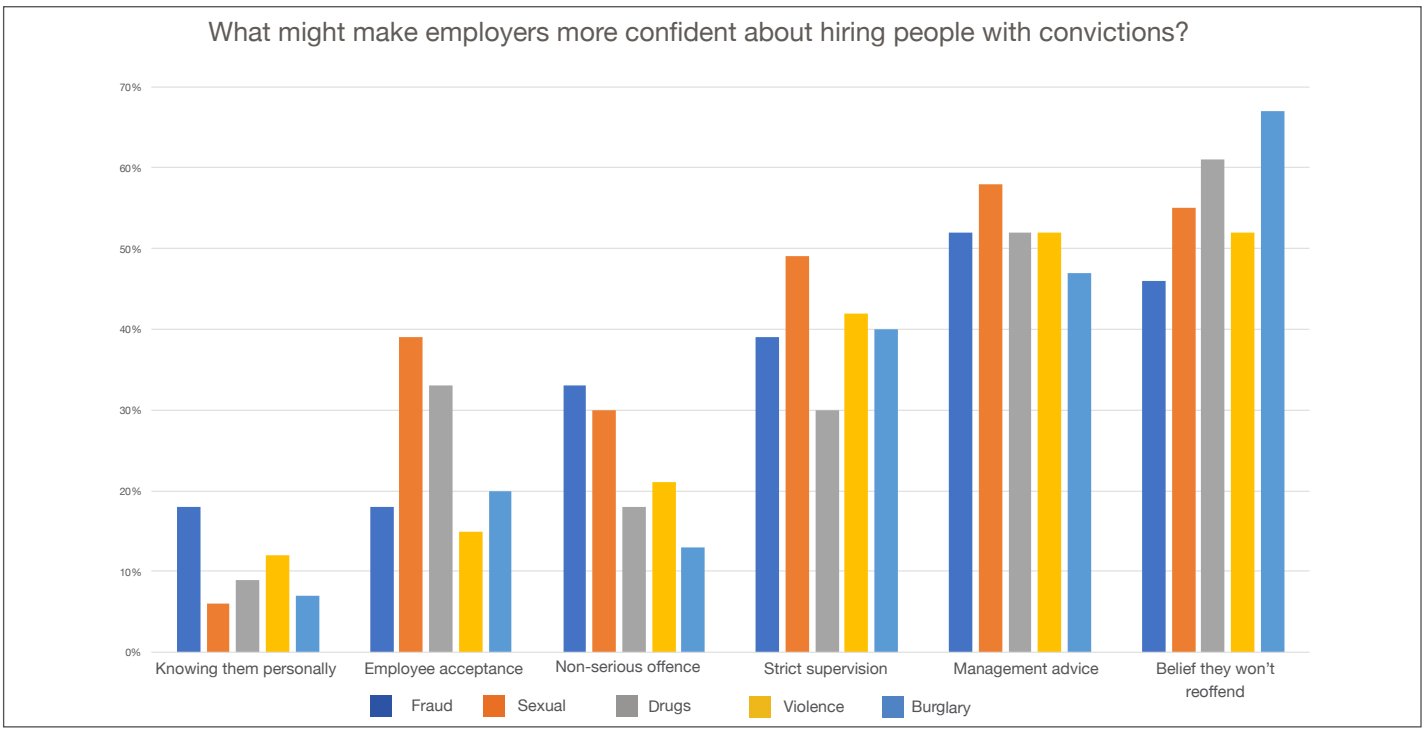
1 Believing that other employees would accept them (21.5%)
2 Knowing their offence was not 'too serious' (21%)
3 Knowing the applicant personally from before their offence (11.5%)

For sexual offences, employers were least likely to be reassured by:

1 Believing that other employees would accept them (39%)
2 Knowing their offence was not 'too serious' (30%)
3 Knowing the applicant personally from before their offence (6%)

Knowing that an applicant's offence was not 'too serious' was more reassuring for employers considering hiring people with sexual than non-sexual convictions. Employers were almost twice as likely to be reassured by believing that other employees would accept the job applicant when considering hiring people convicted of sexual compared with non-sexual offences. Knowing the applicant from before their conviction was slightly more reassuring when considering hiring people with non-sexual convictions. However, this still only amounts to 11.5% of employers.

Confidence boosting criteria by offence type



v This supports WPC's suggestion that the DWP should develop guidance on hiring people with convictions. [House of Commons Work and Pensions Committee. (2016). Support for ex-offenders, fifth report of session 2016-17. Available at https://publications.parliament.uk/pa/cm201617/cmselect/cmworpen/58/58.pdf]

What would make employers more confident about hiring people with convictions varied according to the specific type of offence.

Knowing an applicant personally was unlikely to reassure employers for any offence type. However, it was most likely to reassure employers considering hiring somebody convicted of fraud (18%), and least reassuring when considering people convicted of sexual offences (6%).

Employee acceptance was one of the least cited reassurances. However, it was more likely to reassure employers considering hiring people convicted of sex offences (39%) or drug offences (33%) than other types of crime (18% average).

An offence not being 'too serious' was most reassuring when considering hiring someone convicted of fraud (33%), closely followed by sexual offences (30%). Only 13% of employers were reassured by offence seriousness when considering hiring people convicted of burglary.

Approximately half of employers would be more confident hiring someone with a sexual conviction if they knew they would be under strict supervision. This compares with approximately four in 10 employers considering hiring people convicted of fraud, burglary or violent crimes. three in 10 employers would be reassured by knowing that an applicant with a drug conviction was under strict supervision.

For all offence types, the top two confidence-boosting criteria for employers were access to management advice and the belief that the applicant wouldn't reoffend. Access to management advice was slightly more reassuring for employers considering hiring people with sexual convictions. The belief that the applicant wouldn't reoffend was most reassuring when considering hiring people convicted of burglary (67%), and least when considering hiring people convicted of fraud (46%).

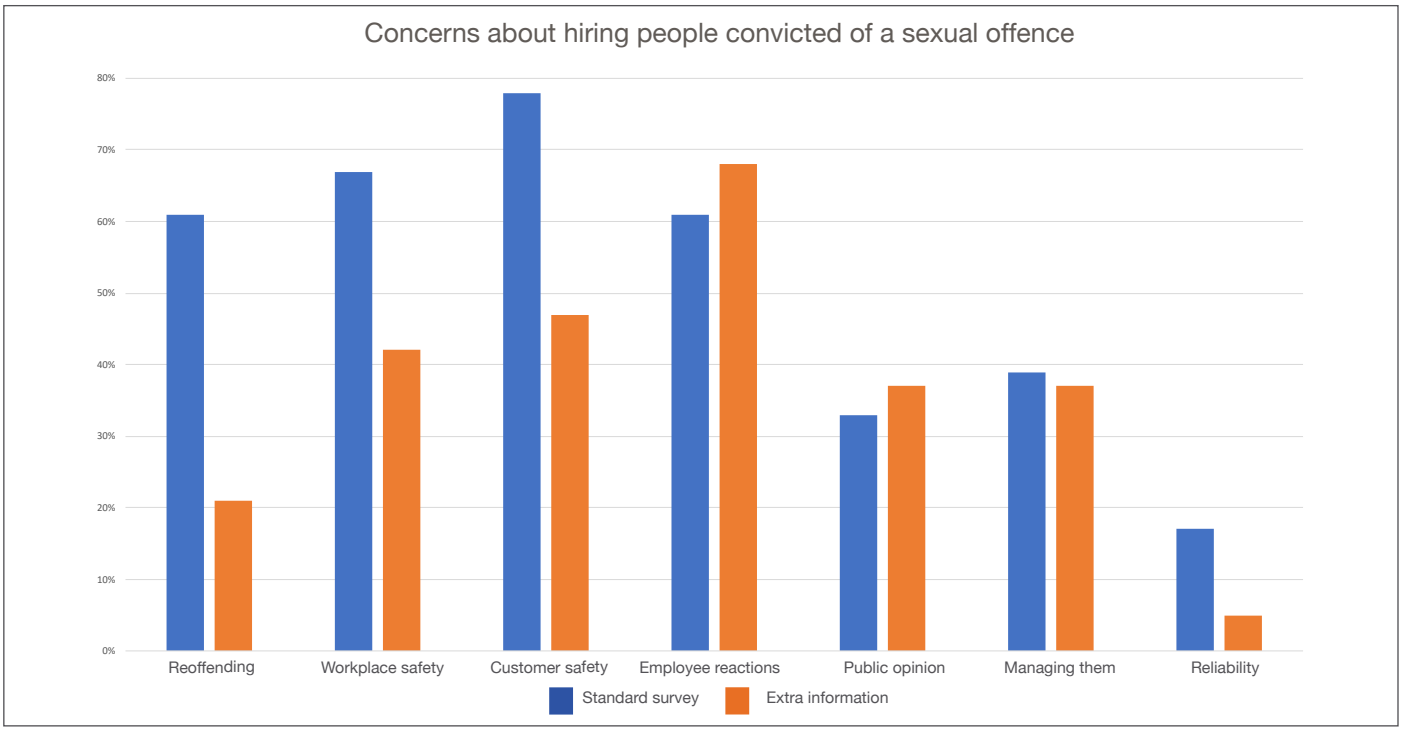
In terms of policy implications, providing management advice, and explaining that people convicted of serious crimes will be under strict supervision would boost employers' confidence about hiring people with any type of conviction. These factors are particularly reassuring for employers considering hiring people convicted of sex offences. The belief that a particular job applicant with a conviction wouldn't reoffend was reassuring for all offence types – on average 56% of employers would be reassured. Recalling that employers tend to over-estimate the likelihood of reoffending among people with sexual convictions, this finding underscores the importance of providing employers with accurate information. It also corroborates calls to ban the box.

The impact of knowledge

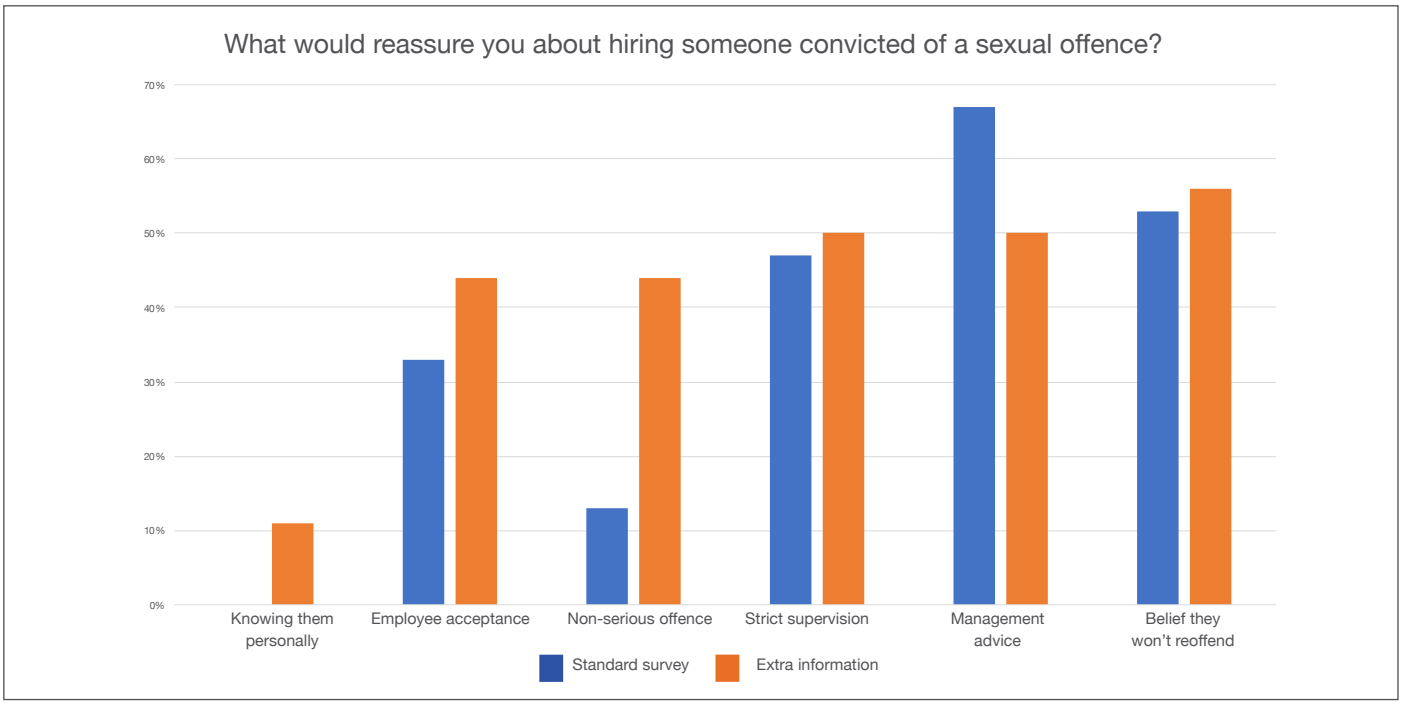
As explained above, 25 out of the 43 total participants received additional information at the start of the survey, through a series of 'did you know?' questions. These questions explained:

1 Having a job reduces the risk of reoffending regardless of offence type
2 People convicted of sexual offences have lower reoffending rates
3 'Sexual offences' covers a broad range of crimes
4 People convicted of serious sexual offences are strictly supervised
5 Some people can access Circles of Support and Accountability, which can reduce sexual reoffending.

Employers who received this additional information were less concerned, in some ways, about hiring people with sexual convictions.



The largest discrepancy was in concerns about reoffending – only 21% of employers who received the basic facts expressed concerns, compared with 61% of those receiving no additional information. Employers who received additional information were also notably less concerned about workplace safety (42% compared to 67%), and customer safety (47% compared to 78%). Only 5% of employers who received additional information were concerned about reliability, compared with 17% of employers who did not. Additional information had a negligible effect on concerns about public opinion (37% compared to 33%) and managing people with sexual convictions (37% compared to 39%). Overall, it appears that providing employers with some basic information about reoffending rates, sexual offences, and support and supervision for people with sexual convictions might make them more likely to consider hiring this group.



The informed group was notably more likely to be reassured by a person's sexual offence not being too serious (44% compared to 13%). This is likely to be the result of being made aware that sexual offences cover a broad range of behaviour, including consensual sexual behaviour between two 15 year olds. There was a slight difference in levels of reassurance provided by employee acceptance (44% for the informed group, compared to 33%) and personal knowledge of the applicant (11% for the informed group compared to 0%). Additional information had a negligible effect on how reassured employers would be by believing that the applicant wouldn't reoffend (56% compared with 53%) and knowing they were under strict supervision (50% compared with 47%). Employers who received additional information were less likely to be reassured by receiving management advice about people convicted of sexual offences (50% compared with 67%). This might indicate that better-informed employers feel more able to manage workers with sexual convictions without additional advice.

Proceeding with caution

Before drawing conclusions about the impact of accurate information on what would concern and reassure employers, we need to check whether the two groups of employers who responded to the survey were similar. Were those who took the survey with additional information (the long version – LV) comparable to those who took the short version (SV)?

The true or false questions at the end of the survey indicate that employers completing the long version might be more informed about employing people with convictions. They were more likely to know that 'Ban the Box' encourages employers to wait until interview or later to ask about convictions (70% compared to 44%) and to believe that joining 'Ban the Box' could bring a range of benefits to employers (60% compared to 25%).[vi]

In the survey, questions about hiring practices preceded the additional information provided to some participants. Responses to these questions indicate some differences in attitude. Employers completing the long version of the survey were more likely to actively promote the recruitment of people with criminal records (60% compared to 33%) and hire people with a conviction (48% compared to 17%). They were less likely to say the type of offence would affect their hiring decision (52% compared to 67%). Indeed, one in ten employers taking the short version stated that their company would not hire people with a conviction under any circumstances. No employers taking the long version stated this.[vii]

Thus, there appears to be greater base-level openness to hiring people with convictions among participants completing the long version of the survey. Irrespective of the additional knowledge they received during the survey, we might expect these employers to be less concerned. Our findings on the impact of knowledge should therefore be interpreted with caution.

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vi Relatively similar proportions of employers from each survey knew that: companies using DBS checks must have a written policy on hiring people with convictions (SV: 31%, LV: 40%); it is illegal to carry out a criminal record check at a level higher than the job requires (SV: 50%, LV: 45%); some convictions never become 'spent' (SV: 69%, LV: 55%); over a million individuals receive a conviction every year (SV: 50%, LV: 40%).

vii Almost identical proportions of employers receiving each survey: asked applicants about convictions (SV: 67%, and LV: 64%); carried out DBS checks (SV: 50%, and LV: 52%); had written policies on recruiting people with criminal records (SV: 44%, and LV: 40%); and explained why they were asking about convictions (SV: 64%, and LV: 59%).

Discussions with Professionals

We also interviewed a range of professionals – prison staff, employers, staff from charities, governmental and nongovernmental organisations, a chaplain and a probation officer. They provided valuable insights into the difficulties and benefits of hiring people convicted of sexual offences. The key themes emerging from these discussions were:

- Stigma and its effects
- The reluctance to hire this group
- The benefits of hiring them
- Strategies to tackle stigma.

Stigma towards people convicted of sex offences

Corroborating previous research, participants believed that people with sexual convictions face unparalleled levels of stigma:

> *People are generally horrified by it … It's that line that should never be crossed … To commit a sexual act of violence against somebody is the ultimate taboo.*
> (Employer)

> *If you say 'sex offenders' and 'human rights' in the same breath people look at you as if you're talking absolute nonsense … No-one wants them anywhere.*
> (Probation Officer)

> *The best one liner at a party if you don't want to talk to somebody, when they ask, "What do you do?" You say, "I work with sex offenders."*
> (Charity working with people who have sexually offended)

This last quotation illustrates that stigma can extend beyond people with sexual convictions to people who associate with them.

The stigma of a sexual offence was thought to never go away:

> *When someone changes their life around when they're a drug addict, they're allowed to tell their story and they're clapped for it. [For people with sexual convictions] that story can't be told publicly in the same way … They're continually made to carry shame that never goes.*
> (Rehabilitation organisation)

> *A conviction for sex offending seems like a life sentence…you download some dodgy images and that's you for life … It doesn't necessarily define them as a person.*
> (Specialist working with people with sexual convictions)

> *There is an assumption among employers: Once a sex offender, always a sex offender.*
> (Employer)

The preoccupation in news media with the most extreme forms of sexual offending leads the public to overestimate the prevalence of these types of crime[58]. Our participants recognised that media representations add to the stigma:

> *People think they're all lurking in hedges about to jump out at your child…Incredibly scary monsters … There's this sort of hysteria about it … moral panic.*
> (Probation Officer)

The danger of portraying perpetrators as monstrous is that people may underestimate the risk of sexual offending in the home, perceiving that fathers, brothers, uncles and so on, are nothing like the 'monsters' who sexually offend.[59] A specialist we interviewed explained how this puts vulnerable people at risk:

> *Most sex offenders aren't monstrous, most sex offenders are normal people…The media pump out this stuff about monsters and beasts … I know they have to sell newspapers, but the reality is that paedophiles are usually quite good at charming people … It's not a monster who's going to turn up at your door to babysit.*

Media reporting on sexual offending also obscures the societal roots of these crimes, such as problematic forms of masculinity.[60] Cultural models that assert male dominance over women and children can facilitate sexual offending.[61] Stigma both misrepresents the risks posed by people convicted of sex offences, and diverts public attention from those people who might pose a risk.

Effects of stigma

The professionals we interviewed described the harmful impact of stigma on people with sexual convictions. One described this group as 'disproportionately penalised', and another noted their very high suicide rates.

Many participants explained that stigma led to fear:

> *There's a lot of very active keyboard warriors, paedophile hunters they frame themselves as … We've had to move people away from where they're living … The men are very frightened about outing themselves.*
> (Probation officer)

> *It took weeks and weeks and weeks for him to be able to accept that when he was walking around, people weren't going to know who he was and what he'd done.*
> (Academic)

> *Some of them wouldn't try to go for jobs because they're worried they'll be asked about their offence … Who's going to know what? It's quite terrifying … The fear that people will start harassing them.*
> (Charity working with people convicted of sex offences)

A probation officer working with people convicted of viewing indecent images of children explained that most of her time was spent, 'counselling them through the trauma of the conviction and the label'. Several participants noted that people convicted of sex offences just want to lead conventional lives:

> *All people want is a normal life.*
> (Employer)

> *Some people have committed horrific offences but they want to move on and be different people and live different lives.*
> (Charity working with people with sexual convictions)

Our participants described how stigma could make it more likely for people to commit sexual offences. A probation officer explained that 'because it's such a taboo subject', people who feel at risk of sexually offending rarely seek help, and for those who do, there is little support available. She suggested that in practice, 'the only way to get any sort of help is to commit a crime'.

Stigma and alienation can increase the risk of sexual reoffending,[62] a fact recognised by our participants:

> *Isolation, stigmatisation and marginalisation are incredibly damaging…He's made more of a risk because he has nothing…The more meaningful elements are in their lives, the less likely they are to reoffend.*
> (Charity working with people who have sexually offended)

> *The very heart of what we say we preach is forgiveness and new beginnings … [But] the church is so scared about "bad press"… that it can't say, "Let's help this person by giving them community", which stops them offending … Loneliness, isolation and feelings of shame are really big risk factors for reoffending … We're actually putting society in more danger by not finding these guys things to do.*
> (Chaplain at a prison for people convicted of sex offences)

> *Ostracising them from society and preventing them from getting a job often makes the situation worse.*
> (Specialist working with people convicted of sex offences)

Punitive responses, perhaps counter-intuitively, tend to increase rather than reduce the risk of reoffending.[63] Isolating people with sexual convictions can increase their likelihood of sexually offending.[64] For example, people convicted of internet-based sexual offences might be more likely to reoffend if they spend long periods of time at home unoccupied, where they may be tempted to engage in inappropriate activities.[65]

Reluctance to hire

The professionals we interviewed said that employers varied in their attitudes about recruiting people with any form of criminal record. Resettlement staff at a prison holding people convicted of sex offences explained that it was so difficult trying to convince local employers to hire people with non-sexual convictions that they didn't even broach the subject of those who have sexually offended:

> *Some employers look at hiring ex-offenders as a positive; nobody looks at it as a positive to employ these.*

Some companies are positively enthusiastic about hiring people with convictions. One employer that openly hires people with criminal records claimed that doing so was good for business. A regional employment broker for New Futures Network quoted another employer who actively sought out workers with convictions, "Ex-offenders? Brilliant. But no sex offenders".

In discussions with professionals about hiring people with sexual convictions, four key concerns emerged: reputational risk, other employees' attitudes, safety, and working with criminal justice practitioners.

Reputational risk

Our survey found that although public opinion was not a major concern in decisions about hiring people with a conviction, employers were much more likely to be concerned if the offence was sexual. As noted above, stigma can extend to people who willingly associate with people convicted of sexual offences. A specialist working with this group questioned, 'Why would you take the risk of having someone around that could bring shame on your business?' An employer explained: 'the reputational risk is huge'.

Professionals suggested that while employing people with convictions could be good for business, employing people who have sexually offended was not:

> *It looks good employing a poor burglar who was hard on his luck. It doesn't make you look so good if you're employing a paedophile or rapist.*
> (Academic)

One employer recognised that the size of their business meant they were in a better position than others to hire this group. Having multiple sites meant that any local boycotts due to hiring particular individuals could be cushioned by profits elsewhere. They suggested that small businesses that were willing to hire people with sexual convictions were very brave.

One such small business owner said he had a personal commitment to employing people with convictions. However, he became hesitant to hire people convicted of particularly stigmatised offences after experiencing a media-induced public backlash. Due to employing somebody convicted of a serious violent offence, customers threatened to withdraw their business, and staff were intimidated:

There's a very clear risk that the more difficult the crime, the more vulnerable the business is to the media … It has to be considered as a business decision … The kind of society that we live in, it's sad, it really makes you think twice about what you can do as a business and the consequences of that … You can put not only your business, but also your staff and yourself and your family members at risk…We had members of the public come into the store and ask for that particular person … It made my staff feel very threatened.

Other employers clearly shared this fear. A member of staff at a prison for people convicted of sexual offences explained that the employers they worked with wanted to keep these arrangements private for fear of reputational damage. Some charities supporting people with convictions are concerned about being known to support people with sexual convictions. A member of staff at an organisation supporting people upon release from prison explained that their service users include people with sexual convictions, but that they 'don't talk about it publicly at all' for fear of public disapproval.

More positively, one employer was hopeful that things might change:

The commercial risk to our business is always going to be a factor… We don't feel that public support is there for [hiring people convicted of sex offences] yet…It's something in the future we're likely to change. I can see sometime in the near future that we will accept applications from those on the lower scale ... I think we'll start slowly and we'll watch how it goes… I think in ten years' time things will be different

Other employees

In our survey, other employees' reactions were the most commonly cited concern about hiring people convicted of sexual offences. Several employers also raised this issue during interviews:

We're really lucky now in that we've got the support of all of our colleagues [in hiring people with convictions] … If [the company director] was to publicise that we're now going to be working with sex offenders … obviously that's not going to go down well with some colleagues.

We expected other employees to kick off when we started employing ex-offenders, but no. But with sex offenders, that's different.

A representative of a charity working with people who have sexually offended explained that businesses were concerned about their profit margin – other employees' reactions were important, because discontent could lead to them quitting or going on strike. A representative of a charity explained that generally the ex-prisoners they employed worked alongside each other without problems, but recalled one instance of an employee refusing to work with a colleague who they had learned online had a sexual conviction. Fortunately the charity could accommodate both employees by basing them at different sites. Resettlement staff at a prison

for people with sexual convictions explained that a man working for a local employer on ROTL had lost his job when colleagues discovered the nature of his offence online. Negative reactions from other employees, anticipated or actual, can make it difficult for people convicted of sex offences to gain and maintain a job.

Safety of customers and employees

In the survey, the safety of customers and the workplace were the second and third most commonly cited concerns when considering hiring people convicted of sex offences. Less than half of employers knew that people convicted of sexual offences are no more likely than people with other types of conviction to reoffend.

During our interviews, employers expressed a range of views. A minority were unconcerned about safety, with one employer questioning, 'how likely is it that anything would happen in the workplace?' For other participants, safety was a key concern. One employer, who hired people with convictions, was explicit about their anxieties about safety:

> *We wouldn't want to aid and abet any potential kind of offending … Let's say for example we took on someone who's been convicted of rape … Our primary concern would be that this person would reoffend, and might reoffend against one of our customers or one of our colleagues … It'd be absolutely horrific on a personal level … and we've got a duty of care to our colleagues.*

This participant, however, distinguished between different degrees of sexual offence:

> *This guy had been out drinking …Went into the ladies' toilets, had a pee in the ladies' sink… The doorman got a grip of him, threw him outside … now this guy has a conviction for indecent exposure … We did give him a job … I made the decision that he wasn't a risk.*

The employer explained that when interviewing prospective candidates, he'd ask himself, 'Would I be happy with this person working in close quarters with my wife?' Reflecting our survey findings, he was particularly concerned about the safety of hiring people with sexual and violent convictions. Despite having concerns about some people with convictions, he was keen to challenge other companies' beliefs that all ex-prisoners are dangerous:

> *People think that everyone who's been to prison is dangerous …That they're inherently dishonest … Is it safe to leave my handbag on the desk … Are these people sexual deviants? … Are they going to assault me in the bathroom? ... Going to head-butt me if I challenge him for being late?*

The employer suggested that knowingly hiring people with convictions could in fact be safer than hiring people without them:

> *The people that we take on with convictions … we know everything about them, so we can make much more informed decisions … We can have that frank, honest conversation with them … These people that come through other streams, they could be predatory paedophiles.*

A specialist working with people who have sexually offended also suggested that attempts to create safe workplaces by rejecting people with criminal records was misguided:

> *Most sexual offending isn't reported … there must be huge numbers of people in society that pose a risk … That person [with a sexual conviction] has been looked at by professionals who are trained in risk assessments … You should be less worried about that guy!*

Employment type

Participants noted that certain types of work are considered more suitable than others for people convicted of sexual offences. A probation officer explained that night shifts in factories are often viewed as ideal, being a predominantly male environment, involving no interaction with members of the public, and therefore presenting few risks to personal safety.[viii] Previous research demonstrates that employers are more open to considering people with convictions in general for jobs that do not involve customer contact.[66]

Such jobs can be beneficial for people with sexual convictions and wider society. The probation officer cited the case of a man who posed a risk to children:

> *He was found a job in a supermarket doing night packing … He was nocturnal which was a much better state of affairs for everybody.*

However, being limited to this type of work could be difficult. The same probation officer described a man with a professional background who now worked in a factory on the night shift:

> *He suffered a loss of identity and any sort of human contact … The only people he was speaking to are culturally and intellectually very different from him.*

This man managed to progress to a management position, providing some benefit for his self-esteem. Research suggests that job satisfaction is associated with reduced reoffending. Employers suggested that companies tend to hire people with convictions in general for lower level jobs in sectors lacking sufficient applicants:

> *It's always easier to take someone on for a low-level entry job than high level. I've never known an employer taking on someone coming out of prison for a high-level management job.*
> (Employer)

Staff at a specialist prison explained that jobs considered most suitable for people convicted of sex offences (those involving physical labour and little public contact, such as factory, construction, road and railway work) were 'great if you're aged between 21 and 35 and physically fit', but not suitable for everyone.[ix]

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viii Approximately 99% of people with sexual convictions are male. [Ministry of Justice. (2019). Criminal Justice System statistics quarterly: December 2018. Available at: https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2018].Women are much more likely than men to be sexually assaulted. [Office for National Statistics. (2018). 'Sexual offending: victimisation and the path through the criminal justice system'. Available at: www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffendingvictimisationandthepaththroughthecriminaljusticesystem/2018-12-13].

ix It's important to recognise that employment is not feasible for all people with sexual convictions – some are young, healthy and able to work, while others have exceeded retirement age or are in poor health.

Employers might be too quick to conclude that they are unable to hire any applicant with a sexual conviction. For example, Timpson has stated, 'we don't recruit sex offenders. We take photos of children in all our shops; so recruiting sex offenders is out of the question for us'.[67] It would clearly be inappropriate to employ people convicted of certain types of sexual offence for this role; however, other people with sexual convictions might not pose any risk in this position.

Frustrations with the Criminal Justice System

Employers' frustrations

A concern about hiring people with sexual convictions that emerged during interviews, and was not solicited in the online survey, was difficulties working with criminal justice practitioners. A small business owner with a personal commitment to employing people with convictions lacked faith in the 'extent and quality of support' from probation, and found them difficult to work with:

> *It's difficult to liaise with probation … cumbersome, a burden … Communication wasn't a particularly productive or positive experience ... It didn't feel like they were trying to help … My interest is to give everyone a fair chance … But I'm not an expert … I'm not a probation officer … I felt like they didn't want to do the work, it was too much hassle … They haven't got a clue about businesses … a business is there to make money and I think they completely miss that understanding*

Employers recognised their lack of knowledge about the criminal justice system:

> *We don't know anything about MAPPA.*

> *We sometimes struggle with mixed messages from prisons. Can a man on ROTL do deliveries? If so, can they deliver to home addresses? We sometimes get different answers from different prisons.*

> *Employers need to know the [probation] supervisor is always there.*

Resettlement staff at a prison for people convicted of sexual offences suggested that there should be more regular work placement checks for prisoners working in the community, so that prison staff can reassure, and form closer relationships with, employers. In our survey, access to management advice was the most likely factor to reassure employers considering hiring people with sexual convictions. Furthermore, almost half of the employers we surveyed said they would be reassured by knowing that applicants convicted of sex offences were under strict probation supervision. It is important that probation officers engage effectively with employers and explain the support and supervision they provide. Prisons and probation continue to be overstretched and under-resourced, limiting the work they can do with employers. However, New Futures Network employment brokers might have the opportunity to provide management advice and explain probation supervision when working with employers at a senior level.

Professionals' frustrations

Professionals working with people with sexual convictions suggested that criminal justice practitioners could make it unduly hard for this group to find work. A probation officer explained that, in practice, the police require anyone on licence for a sexual offence to disclose it to potential employers. She believed that in some cases this was unjustified, and prevented people from gaining employment:

> *Because the requirement to disclose to the employer is there, they just don't go for the job.*

A specialist suggested that police sometimes make 'inappropriate disclosures' upon a person's arrest or conviction, which can result in them losing their job:

> *Disclosures have been made very clumsily to employers, where the person isn't working with kids or vulnerable people … They may well be increasing the risk of that person reoffending.*

A member of staff at an organisation providing support for people on release from prison explained that some people with sexual convictions are 'so heavily managed' it can be almost impossible to gain work:

> *If he ever gets offered any work it takes the police and probation two to three weeks to do a risk assessment … He did get offered a really good job, but the police sergeant blocked it.*

Another participant noted:

> *Police officers often have the same hysteria [about sex offending] that everyone else does. Risk management isn't always about stopping people doing things. Sometimes the more restrictions you put on people the more you increase the risk.*

Research explains the importance of combining risk management with supporting people with sexual convictions to lead fulfilling, meaningful lives.[68] People under probation supervision are unlikely to feel engaged and motivated if the focus is solely on restricting their activities, with little regard for promoting their wellbeing.

Benefits of hiring people convicted of sexual offences

Although, as already established, employers are often reluctant to hire people convicted of sex offences, some of the people we interviewed believed that doing so can be good for business. Given the significant barriers to employment for people with sexual convictions, obtaining a job tends to be the outcome of 'sheer determination[69] - a desirable asset for any employer. Participants suggested that people with sexual convictions make dedicated, loyal staff:

> *They make very good employees because they're so bloody grateful to get the job. (Probation officer)*

I could overwhelmingly give you very positive comments of hiring people who are on the register … They're more reliable [than people with other convictions] they're more thoughtful, they tend to be quite intelligent, their behaviour isn't chaotic and they genuinely really appreciate being part of something and accepted.
(Charity supporting ex-prisoners)

Work is not just about making a living … he knows the value of that … it provides structure; it provides companionship … he wouldn't want to lose it.
(Charity working with people with sexual convictions)

It's clear from the above quotations that as well as potentially being good for business, hiring people convicted of sexual offences can be good for their wellbeing. By boosting their confidence and self-esteem, and providing a sense of belonging and inclusion, employing people with sexual convictions can be beneficial for wider society:

A lot of downloaders [people convicted of downloading illegal sexual images] are very socially unskilled; often already quite isolated, quite often depressive … Jack Straw said 'the best way out of crime is a job'. Work provides income; a sense of purpose; a routine, investment in society.
(Probation officer)

Living a crime-free life can require great effort on behalf of people with convictions, and it can be painful when they are unable to adopt new, non-offending identities, and positive social roles and relationships.[70] People are less likely to reoffend when they have 'employment that fulfils them, recognition of their worth from others, feelings of hope and self-efficacy, and a sense of meaning and purpose in their lives'.[71]

Beyond preventing future victims, there is also an economic argument for employing people with sexual convictions:

The cost of reoffending to the taxpayer is around £15 billion, plus the cost in benefits for those ex-offenders who want to work but cannot get a job. Helping ex-offenders into work would mean more taxes for the Exchequer and could reduce the skills gap for some industries. Ex-offenders who have served their sentence and want to change their lives deserve a second chance. Prisons, the Government and employers all have a responsibility, and an interest, to help them take it.
(House of Commons Work and Pensions Committee, 2016: 37).[72]

People with sexual convictions are somebody's sibling, child, parent or partner. A participant noted that those struggling to find work 'often have families and people that rely on them for money'.

Tackling stigma

As we have explained, the significant stigma directed at people convicted of sex offences is not conducive to preventing reoffending, and therefore future victims. In fact, 'the best way to reduce risk is by helping offenders live more fulfilling lives'.[73] Professionals working with people who have sexually offended suggested four ways of tackling stigma, to reduce the likelihood of (re)offending: symbolic gestures, seeing the whole person, explaining the heterogeneity of this group, and implementing specific initiatives.

Symbolic gestures

Some participants noted the importance of messages conveyed in language or gestures. A prison chaplain explained that it was inappropriate to call people 'sex offenders' since this involves permanently associating an undesired behaviour with a person: 'You're calling me a "sex offender", but you don't want me to be a sex offender'. Such labels might induce people to see themselves as dangerous and incapable of change, increasing their likelihood of reoffending.[74x] A probation officer made a conscious effort to physically touch the people with sexual convictions that she worked with, explaining, 'These are people that people can't bear to touch'. Touching their arm while shaking their hand, and holding it a little longer than usual, was a way to communicate acceptance.

Looking at the whole person

The 'ex-offender' label signifies more than an illegal action that somebody once committed – it can be seen to represent who they are as a person.[75] Some professionals were keen to emphasise the people, and the lives that they led, beyond their sexual offence. In particular they noted that peoples' backgrounds could often provide important context for their offending:

> *In a lot of cases, our clients are survivors of serious sexual abuse, who have then gone on to be convicted of sexual abuse … They're thought about as offenders and not as people with a history of trauma ... We see sexual behaviour as a result of trauma and pain … The sexual offence is a way to be in control when there's nothing positive in their lives*
> (Charity working with people with sexual convictions)

> *There's probably a higher percentage of people with Asperger's…they simply haven't been able to make decent adult relationships, therefore they enter relationships with people who are underage*
> (Prison chaplain)[xi]

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x We avoid the term 'sex offender', preferring 'more neutral descriptive language' that is less likely to contribute to stigma. [DeLuca, J.S., Vaccaro, J., Rudnik, A., Graham, N., Giannicchi, A., & Yanos, P.T. (2018). 'Sociodemographic Predictors of Sex Offender Stigma: How Politics Impact Attitudes, Social Distance and Perceptions of Sex Offender Recidivism', International Journal of Offender Therapy and Comparative Criminology, 62(10): 2879-2896. Page 2880.]

xi Autism spectrum disorders (ASD) are characterised by 'impairments in social interaction, social communication, and social imagination'. [de la Cuesta, G. (2010). 'A selective review of offending behaviour in individuals with autism spectrum disorders', Journal of Learning Disabilities and Offending Behaviour, 1(2): 47-58. Page 47]. While the vast majority of people with ASD are law-abiding, for the small minority who do commit sexual offences, ASD symptoms can be a contributory factor. [Allely, C.S. & Creaby-Attwood, A. (2016). 'Sexual offending and autism spectrum disorders', Journal of intellectual disabilities and offending behaviour, 7(1): 35-51. Mogavero, M.C. (2016). 'Autism, sexual offending, and the criminal justice system', Journal of intellectual disabilities and offending behavior, 7(3): 116-126].

Research suggests that people are more likely to commit sexual offences 'at a low point in their lives'.[76] Sexual offending can be a maladaptive means of meeting human needs such as intimacy, agency and belonging. For example, someone without access to meaningful work or significant relationships might seek fulfilment through online communities of paedophiles or by forming inappropriate relationships with children.[77] Sexual offending can also be 'an attempt to relieve the sense of incompetence, conflict or dissatisfaction that arises from not achieving valued human goods'.[78] The Good Lives Model of rehabilitation aims to reduce reoffending by providing people with socially acceptable means of feeling personally fulfilled, such as employment, making them less likely to engage in harmful sexual behaviours.[79] Asking people to avoid behaviours that have in some ways been rewarding, without providing them with alternative means of feeling fulfilled, is unlikely to be successful.[80]

Seeing people with sexual convictions as individuals with pasts and hopes for the future, rather than solely as 'sex offenders', can result in less stigmatising attitudes. Having contact with people with sexual convictions allows us to see them as people, reducing stigma towards them.[81]

A heterogeneous group

Several participants sought to clarify that people with sexual convictions are not a homogenously dangerous group.

> *What is a "sex offender"? ... The range of offences covered by that term is really diverse. It's not one size fits all … Yes, some of them are dangerous and risky and have to be managed, but most of them aren't … It's such an emotive term, people think of the worst possible behaviour associated with that phrase.*
> (Specialist working with people convicted of sexual offences)

A probation officer described the variety of people she worked with:

> *I've got groomers, contact sex offenders, people convicted of historical offences…a huge bulk of the men have been convicted of online downloading offences.*

A representative from a charity working with people who have sexually offended explained that employers saw being on the register as tantamount to being highly risky. She cited the case of a service user who was incorrectly presumed to be too dangerous to hire. This man, who had a learning disability, had received a community sentence for hugging and kissing people without their consent. Although he posed very little risk of harm to anybody, being convicted of a sexual offence meant that he was automatically placed on the register.

Professionals agreed that the tendency to associate the label 'sex offender' with the most serious offences was a barrier to employment:

> *This is the biggest thing – they're all under one umbrella … Serious sex offenders … that's all they see … People think 'they're all the same'.*
> (Resettlement staff at a prison for people with sexual convictions).

> *Employers just don't take the time to enquire further into a sexual offence. Most get lumped into the category of predatory child offences.*
> (Employer)

A representative of an organisation that helps prisoners find employment encouraged companies to consider individual applicants on their own merit:

> *Please take this case-by-case, because you see something written down, but it will seem very different when you know the context.*

Some employers explained that they would consider the particular circumstances of applicants with a sexual conviction:

> *You need to use discretion, and it depends on the individual case. You can't impose a blanket ban.*
> (Employer)

> *For my industry, I'd hire a woman convicted of a sexual offence before a man.*
> (Employer)

Researchers have called for recognition of distinct subgroups within people with sexual convictions, such as young people, women and people with disabilities, who can have specific experiences, treatment and management needs.[82]

As well as making distinctions in terms of offence seriousness, and the range of people at risk, our participants said a relevant factor was how recently the offence had occurred. One person distinguished between employing 'people with historic offences that have done their time', and people who are 'active and predatory'. Research suggests that attitudes towards people with convictions more generally tend to soften as time since the offence passes.[83] The longer a person lives in the community without recommitting a sexual offence, the lower their risk of reoffending.[84] Evidence also suggests that people with only one sexual conviction are less likely to reoffend than people with multiple sexual convictions.[85]

Specific initiatives

The professionals we spoke with described many examples of good practice, and made new suggestions to enhance the employment prospects for people convicted of a sexual offence. We list these in bullet points:

- Government should subsidise wages in order to encourage employers to give this group a chance. This is similar to the WPC's suggestion of reducing National Insurance contributions for people with convictions.[86]
- Employment brokers should push harder to secure employment for people imprisoned for sexual offences.
- Employment brokers should explain that 'sex offence' covers a wide variety of crimes and that this group are less likely to reoffend than people with other convictions. Our survey findings tentatively suggest that providing such information might make companies more likely to consider hiring people with sexual convictions.
- A specialist working with people with sexual convictions suggested that employers should stop using DBS checks 'as an automatic thing', and start questioning, 'is that necessary for every single job?' Most employers responding to our survey were unaware that to use DBS checks companies must have a written policy about hiring people with convictions.

- Self-employment is another option. As a direct response to anticipated stigma, a prison for people convicted of sex offences focused their employment provision on self-employability: “We offer carpentry, plumbing, painting and decorating…They can gain the qualifications and the skills so they can go out and set up their own business.” However, some forms of self-employment will be inappropriate for people with certain types of sexual conviction.

Modelling good employment

As well as being a logistics business, Goodwill Solutions CIC also runs programmes of training and support to help those with additional challenges become more employable.

A question we are asked many times by organisations like Probation and the Police is, “Is there anyone you won’t work with”? At first I wondered ‘why that question?’ Surely when you say you want to try and help people to turn their lives around and become fully functioning members of their local communities you don’t say ‘no’ to anyone. However, it turns out that even in a sector which pushes an agenda of inclusivity, significant prejudice remains amongst those organisations and businesses who support ex-offenders.

At Goodwill we have supported, and where we’ve been able also employed, offenders of all kinds including those convicted of sexual offences. It’s not easy because we have to be mindful of their restrictions and make sure we aren’t putting them or others in danger.

There are very few jobs which cannot be done safely by people convicted of a sexual offence. In most instances it is a mindset challenge for employers and other employees but one that we believe is key to the whole community. Many have families, parents, children who depend on them for support. If we ostracise that person we condemn not just them but their families too.

The key is open and honest communication both about their convictions and their restrictions. We believe that a person able to turn their life around is far less likely to reoffend than someone abandoned and left feeling that society wants him to fail.

Overall, our experience has been a positive one. Most are older with a good work ethic and record of stable employment in the past but in some cases unable to go back into the sector they worked within. In many cases they are just looking for a way to try and move on with their lives, earn a salary, find a stable home, and move away from their offending past like so many other ex-offenders.

A long process

Professionals agreed that changing attitudes towards people convicted of sex offences would be a slow and difficult process. However, some were more hopeful than others:

> *You’re dealing with people’s emotional responses …Trying to re-educate society about things is really complicated, isn’t it?...I don’t feel very hopeful about it.*
> (Prison chaplain)

There needs to be a debate … I think in ten years' time things will be different … If we had this conversation 20 years ago about hiring ex-offenders (in general) it'd be very different
(Employer)

Once people at our company fully accept that we hire ex-offenders, then maybe sex offenders will be the next frontier.
(Employer)

If a champion employer says, 'Yes, we hire [sex offenders]', then others will move forward.
(Employer)

Limitations

It is important to emphasise the limitations of this research.

Firstly, it is small scale. The survey had 43 respondents. We therefore cannot generalise our findings to employers in general. A larger sample size would increase confidence in our results. Secondly, some employers learned about our survey via Prison Reform Trust's social media accounts. We do not know what proportion of participants heard about the survey in this way. It is likely that employers who engage with Prison Reform Trust's social media accounts are more willing to consider hiring people with convictions than employers in general.

Thirdly, we lack contextual information about people completing the survey, and the organisations they work for. It would have been helpful to know the participant's position in the company, and whether they are responsible for hiring decisions. Employers' attitudes might differ according to their type of business, and so it would have been useful to collect this information. For example, research suggests that large organisations and companies in the manufacturing industry are particularly likely to consider hiring people with convictions, and that employers are less likely to hire people when the type of crime they committed is particularly relevant to the job they are applying for.[87]

Finally, it is important to clarify our finding that providing some basic information can make employers less concerned, in some ways, about hiring people convicted of sexual offences. Firstly, it appears that the group of participants completing the long version of the survey differed from participants completing the short version in terms of their base level likelihood of hiring people with convictions. Secondly, even if providing information did make employers taking this online survey more likely to consider hiring people with sexual convictions, it would not necessarily influence their attitudes, and subsequent decision-making, at a later point in time in real-life hiring decisions. Previous research suggests that providing factual information about sexual offending can help change explicit attitudes, but has less of an effect on non-conscious attitudes and affective feelings – all of which work together to influence behaviour.[88]

Conclusions

Despite the limitations to our study, it is well founded that good quality employment can help people with sexual convictions to desist from crime, and therefore produce safer communities. As well as providing structure and financial stability, employment can provide purpose, belonging, a positive sense of self, and hope for the future, making people less likely to commit a further offence.[89] Preventing further victimisation is in everybody's interest.

We have identified several barriers to employment for people with sexual convictions. The majority of employers responding to our survey were concerned about other employees' reactions (65%), customer safety (62%) and workplace safety (54%). They were much more likely to be concerned about what the public would think when considering hiring people convicted of sexual (35%) compared with non-sexual offences (13%). Employers were also much more likely to be concerned about employee reactions (65% compared to 39%) and customer safety (62% compared to 32%) when convictions were sexual in nature. Interviews with a range of professionals support the existence and extent of these concerns. Our qualitative data adds nuance, for example by introducing the important mediating factor of employment type. Interview participants suggested a new barrier to employment – the difficulties that employers can have in working with criminal justice practitioners. Perhaps most importantly, our participants provide rich quotations that illustrate the negative effects of stigma on people convicted of sexual offences, and ultimately the wider community.

Our survey data identified a range of factors that would make employers more willing to consider hiring people with sexual convictions. Approximately half of employers would feel more confident if they had access to management advice (58%), believed that the applicant wouldn't reoffend (55%), or knew that the person would be under strict probation supervision (49%). Around a third would be reassured by believing that other workers would accept them (39%), and by knowing that the offence was not 'too serious' (30%). Our findings tentatively suggest that providing employers with some basic information might make them less concerned, in some ways, about hiring people with sexual convictions. Interview participants suggested various means of reducing stigma towards people with sexual convictions, with the aim of reintegrating them into society, and ultimately preventing further harm. They made symbolic choices about how they referred to and interacted with this group, emphasised the circumstances that could lead to sexual offending, and noted the low levels of risk that most people with sexual convictions present. They suggested tangible initiatives including subsidising companies and promoting self-employment. Participants were aware of how difficult it might be to change attitudes towards people with sexual convictions, but some drew hope from improvements in attitudes towards people convicted of non-sexual offences.

We hope that this paper adds to the growing body of evidence that employment can benefit people with sexual convictions, and therefore the wider community. As a society we are right to condemn sexual offending. However, in the interests of preventing future victims, the evidence suggests that we must enable people with sexual convictions to reintegrate into our communities, and build lives that are meaningful for them, and safe for the wider community.

While the public might be unsympathetic to difficulties sex offenders face re-entering communities, such difficulties – especially as they relate to housing, employment and social support – are associated with an increased risk of sexual recidivism…Negative community attitudes towards released sex offenders might unintentionally increase the very risk society wants eradicated.[90]

Recommendations

It is well established that employment can benefit people with sexual convictions, and therefore the wider community by preventing future victims. This report explains how employers' attitudes can act as a barrier to work for people with sexual convictions, and suggests possible ways to address this problem. Based on our survey of employers and interviews with a range of professionals, we propose the following recommendations:

Government should:

1. Reform the Rehabilitation of Offenders Act 1974 so that rehabilitation periods are fair and proportionate and nearly all convictions are capable of becoming spent
2. Review the punitive effect of Sexual Harm Prevention Orders (SHPOs) and Sexual Offences Prevention Orders (SOPOs) in preventing convictions from becoming spent
3. Provide a legal remedy when potential employers discriminate against people on the grounds of a conviction which is spent
4. Consult on amendments to the Police Act to ensure that the DBS shoulder the responsibility for preventing ineligible checks
5. Provide comprehensive, clear and consistent information to employers about recruiting people with convictions
6. Ensure that schemes to promote the employment of people with convictions in the public sector are evidence-led and do not place blanket exclusions on applications from people with sexual convictions
7. Adequately fund projects that support people with sexual convictions to reintegrate into the community, such as Circles of Support and Accountability, and Lincolnshire Action Trust.

The New Futures Network (NFN) should:

8. Create a workstream for employment opportunities for people convicted of sexual offences, recognising the challenges the group and employers face
9. Provide specific training for employment brokers about sexual offending. This should include information about what constitutes a sexual offence, reoffending rates, and supervision and support in the community, as well as how to communicate effectively with employers regarding this group, and how to counteract inaccurate perceptions of people with sexual convictions.
10. When brokering employment opportunities, take into account the varying ages, fitness levels, work backgrounds, and skills of people with sexual convictions
11. Provide employers with factual information about all offending, but particularly sexual and violent offending. This should include detail on risk factors and assessment and supervision and safeguards

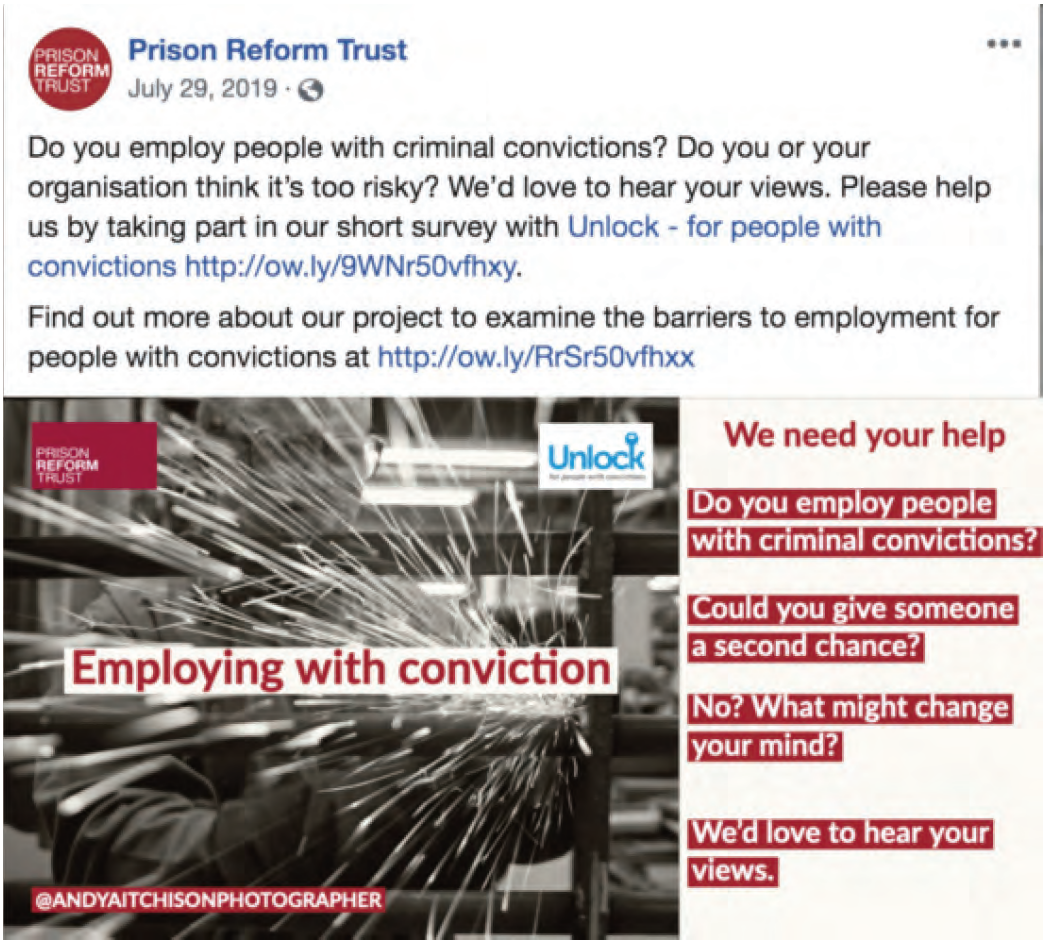
12. Promote the business and social benefits of hiring people with sexual convictions, facilitating employers meeting people from this group
13. Ensure that partner employers providing prison industries workshops, working with the New Futures Network and on the Ministry of Justice's preferred supplier list have a fair approach to applicants in the community with criminal convictions.

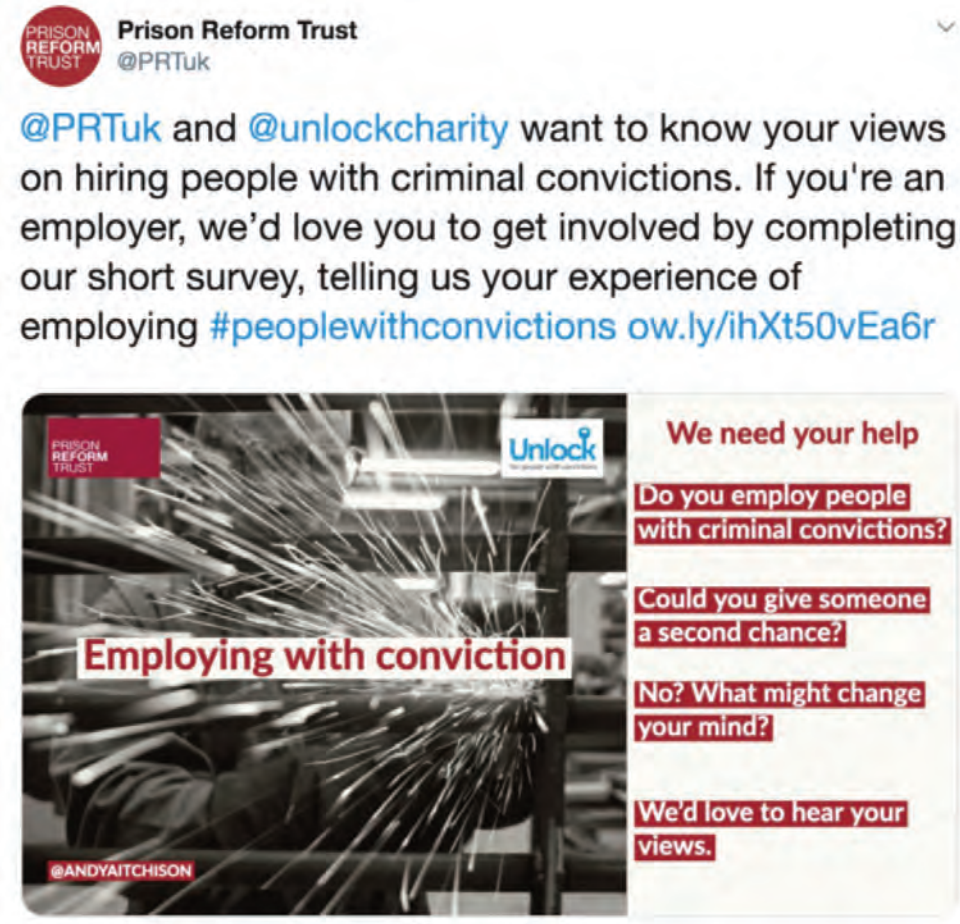
Others

14. The DBS should establish a review process whereby an employer found to be requesting ineligible checks is required to provide more detailed information for future standard and enhanced checks.
15. Organisations involved in employer engagement or employment support (for example: the Department for Work and Pensions; Information, Advice and Guidance providers in prisons; and members of the Employment Support Retraining Agency and Recruitment and Employment Confederation) should have an evidence-based approach to people convicted of sexual offences.
16. Organisations such as the Employers Forum for Reducing Reoffending and Business in the Community should encourage businesses to share their experiences of hiring people with sexual convictions, including examples of best practice.
17. Employer networks should work with probation to improve employers' understanding of supervision and support for people with sexual convictions in the community.
18. The National Probation Service and the College of Policing should develop guidance for probation and police to increase their awareness of the impact of disclosure of a sexual conviction on employment prospects. This would help practitioners make proportionate decisions about disclosing information to employers, balancing the risk of harm with the rehabilitation needs of those they are supervising.

Appendix

Example social media posts





Survey

We are surveying employers to learn about your views on employing people with criminal convictions. We are interested in whether attitudes vary according to type of conviction, and what might make employers feel more confident to recruit people with convictions. We will treat all responses in confidence. It is not possible for us to identify your organisation from the responses we receive. Completing this survey should take less than 15 minutes. Thank you for participating. Your feedback is important.

1. Does your company ask whether candidates have a conviction?
Yes
No
I don't know

2. Does your company carry out official criminal records checks through the Disclosure and Barring Service (DBS) or Disclosure Scotland/Access NI?
Yes
No
I don't know

3. Does your company have a written policy on recruiting people with criminal records?
Yes
No
I don't know

4. Does your application process explain why you want to know about any criminal convictions?
Yes
No
I don't know
Not applicable

5. What is your company's approach to hiring people with criminal convictions?
We would hire people with a conviction
We would hire people with a conviction depending on the offence
We would not hire people with a conviction under any circumstances
I don't know

6. Is your company doing anything to promote recruitment of people with a criminal record?

Did you know?

7. Did you know that having a job reduces the risk of reoffending, whatever the offence?
Yes, I knew that
I didn't know that

8. Did you know that compared to other types of crime, people convicted of sexual offences tend to show lower rates of reoffending?

Yes, I knew that

I didn't know that

9. Did you know that 'sexual offences' covers a broad range of offences, which includes consensual sexual behaviour between two under-16 year olds, and young people sending sexual photographs of themselves (charged with distributing indecent images of children)?

Yes, I knew that

I didn't know that

10. Did you know that people who have been convicted of a serious sexual offence are stringently supervised after release? A multi-disciplinary scheme called MAPPA ('Multi-Agency Public Protection Arrangements') brings together police, probation, prisons, and other services to monitor the risk posed by individuals who committed a serious sexual offence.

Yes, I knew that

I didn't know that

11. Did you know that in many parts of the country, people with a conviction for a sexual offence can get help from a charity, the Circles of Support and Accountability? Research in Canada found a 70% reduction in sexual recidivism among a group who participated in Circles of Support and Accountability.

Yes, I knew that

I didn't know that

Hiring someone with a criminal conviction

12. Depending on the person's offence, what sort of things might concern you? Below, each box follows the same form: If an applicant had a criminal conviction for x, I would be concerned about y (tick as many as apply).

	Keeping the workplace safe	What the public would think	Whether our customers would be safe	How the other employees would react	Not knowing how to manage that person	Them committing another offence	Them being unreliable
If an applicant had a conviction for **fraud**, I would be concerned about	☐	☐	☐	☐	☐	☐	☐
If an applicant had a conviction for a **sexual offence**, I would be concerned about	☐	☐	☐	☐	☐	☐	☐
If an applicant had a conviction for **drugs offences**, I would be concerned about	☐	☐	☐	☐	☐	☐	☐

13. Again, what sort of things might concern you if an applicant had a criminal conviction for a violent offence or burglary?

	Keeping the workplace safe	What the public would think	Whether our customers would be safe	How the other employees would react	Not knowing how to manage that person	Them committing another offence	Them being unreliable
If an applicant had a conviction for a **violent offence**, I would be concerned about	☐	☐	☐	☐	☐	☐	☐
If an applicant had a conviction for **burglary**, I would be concerned about	☐	☐	☐	☐	☐	☐	☐

14. Has your company ever knowingly hired someone with a conviction for a sexual offence?

Yes
No
I don't know

15. If yes, how satisfied were you with the outcome?

Very satisfied
Ok, but with reservations
Not at all satisfied
Not applicable

What would boost my confidence

16. Depending on the person's offence, what sort of things might make you more confident? Below, each box follows the same form: If an applicant had a criminal conviction for x, I would feel more confident if y (tick as many as apply).

	I knew them personally from before their offence	They would be accepted by the other employees	Their offence was not 'too serious'	I knew they would be under strict supervision	We could get professional advice about managing them	I was convinced they would not reoffend
If an applicant had a conviction for **fraud**, I would feel more confident if	☐	☐	☐	☐	☐	☐
If an applicant had a conviction for a **sexual offence**, I would feel more confident if	☐	☐	☐	☐	☐	☐
If an applicant had a conviction for **drugs offences**, I would feel more confident if	☐	☐	☐	☐	☐	☐

17. Depending on the person's offence, what sort of things might make you more confident? Below, each box follows the same form: If an applicant had a criminal conviction for x, I would feel more confident if y (tick as many as apply).

	I knew them personally from before their offence	They would be accepted by the other employees	Their offence was not 'too serious'	I knew they would be under strict supervision	We could get professional advice about managing them	I was convinced they would not reoffend
If an applicant had a conviction for a **violent offence**, I would feel more confident if	☐	☐	☐	☐	☐	☐
If an applicant had a conviction for **burglary**, I would feel more confident if	☐	☐	☐	☐	☐	☐

True or False

Consider the following statements – do you think they are true or false?

18. If a company uses DBS checks, they must have a written policy on hiring people who have a criminal conviction.

True
False
I don't know

19. The 'Ban the Box' campaign encourages employers to wait until interview or later to ask any about criminal convictions.

True
False
I don't know what 'Ban the Box' is

20. Joining the 'Ban the Box' campaign can bring a range of benefits to employers

True
False
I don't know

21. It is illegal to carry out a criminal record check at a level higher than the job requires.

True
False
I don't know

22. All convictions eventually become 'spent'. (For your information, spent means the offence happened so long ago that the person is not legally obliged to disclose it).

True
False
I don't know

23. People who have been convicted of a sexual offence are more likely than others to reoffend.

True
False
I don't know

24. Over a million individuals receive a conviction every year.

True
False
I don't know

25. Employment reduces the risk of reoffending by between a third and a half.

True
False
I don't know

26. Please share any other thoughts you have about hiring people with criminal convictions.

Thank you for your time.

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This report, by the Prison Reform Trust and Unlock, explores employers' attitudes towards hiring people convicted of sexual offences.

Having a stable job can help reduce reoffending by providing structure, a sense of belonging, personal fulfilment, and a perception of something to lose. Research evidence suggests that providing employment for people with convictions, including sexual convictions, helps to produce safer communities by reducing reoffending and therefore the number of future victims.

Understanding employers' views about hiring people convicted of sexual offences is therefore an important part of any strategy to increase opportunities for employment, in pursuit of reintegration and safer communities.

This report explains how employers' attitudes can act as a barrier to work for people with sexual convictions, and suggests possible ways to address this problem.