Diversity Matters – Ex-offenders

Finding positive employers

Statistics about the numbers of students and graduates with criminal convictions are not readily available, but many people have been found guilty of an isolated offence, perhaps committed under stress or at a troubled time of their life. Others have been through a period during their youth when they got into a pattern of offences, such as shoplifting, but have long since left that behaviour behind. Serious offences are sometimes committed in extreme circumstances, for example in self-defence.

If you have a criminal record, whatever the nature of the offence, you must think about:

- who needs to know;
- what you should tell them;
- and how you can present yourself in a positive light.

Your strategy for finding a job will depend on whether the conviction is spent (see the Your rights section) and the kind of work you wish to apply for.

If you would like to talk to someone in confidence about how you can plan your job search strategy, your university careers service is often a good place to start.

Your application may be rejected for reasons unconnected to your criminal record, such as lack of experience or a poorly prepared application, but when you are considering your options it is still worth researching an organisation's policy and practice regarding criminal records.

- Some professions, such as the police or prison service, bar anyone with a criminal record from employment. Other professional bodies have a set policy with regard to criminal convictions. In many instances, as in teaching, nursing and the law, for example, disclosure of a conviction will not automatically bar you from working, but there is a vetting process which looks at all the relevant circumstances surrounding the offence.
- Some organisations, such as local authorities and the National Health Service (NHS), send out details of their criminal records policy to all job applicants. You can also access examples on the web that establish at what stage in the appointments procedure a criminal record is taken into account - some organisations only consider it at the job offer stage.
- Organisations which specialise in the rehabilitation of offenders, such as the Apex Charitable Trust and National Association for the Care and Resettlement of Offenders (NACRO), may have information about particular employers who have a positive attitude regarding the employment of ex-offenders.
- UNLOCK: The National Association of Reformed Offenders, is an independent charity which seeks equality for people with previous convictions. It provides advice on employment issues and is in the process of putting together a list of organisations that have a positive approach to the recruitment of ex-offenders.
- Try to consider the employment of an ex-offender from the employer's point of view and anticipate their concerns: the risk to others as well as questions of reliability

and honesty. The Chartered Institute of Personnel and Development (CIPD) have produced a useful guide for employers, entitled Employing ex-offenders: A practical guide, which discusses the employment of ex-offenders and contains information relating to legislation as well as other useful information, and a survey, Employing ex-offenders to capture talent.
- The Apex Charitable Trust offers guidelines for both employers and ex-offenders, to make it easier for employers to appoint ex-offenders plus information on when a conviction is spent.

In some areas of the UK, the charities Supporting Others Through Volunteer Action (SOVA) and Working Links provide resettlement mentoring and support for ex-offenders.

Marketing yourself and disclosure

When applying for a job, you need to know whether you are required to disclose details of your criminal record and, if you are, how to do so in a way that does not unnecessarily deter a prospective employer from appointing you. You will need a marketing strategy which focuses the employer's attention on what you can offer them. Networking is likely to be especially important if you have a record, and good references can be invaluable.

The law on disclosure

- You do not have to disclose until asked. Some organisations only ask successful candidates, not all applicants, about their criminal record. Bear in mind, however, that a Criminal Records Bureau (CRB) check will reveal information about your record, and failure to disclose this information when asked to do so at any stage in the application process may lead to dismissal from a course or job after selection.
- If you are applying for a type of employment listed as an exception to the Rehabilitation of Offenders Act (ROA) (see Your rights for more details), you may be required to declare a conviction, even if it is spent. This may include employment in the legal profession, accountancy, education, and roles involving work with vulnerable people (i.e. those with illnesses, a disability or addiction problems). See the Liberty Guide to Human Rights for further information. You are also required to declare convictions when applying for vocational training related to these jobs, such as courses in nursing, teaching or social work.
- Even though a caution is not a conviction, it may appear on a criminal records check initiated by a prospective employer or educational institution.
- Disclosure does not usually apply to speeding and other minor traffic offences.
- You can check information held on the police national computer by applying under the Data Protection Act.
- Many minor crimes are deleted after ten years.

Disclosure on application forms and CVs

Focus the employer's mind on your ability to do the job and do not allow your criminal record to dominate your application. If you need to explain gaps in your work history you might write: 'Not available for employment due to personal circumstances.'

- If asked about a criminal record, you might insert 'see covering letter' and write a letter that sets out the circumstances in a way which reassures the employer.

- When talking about your offence or offences, you might be able to stress that the offence is in the past, that you have since taken on family or voluntary work responsibilities, or that the offence is not relevant to the job.
- Sometimes explaining the circumstances can minimise the seriousness of a criminal act - somebody who lashes out in self-defence is less culpable than somebody who intends to cause injury. However, you need to make sure that it does not sound as if you are making excuses because employers look for graduates who can take responsibility for themselves and their work.

Disclosure at interview

- *If the employer is aware of your criminal record prior to the interview*, treat it as a positive sign that they are prepared to look at the qualities you bring to the role in spite of your past offending. Take every opportunity to demonstrate your abilities and show your interpersonal and communication skills. Be prepared to talk about your offence if you are asked to, but be aware that the employer may wish to postpone discussion of disclosure information until an appointment decision has been made.
- *If the employer is not aware of your record before the interview*, you will need to decide whether, and how, to disclose. Aim to start the interview on a positive note and avoid presenting the interviewer with an unanticipated problem. You could consider advising them beforehand that there is something of a personal nature that you would like to discuss towards the end of the interview. As an alternative, you might leave the interviewer with a brief letter which sets out the circumstances of your offence while stressing your ability to do the job.

Get advice

If you need help with issues related to disclosure, advice is available. Check the Contacts and resources list for more assistance.

Your rights

The law is complicated and the information provided here is necessarily brief. You can get more detailed information by following the links on these pages or consulting one of the specialist organisations on the Contacts and resources page.

The Rehabilitation of Offenders Act (ROA)

The Rehabilitation of Offenders Act 1974 allows for criminal convictions to become 'spent', i.e. to be ignored, after a specified period of time. After this rehabilitation period, you may not need to mention your conviction to a prospective employer when applying for a job - you can simply answer 'no' when asked if you have any previous convictions. Refer to the APEX Charitable Trust guidelines on spent convictions.

Exceptions

There are a number of important exceptions to this rule, depending on the sentence you were given and the nature of the work you are applying for. You must disclose convictions, even if they are spent, when the work involves contact with disabled, elderly, mentally ill people or under 18s. The same applies to certain professions including

lawyers, teachers, medics, nurses, and social workers. For a full list, see the Liberty Guide to Human Rights.

Rehabilitation periods

The rehabilitation period depends on the sentence - some sentences carry a fixed period, while others have a variable period. If you receive a custodial sentence, the rehabilitation period depends on the length of your sentence - not the time actually spent in prison. Sometimes convictions spent can be halved if you were under 18 when convicted. Refer to The Liberty Guide to Human Rights. Full details of rehabilitation periods are also available in the ROA.

The Home Office has announced its intention to review the ROA. Among other things, it proposes to reduce the periods of time it takes for offences to become spent. For information on the review, see their website.

It is illegal for an employer to dismiss or refuse to employ you on the grounds of spent convictions. It is also illegal for anybody to reveal information about your conviction after the end of the rehabilitation period.

Work abroad/convictions obtained abroad

The ROA only applies in the UK, so if you want to work abroad you may be under a duty to disclose spent convictions. The Act applies to convictions abroad for offences that would also be offences in this country. Where the sentence is less than 30 months imprisonment, the conviction becomes spent in Great Britain subject to the normal rehabilitation period and providing no further convictions occur here or abroad. The obligation to disclose will therefore depend on what the offence was, whether it would also be an offence if committed in the UK, and what the sentence was.

More advice

For further information, advice and guidance, consult one of the specialist organisations for ex-offenders such as the National Association for the Care and Resettlement of Offenders (NACRO), Apex Charitable Trust, Apex Scotland, or UNLOCK: The National Association of Reformed Offenders.

Criminal Records Bureau (CRB) checks

For those employers and organisations exempt from the ROA, a Criminal Records Bureau (CRB) check may required before confirming employment, placements, or voluntary work. In England, CRB checks may be either 'Standard' or 'Enhanced'. The CRB searches police records and sometimes records held by the Department of Health (DH) and Department for Business, Innovation and Skills (BIS). This information includes spent and unspent convictions recorded on the police national computer as well as cautions, reprimands and final warnings. Enhanced disclosures may also show information from local police records.

In Scotland, Disclosure Scotland provides a similar service, but there is also a 'Basic' disclosure available to anyone on payment of a fee, which contains details of all unspent convictions.

If you are applying for a job or a type of work where CRB checks are required, it will be in your interest to disclose information about your convictions which may come to light.

Check whether the employer has a criminal records policy and discuss your strategy with a careers adviser or one of the specialist organisations listed in Contacts and resources. Bear in mind that it is for the employer to make the final recruitment decision once they have received the results of the CRB check.

Top tips

- Make sure you know your rights and how they affect your criminal record and the types of work in which you are interested – see the Your rights section for more information.
- Know that you do not have to disclose a conviction if it is spent under the Rehabilitation of Offenders Act 1974 and the job is not in an exempt area of work.
- Do everything you can to demonstrate your employability. Remember that employers are interested in your unpaid work experience and the skills and qualities you have built up in your academic studies. Check out opportunities for voluntary work – try Do-it. Take on any projects which provide evidence of key skills for employment. For example, organise a performance or event to demonstrate your ability to meet deadlines, work in a team, balance a budget, etc.
- Work on your job-seeking skills and get help as you plan applications and prepare for interview. Your university careers service is a good place to start.

Investigate the support available from national and local organisations that work with ex-offenders, see Contacts and resources. They may be able to direct you to opportunities or support your case to an employer. If you need relevant experience, ask your careers service about graduate placement services, such as Prospects, GradSouthWest or Graduates Yorkshire, both locally and nationally.

- Spend time building and maintaining networks - check whether there is a mentoring scheme in your area; stay in touch with former colleagues and fellow students; and contact your careers service for ideas on how to network effectively.

Case study

Undergraduate in English and creative writing: Matt

Matt Young was sentenced to four years in Dartmoor prison for arson (his own property) which was closely related to his alcoholism. Now 32, he's a first year undergraduate in English and creative writing at University College Plymouth St Mark and St John and also runs two businesses of his own.

While in prison, fellow inmates and even the guards were usually negative and made comments like 'you'll never make it' and 'you'll be back inside within a year.' But hearing this only made me more determined to succeed. I stopped drinking and started studying. I gained a number of qualifications in forklift, dumper truck and tractor driving while working as a kitchen cleaner and on the prison farm at the same time. I also studied level 2/3 communication skills and, with the support of my English teacher, had three poems published. The educational support I had while in prison was the thing that changed my life.

I was released after fourteen months, for good behavior, and immediately embarked on an access degree at City College Plymouth, with an aim to studying English at university. The support I received at college was brilliant. My tutor often returned a piece of work numerous times for redrafting, until I achieved the standard that would get me into university.

Leaving prison and trying to find employment was a difficult time. Without the support of my parents, who let me live with them rent free, I don't know if I'd be where I am now. I went back to my old boss who just didn't want to know. So I pounded the pavements, looking for work. I applied for countless jobs but, being an ex-offender, didn't get one interview.

The support I received from ex-offender charities Unlock and Nacro was very helpful. But I don't like waiting for things to happen, so I used the £450 pounds I won on the lottery two weeks before being released to buy a van and start my own removals service. Initially, I provided a house clearance service for free and sold the goods on. After a while, I was established enough to start charging for my services. I've also started a second business, an on-line clothing site, and I'm hoping the uni's media studies students will help photograph the clothing for the website.

As an undergraduate at UCP Marjon, I've experienced no prejudice or discrimination. In fact, exactly the opposite. Staff, lecturers and students have been nothing but supportive. Lecturers just let you get on, and fellow students have no negative opinions or comments. When it comes to education, no-one seems to hold being an ex-offender against you.

When I was young, I wasn't interested in learning at secondary school at all. Now, my long-term goal is to become a teacher, using my own experiences to inspire and motivate others. I want to show young people what is possible. I want to tell them, 'if I can do it, you can do it.' I realise that, as an ex-offender with unspent convictions, I cannot work with young people under the age of sixteen and possibly even HE and university-level students as well. But I'm thinking of becoming a TEFL teacher and working in countries where my unspent convictions may not be an issue; working with young offenders; or in the charity sector. I've also written an anthology of poetry charting my life and experiences.

My advice to others in a similar situation is to follow your dream. Don't let anyone hold your past against you. Don't take notice of idiots - focus on what you want to do and do it! You are allowed to do it! I had no plan for life, for my future, until I went to prison and found out I could write. Now I'm determined to use my experiences to make something of my life and to help others.

Contacts and resources

Jobs and work

- Apex Charitable Trust
- Apex Scotland
- Do-it - volunteering opportunities.
- GradSouthWest
- Graduates Yorkshire

Study

- The Longford Trust

Advice and assistance

- Langley House Trust
- Liberty
- National Association for the Care and Resettlement of Offenders (NACRO)
- Supporting Others Through Volunteer Action (SOVA)
- UNLOCK: The National Association of Reformed Offenders

Reference

- Chartered Institute of Personnel and Development (CIPD)
- CIPD's Employing ex-offenders: A practical guide and Employing ex-offenders to capture talent
- Criminal Records Bureau (CRB)
- Department for Business, Innovation and Skills (BIS)
- Department of Health (DH)
- Disclosure Scotland
- Home Office
- Liberty Guide to Human Rights
- Rehabilitation of Offenders Act 1974
- Working Links

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