

Business in the

Community



Full Report

WHAT'S THE RISK?



Employing young adults
with criminal convictions



Business in the

Community

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Transition to Adulthood Alliance

The T2A Alliance has been established by the Barrow Cadbury Trust. The Alliance is a broad coalition of organisations and individuals working to improve the opportunities and life chances of young people in their transition to adulthood, who are at risk of committing crime and falling into the criminal justice system. The T2A Alliance aims to raise awareness of the problems this group faces and to secure policy change to improve their lives.

www.t2a.org.uk

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Contributors

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Lend Lease, Timpson, M&S, Barclays, Cadbury, Serco, Carillion, Ringway, Freshfields, YSS, St. Giles Trust, Staffordshire and West Midlands Probation Trust, Northamptonshire Probation Trust, HMP Lewes

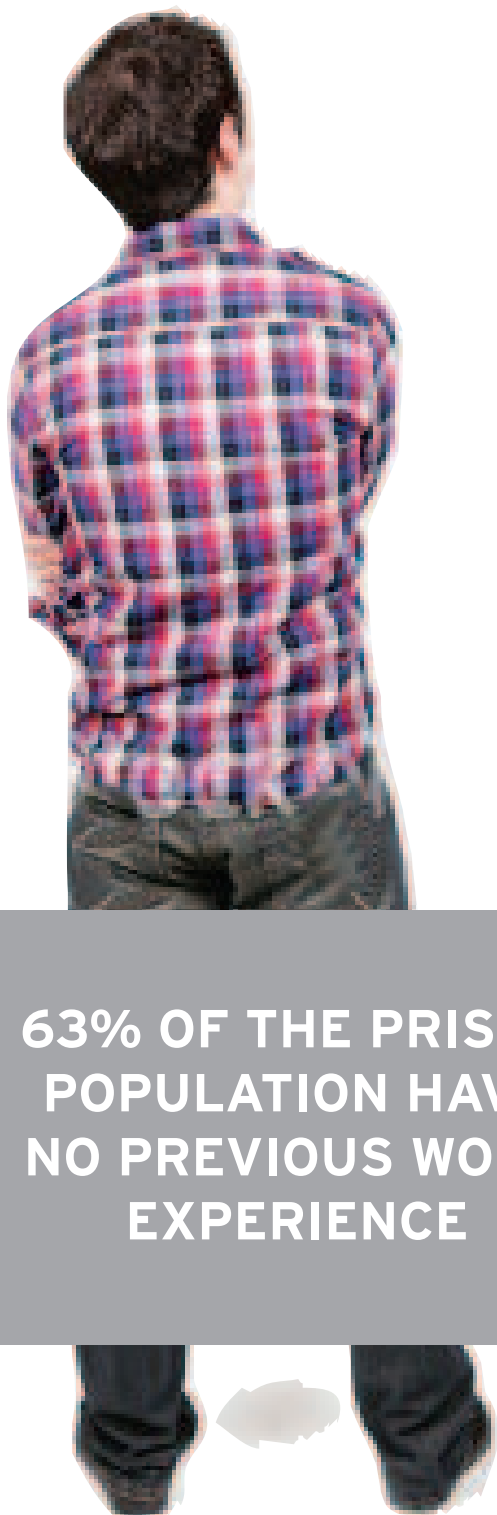
This report was written by Edwina Hughes, Campaign Manager: Reducing Re-offending, Business in the Community, 2011

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SUMMARY



This scoping exercise has been carried out against a backdrop of a prison population of over 86,000, a youth prison population of which 63% have no previous work experience (Working Links, 2010; Sainsbury Centre for Mental Health, 2009) and more broadly a prison population 90% of which has offended before (Ministry of Justice, 2008). Together these issues reflect a situation where, in the absence of 'good work' young unemployed people are committing crime, entering prison, being released and quickly re-offending again.

The scoping exercise also takes place at a time when evidence shows that employment significantly reduces rates of re-offending. It seems timely therefore, that this paper starts to unpick an issue that lies at the heart of why more employers don't recruit and employ ex-offenders – 'risk'.

IMPETUS FOR RESEARCH

This scoping exercise seeks to understand some of the concerns held by a number of employers when it comes to employing young adults with unspent criminal convictions. It enquires whether a standardised risk management process utilised by prisons, probation and employers (as appropriate) would mitigate concerns and create a proactive response among employers.

63% OF THE PRISON POPULATION HAVE NO PREVIOUS WORK EXPERIENCE



FINDINGS

The scoping exercise points to four findings and two broad recommendations.

1 Work in partnership and share the risk - voluntary organisations understand the particular barriers this group faces and make effective partners

2 Provide work experience opportunities - these give the young person an experience of the world of work and help the employer select appropriate candidates

3 Consider the circumstances and personal journey of the individual – including a realistic assessment of risk to protect the individual and the those with whom he/she comes into contact

In response to the utility of a standardised risk assessment process, employers indicated:

4 A standardised risk assessment process that has buy-in from probation, prisons and employers seems like a distant goal because currently there is very little common understanding of risk among this group.

Three of the findings centre on actions or approaches that currently assist employers to recruit and employ ex-offenders. The final finding presents feedback from employers on the utility of a standardised risk assessment process for employers.

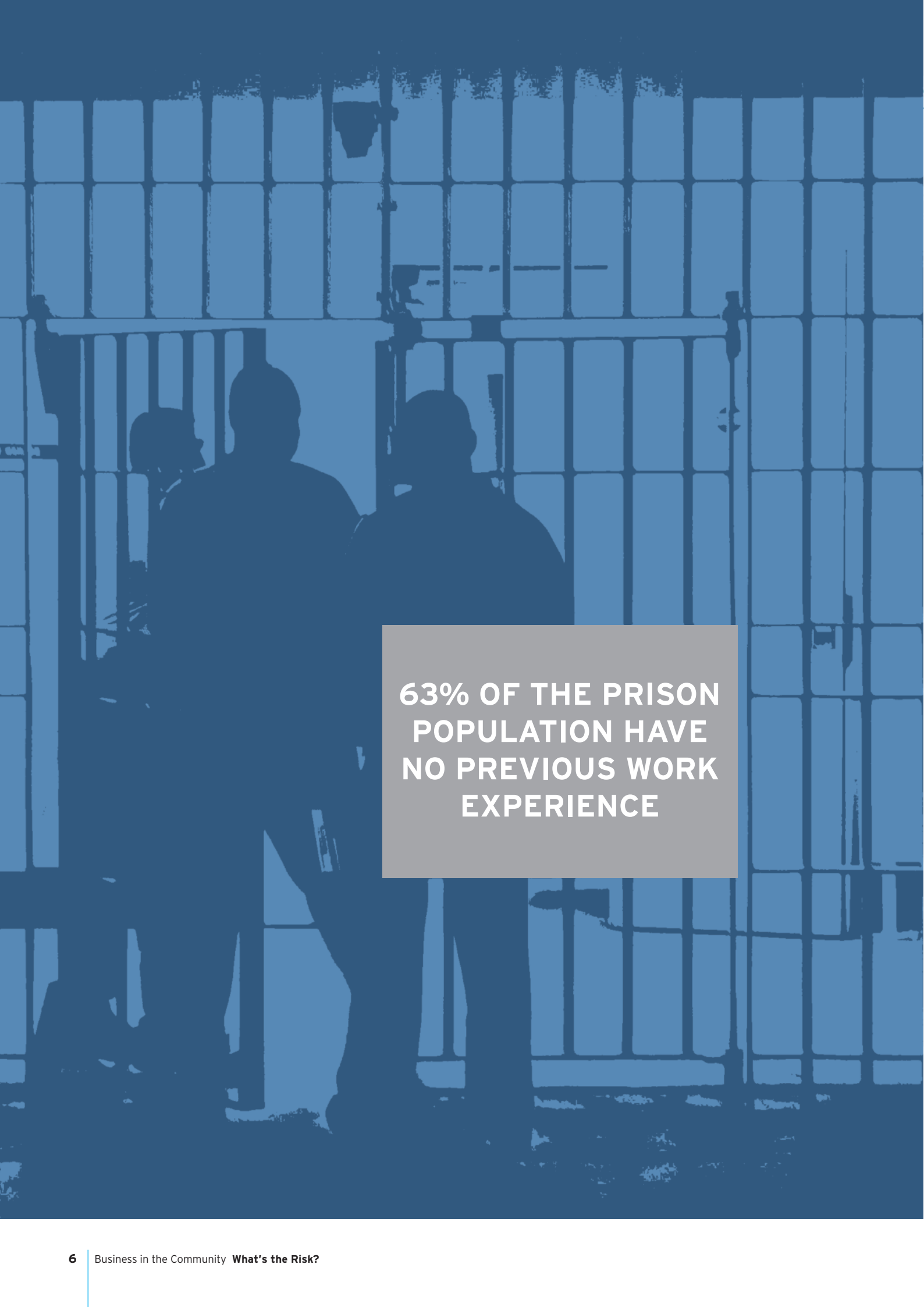
RECOMMENDATIONS

The recommendations of this scoping exercise point to the need for:

1 Generic guidance for employers to help them manage risk

2 Channels through which employers can share and publicise examples of good practice

These recommendations will contribute to the debate among employers and organisations that seek to support young adults with offences about the perceived risk they may present. It will also address the way in which employers and third party referral partners manage their processes in order to increase opportunities to attain sustainable employment for this group.

The background of the page is a blue-tinted photograph showing the silhouettes of three individuals standing behind a metal grid, likely representing prison bars. The grid is composed of vertical and horizontal bars, creating a pattern of squares. The individuals are positioned in the lower half of the frame, with their heads and shoulders visible against the grid. The overall mood is somber and institutional.

**63% OF THE PRISON
POPULATION HAVE
NO PREVIOUS WORK
EXPERIENCE**

LAYOUT OF REPORT

The introduction of this report sets the context in terms of the current challenge that re-offending presents and how employment can make a significant difference to individuals who seek an alternative to re-offending. It also defines what is meant by risk in this context. Through reference to earlier research and studies, the literature review details the scale of the challenge and how employment is one of the key components in reducing re-offending. The literature review is divided into four sections:

- 'Profile' of offenders
- Role of employment
- Business appetite
- Implications of the government's proposal to 'Break the Cycle' of offending

Each finding is backed by insightful contributions from a range of employers - employer perception and insight is most clearly seen in this section of the report. The report concludes with recommendations and next steps.

Alongside the research report, a briefing paper for business has also been produced and highlights the most significant and pertinent observations and recommendations from and for employers.

CONTEXT

Young adults (18-24 year olds) represent just 9% of the UK population, yet account for a third of those sent to prison each year, a third of the probation service's caseload, and a third of the total economic and social costs of crime (Transition to Adulthood, 2010). More than half of all young adults who finish a custodial or community sentence are reconvicted within a year. Nevertheless, young adults are also the most likely age group to 'grow out of crime', and a positive intervention at this stage can get a young adult offender back on the right track, (Rutherford, 2002).

Employment, along with housing and good health, is one of the key factors required to reduce a young adult's offending, and turn them into law-abiding members of society (Ministry of Justice, 2008). Yet it seems that many employers are uncertain about the way to manage the perceived risk of employing people with unspent criminal convictions, even though research and experience shows that people with a criminal conviction can be among the most reliable, hardworking and loyal employees (BITC, 2008). By giving a job to someone with a criminal conviction, an employer is potentially helping that person to turn their life around, reducing the amount of tax payer's money spent on the consequences of offending, and even preventing future criminal activity.

Consultation undertaken by BITC over the last five years has suggested that employers willing to recruit ex-offenders consider 'risk management' a significant part of the recruitment process. Furthermore the process appears to centre on a subjective understanding of the nature of the offence committed and the individual circumstances that are deemed to have 'caused' the offence. This research seeks to understand what the process involves in reality, to what extent this is justified and to outline how it is managed by some employers.



INTRODUCTION

WHAT DOES RISK MEAN IN THIS CONTEXT?

Generally speaking, employers carry out a risk assessment with all new recruits, either through interview or through references from former colleagues or supervisors. Employers are constantly considering risk during recruitment – risk that a person may not fit with the culture of the organisation, risk that a person may not have the skills required to do their job, risk they may be unreliable and untrustworthy, etc. As a result of this, most employment positions begin with a probationary period regardless of a person's performance in interview or competency assessments.

When recruiting people with unspent criminal convictions, employers may perceive a risk of re-offending, risk of harm to self, others or society, negative reaction from existing workforce and risk of media or third parties uncovering the employment of an ex-offender and using this information to paint the company in a negative light. These risks are perceived to be significantly higher than when employing those without unspent criminal convictions although many of the above theoretically still apply (i.e. risk of harm to self, others or society and a negative reaction from colleagues to an individual).

In the context of employing people with unspent criminal convictions, 'risk' is all and any risks that the employer perceives to take on because the individual comes with an unspent criminal conviction. Interestingly, respondents seemed to suggest that an individual's perceived risk can increase when disclosure about an unspent criminal conviction is made, particularly in relation to skills and reliability.



Personal characteristics like honesty, reliability and trust are high on an employer's shopping list and they assume that ex-offenders won't be able to deliver on these.

(Ex-offenders: A good-practice framework for their employment, CIPD, 2004)

Because of all of these perceived risks, whether real or imagined, an employer is likely to be even more cautious when considering how to support the employment or employability of a person with an unspent criminal conviction.

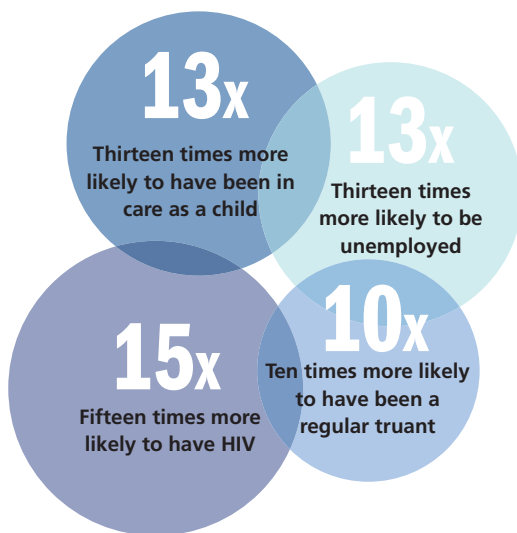
The current recruitment environment would cause most businesses to shy away from an area that is perceived to be particularly challenging unless there is a vehicle to minimize or share risk and an opportunity to demonstrate that the benefits outweigh the perceived risk.

This scoping exercise suggests that business appetite can be cultivated and built upon to support more people with unspent criminal convictions into employment.

The recommendations of this exercise hope to inform the debate about the perceived risk that young adults with unspent criminal convictions pose to potential employers. It also hopes to start to mitigate some of that risk by informing employers and third party referral partners of current practice. It also hopes to add to the growing body of evidence that suggests it is possible and desirable to provide employment opportunities to young people with unspent criminal convictions.

'PROFILE' OF OFFENDERS

Those within the criminal justice system, particularly in prison, are predominantly male – on 19 November 2010 the number of women in prison in England and Wales stood at 4,267, out of approximately 86,000 prisoners (Bromley Briefings Prison Factfile, 2010). While it is difficult to describe an average ex-offender, it is interesting to note that they are some of the most socially excluded groups in society. Compared with the general population, they are:



(Sainsbury Centre for Mental Health, 'Short-changed: spending on prison mental health care' May 2008; Social Exclusion Unit, 2002).

Young people are in a vulnerable position when they are not in employment or education, and this makes them twenty times more likely to commit a crime (Bromley Briefings Prison Factfile, 2010), yet stable accommodation, good health and sustained employment are the key elements that make the biggest difference to reducing re-offending (Transition to Adulthood, 2009). In fact the T2A Manifesto notes that:

“There is a window of opportunity when young adults leave prison to re-establish links with family and community, to get a stable income, meaningful employment, secure housing and all the other factors that contribute to successful resettlement” (Young Adult Manifesto, Transition to Adulthood, 2009).

Given this and the cost of keeping adults and young people in prison - £45,000 and £60,000 respectively – it is of considerable importance that employment opportunities are made available to people seeking to change their behaviour. (Bromley Briefings Prison Factfile, 2010; Hansard HC, 2010)

In light of these insights, employers with a stated commitment to supporting disadvantaged communities would find that supporting the employability of young people with unspent criminal convictions enables them to reach out to a target group that faces disproportionate challenge in areas of academic achievement, mental and physical health and long-term unemployment. The case can be made that offering employment and employability support to this group is one of the most effective contribution employers can make to address disadvantage in their communities.

Within this landscape, young adults are centre stage; they represent a disproportionate amount of time and cost spent within the criminal justice system. While less than 10% of the UK population are 18-24 year olds, this group accounts for a disproportionately large segment – about a third – of those sentenced to prison, of the probation workload and of the total economic and social costs of crime. More than half of young adults released from prison are reconvicted within a year, which strongly suggests that the system is failing to deliver effective interventions (Transition to Adulthood, 2010).

LITERATURE REVIEW

The role of employment

THE ROLE OF EMPLOYMENT

A recent review of health inequalities in the UK led by Sir Michael Marmot provides a clear indictment of the power of work to address not only poverty but social inequalities:

Being in good employment is protective of health. Conversely, unemployment contributes to poor health. Getting people into work is therefore of critical importance for reducing health inequalities...work is good - and unemployment bad – for physical and mental health, but the quality of work matters. (Fair Society, Healthy Lives, the Marmot Review, 2010).

This underlines the value of work and also the importance of the quality of work provided. Not all work lifts people out of poverty; in fact work cannot provide a sustainable route out of poverty if job security, low pay and lack of progression are not addressed (Goulden, 2010). For the positive impact of work to be realised, employability experiences and employment opportunities must feature alongside an emphasis on career pathways so that people are being supported to build successful working lives. Therefore the call to employers must be for opportunities that help individuals to gain and sustain good work.

There is a large population of people with unspent criminal convictions who wish to attain sustainable employment in the UK. Positively, Working Links' employer consultation earlier this year suggests that

the vast majority of employers are willing to recruit ex-offenders. The reality however is that a much smaller proportion of employers knowingly hire from this group:

Fewer than two in ten UK employers have knowingly employed ex-offenders. However, nine in ten state that they are open to doing so in principle. This mismatch could be due to prejudice on the part of employers, pointing to the need for programmes and incentives to influence employer behaviour (Working Links, Prejudged: Tagged for Life, 2010).

This research suggests that the mismatch between intention and action can partially be attributed to the issue of risk management. Although employers are willing to consider employing people with unspent criminal convictions, unless there is an understanding of the additional risks beyond those addressed by their standard recruitment processes, the reality is that those with convictions will be employed 'by exception' if at all.

Added to this employers do not need to 'go it alone' - all people with unspent criminal convictions should have access to a range of statutory and voluntary sector support that can help with their journey towards a successful working life. It is therefore possible for employers willing to provide employment opportunities to tap into an infrastructure of supporting organisations who can help them put effective interventions in place for people with unspent criminal convictions.



...GETTING PEOPLE INTO WORK IS THEREFORE OF CRITICAL IMPORTANCE FOR REDUCING HEALTH INEQUALITIES ...WORK IS GOOD...

(Fair Society, Healthy Lives, the Marmot Review, 2010).

THE BUSINESS APPETITE

Employment, together with stable accommodation, can help an individual avoid re-offending:

“ **Prisoners who have problems with both employment and accommodation on release from prison had a re-offending rate of 74% during the year after custody, compared to 43% for those with no problems** (Ministry of Justice, 2008).

According to Carl Clements, resettlement officer in the Heron Unit in Feltham Young Offenders Institute, re-offending on the unit has been reduced to 16% because the young people have been given the appropriate employability supports and interventions. Similarly, Bluesky Development & Regeneration has had considerable success in moving people into sustainable employment. Bluesky is a not-for-profit company established by the charity Groundwork Thames Valley. It was set up to give paid work to people coming out of prison, to enable them to move successfully into long-term employment. 46% of those completing contracts with Bluesky have gone on to sustainable employment (Bluesky, 2010). These examples illustrate the fact that employment can be the difference between whether an individual re-offends or continues on their journey towards a successful working life. Detailed case studies of good practice in employment programmes are available in Appendix Two.

Working Links' research, cited earlier, suggests that almost one in five of the working population of the UK has a criminal conviction (custodial or community) (Working Links, 2010). This illustrates the scale of this issue; criminal convictions effect a sizable segment of the population. By unlocking significant employment opportunities, it would be possible to reduce the current scale of re-offending and reduce the cost to both the public purse and UK corporate tax payer.

Desistance research and evidence from best practice has shown that sustained employment is a major determinant of a person's ability to move away from offending behaviour (Maruna, 2001). It is a commonly held belief that many employers are predisposed against employing people with unspent criminal convictions; however this may not be a fair assessment of employer perspective. The Working Links research shows nine in ten employers are supportive of the principle but struggle to convert this into tangible policy and practice (Working Links, 2010). It seems that many employers lack the confidence and tools they would like to make an informed decision about a candidate. (CIPD, 2004). In order to change this pattern, employers need to be equipped to gauge the risk of taking on someone with a previous conviction, and be aware of the supports that can be put in place to manage the risk and pro-active steps that can help an employer respond to any negative reactions. Without better information and understanding of risk it is easy to see how an employer will opt for recruits with no previous convictions. People with unspent criminal convictions will therefore fail to secure employment and end up back in an offending pattern. Employers can play a central role in changing this seemingly inevitable cycle.



LITERATURE REVIEW

Implications of green paper

IMPLICATIONS OF THE GREEN PAPER

The Coalition Government's Green Paper on Criminal Justice published in December 2010 underlines the scale of re-offending rates:

Regardless of the nature of the sanction, the majority of adult offenders receiving custodial or community sentences reoffend. Almost three quarters of offenders who either left prison or started a community sentence in the first three months of 2000 had been reconvicted within nine years (Ministry of Justice: Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders, 2010)

In light of the recognition that re-offending poses a major challenge, there are a number of areas where the Green Paper has particular relevance to this scoping exercise, namely:

- Employment as part of the solution to reducing re-offending
- Commitment to work more closely with employers to champion the cause of employment as a way to reduce re-offending
- An invitation to feedback actions that would support young adults to find employment

The Green Paper, which was available for consultation until March 2011, underlines the importance of work to the rehabilitation process for offenders; it highlights the central role employment plays as an individual seeks to move away from offending behaviour:

If offenders are to become law-abiding citizens and contribute to society then they will need to find a job and somewhere to live, otherwise the effectiveness of other rehabilitation work can be lost. (Ministry of Justice, 2010)

Through the Green Paper, the Government signals its understanding of employment as key to reducing re-offending as well as the challenging environment into which ex-offenders are thrust when they seek employment post-release:

Evidence shows that having a job is a major factor in preventing future offending. Yet many offenders face significant barriers to entering the labour market even when they are committed to changing their lives. (Ministry of Justice, 2010)

This recognition of the importance of employment as well as the difficulty the current environment presents to even to those who are employment-focused seems to have led the Government to commit to more and better collaboration with employers. This commitment should see more effort made to equip offenders with work experience and skills that match demand in the local labour market. Furthermore, the Green Paper refers to a commitment to make employability supports available to ex-offenders that are on a par with those available to other groups. Support will include:

...a greater number of employer-led training workshops to increase offenders' work skills and establish working relationships with employers prior to release. (Ministry of Justice, 2010)

Ex-offenders will also be able to access other Department of Work and Pensions programmes such as the New Enterprise Allowance, Work Clubs, Work Together and Service Academies wherever they are available (Ministry of Justice, 2010).

In addition to this action on the ground, the Ministry of Justice hopes to identify employer champions,

We will also identify senior business leaders to champion the role and contribution of employers in rehabilitating offenders through skills development and work in both prisons and the community. (Ministry of Justice, 2010)

Plans to reform the Rehabilitation of Offenders Act 1974 will also help to reassure employers that government is seeking to reduce unnecessary obstacles to successful rehabilitation through employment.

On the particular issue of reducing re-offending among young adults, the Green Paper signals an interest in making it possible for young offenders to start afresh in most instances; the challenge is how to ensure the appropriate interventions are in place to make this possible:



We would welcome views on how we might do more for young offenders... 'Wiping the slate clean' once the offender reaches adulthood is a possible approach for all but the most serious offences. (Ministry of Justice, 2010)

The literature review has drawn from the most recent and pertinent sources to provide a current reflection of the role employment plays in reducing re-offending and the extent to which employers are willing to play a role in the rehabilitation process. This section highlights the fact that people with unspent criminal convictions are often from some of the most disadvantaged communities in the UK. It also positions 'good work' as a means to address disadvantage, to promote social mobility and to support people to create more successful lives for themselves and their children. Together, these factors point to the invaluable impact employers have in supporting people away from re-offending. Given the very positive impact employment can have on reducing re-offending and the valuable contribution these individuals can make as employees and as UK tax-payers, it is vital that, where possible, employers don't unnecessarily prejudice themselves against employing talented individuals who have an unspent criminal conviction.

The next section briefly details the methodology used in the research.



...A GREATER NUMBER OF EMPLOYER-LED TRAINING WORKSHOPS TO INCREASE OFFENDERS' WORK SKILLS

(Ministry of Justice, 2010)

METHODOLOGY

The consultation for this research is primarily focused on employer insight but was enhanced by a number of additional interviews with probation services, prison and charities who actively support the employability of people with unspent criminal convictions.

The research gathered insight and feedback from employers who are actively supporting the employment of people with unspent criminal convictions through employability experiences or through employment. By understanding how these companies manage the risk of supporting and employing people with unspent criminal convictions, it is possible to provide insight, observations and guidance to other companies interested in employing from this group. As a benchmark, the consultation also included a number of companies who seek to employ individuals from excluded groups, but not those with unspent criminal convictions. These additional companies were included in order to understand why companies receptive to supporting the employability of disadvantaged groups stop short of supporting those with unspent criminal convictions. This report reflects some of the concerns employers have and provides some know-how to manage and share this risk, perceived or real, to a satisfactory level. It establishes the extent to which there are commonalities in the risk management process across employers and therefore the scope for these processes to become standardised.

CONTRIBUTORS

The consultation involved seven private sector employers known to BITC as supporting the employability or employment of people with unspent criminal convictions. Two other private sector employers who are receptive to, but not currently supporting, the employability of those with unspent criminal convictions were also consulted. A number of the private sector respondents involved support BITC's Business Action on Homelessness Campaign (M&S, Cadbury, Barclays) or have built their own employability programmes 'in-house' (Timpson, Lend Lease). Therefore the research was based on the insight of nine private sector employers, two voluntary sector employers, two probation trusts and one prison.

SEMI-STRUCTURED INTERVIEWS

A semi-structured interviewing style was adopted for this research so that each respondent had the opportunity to respond to a standard set of questions but also had the chance to highlight any additional points or concerns that they may have had.

The companies and organisations who contributed to this scoping exercise are listed at the front of this report. The names of respondents are not disclosed as seeking permission to do so many have prejudiced their responses.

In the next section, each of the findings is substantiated with insights from individual respondents.

...GETTING PEOPLE INTO WORK IS THEREFORE OF CRITICAL IMPORTANCE FOR REDUCING HEALTH INEQUALITIES...WORK IS GOOD...

(Fair Society, Healthy Lives, the Marmot Review, 2010).

FINDINGS – MANAGING RISK

This exercise points to four findings. Three of the findings focus on actions or approaches that currently assist employers to recruit and employ ex-offenders. The exercise found that employers who already support the employability of ex-offenders may:

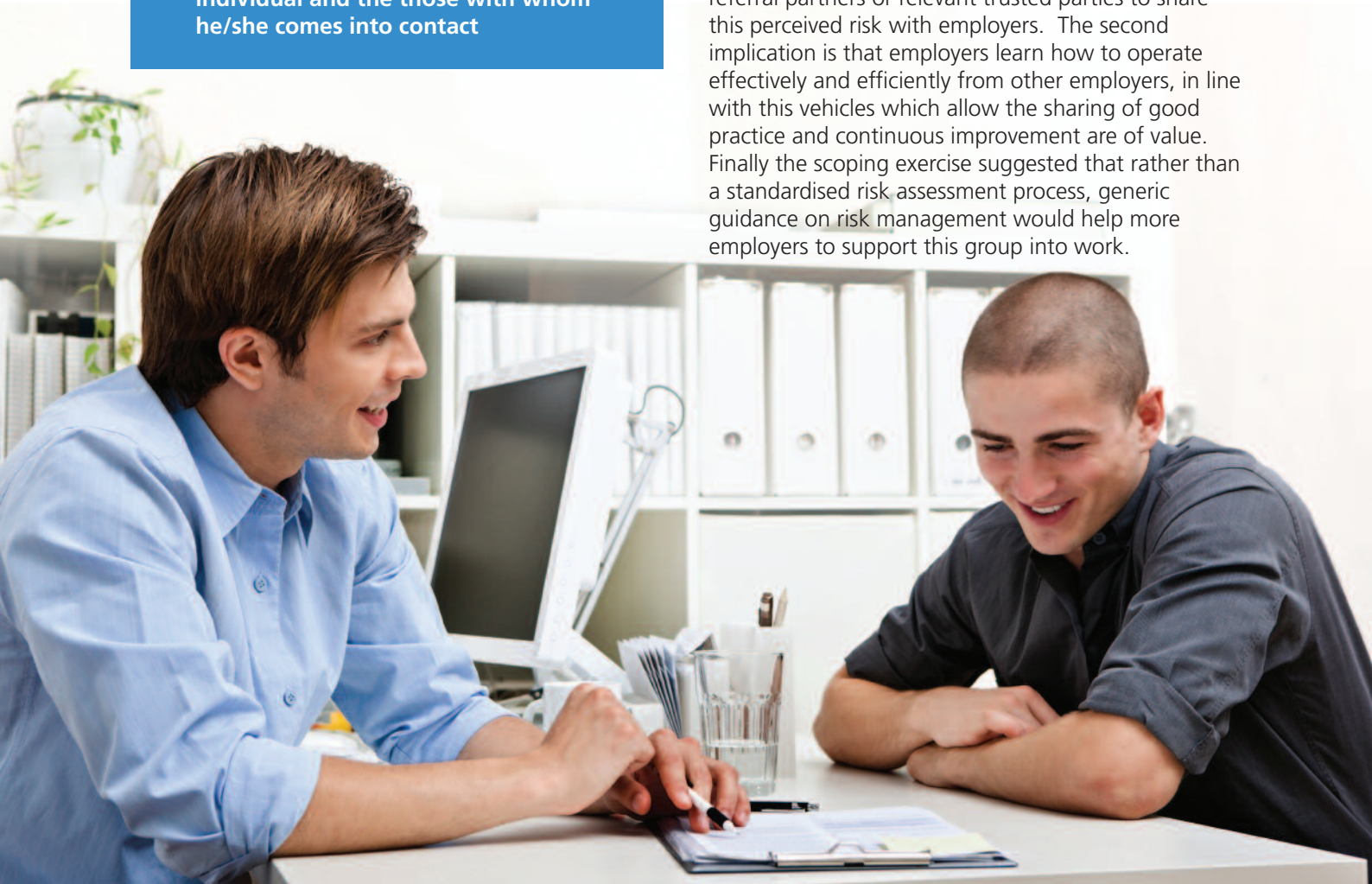
- 1** Work in partnership and share the risk - voluntary organisations understand the particular barriers this group faces and make effective partners
- 2** Provide work experience opportunities - these give the young person an experience of the world of work and help the employer select appropriate candidates
- 3** Consider the circumstances and personal journey of the individual – including a realistic assessment of risk to protect the individual and the those with whom he/she comes into contact

These findings seem to suggest that companies willing to recruit from this group should seek to emulate this practice in order to successfully recruit and retain talented young people who have unspent criminal convictions.

Added to this, the research was underpinned by the assumption that a standardised risk assessment would support more employers to provide employment opportunities to young people with unspent criminal convictions. However, the research indicated instead that:

- 4** A standardised risk assessment process that has buy-in from probation, prisons and employers seems like a distant goal because currently there is very little common understanding of risk among this group.

The first implication of this is the importance of referral partners or relevant trusted parties to share this perceived risk with employers. The second implication is that employers learn how to operate effectively and efficiently from other employers, in line with this vehicles which allow the sharing of good practice and continuous improvement are of value. Finally the scoping exercise suggested that rather than a standardised risk assessment process, generic guidance on risk management would help more employers to support this group into work.



FINDINGS – MANAGING RISK

So while the research recognises that the decision to employ any individual, whether or not they have an unspent criminal conviction, will always to some extent be made on a case by case and subjective basis, it also suggests that there is an opportunity to learn from others – either from peer organisations within a sector or through cross sector learning. Progress in this direction and positive results will move the perception of those who are more risk averse as to what is possible and the advantages to be had of employing from this group.

Respondents provided insights from first-hand experience that helped to shape the findings and recommendations of this scoping exercise.

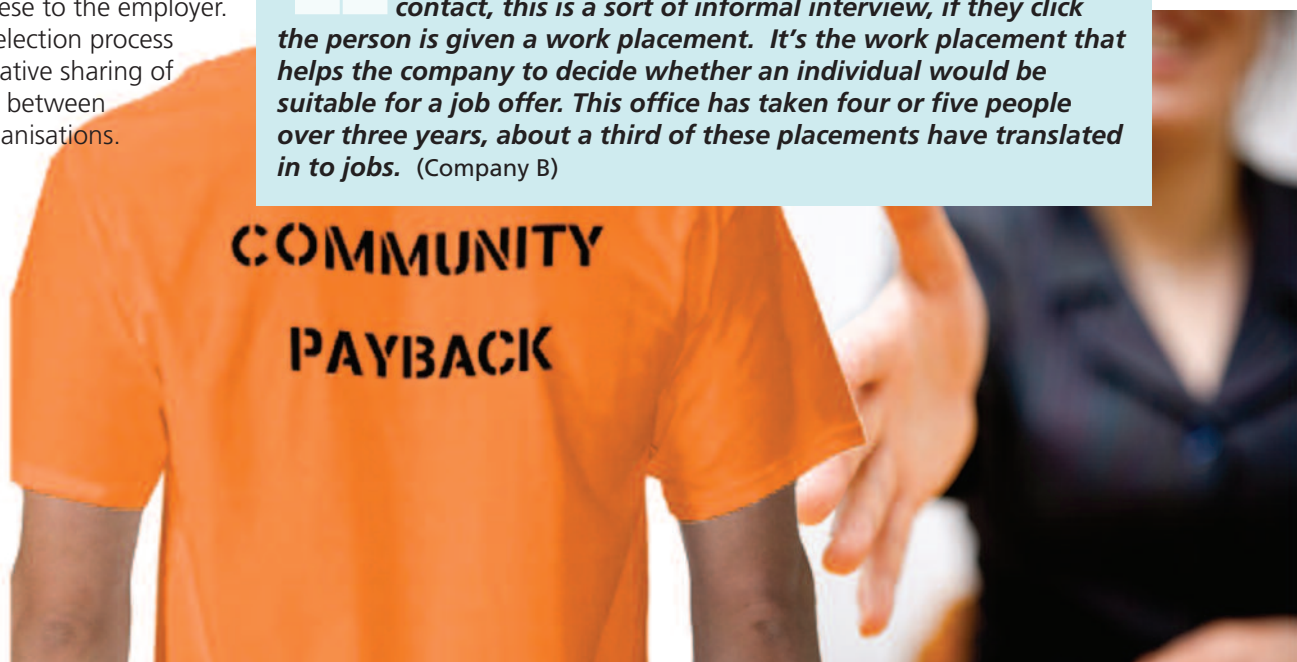
1 Working in partnership:

All respondents underlined the importance of the relationship with prison/probation or a voluntary organisation. Employers depend upon these referring partners to nominate individuals who they feel are committed and interested in getting back to work and are very unlikely to re-offend while in employment. Relationships of trust with a referral partner emerged as important to sharing risk between the two organisations. Often this information will emerge through formal and informal channels:

“ Probation can inform the employers thinking on risk, they will provide the formal information – the forms etc. They will also provide the informal information – the walk to the lift, the tip off, look out for x,y,z with this person, the informal information is generally well-intentioned and seeks to manage the risk sensibly (Company A).

The referring partner will help to manage the risk by providing personal recommendations for the individual. The referring partner will have had some first-hand experience of interacting with the individual and will therefore be well-placed to endorse the individual but also to highlight any areas where the individual might need some extra support (e.g. literacy/numeracy, difficult home life, lack of team working experience) equally if the referrer has any concerns about the individual he/she can highlight these to the employer. Often the selection process involves iterative sharing of information between the two organisations.

“ [Referring charity] nominates an individual, someone from HR goes to meet them with [Referring charity] contact, this is a sort of informal interview, if they click the person is given a work placement. It's the work placement that helps the company to decide whether an individual would be suitable for a job offer. This office has taken four or five people over three years, about a third of these placements have translated in to jobs. (Company B)



2 Providing employability experiences:

Most respondents cited some pre-employment activities as part of their employability support package. The employer may provide workshops, training or work placement opportunities to candidates in order to make an informed choice about whether they seem job ready. These activities can also be used by the company to improve coaching or mentoring capabilities of existing employees within the company.

- Pre-release visits
- Mentoring
- Work placement
- Line manager interviews or managed work placement
- Specialised or non-specialised inductions
- Interview by company or by referring agency or both



Each individual will go through a pre-selection day from which they are picked to go ahead and do pre-employment training; this gives the company a few weeks to judge the risks and see if they are manageable. We will use this time to explore what their listening skills are like, how they manage feedback, how they will interact in the workplace. (Company C).

A number of employers consulted underlined the importance of these activities in making an informed decision about the candidates they chose to support,

Pre-employment activities provide the employer with an opportunity to assess the likelihood of any earlier behavioural problems re-emerging. It is also an opportunity for the employer to assess the suitability of any new employee looking to their time keeping, ability to complete tasks, fit with team and ability to respond to feedback in a positive manner. This is not an opportunity employers are necessarily afforded through standard recruitment processes.

Some companies will proactively manage individuals whose behaviour seems to suggest that they might be at risk of re-offending; they will look out for any changes in behaviour and try to resolve any underlying issues before they escalate into something more significant.



We will try to ensure that a person will not re-offend by checking in with the area manager if the behaviour of the individual changes or if the area manager thinks there might be something wrong. If there are behaviour changes [welfare manager] will pay a visit, talk through the issues, try and manage the behaviour, basically try to act proactively to prevent possible re-offending. (Company D)

3 In-house understanding:

The research suggests that companies will seek to understand the conviction and the context in which the offence was committed either directly or through the referring partner. The employers consulted recognise the importance of retaining this information within a small circle of people within the company. As a general rule companies do not share information pertaining to the conviction with anyone besides those to whom it is directly relevant. Ideally an employer should not need to know the details of the offences of an individual; however the research suggests that employers getting involved in this work will initially seek more information rather than less.



We make the manager aware of why he was last convicted but don't go into the whole history; we then invite the manager to voice any concerns they have. I think that too much information too widely shared is a bad thing – it is important to get the balance right, to monitor but don't over analyse information. (Company D)

FINDINGS – MANAGING RISK

Besides a conviction, the employer is conscious of the other challenges that may arise as a by-product of spending time in prison or in a community where criminal activity was a norm.



The main risk [for this company] looks out for is temperament, previous violent behaviour, aggression issues, if any of these emerge from conversation or disclosure of criminal convictions, [this company] needs to feel confident that they will not re-emerge on the worksite. The risk is managed through experience with the candidate. (Company C)

4 Standardised risk assessment

The research was underpinned by an assumption that a standardised risk assessment would make a significant difference to risk management for employers. In each interview respondents were asked to identify the pros and cons of a standardised risk assessment process or tool. The value of a standardised risk assessment tool was explored and queried with this group of employers (and other respondents) and while in theory some of them felt there was a benefit to knowing what information other companies asked of offenders as they sought to manage risk, broadly speaking all of them spoke of the subjectivity and need to understand the context of an offence in order to decide whether or not to take a person on a work placement or to offer them employment.



Advantages to risk assessment would be that an individual in a company is never sure they are covering all the right things...we still find it difficult – fish in the dark, never sure you are covering the right things, just a starting point. We are worried that we might be assessing the wrong things, things that aren't risks; we don't currently talk to other employers about how they manage risk. (Company D)

The scoping exercise showed that employers use different approaches to managing risk. Some employers carry out an informal risk assessment interview.



After the referral is received a full assessment is done – it's more of a personal chat involving info on background, previous offences, and look for a lot of information. Conversation is confidential unless permission is given to share information or they disclose information that suggests they are a risk to the community. (Company F)

Other employers use a bespoke induction to ensure that the new recruits are aware that they will now become the public face of the company.



We provide a more comprehensive induction to these candidates than what everyone else gets. [In these inductions] more emphasis is placed on behaviours. The induction underlines that the individual will be the public face of the company and that rudeness is not tolerated. This is highlighted a number of times in the first few weeks. (Company D)

While other employers feel that once an individual has been selected they should only experience the same induction that everyone else experiences.



An ex-offender goes through the same risk assessment process as every other employee (Company G)

FINDINGS – MANAGING RISK

For some employers their concern lies with roles that are customer facing and so they have taken the decision to ensure that the successful candidates are placed in back office positions or roles in the organisation that are deemed less 'risky' to their brand.



People are not offered client-facing roles in the organisation. Some jobs are not suitable for candidates, this office has HR, finance and health and safety, reception, switchboard, admin roles – candidates can work in these functions. (Company B)

Prisons and probation share information and insight with employers which is seen as key to success.



We work in partnership with employers; we tell the employer everything that might represent risk to the company. Employers working in partnership with prisons is the only way to assess the risk (Prison A)

The likelihood of using existing prison and probation risk assessment approaches to inform employer needs seemed slightly remote as most employer respondents were not aware of the existing risk-assessment done by prisons and probation.



I don't know about risk assessment in prison or probation...we are more focused on next step into employment. (Company C)

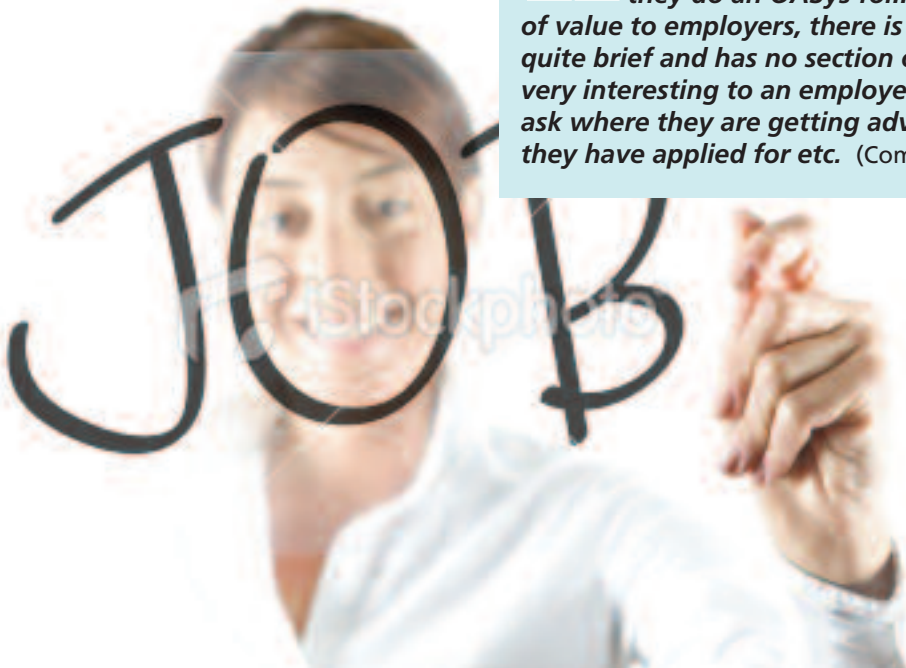
Some respondents feel that the risk management needs of employers and those of prison or probation are too dissimilar to link up.



I don't know what probation or prison does, I don't think it's relevant, the kind of risks that the prison or probation are interested in are not the ones the company is interested in broadly speaking – we want someone to fit in, to match the culture, to work hard. (Company B)



Probation do OASys [offender risk assessment tool] as a matter of course...prisons are patchier in terms of who they do an OASys for...very little of OASys that would be of value to employers, there is a section on employment but it is quite brief and has no section on behaviours which would be very interesting to an employer...at the moment the plan doesn't ask where they are getting advice, doesn't ask how many jobs they have applied for etc. (Company A).



FINDINGS – MANAGING RISK

Furthermore the factors that motivate probation to decide whether an individual is high or low risk are very different to those that might inform employer decision-making. One respondent felt that probation sometimes over estimate the risk an offender presents.



[In my view] probation risk assessment tends to assess everyone as high risk...Because no one ever comes back to say – great job, that person went into work and you were right he was low risk, there is a perverse incentive to assess everyone as high risk. (Company A).

However, another respondent from the prison service suggests that the OASys is used to good effect by prisons and probation, but that the interests of the prison, probation and employers vary so much that a common approach might be difficult to reach.



The notion of 'risk' does vary enormously between prisons, probation and employers. Each agency has a different emphasis on what 'risk' means to them. In my view the solution is less about trying to make the process the same and more about how we join up our different interest in 'risk' because that will make for a comprehensive and holistic risk assessment. The employer may not have risk to the public at the forefront of their minds when employing someone but this clearly needs to form part of the bigger picture. (Prison A)

Because of these combined factors it seems unlikely that a joined up risk assessment tool developed between prison, probation and employers would use existing risk-assessment tools as a foundation.



I think the advantages of a standardised risk assessment form would be that employers could talk to each other, make it easier to give and receive references to get new jobs for people, and look on previous experience favourably (Company G)

However, the research seems to suggest that employers are calling for guidance on the management of risk – what to particularly consider or look out for in the recruitment process, rather than anything as prescriptive as a standardised risk assessment



Creating an effective risk assessment tool for businesses across different sectors would be difficult - the level of risk associated with a particular individual may vary widely depending on the role and the type of organisation they are placed with. Some generic guidance for potential employers backed up with example scenarios might prove more useful. Each business could then adapt their existing risk management procedures as appropriate. (Company E)

FINDINGS – MANAGING RISK

All employers pointed to the subjectivity of the decision-making process and the importance of taking the time to understand the context of a criminal conviction



We wouldn't want a paper copy of risk assessment floating around the office, would worry about the risk of too many people having access to the information, would worry about confidentiality for the individual. I wouldn't want to use this type of information again and again, go through the disclosure once when they apply for their first job, don't go over it if they seek a promotion (Company B).



The offence in isolation doesn't tell you whether the person is suitable for the role (Organisation A)

While some respondents seemed enthusiastic about the concept of a standardised risk assessment, the underlying call seemed to be for more guidance and reassurance that they were asking the correct questions in the correct way, a sentiment that has been echoed by the leadership team of the Employers' Forum for reducing re-offending (see Appendix One for full membership).



A set of guiding principles might be more valuable than a form. Principles would contextualise the offence and reduce barriers into employment. Would want the guiding principles to cover information like:

- *How long is it since the offence?*
- *Is there a pattern of offending?*
- *How serious was the offence?*
- *Is there danger of replicating it at work – are there opportunities to do so in the workplace?*
- *Was the crime on impulse or on purpose?*

You could use the guiding principles to guide the conversation with HR, look at whether your business provides any opportunities for repeat offending. (Company A)



CONCLUSIONS

CONCLUSIONS

This research seeks to establish whether it is beneficial to standardise risk management when recruiting young adults with unspent criminal convictions. Responses from employers suggest that it is unlikely and possibly undesirably to seek to create an entirely standardised risk management process for employers because so many elements are subjective according to the nature of both the employer and the employment.

The findings of this research, echoed by employers sitting on the leadership team of the Employers' Forum for Reducing Re-offending (Appendix One), is that employers are willing to support the employability and employment of people with unspent criminal convictions but they need support and guidance in order to do so. This is not a startling finding, however the importance of risk management within this request for support does help to identify where attention should be focused.

At the moment, prisons, probation and employers all use different risk management approaches. The type of risk assessment applied by prisons depends upon the offender and offence, while probation will consistently carry out an OASys, its emphasis on employment is somewhat limited and not necessarily accessible to employers. Meanwhile employers carry out their own risk management often in collaboration with a referring organisation (with its own set of criteria against which to gauge risk) that may or may not tap into some of the insights from probation or prison.

Furthermore, employers cannot be viewed as a homogeneous group - as a general rule they are not collaborating with each other to recruit therefore good practice is not being shared. As a result, there is currently no common risk assessment approach that employers unilaterally recognise or accept.

All of this information points to the opportunity to create guidance for employers, ideally informed by their own experiences as well as the experiences of those working in prisons, probation and voluntary organisations. This would help to profile best practice processes and create the insight for employers that can lead to more young adults with unspent criminal convictions in work which will reduce offending and lead to benefits for the individual, the employer and the tax-payer.

RECOMMENDATIONS

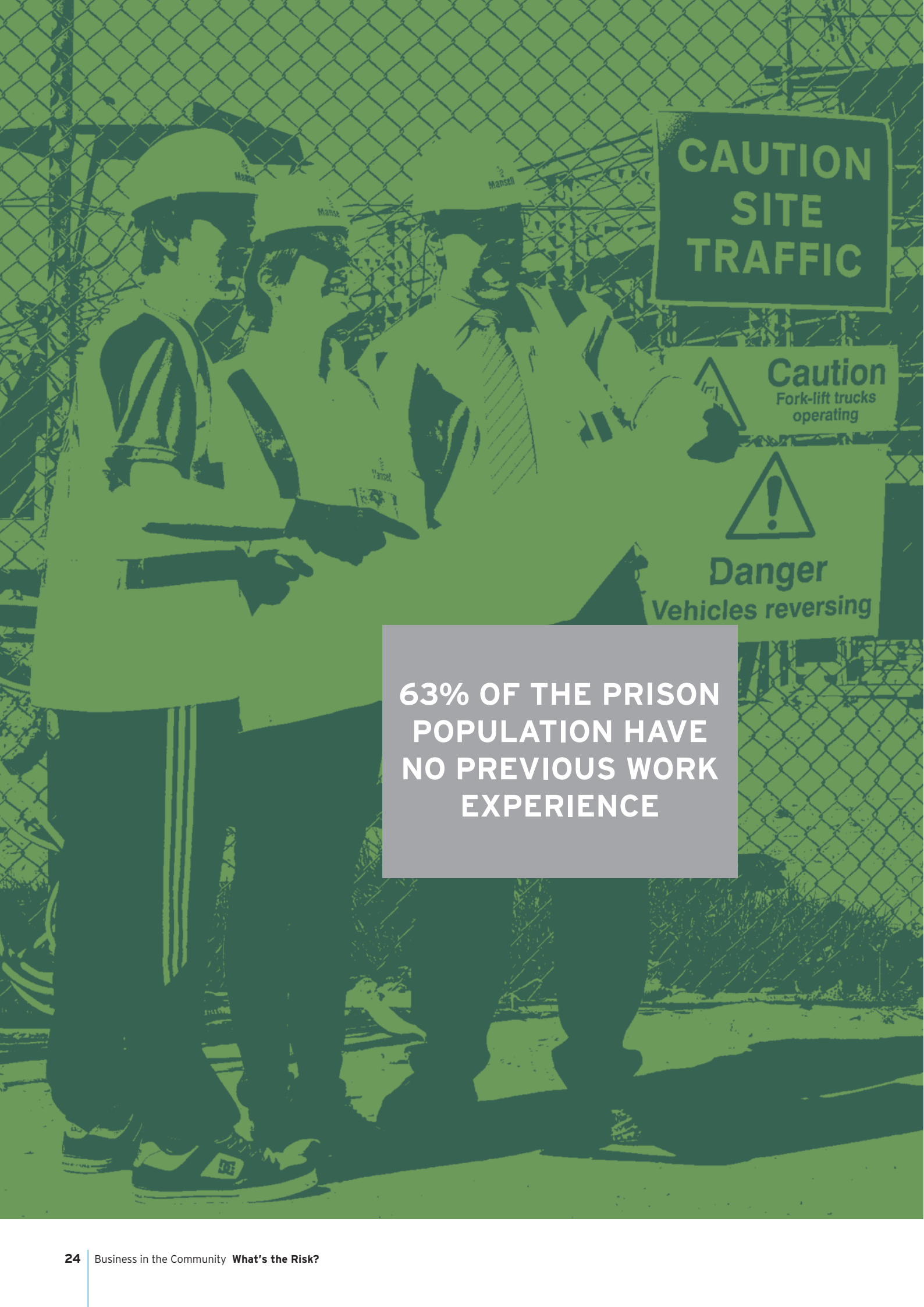
BITC recommends this scoping paper and its research as the foundation from which to create some broadly applicable guidance for employers, to reduce perceived risk of employing young adults with unspent criminal convictions.

The findings point to a need for more and better sharing of good practice among employers, the need for a channel through which this good practice can be promoted and the need for some generic guidance on risk assessment approaches to support employers in the employment of young adults with criminal convictions. The findings recommend the creation of:

- **Generic guidance for employers to help them to manage the risk assessment process**
- **Channels through which to share and publicise examples of good practice**



- Annual Report and Accounts, NOMS 2010
- Bromley Briefings Prison Factfile, 2010
- Communities.gov.uk, 2008
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- Cycles of Poverty, unemployment and low pay, Chris Goulden, 2010
- Employing ex-offenders: A practical guide, CIPD, 2004
- Ending child poverty: everybody's business, 2008
- Fair Society, Healthy Lives, the Marmot Review, 2010
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- Growing out of Crime: the new era, Rutherford, A, Waterside Press, 2002
- Making Good: How Ex-Convicts Reform and Rebuild Their Lives, Shadd Maruna
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- Ministry of Justice (2008) Factors linked to re-offending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003, 2004, London: Ministry of Justice
- Short-changed: spending on prison mental health care, Sainsbury Centre for Tagged for Life, Working Links, 2010
- Why the Criminal Justice System is Failing Young Adults, Transition to Adulthood, 2010
- Young Adult Manifesto, Transition to Adulthood, 2009



**63% OF THE PRISON
POPULATION HAVE
NO PREVIOUS WORK
EXPERIENCE**

APPENDIX ONE:

Employers' Forum for Reducing Re-offending

A Employers' Forum Vision and Mission

Vision

To support people with criminal convictions to become valued employees and to eradicate re-offending through the provision of quality employment.

Mission

To value skills and talent above previous criminal convictions by creating more employment opportunities for people with convictions both within their own businesses and through their supply chains.

This group and the campaign will enable BITC to gather further intelligence from companies about the barriers that currently prevent them from employing from this group as well as to pilot ways of working that may create increased impact. Findings will be cascaded through this group and their supply chains, they will also be highlighted to the broader BITC membership as appropriate.

B Leadership Team of Employers' Forum for Reducing Re-offending

Company	Member
Timpson	James Timpson, CEO, Chair
Lend Lease	Val Lowman, CEO BeOnsite
Navigant Consulting	Nick Pollard, COO
Compass Group UK	David Platt, Operations Director Government Services, North Region,
Cisco Systems Limited	Richard Roberts, Operations Director, UK Distributed Government
Serco	Jeremy Stafford, Managing Director of Serco Home Affairs
Sodexo	Natalie Bickford, HR Director, Sodexo UK and Ireland
Camden Garden Centre	Mike Jackson, Head of Social Enterprise Development and Training
Greggs	Roisin Currie, People Director
Wiltan	Alison Itani, HR Director
MITIE	Paul Ferry, Business Development Director - MITIE Care and Custody
TFL	Iain Smith, Head of Skills
Chapelfield	Davina Tanner, General Manager
DHL	Huw Jenkins, Global Business Director (Supply Chain)
M&S	Jenny Wallage, Head Of Employee Support
NOMS	Simon Boddis, Deputy Director, Head of Offender Employment Skills and Services Group

APPENDIX TWO: Case studies of companies supporting employability of those with barriers to work

CASE STUDY 1



BeOnSite – Lend Lease

BeOnsite, a not-for-profit company, was established by Lend Lease, not only supporting the training requirement of the construction industry supply chain, but seeking to build a more diverse workforce, demonstrating to government a new way of tackling reoffending, city centre worklessness and the skills shortage.

BeOnsite takes individuals who have been socially excluded, including the long-term unemployed and ex-offenders with low skill levels, and supports them into work. This employer-led model involves a short pre-employment programme followed by on-the-job training which provides a pathway into a specific trade or skill set. Each person's path is discussed and mapped out with contractors to provide clear routes from entering employment to becoming a fully qualified tradesperson.

IMPACT

- BeOnsite has supported almost 12,000 people finding construction employment and a further 11,000 people going into retail jobs
- Media publicity for BeOnsite events has significantly increased the company's public profile and reputation, particularly as the company had taken a strategic decision to continue to operate BeOnsite in the midst of recession
- BeOnsite has become a crucial part of the wider Lend Lease business. Under the Section 106 agreements to which Lend Lease is committed as a developer, it is delivering local jobs and training outcomes at the Athletes Village as stipulated by the Olympic Delivery Authority and the London Borough of Newham
- Job sustainment - BeOnsite has shown that it can create sustainable employment solutions – all 54 participants at the Athletes Village have sustained their jobs for over six months and several have been promoted.

CASE STUDY 2



Marks & Start – M&S

Marks & Start is the country's largest company-led employability programme, and represents a major commitment within the company's Plan A vision. In order to reach out to the most disadvantaged groups, the initiative works in partnership with Gingerbread, The Prince's Trust, Remploy and Business Action on Homelessness. The company commits to delivering 650 2-4 week placement each year for candidates in M&S stores and offices across the country. Partners provide the wrap-around support required pre and post-placement and candidates are supported every step of the way with buddies, coaches and co-ordinators.

In 2004 M&S decided to set up a programme that would not only raise aspirations and employment prospects of participants, but would also help with four key business objectives:

- Develop employee skills (through buddying) and improve employee commitment, loyalty and pride in M&S
- Integrate community activity throughout M&S
- Provide focus for external communications and increase customer awareness of community initiatives
- Provide recruitment opportunities and diversity within the Company.

IMPACT

- Lower turnover (19%) of Marks & Start employees recruited when compared with those coming through standard recruitment (23%)
- The Marks & Start programme has resulted in the recruitment of nearly 1500 employees, who otherwise would be an untapped pool of candidates due to their employability barriers
- Achieving a 40% into-work rate within three months of placement completion
- Marks and Start has trained over 3500 disadvantaged people and nearly 1500 have found employment
- Evaluation demonstrates that over 90% of participants feel the placement improved their confidence and that they feel more motivated and committed towards employment
- Through the lone parents programme, Marks & Start helped to lift 559 families out of poverty since the programme began in 2004..

APPENDIX ONE:

Employers' Forum for Reducing Re-offending

CASE STUDY 3



Rehab - Compass Group & ESS

The 'Rehab' project prepares women for sustainable employment when they leave HMP Drake Hall. As well as helping the women out of a cycle of re-offending, it has helped solve the perennial recruitment problems at the local MOD Swynnerton Training Camp.

Offenders normally work at the camp for six to nine months before being released on parole, though some have been employed for two years now. During that time, regular appraisals take place to evaluate progress with bi-monthly meetings between ESS, the offender and the prison's outwork liaison officer to maintain close contact and provide necessary support.

The women are paid the same rates as permanent ESS staff. They are allowed to access a small part of this income from prison, using the rest to help support their families and themselves on release.

IMPACT

- Since its inception, in 2004 over 60 women who have gained basic qualifications now have work skills and an employment record to help them on release
- 2010 saw the company take our first trainee chef, which was a resounding success. The young woman has since been released and is working in the catering industry in her home town, and to date has not re-offended
- To date, no participants are known to have re-offended since their release from prison
- The long standing recruitment problem at this rural site, have all but disappeared. There is now a reliable, committed group of women eager to work with the permanent team. Knowing there is always a full complement of staff has improved morale and job satisfaction enormously
- ESS have saved money: recruitment costs, once a significant monthly item, are almost zero.

CASE STUDY 4



St. Giles Trust

St Giles Trust is a growing UK charity offering wide-ranging services helping ex-offenders and disadvantaged people. It aims to break the cycle of re-offending by providing ex-offenders support in areas such as housing, education, training and crucially employment.

What distinguishes St Giles Trust is their principle of using qualified, skilled ex-offenders to deliver services to their clients. This peer-led approach gives their services a level of credibility which is vital when working with a target group who can be difficult to engage and mistrustful of anyone they perceive as being in authority.

Around one-third of the workforce at St Giles Trust has a criminal record and is employed in a range of roles including frontline caseworkers, head office reception, as administrators and as project leaders. They include a fully reformed man in his 40s who had clocked up over 80 convictions to a young woman who previously worked in the City and spent a few months in custody after just one offence. They all found it difficult to obtain a job because of their criminal convictions.

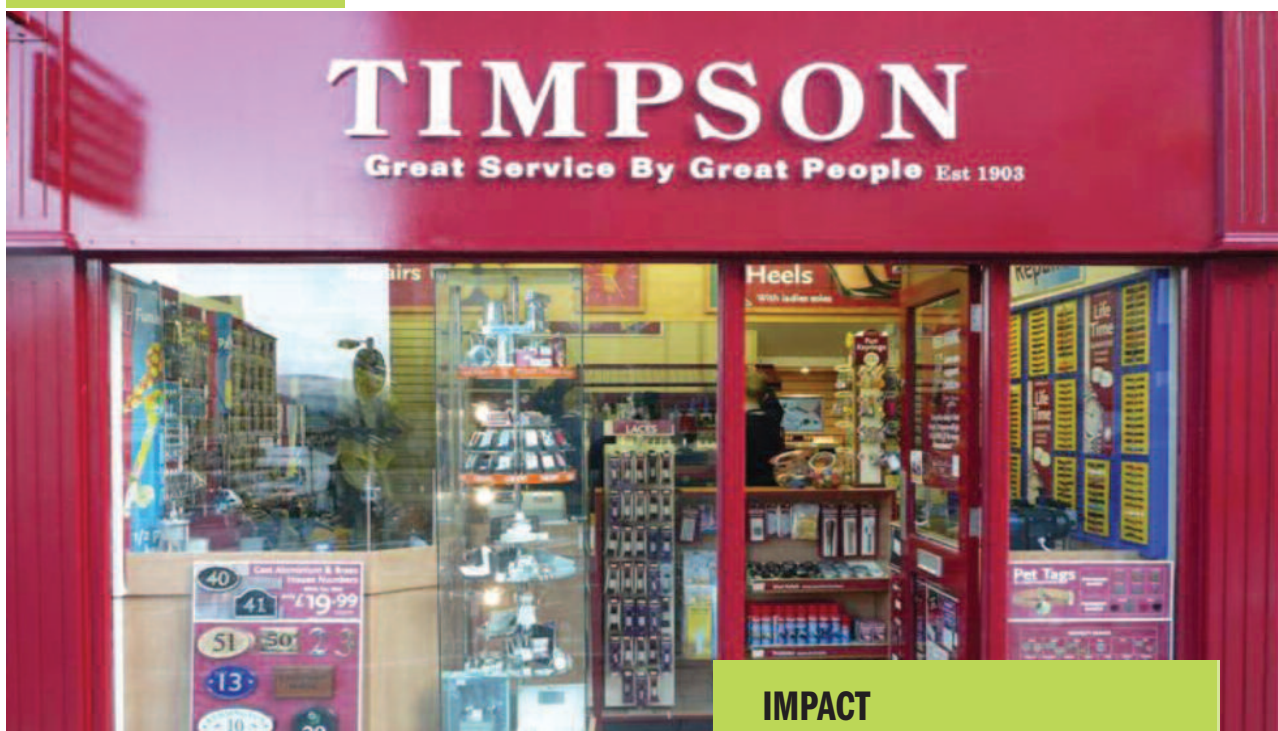
St Giles Trust trains people with criminal convictions to NVQ Level 3 in Information, Advice and Guidance which is the benchmark qualification for anyone looking to work in the advice sector. Those who successfully gain the qualification can then apply for jobs at St Giles Trust.

IMPACT

- An independent economic evaluation of one of St. Giles' Trust flagship services supporting prison leavers found that it reduced re-offending by an additional 40% and delivered £10 in savings to the taxpayer for every £1 invested in it through reduced costs associated with offending
- St Giles Trust has won the Sunday Times Best 100 Companies to work for in 2009 and 2010 and attributes this largely to the diversity of its workforce, chiefly brought about by the number of ex-clients it employs
- The charity's services have won many other awards including the Charity Awards 2007 and 2009, The Justice Awards and Centre for Social Justice Awards
- It is one of the partners involved in delivering the Social Impact Bond pilot at Peterborough Prison. The team delivering this high profile project comprises largely ex-offenders.

APPENDIX TWO: Case studies of companies supporting employability of those with barriers to work

CASE STUDY 5



Timpson Academies - Timpson

Timpson selectively recruits both men and women directly from prison. The company has over 100 examples of ex-offenders who have quickly become a crucial part of the shops team and have not returned to their previous criminal past. For the last ten years, James Timpson has been developing links with various prisons to find suitable candidates to work in their shops.

During this time the company has forged relationships with some 30 prisons and has had over 120 ex-offenders (Foundation colleagues as they are known) pass through the doors. Timpson currently employ 87 full time Foundation employees.

Two years ago, Timpson opened a Timpson Academy in HMP Liverpool. Here, prisoners are intensively trained in all aspects of shoe and watch repairs, engraving, customer care and health & safety. There is even a mock up shop that prison staff use that creates a unique customer service opportunity.

The Timpson Academy at Wandsworth opened on the 10th November 2010 to recruit Foundation colleagues in the London region.

IMPACT

- Supported 120 people into work
- Works in collaboration with 30 prisons
- Timpson currently employ 87 full time Foundation employees.

"Timpson looks beyond the label of 'offender' when recruiting to see the skills and potential each individual possesses. This benefits us because we find people who are motivated and enthusiastic about working for us. It also benefits the individual as employment gives them the best possible chance to avoid re-offending. It's great seeing our Foundation colleagues gaining confidence as they learn the required skills to run a Timpson shop".

(James Timpson, Chief Executive, Timpson)

For the full report please visit:

www.bitc.org.uk/publications

<http://www.bctrust.org.uk/publications/>

For more information on the campaign to reduce re-offending through employment please contact:

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