



Diversity Matters

Ex-offenders

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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 (www.apextrust.com) and National Association for the Care and Resettlement of Offenders (NACRO - www.nacro.org.uk), may have information about particular employers who have a positive attitude regarding the employment of ex-offenders.
- UNLOCK, the National Association of Reformed Offenders (www.unlock.org.uk), 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 - see Reformed Offender Friendly Companies (www.unlock.org.uk/xoffenders.aspx?sid=16) - 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 - www.cipd.org.uk) and the Criminal Records Bureau (CRB - www.crb.gov.uk) have produced a useful guide for employers, entitled *Employing ex-offenders: A practical guide* (<http://www.cipd.co.uk/subjects/dvsequ/exoffenders/empexoffendguide.htm>), which discusses the employment of ex-offenders and contains information relating to legislation as well as other useful information.
- The Apex Charitable Trust (www.apextrust.com) offers additional insurance cover to make it easier for employers to appoint ex-offenders.
- In some areas of the UK, the charity SOVA (Supporting Others Through Volunteer Action - www.sova.org.uk) provides resettlement mentoring and support for ex-offenders.
- Further examples of diversity initiatives and activities can be found by checking out industry insights.

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 - www.crb.gov.uk) 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 the Your Rights section 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 (www.yourrights.org.uk) for a full list. 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 in the Contacts and Resources section.

The Rehabilitation of Offenders Act (ROA)

The Rehabilitation of Offenders Act 1974 (<http://www.nacro.org.uk/data/resources/nacro-2007021302.pdf>) 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.

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, www.yourrights.org.uk ('Right to privacy' section).

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. This is usually halved if you were under 18 when convicted. Here are some examples:

- Any prison sentence, including detention in a Young Offenders Institution, of between six months and 30 months, has a rehabilitation period of ten years (five years if you were under 18 when convicted).
- A community punishment order, previously a community service order, has a five-year rehabilitation period (two-and-a-half years if you were under 18 when convicted).
- Absolute discharges carry a rehabilitation period of six months.
- Under current legislation, a prison sentence of over 30 months is never spent, but this may change.
- Cautions, reprimands and final warnings are not convictions and are therefore not covered by the Act, although they will appear on a Criminal Records Bureau (CRB - www.crb.gov.uk) check. The government's intention for the future is to include them in the Act but give them a rehabilitation period of 'nil' so that they will be 'spent' as soon as they are administered.

Full details of rehabilitation periods are available in the Rehabilitation of Offenders Act 1974.

The Home Office (www.homeoffice.gov.uk) has announced its intention to review the ROA (<http://www.nacro.org.uk/data/resources/nacro-2007021302.pdf>). 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

The ROA only applies in the UK, so if you want to work abroad you may be under a duty to disclose 'spent' convictions.

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 - www.nacro.org.uk), Apex Charitable Trust (www.apextrust.com), Apex Scotland (www.apexscotland.org.uk), or UNLOCK: The National Association of Reformed Offenders (www.unlock.org.uk).

Criminal Records Bureau (CRB) checks

For those employers and organisations exempt from the Rehabilitation of Offenders Act, a Criminal Records Bureau (CRB www.crb.gov.uk) check may be required before confirming employment, placements, or voluntary work. In England, CRB checks may be either 'Enhanced' or 'Standard'. The CRB searches police records and sometimes records held by the Department of Health (DH - www.dh.gov.uk) and Department for Business, Innovation and Skills (BIS - www.bis.gov.uk). 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 (www.disclosurescotland.co.uk) 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.
- 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 YouthNet UK (www.youthnet.org) for some ideas. 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 the Graduates for Business Programme (www.graduatesforbusiness.co.uk) or Graduates Yorkshire (www.graduatesyorkshire.co.uk), in your region.
- 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. Contact your careers service for ideas on how to network effectively.

Contacts and Resources

Jobs and work

Apex Charitable Trust - www.apextrust.com

Apex Scotland - www.apexscotland.org.uk

Employing ex-offenders: A practical guide - www.cipd.co.uk/subjects/dvsequ/exoffenders/empexoffendguide.htm

Graduates for Business Programme - www.graduatesforbusiness.co.uk

Graduates Yorkshire - www.graduatesyorkshire.co.uk

UNLOCK: Reformed Offender Friendly Companies - www.unlock.org.uk/xoffenders.aspx?sid=16

YouthNet UK - www.youthnet.org

Study

The Longford Trust - www.longfordtrust.org

Advice and assistance

Langley House Trust - www.langleyhousetrust.org

Liberty - www.liberty-human-rights.org.uk

National Association for the Care and Resettlement of Offenders (NACRO) - www.nacro.org.uk

Supporting Others Through Volunteer Action (SOVA) - www.sova.org.uk

UNLOCK: The National Association of Reformed Offenders - www.unlock.org.uk

Reference

Chartered Institute of Personnel & Development (CIPD) - www.cipd.org.uk

Criminal Records Bureau (CRB) - www.crb.gov.uk

Department for Business, Innovation and Skills (BIS) - www.bis.gov.uk

Department of Health (DH) - www.dh.gov.uk

Disclosure Scotland - www.disclosurescotland.co.uk

Home Office - www.homeoffice.gov.uk

Liberty Guide to Human Rights - www.yourrights.org.uk

Rehabilitation of Offenders Act 1974 - <http://www.nacro.org.uk/data/resources/nacro-2007021302.pdf>

Case study

Paul was convicted of a criminal offence following an incident when he was 16. After being released from prison, he went to university and graduated with a BSc in Chemical Biology in 2008. He has now found temporary employment as a laboratory assistant.

When I was 16 - just before I was about to begin my A-levels - I was involved in a gang fight which unfortunately resulted in two people sustaining very severe injuries, one of whom later died. Although I wasn't directly responsible, I was convicted of a number of serious offences along with several other people. I was given a long sentence, which was subsequently reduced on appeal to six years. This, of course, had a devastating impact upon my life and that of my family, and it took a considerable amount of time for me to come to terms with what had happened and try to do something positive.

It was always my intention to go to university to study chemistry. Although at that point I had not really considered the implications of a criminal conviction, I was determined to resume my studies whilst in prison. However, this was not as easy as I thought it would be. Although there is a statutory duty to provide education in prison, this didn't mean I was entitled to study the particular course I was interested in. It took two years before it was agreed that I could proceed with my A-level studies in maths and chemistry.

Eventually, I began to seriously consider the implications of my conviction upon my life and my future employment prospects. The nature of my conviction means that, despite my age at the time of the offence, it will never be considered 'spent'. I have to declare it if asked to do so. In light of this, I thought it best to do whatever I could to improve my prospects. To me, this meant completing a degree.

Prior to my release, I learnt about scholarships that are available to ex-prisoners from the Longford Trust. The Longford Scholarships are for higher education courses up to degree level and are worth a maximum of £5,000 per academic year to help with course fees, living expenses and course materials. I was very fortunate and managed to obtain a scholarship upon securing a place on a chemical biology degree course. I also had a mentor from the Longford Trust who really helped me adjust to life outside of prison.

At university, I was advised by the careers service to develop my skills and gain work experience through the volunteering programme. It was initially difficult to find a voluntary organisation that was willing to help. However, eventually one was found, and I managed to get some real work experience - even if it wasn't related to my interest in chemistry.

Since graduating, I have had a lot of support and advice from the careers team and my mentor. It has taken me around eight months to find work as a temporary laboratory assistant working for my local NHS trust. I had to disclose my conviction, but I was fortunate enough to have some excellent references from my volunteering placements. I think these really helped when it came to getting an interview.

My ambition is to train and work as biomedical scientist within the NHS. I hope that this period of temporary work experience will allow me to develop relevant skills and experience and also allow me to develop the trust and confidence of my current employer.