

Written evidence from Unlock

About Unlock

Unlock is a national independent advocacy charity for people facing obstacles, stigma and discrimination because of their criminal record. Every year we hear from thousands of people who are unnecessarily held back in life because of their criminal record. We work at policy level to address systemic and structural issues. We listen to and consult with people with criminal records, undertake research and produce evidence-based reports to inform policy makers and the public.

About this response

We have a track record of constructive engagement with government and have provided evidence to the Justice Committee on the impact of Covid on people with criminal records and the future of probation. Unlock welcomes the opportunity to provide a response to the Justice Committee's call for evidence on women in prison. This response is limited to Question 10: What support is available to ensure that women are successfully resettled into the community upon release and reduce reoffending? Are there any barriers to effective resettlement, and reduced reoffending?

Response

The problem

Women overall are less likely to be in prison than men, yet women who do are more likely to face barriers when accessing employment. Securing appropriate and meaningful employment and helping women become financially independent are key factors in [keeping women safe and reducing reoffending](#).¹ Unemployment is one of the five strongest dynamic predictors of reoffending.² Yet the proportion of women in employment six weeks after release is low – [ranging from 36.3% at Askham Grange, to just 3.2% at Bronzefield](#).³

Banking arrangements for women in and leaving prison are inconsistent. Not all women's prisons are in the Prisoner Banking Programme (now managed by [New Futures Network](#)) although we are aware that some prisons have effective local arrangements.

In March 2021 Unlock [published a report](#) based on survey responses from women with all types of criminal record and FOI data.⁴ 33% of the women surveyed had been to prison; 86% cited employment difficulties as a result of their criminal record. Discrimination is not exclusive to women leaving prison, but is likely more acute and even more so where this is recent.

¹ HMPPS (2019) *Women convicted of crime: A summary of evidence relating to risk factors for criminal behaviour in women and how services can reduce reoffending by women and keep women convicted of crime safe*, Available at: <https://www.gov.uk/guidance/women-convicted-of-crime#what-are-the-priority-needs-and-what-is-effective>

² Ibid.

³ Ministry of Justice (2020) *Life after prison*, Available at: <https://data.justice.gov.uk/prisons/life-after-prison/employment-on-release>

⁴ Unlock (2021) *Angels or Witches? The impact of criminal records on women*. Available at: <https://www.unlock.org.uk/wp-content/uploads/The-impact-of-criminal-records-on-women.pdf>

Just under half (44%) of women reported that their highest level of qualification was a degree or higher degree. A quarter (26%) had completed Level 3 qualifications (A level or equivalent). Twenty-four percent of women had completed qualifications at L1 or 2. Six percent reported having no formal qualifications. The varied range of qualifications, and a significant proportion with higher-level qualifications, suggests the difficulties women face in securing employment will not be overcome by focusing solely on employability. These women are employable – most (70.3%) had a job before contact with the criminal justice system. However, 75% of them were unable to keep or return to their job following their caution or conviction.

Many jobs that involve higher-level DBS checks, such as caring for vulnerable adults or for children, are low-paid and undervalued and predominantly carried out by women. Prison sentences will always appear on these checks. There is no legal reason why a woman cannot work with children or vulnerable adults (provided the conviction has not led to a barring decision by the DBS) but the decision rests with the employer. Based on FOI data, Unlock found that women are twice as likely as men to have a criminal record disclosed on a higher level check. Women who contact us for help report negative responses from employers when they disclose even old and minor criminal records.

Good quality disclosure guidance – including that provided by Unlock – encourages applicants to contextualise their offending when applying for work or training. Best practice for employers is to consider this context when making a fair assessment about a candidate's suitability. However, for women with histories of trauma, this can mean having to disclose the complex and deeply personal circumstances of their offending. This can be painful and makes it difficult for a woman to present a competent, professional image in an interview setting.

Support

Enabling women to practice disclosure and providing support is key to sustaining attempts to find employment. For women on medium to long-term sentences this work should take place before release/Release on Temporary Licence (ROTL) and continue in the community. At a minimum, women leaving prison should receive help with disclosure, opening a bank account, obtaining ID, buying insurance where necessary and understanding other ways an unspent conviction may affect everyday life. They should also be able to access specialist, women-centred support to find employment. Evidence consistently shows [high levels of trauma in the histories of women in prison](#). We support Women in Prison's [call for a new deal for women's centres](#).

Unlock have previously provided evidence to the Committee on the inconsistencies in disclosure and employment support for people under probation supervision. We repeat our [earlier recommendation](#) that every probation office should have a specialist worker trained in dealing with criminal records disclosure. All advisors should have a basic awareness and be able to make internal referrals to the specialist. Where advice and guidance on disclosure is contracted out, suppliers should:

- have a clear and progressive understanding of disclosure requirements
- empower service users to understand their rights and responsibilities in relation to disclosure
- draw on relationships with employers, housing providers and others to challenge poor practice – e.g. asking on application, having blanket bans on offence types or carrying out ineligible checks.

This may be in part resolved with the new probation arrangements, and we watch with interest as these become clearer.

Barriers

The criminal records disclosure regime in England & Wales is one of the most punitive in the world; complex rules and lengthy or indefinite disclosure periods hamper reintegration and prevent people moving on. The current disclosure regime means people can struggle to access employment, training, housing and insurance long after they've turned their lives around. When people do find work it is often low-paid or precarious and we see well-qualified and skilled people who are under-employed because they are unable to obtain work in their profession. This impacts them, their dependents and their communities, creating a cycle of deprivation and a financial cost to society through out-of-work benefits – and there is no evidence that the disclosure regime improves public safety.

More than half of employers say they would [discriminate against an applicant who disclosed a criminal record](#).⁵

Disclosure can be a lifelong barrier to employment and the stigma of a prison sentence is not easily shrugged off even after many years. Jobs requiring higher levels of DBS check are an ongoing problem, as these will disclose all criminal records even after they become spent. As indicated above, women more frequently apply for jobs requiring higher level DBS checks. Many records can become filtered after a significant period of time (six years for adult cautions and one year for adult convictions) but prison sentences (including suspended sentences) will be disclosed until the applicant is 100 years old, regardless of the nature of the offence.

In the year [ending December 2020](#) 61% of women sent to prison were sentenced to six months or less. 45% were sentenced to three months or less and 19% to one just one month or less.⁶ These women will spend a few weeks in prison and yet have to disclose for a lifetime when applying for some jobs. It is of course right that people working with children and vulnerable adults are subject to appropriate safeguarding checks. However, we say the threshold for disclosure is set too low and we have called for a [discretionary filtering mechanism](#) for people whose criminal record is outside of the automatic rules. We have called on government to [reform the Rehabilitation of Offenders Act](#) and we [broadly welcome the proposals](#) in the Police, Crime, Sentencing and Courts Bill as a move in the right direction. Their stated aims to reduce reoffending by reducing employment discrimination, increasing employability and helping people live more stable lives are positive and evidence based. We would like to see the government go further and:

- Abolish lifelong disclosure
- Introduce universal reductions in disclosure periods, informed by evidence
- Ensure young people convicted after 18 are required to disclose based on their age at the time of the offence

⁵ YouGov/DWP 2016 survey results, Available at: https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/42yrwvixdo/YG-Archive-160126-DWPwaves.pdf

⁶ Ministry of Justice (2021) *Criminal justice statistics quarterly: December 2020, sentencing data tool*, Available at: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2020>

- Start disclosure periods at release, not after licence
- Make wider and better use of non-criminal disposal measures
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These changes would improve employment opportunities for all prison leavers but we believe they would have a particularly positive impact on women given the significant barriers they face.