

# Our priorities for government

Unlock is an independent award-winning national charity that provides a voice and support for people with convictions who are facing stigma and obstacles because of their criminal record, often long after they have served their sentence. Every year we hear from thousands of people who are being held back in life because of their criminal record. We have a track-record of constructive engagement with government, the DBS and employers in working towards a fairer and more inclusive approach.

## People with criminal records - An untapped talent pool that has been ignored for too long

There are over 11 million people in England & Wales with a criminal record, and many find themselves treated unfairly and unnecessarily held back in life because of their past.

Government has a role to play in finding solutions. The last Conservative government talked about stepping in to help those who had been ignored for too long. They also talked about “a country that works for everyone”, one where government supported and, where necessary, enforced the responsibilities we have to each other. The solution to some of the problems that people with criminal records face require changes in legislation. Other problems require changes in attitudes and practices.

This briefing sets out the top four priorities that we'd like to see the government take forward. There's a lot more that the government needs to do to ensure that people with criminal records are not being unnecessarily held back from getting on in life. This includes stopping employers from conducting illegal criminal record checks, scrapping the 'disqualification by association' regulations in primary schools, enabling people with convictions to become senior managers and trustees in charities, and promoting fair admissions in universities. But the four priorities below would set the government in the right direction towards a fairer and more equal society.

### 1. Encouraging businesses to take on people with criminal convictions – Tax incentives to employers who recruit people leaving prison and people on probation

Many businesses are fearful of hiring people with a criminal record. 75% of companies admit to discriminating and not offering an applicant a job on the basis of them declaring a criminal record. This is often because of long-standing beliefs about their reliability and the risks they think they pose to a company's public image. This comes at a cost to society; around a third of people claiming job seekers allowance have a criminal record.

The government should recognise and champion those employers that are already employing people with convictions. Yet there are many more companies that need to be encouraged to change their recruitment practices, and they need to be given the support to do so. So the government should pilot the reduction of National Insurance contributions for those employers who actively employ people leaving prison and those on probation.

## 2. Putting 'ban the box' on a legislative footing

In 2016, the civil service endorsed the Ban the Box campaign and removed the criminal record disclosure section from initial job applications for the majority of civil service roles. Ban the Box does not oblige employers to hire people with criminal records, but it increases the chance that they will consider them. When applicants are able to progress to later stages in the recruitment process and meet employers, they have the opportunity to show their potential. Removing this tick-box from the application process gives people with convictions the chance to get further into the application stage before disclosing their criminal record. Since 2013, over 80 companies have joined this movement, but there's much more to be done. In a recent survey of over 60 national companies, 75% were found to have general questions about criminal records on the application form. Employers no longer ask other discriminatory questions during recruitment and selection.

The government should extend the Ban the Box commitment beyond the civil service to all public bodies. The government should also follow the lead taken in the US by introducing 'fair chance hiring' practices, including a statutory requirement for all employers to delay the questions about criminal records until the pre-employment stage.

## 3. Fixing a broken DBS filtering system

Over 240,000 every year have their employment chances hindered because of the disclosure of a criminal record that is often old, minor or irrelevant to the job being sought. The Court of Appeal ruled in May 2017 that the current system of disclosing old and minor criminal records is unlawful and disproportionate.

The government should accept the judgment and take immediate steps to respond to establish a proportionate framework that removes the unnecessary disclosure of old, minor and irrelevant records. The government should expand the filtering rules so that more cautions and convictions come off DBS disclosures automatically. The government should establish a distinct system that deals with criminal records acquired in childhood and take a more nuanced approach to those that commit offences as young adults. The government should also introduce a discretionary filtering system, overseen by chief police officers, and extend the role of the Independent Monitor to review these decisions where appropriate.

## 4. Fundamentally reviewing the criminal record disclosure system

The last full review of the Rehabilitation of Offenders Act 1974 (in 2002, when the CRB was introduced) made a number of recommendations that were not implemented. Significant changes to sentencing, technology and employer practices, alongside increasing evidence of abuse and ineffectiveness, means there is a need for a fundamental and independent review of the aims and effectiveness of the ROA and criminal record checking processes.

With policy responsibility for criminal record disclosure legislation straddling the Home Office and the Ministry of Justice, we will undertake a comprehensive independent cross-departmental review of the current system, looking at how to effectively protect people with criminal records from discrimination when they are law-abiding members of society looking to get on in life.