

Support for ex-offenders inquiry

Written response to the Work and Pensions
Committee Inquiry

About Unlock

Unlock is an independent, award-winning charity for people with convictions which exists for two simple reasons. Firstly, we assist people to move on positively with their lives by empowering them with information, advice and support to overcome the stigma of their previous convictions. Secondly, we seek to promote a fairer and more inclusive society by challenging discriminatory practices and promoting socially just alternatives.

We help

- We support people with convictions by providing information, advice and support through our [websites](#) and [helpline](#)
- We help practitioners who support people with convictions by [providing criminal record disclosure training](#) and useful resources
- We [recruit and train people with convictions as volunteers](#) to help support the information and advice we provide
- We [support employers](#) in the fair treatment of people with criminal records

We listen and learn

- Our [helpline](#) and [forum](#) provide an ear to ground on the problems that people face as a result of their criminal record
- We [collect evidence and undertake research](#) into the barriers caused by criminal convictions

We take action

- We [challenge bad practice by employers and push for improvements to the way that criminal record checks operate](#)
- We advocate for a fairer and more inclusive society by [working at a policy level](#) with Government, employers and others

More information

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Introduction

1. Unlock welcomes the opportunity to submit written evidence to the Commons Work and Pensions Committee Inquiry into the support for ex-offenders. As a charity that advocates for people with convictions, the support that is provided to people as they leave prison is critical.
2. As an independent charity that focuses primarily on people in the community as they are trying to move on in their lives, we are able to listen and learn about the support that they have (or have not) received. Given that we do not deliver contracted services, we are able to speak freely about the gaps that currently exist, and provide impartial recommendations to solve these.
3. Although the title of the inquiry is about the support to 'ex-offenders' (we prefer to use the term 'people with convictions'), we note the focus in the terms of reference of the inquiry as being on the support people receive when they leave prison. We will respond directly on this basis, however in answering the questions we will also raise broader points that we believe will be of interest to the Work and Pensions Committee which are less focused at the point people are leaving prison. The majority of 'offenders' (i.e. those serving a sentence) are in the community – on average, about two-thirds of a Community Rehabilitation Companies (CRCs) caseload have never been to prison. There are over 10.5 million people in the UK that have a criminal record.¹ Many of these people routinely suffer difficulties when attempting to access legitimate social roles, resources and opportunities. We know that a criminal record can cause difficulties with obtaining insurance, a mortgage, access to housing and, perhaps most significantly, when seeking employment. Yet these problems do not just apply to ex-prisoners. Only 8% of people that receive a conviction end up going to prison. Those subjected to other penal sanctions such as suspended sentences, fines and community sentences often experience difficulties as a result of their criminal record. There are over 1.2 million individuals that receive a conviction every single year. A significant number of people (205,000) receive cautions instead of convictions.

¹ Letter from Home Office to Christopher Stacey, December 2014, available at <https://www.whatdotheyknow.com/request/239181/response/595350/attach/3/Fol%20request%20CR33517.pdf>

Executive summary

4. We believe that everyone being released from prison should:
 - a) Understand their criminal record and the impact this will have
 - b) Understand the impact of the Rehabilitation of Offenders Act 1974 and how it impacts on them
 - c) Be confident in if, what, when and how to disclose to employers
 - d) Be provided with details of those in the community that can provide further help in securing employment
 - e) Be clear who is able to help them find employment on release and how
 - f) Have received help before their release in finding employment on release
 - g) Be aware of other ways in which their criminal record might cause them problems and how they can overcome these

5. Furthermore, we believe that everyone whose role it is to provide advice and support on employment issues should have the knowledge, skills and confidence to advise on issues relating to criminal records. It is from this basis that we respond to the questions posed by the inquiry, and in answering the questions we have made a number of recommendations. These are summarised on page 20.

6. Due to the short timescale for submitting evidence, we have been unable to consult widely across our network to gain their personal views and experiences, however this is something that we would welcome the opportunity to look at if you were minded to involve Unlock in any oral sessions that you are planning to hold as part of this inquiry.

Response to inquiry questions

Question 1 - How are prisoners helped to find employment; is support available both pre and post-release?

The importance of employment

7. Stable and secure employment plays a key role in people not only 'going straight' but 'staying straight'² and reaching their true potential. The UK Government's own Social Exclusion Unit reported that 'employment reduces the risk of re-offending by between a third and a half'.³ People with convictions make up a sizeable proportion of the unemployed population – 33% of Jobseekers Allowance claimants received a conviction in the last ten years.⁴ Whilst serving their sentences, they might receive help from Probation, but very often this help is brief and once it finishes, the 'services' they receive as 'an offender' disappear. They are then left to get on with life, struggling to cope with the collateral consequences that come with having a criminal record. The 'sentence' might have finished, but the problems of the 'offender label' remain. Unlock regularly comes into contact with people with convictions who have gone on to lead law-abiding lives for many years but who still face discrimination in the labour market. Therefore fair access to employment is not simply about 'reducing re-offending', it is also an issue of full social rehabilitation. Exclusion from paid employment means that people with convictions are more likely to struggle financially, reducing not only their own quality of life but that of their family, in particular dependent children. This creates a continuing impact for future generations, with poorer life-chances for the children of people with convictions. Secure employment and housing has the potential to break cycles of offending through generations. One person said to us: *"I was convicted 10 years ago, and I've been unemployed ever since. I'm a qualified social worker but nobody will give me a chance."*

Employer practice and attitudes

8. People with convictions are the least likely 'disadvantaged group' to be employed – only 12% of employers have knowingly employed one in the last three years.⁵ To some extent, this means that the

² See Sampson, R.J. and Laub, J. (1995) 'Understanding variability in lives through time: Contributions of life-course criminology', *Studies on Crime and Crime Prevention*, 4: 143-158; Maruna, S. (2001) *Making Good: How ex-convicts reform and rebuild their lives*. Washington: American Psychological Association

³ Social Exclusion Unit (2002), *Reducing re-offending by ex-prisoners*, London: Office of the Deputy Prime Minister

⁴ Ministry of Justice and Department for Work and Pensions (2011) *Offending, employment and benefits – emerging findings from the data linkage project*, London: MOJ/DWP

⁵ CIPD (2010) *Labour Market Outlook Summer 2010*, London; CIPD

support that people might receive in prison and on release can only help them so much. Broader work in challenging employer practice and attitudes is important. In a survey by Working Links⁶, more than half of employers said that the disclosure of an unspent conviction would have a negative effect on their recruitment decision, even if the candidate was considered equal to other candidates in all other areas. Around a sixth stated that they would automatically exclude a candidate with a previous conviction. Many employers have recruitment policies and practices that request details of criminal records in a misleading, confusing and unnecessarily discriminatory manner. Often employers do not make it clear that, for most roles, applicants do not need to disclose spent convictions. For instance, one waste disposal company asks on their application form: “Have you got any convictions?” without informing applicants that they do not need to disclose convictions that are spent.

9. Royal Mail has a stated policy not to recruit any applicant who has an unspent conviction for a huge range of offence categories, without looking at the sentence received or how long ago it was.⁷ 53% of employers have no policies in place in relation to people with convictions, and only 1% of employers have policies in place to encourage the employment of ex-offenders. Yet 38% of employers have a company-wide policy to ask if a candidate has a criminal record.⁸ *“HR teams mostly use template application forms, and online templates that are frequently adopted will include this box”*, according to Business in the Community (BITC).⁹ This ‘tick-box’ acts as a barrier to entering employment for many people. Removing this ‘tick-box’ has shown to have a positive impact. ‘Banning the box’ has had success in the USA, led there by the National Employment Law Project. In the city of Minneapolis, where the City Council banned the box, 57.4% of applicants with convictions in the last seven years were hired (2007-08), compared to just 5.7% hired before the box was removed (2004-6).¹⁰
10. Current ‘good practice employer networks’ (such as the Employers Forum for Reducing Reoffending (EFFRR), BITC’s ‘Ban the Box’ campaign and DWP’s ‘See Potential’ campaign) have difficulties in converting ‘commitments’ from large employers to ‘practical changes in recruitment’. For example, many EFFRR employers that proactively and positively work with prisons (e.g. Marks and Spencer) ‘through the gate’ fail to follow this through in their broader attitudes towards people with convictions. One person said: *“I saw that M&S was on the Employers Forum for Offenders, and worked with prisons. I was released 5 years ago, and last month thought I’d apply. They turned round and said they don’t employ people with unspent convictions.”*

⁶ Working Links (2010) Prejudiced: Tagged for life - A research report into employer attitudes towards ex-offenders, London: Working Links

⁷ See <http://www.royalmailgroup.com/our-people/careers/royal-mail/faqs-about-job-opportunities>

⁸ Survey of 1,118 employers by Reed, January 2013, presented at a No Offence conference

⁹ Comment by Faye Goldman, Communications Manager for BITC, in email correspondence with Unlock

¹⁰ See http://www.staradvertiser.com/news/breaking/20140826_Hawaii_job_application_law_reduces_crime.html

11. Problems can also often arise later in the recruitment process, where individuals are treated unfairly, albeit not necessarily unlawfully. For example, an Unlock client obtained a job with a prominent 'offender learning' company) after disclosing his convictions, only to be dismissed 3 months later due to his record. Through our helpline, we have an 'ear to the ground' on what practices are taking place, and there are four key areas where some employers continue to operate illegal practices:
- a) Breaching the Rehabilitation of Offenders Act - For roles covered by the ROA, many employers continue to require the disclosure of 'all convictions' (or any) (ignoring the provisions of the Rehabilitation of Offenders Act 1974) and use this information as part of their risk assessment process.
 - b) Submitting ineligible checks – For roles covered by the ROA, some employers carry out illegal DBS checks (which is an offence under the Police Act) yet no employer has been held to account for this type of practice. A conservative estimate by Unlock is that approximately 2% are ineligible.
 - c) Breaching the Police Act regulations - For roles entitled to standard and enhanced checks, many employers continue to require the disclosure of 'all cautions and convictions' (ignoring the filtering regime) and use this information as part of their risk assessment process.
 - d) Use of other forms of vetting - Some employers continue to use police records – this is known as 'enforced Subject Access Request' and, following Unlock's lobbying of the ICO and the MoJ, became a criminal offence in 2015.

Recommendation 1: The DWP should proactively work with employers in challenging attitudes and bad practice in the way they treat applicants that have a criminal record.

Recommendation 2: Jobcentre advisors and Work programme advisors should be aware of the potential unfair treatment people with criminal records could face by employers, and provide support to both the individual and the employer in preventing this unfair treatment.

Recommendation 3: It should be made clear to jobseekers that not all employers follow the rules correctly and individuals should seek specialist assistance before disclosing if they are unsure.

Coordination of support

12. 76% of people leaving prison do not have paid employment to go to after release.¹¹ There is a range of national-level services that, to varying degrees, support people in prison and post-release into employment. These include CRC providers, the Offender Learning and Skills Service (OLASS) education

¹¹ Lara Natale, Factsheet - Education in Prisons (2010) CIVITAS Institute for the Study of Civil Society, page 2, available at <http://www.civitas.org.uk/crime/factsheet-EducationinPrisons.pdf>

providers (within prisons), Careers advisors (through National Careers Service (NCS) provision), Job centre advisors (based in prisons and in the community), Work programme providers and NOMS Co-Financing Organisation (NOMS CFO) provision (joint NOMS-ESF funded support for people further from the labour market).

13. Unfortunately, on a practical level their respective roles (and responsibilities/accountability) are often unclear. Through providing training to a range of these providers on providing advice/support on criminal record disclosure, the question “who is responsible for doing this” often comes up. Delivery arrangements tend to rely on regional and local working arrangements which are often inconsistent with other areas and results in gaps and confusion. The changes to support as a result of the Transforming Rehabilitation have added to the confusion (which existed before those reforms) about who is responsible for providing support to people both pre and post-release.
14. An individual preparing for release asking the question “who can support me with employment?” will often struggle to find the answer. We regularly receive calls to our helpline from people who have been referred to Unlock from their probation officer or jobcentre advisor when they said they are struggling because of their criminal record. As Unlock does not take formal referrals from these agencies, our role in these situations is to advise where we can and then signpost appropriately, but it is often impossible for us to know precisely where we can point them to as there is a lack of transparency.
15. We note a response already provided to the Committee by Seetec which states “availability of support is not currently the issue.....however there is too much complexity with a breadth of providers with differing outcome drivers and a lack of structured signposting. Transforming Rehabilitation was designed to provide a consistent rehabilitation journey for offenders from sentencing to prison to the community and include additional support for short sentenced prisoners.” They go on to say that CRCs are taking steps to join up provision and provide advocacy to support offenders to navigate services throughout their rehabilitation journey and should be the vehicle to connect up services going forward.” This is an approach that we believe all CRCs should take.
16. In an evaluation of day one mandation of prisons leavers to the Work Programme,¹² it was found that only 29% of prison leavers received advice on dealing with their criminal record from the Work Programme. It made a recommendation that “improved training of advisers in respect of offenders, or more specialist provision, would be useful.” Although general performance has been above DWP expectations at the 12-month point for most JSA groups, it has been below the expectations for the

¹² See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399519/rr897-evaluation-day-one-mandation.pdf

ESA New Claimants groups and the JSA Prison Leavers groups. In a response by CESI, it was suggested that this could perhaps reflect that these groups require more investment of time and support to achieve outcomes.¹³

17. According to the Target Operating Model published by the Ministry of Justice, resettlement services *“must include providing direct support in custody in helping offenders find accommodation, providing assistance with retaining employment held pre-custody and gaining employment or training opportunities post-release.”*¹⁴ It is unclear to what extent CRCs are doing this and how. However, in one example that we are aware of, the CRC has subcontracted their broad resettlement intervention to a specialist housing advice provider, to which ‘employment support’ has been added on, despite a lack of skills, expertise or resources to be able to deliver this significant addition to the contract. Given there are 8 CRCs that operate over 21 areas, it is unlikely that there will be consistency in the employment support people receive on release as each area is likely to commission differently. There is a lack of transparency of supply chain partners in terms of the work they are delivering and how they are being resourced. As a charity that advocates for people with convictions, that makes it challenging for Unlock to determine what employment support is available to people before and after release.
18. It is not expected that resettlement prisons and probation areas should commission all forms of support themselves. There is necessary cross-over with other commissioners (such as DWP) to avoid duplication. However, often through fear of duplication (or confusion about responsibilities) there are gaps that are left unfilled.

Recommendation 4: We support Clinks and Homeless Links recommendation that CRCs and the National Probation Service should regularly publish full details of their supply chains, including the roles, responsibilities and resources each of these have allocated to this work.

Recommendation 5: Details of CRC and NPS supply chains should be accompanied by similar details of other employment support providers that support people in prison and on release that take place outside of supply chains, such as work programme providers and careers advice services.

Recommendation 6: All providers of national-level services (including CRCs, OLASS, NCS, Jobcentre Plus, Work Programme and NOMS CFO) should be required to provide a breakdown by prison and probation area of what support they provide to people in finding employment.

¹³ See http://cesi.org.uk/sites/default/files/response_downloads/WP_stats_briefing_Sep_2015.pdf

¹⁴ Ministry of Justice (2014) Target Operating Model: Version 3- Rehabilitation Programme, Online: <https://www.gov.uk/government/publications/rehabilitation-programme-target-operating-model> (last accessed 13.04.2016)

Recommendation 7: Each resettlement prison and probation area should establish a matrix of necessary support mechanisms that individuals might require, and match this against providers that they commission directly or that are commissioned elsewhere.

Recommendation 8: Support for employment and housing on release should not be limited to the time that people spend in a resettlement prison – it should take place throughout their sentence.

The role, expectations and skills of practitioners of statutory agencies

19. Unlock runs a helpline that deals with approximately 5,000 people every year. The majority of these enquiries are from people with a criminal record in the community who do not understand how to deal with a particular problem they are facing as a result of their convictions. Research by Unlock and Prison Reform Trust suggested only 2% of people in prison understand the Rehabilitation of Offenders Act.¹⁵ There are many examples of people we have helped on our website.¹⁶ For those that have been to prison or on probation, we should expect statutory agencies and providers to be in a position to support these individuals, yet this is very often not the case.

20. The majority of people leaving prison will be engaging with Jobcentre Plus workers, and 28% of all people claiming Jobseekers Allowance are people with convictions,¹⁷ yet there is limited knowledge amongst staff of the specialist help needed to support people with convictions. Some of these examples are below:

- *"I'm on life licence, so I just use my probation officer. But, they tend not to know very much about longer term issues. Even so, I just rely on what they say, as if I get it wrong, I can just say, "My probation officer told me"*
- *"Everyone says "you don't have to disclose if you don't ask", but I'm being told by MAPPA that I must disclose. Everyone I speak to says there's nothing I can do about this – surely that's not right?"*
- *"I want to be a taxi driver, but not sure whether it's the best career move because of my convictions. I'd quite like some specific careers advice based on my convictions"*

21. Instead, Jobcentre advisors and others (including Work Programme providers and careers advisors) inappropriately rely on charitably-funded services like Unlock's helpline to plug this gap. As Unlock do not take formal referrals from these agencies (as we do not seek to deliver services on their behalf),

¹⁵ See <http://www.unlock.org.uk/projects/past-projects/time-is-money/>

¹⁶ See <http://www.unlock.org.uk/about-us/success-stories/>

¹⁷ Experimental Statistics from the 2013 MoJ/DWP/ HMRC data share: Linking data on offenders with benefit employment and income data (January 2014) Ministry of Justice page 28, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304411/experimental-statistics.pdf

we provide training to probation officers, careers advisors and others whose role should involve providing support around criminal records. David, a project manager of a charity based in London, said of our training:

"I had to write in and let you know how I appreciate the criminal record disclosure training I attended earlier this year and how it's improved the information I can provide my clients regarding their criminal convictions. As an ex-offender myself, I have always had to disclose my convictions due to my job role (working with vulnerable adults). I thought I had a good grasp on the ROA 1974 until I attended the training.

The amount of new information I learned on the day was extensive and extremely thorough. It was presented very clearly and you made some difficult parts easy to understand. I can honestly say that I normally struggle in this type of environment but found the day fly by. I thoroughly recommend service providers who work with ex-offenders to attend this training day as we owe it to the people we work with to provide accurate and up to date information."

Recommendation 9: Every Jobcentre office should have a specialist worker trained on dealing with criminal record and disclosure matters. All advisors should have a basic awareness and be able to make internal referrals to the specialist where appropriate.

22. In their response to the Committee, Seetec stated that "disclosure support must be a key element of employability provision for this cohort to ensure that offenders are able to highlight their strengths and skills to employers and overcome objections to their criminal record, particularly in sectors where there are known skills shortages at entry level e.g. construction." We have worked specifically with KSS CRC, part of Seetec, although it is unclear how other CRCs are taking on their responsibilities in this regard.

Recommendation 10: All practitioners providing support to people in prison and those in the community that have a criminal record should have appropriate training tailored to their role which enables them to provide appropriate support on criminal record disclosure matters.

Recommendation 11: All CRC practitioners should have specific training on providing disclosure support.

Proactively engaging employers

23. We have mentioned above the role of networks such as EFFRR, Ban the Box and See Potential. These are important national-level networks and campaigns. However, at a regional and local level, people with convictions are not supported in engaging employers. People leaving prison, and those with a criminal record more generally, face a number of barriers when they apply for employment from potential employers. Prisons and CRCs do not offer a consistent form of support or point of contact for employers interested in this area.
24. Support provision should include engaging employers at a local and regional level to encourage employers to take on people with a criminal record. To what extent they are the sole responsibility of any one of the national providers mentioned above is unclear. There are risks in conceptualising this as a 'prison' or 'probation' problem – it should be seen a broad concern across CRCs, Jobcentre Plus, Work Programme and careers provision.

Recommendation 12: CRCs, Jobcentre Plus, Work Programme and careers provision should establish a regional and local strategy for proactively engaging employers in recruiting people with a criminal record given the dual-importance of both reducing re-offending and reducing unemployment.

Recommendation 13: Every resettlement prison and CRC area should have a dedicated central point of contact for employers looking to recruit people still serving a sentence or keen to offer training and voluntary opportunities.

Recommendation 14: Employers that offer training and voluntary opportunities/places should be able to demonstrate how their broader recruitment practice is fair towards people with convictions and how they recruit people with criminal records.

Question 2 - What benefit payments are available on discharge from prison and how long does it take to access those benefits?

25. In 2013, just over a quarter (27%) of people had a job on release from prison, indicating that for many people leaving prison, accessing benefits provides essential financial support.¹⁸ We have

¹⁸ Table 8, Ministry of Justice (2015) National Offender Management Service annual report 2014/15: Management Information Addendum, London: Ministry of Justice

comprehensive information on our website about the benefits people leaving prison are entitled to, which we would refer the committee to.¹⁹

26. In research that we published in 2010 in partnership with the Prison Reform Trust, *Time is Money*²⁰, we highlighted problems with benefits and the ‘finance gap’ on release from prison. This included significant delays before receiving first payment of benefits, claims being delayed because of no fixed address or other unstable living arrangements, and problems caused by not closing down a claim on entry to prison which resulted in investigations and new claims being suspended. We would draw the Committee’s attention to the findings of this research and our recommendations.²¹

Recommendation 15: We reiterate recommendations we made in our 2010 research, *Time is Money*, in relation to benefits, including:

- 1. People in prison should have access to independent quality-assured benefits advice from the point of arrival.**
- 2. Benefits should be available from the day of release. The application process should be completed prior to discharge.**
- 3. Until benefits are made available on release, the discharge grant should be increased to the level of the current jobseekers’ allowance.**
- 4. Prisons should alert local authorities to people in need of support well before the anticipated release date to ensure that the mandated duties to vulnerable people are met.**
- 5. Prisons must ensure that all people receive the money that is held in their private cash (prison) account on release.**

27. Although there have been some improvements to the situation that led to the recommendations above, it is our understanding that many of the problems remain. For example, in theory people are now able to prepare claims up to 5 weeks in advance of release, yet it is our understanding that there remains an with delays in people receiving their first payment of Jobseekers Allowance (JSA) given that often they cannot formally make the claim until they are released; for example, if they do not have a confirmed release date. These delays can often extend to many weeks. The system of prompt payment on release also relies on the person in prison being aware of the importance of starting the claim well in advance before release and the ability to access the Jobcentre Plus Employment and Benefits Adviser before release. It is unclear what proportion of people are unable to do this, and this may be an area the Committee wishes to secure further evidence on from the DWP, because where

¹⁹ Unlock (2016) Benefits, Online: <http://hub.unlock.org.uk/knowledgebase/benefits/#Discharge%20grants> (last accessed, 11.04.2016)

²⁰ Available at <http://www.unlock.org.uk/projects/past-projects/time-is-money/>

²¹ See <http://www.unlock.org.uk/wp-content/uploads/2014/04/Time-is-Moneysmall.pdf>, From page 49 onwards

this engagement does not occur, individuals may have to wait several weeks. For many people leaving prison, particularly those serving shorter sentences, there is no support and they are left to arrange this themselves on release.

28. It is our understanding that those leaving prison who are unable to work (and not able to claim JSA instead claim Employment and Support Allowance, ESA) are unable to make a claim for this type of benefit until they are released as a medical certificate cannot be issued by the prison doctor so people need to register with a GP, get an appointment and then a certificate before being able to make a claim. If prison healthcare could issue the certificate, alongside community GP registration arranged prior to release (although we note that it can be difficult to register with a GP with no fixed address), this would help to speed up payments.

Recommendation 16: All people leaving prison should be able to prepare a claim for JSA or ESA before release so that payments are available to them promptly on release.

Recommendation 17: Those making claims for ESA should, before release, be able to obtain relevant medical certificates alongside being supported with community GP registration.

29. Access to a bank account is an important factor in accessing benefits. We have undertaken significant work in this area by establishing schemes that enable people in prison to apply to open a basic bank account before they are released. This was part of a project that Unlock ran until 2014, where we reached the stage of having linked every prison that released directly into the community with a bank. During the course of the 9-year project Unlock helped to set up 74 prison/banking programmes, and by the end of the project 114 prisons had links with a high-street bank, the 'big 5' current account providers (Barclays, Halifax (part of Lloyds Banking Group), HSBC, Santander and RBS) were all actively involved (as well as a significant contribution from Co-operative), and by the end of 2013 all prisons that wanted and needed a basic bank account opening programme had one. We produced a report at the end of the project with a number of recommendations.²² Unfortunately, as a result of the changes to the delivery of services and support in prisons, we have been made aware of a number of prisons that are struggling once again in this area. This seems to have come as a result of a significant amount of change within the prison estate and once well-embedded arrangements have not been properly taken up, especially by CRC providers.

²² Available at <http://www.unlock.org.uk/projects/past-projects/unlocking-banking/>

Recommendation 18: NOMS should sufficiently resource oversight of the national bank account programme to ensure that CRCs and other providers in prisons where appropriate are providing the appropriate support to people in opening a bank account before release.

30. People leaving prison are often eligible for a discharge grant, which currently stands at £46. The discharge grant remains at a very low level and has not been increased for many years. Discharge grants and travel money on their own will not support somebody until their first benefit payment comes through. Since the dismantling of the social fund, local authorities have their own welfare assistance schemes, although our experience of callers to our helpline is that awareness of these schemes is low. They are intended for individuals in crisis and they can sometimes cover rent in advance. However, many of these require local connections to the area, thereby excluding many people who have been homeless before prison or are released from prison in areas away from their home. In practice, the majority of people leaving prison receive a discharge grant which has to tide them over until their first benefit payment. They rarely access local assistance schemes and so are left to fend for themselves, relying on the goodwill of friends, family and charities.

Recommendation 19: An assessment into the availability of financial support through local authority welfare assistance schemes should be undertaken.

Question 3 - Do the employment and education programs available in prisons prepare prisoners for formal employment?

31. We expect there to be a significant amount of evidence provided to you on this point, so we will limit our response to a couple of areas. The first, as mentioned in our response to question one under 'the role, expectations and skills of practitioners of statutory agencies' is the support provided in applying for work. Prisons, through OLASS providers and resettlement workers, often deliver programmes that cover applying for work. These often touch on the disclosure of criminal records, but rarely in any depth. Since the introduction of CRCs, the amount of one-to-one work provided with individuals looking at criminal records and disclosure is very low. Jobcentre advisors and work programme providers do not seem to have the presence or resources in prisons to see people preparing for release on a one-to-one basis. Common feedback from the training that we provide to practitioners running education courses in prisons is that they simply do not have the time or resources to cover this and instead rely on short group work programme. The recommendations that we make early in this response are relevant to this problem.

Recommendation 20: People in prison should receive one-to-one disclosure support from someone that is trained and confident in criminal record disclosure.

32. The second area relates to programmes that cover self-employment and entrepreneurship. A particular problem that people should be aware of, but which is rarely covered in prison programmes on this subject, is the issue of insurance. Unspent convictions can usually cause people a problem in securing insurance, which for self-employment and entrepreneurs can be a challenge. We recently undertook a survey of people with convictions in partnership with the Centre for Entrepreneurs (report forthcoming). From over 150 responses, 84% thought their criminal made it harder to start a business, 51% did not know where to go to get insurance, and 89% thought that having a criminal record made it harder to get insurance for their business. Unlock has a list of insurance brokers that we maintain as part of our information provision and to which we signpost people towards, but awareness at an early stage is critical.

Recommendation 21: Prison programmes on self-employment and entrepreneurship should cover insurance and how to overcome the additional challenges because of their criminal record.

33. Release on Temporary Licence (ROTL) is a critical bridge between prison and the community, especially for those serving longer sentences. Unlock runs a volunteering scheme with prisons local to our Maidstone office. This has run for over 7 years with great success. However, the restrictions on ROTL have been counterproductive. Furthermore, the way the prisons operate their ROTL process is not particularly welcoming or engaging for external organisations, and it takes a committed employer to remain patient with the bureaucracy and unnecessary processes. For a commercial organisation, which does not have the support of people with convictions at its core, this could easily result in a blanket refusal to engage. This is particularly the case for a national organisation where it is unfair to rely on them to make a concerted effort to navigate the process of each prison. There is a lack of communication and responsibility within individual prisons over the ROTL process.

Recommendation 22: We support the recommendation made by the Prison Reform Trust and Clinks in January 2016 to reverse the decline in the use of ROTL for rehabilitation and resettlement.

Recommendation 23: Prisons should have a dedicated point of contact for employers in offering opportunities for people on ROTL.

Recommendation 24: National employers engaging within the criminal justice system should be provided with more support to ensure that they are able to effectively engage and offer opportunities to people in prison and on probation.

Question 4 - What support do offenders receive to help them find suitable accommodation on leaving prison?

34. The Committee has already received evidence from those specialist in this area. However, we would like to make a couple of additional comments. 57% of people leaving prison report living with immediate family shortly after release.²³ Non-disclosure of an unspent criminal conviction when applying for or renewing house insurance when asked is illegal – doing so will invalidate a policy and can lead to prosecution. Over four in five former prisoners find it harder to get insurance and four-fifths said that, when they did get insurance, they were charged more. People are not made aware of issues relating to house insurance if they are moving back with family members.

Recommendation 25: CRCs should make it clear to those moving into the homes of family members or friends of the need for them to address any insurance implications that arise and the ways to overcome these.

35. Having a criminal record can unfairly prejudice a person's application for social housing. In particular, the Housing (Wales) Act 2014 removed the automatic priority need status for homeless people leaving prison.²⁴ The housing options of people released from prison are becoming increasingly restricted. The Localism Act 2011 has greatly enhanced the ability of local authorities to exercise greater discretion in excluding certain applicants from their housing registers, especially those with histories of anti-social behaviour or criminal convictions.²⁵ Under the old rules, councils would not have been allowed to make a rule which would apply to all people with convictions, or to anyone convicted of a particular type of crime. Past decisions showed that each application had to be considered individually.

36. The government's guidance on the new regime states the following: "Housing authorities should avoid setting criteria which disqualify groups of people whose members are likely to be accorded reasonable preference for social housing.... However, authorities may wish to adopt criteria which would disqualify individuals who satisfy the reasonable preference requirements...for example, if applicants are disqualified on a ground of anti-social behaviour. When deciding what classes of people do not

²³ Brunton-Smith, I and Hopkins, K (2014) The factors associated with proven re-offending following release from prison: findings from Waves 1 to 3 of SPCR, London: Ministry of Justice

²⁴ Sustain: a longitudinal study of housing wellbeing in the private rented sector: interim report, Shelter (2012), p. 22

²⁵ See <http://www.bbc.co.uk/news/uk-england-essex-21408021>

qualify for an allocation, authorities should consider the implications of excluding all members of such groups.”

37. On the surface, therefore, the requirement that each case be assessed individually seems to have been significantly watered down by the Localism Act 2011. Since that came into force, we have seen anecdotal examples of local authorities who have refused people who have any unspent conviction, regardless of nature or seriousness.

Recommendation 26: Alongside Clinks and Homeless Link, we recommend that there is a full review of all legislation and guidance relating to housing for people with a criminal record, to prevent people being unfairly excluded from social and other appropriate housing.

Question 5 - What are the impacts of factors such as homelessness and unemployment on the propensity to re-offend?

38. Having seen the responses already submitted to the Committee, it seems that you have been provided with a comprehensive set of data which articulates the importance of stable accommodation and meaningful employment on reducing re-offending. However, it is also important to consider not just the impact of unemployment on the propensity to re-offend, but the costs to the tax-payer in other ways, in particular through the benefits bill. Once people are no longer re-offending, they remain with a criminal record, and form a substantial part of those that are unemployed - 28% of all people claiming Jobseekers Allowance are people with convictions²⁶ and people with convictions are the most disadvantaged group when obtaining steady employment.²⁷ From the Committee's perspective, it may be helpful to not only focus on re-offending but also on issues of social mobility and how to overcome the stigma and discrimination that people face due to their past criminal record, especially given the disproportionate numbers of young people and people from black and minority ethnic backgrounds that have a criminal record.

Recommendation 27: Research should be undertaken on the impact of unemployment on the social mobility of people with a criminal record, and the disproportionate impact on young people and those from BAME backgrounds.

²⁶ Experimental Statistics from the 2013 MoJ/DWP/ HMRC data share: Linking data on offenders with benefit employment and income data (January 2014) Ministry of Justice page 28, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304411/experimental-statistics.pdf

²⁷ Holzer et al., 2003 in M Kurlycheck, R Brame and S Bushway, 'Enduring Risk? Criminal Records and Predictions of Future Criminal Involvement' (Jan 2007) Crime and Delinquency 53: 67

Question 6 - How does benefit and employment support integrate with other services for ex-offenders?

39. This has to some extent been addressed in our response to question 1. However, one further point we would like to make is in relation to the choice between specialist services for people with convictions or fair access to mainstream services.

40. Our view is that, wherever possible, people in the community should be able to access appropriate support, tailored to their needs, from mainstream services. As an independent non-service delivery charity, we do not have a vested interest in making the case for specialist provision for the sake of supporting our business model. There will always be occasions where the evidence shows that it is more effective to have specific provision for people with criminal records. For example, the value of peer support in engaging with individuals who might not otherwise turn their life around. However, this should not be at the expense of preventing access to mainstream provision. Otherwise, the risk is that people with convictions are further marginalised and stigmatised by specialist categories that define them as 'ex-offenders' To some extent they need to be integrated with mainstream services for people in the community.

Question 7 - Is there specific support for different groups such as young offenders and female offenders?

41. In our experience, there is a range of support provided to specific groups such as young people and women. However, the understanding of where these are and what they do is very low, hence our recommendations in answer to question 1 about availability of information that explains the support services out there and their respective roles/responsibilities.

42. One additional point we believe it is important to make is in relation to those convicted of sexual offences. It is clear to us that many providers of services specific to 'offenders' will often exclude this group of people. The reasons for this vary, but the result is significant; not only do these individuals find themselves marginalised and excluded from many support services, but it is clear from our experience that people with convictions for sexual offences face additional stigma and discrimination. This makes the case for appropriate support even stronger, whereas the reality is that individuals in this situation receive the least support. The fact that these individuals are often subject to further monitoring and sentence restrictions heightens the marginalisation that they face.

Recommendation 28: Consideration should be given to how providers offer specific support to people convicted of sexual offences.

Question 8- What recommendations should be made to improve support for ex-offenders?

43. Broadly, we would welcome a common framework for people serving sentences (in prison and on release) that is shared by all relevant departments, agencies and commissions, so that the roles and responsibilities of the various providers at a national level, and the delivery arrangements at a regional and local level, is clear. This would help to remove unnecessary duplication but also, and more importantly, ensure that the support provided to people with convictions is comprehensive, appropriate to their needs and joined up between criminal justice and community providers.
44. Around 7,000 people get a conviction each year that can never be spent.²⁸ This means that when they are released, they are always going to have to disclose their record to employers if they are asked. This emphasises the importance of long-term support to people well beyond the interventions they receive from prisons and CRCs.
45. A summary of the recommendations that we have made in this response are provided below:
- Recommendation 1: The DWP should proactively work with employers in challenging attitudes and bad practice in the way they treat applicants that have a criminal record.
 - Recommendation 2: Jobcentre advisors and Work programme advisors should be aware of the potential unfair treatment people with criminal records could face by employers, and provide support to both the individual and the employer in preventing this unfair treatment.
 - Recommendation 3: It should be made clear to jobseekers that not all employers follow the rules correctly and individuals should seek specialist assistance before disclosing if they are unsure.

²⁸ Unlock (2014), *The number of people with convictions*, available at <http://www.unlock.org.uk/the-number-of-people-with-unspent-convictions/>

- Recommendation 4: We support Clinks and Homeless Links recommendation that CRCs and the National Probation Service should regularly publish full details of their supply chains, including the roles, responsibilities and resources each of these have allocated to this work.
- Recommendation 5: Details of CRC and NPS supply chains should be accompanied by similar details of other employment support providers that support people in prison and on release that take place outside of supply chains, such as work programme providers and careers advice services.
- Recommendation 6: All providers of national-level services (including CRCs, OLASS, NCS, Jobcentre Plus, Work Programme and NOMS CFO) should be required to provide a breakdown by prison and probation area of what support they provide to people in finding employment.
- Recommendation 7: Each resettlement prison and probation area should establish a matrix of necessary support mechanisms that individuals might require, and match this against providers that they commission directly or that are commissioned elsewhere.
- Recommendation 8: Support for employment and housing on release should not be limited to the time that people spend in a resettlement prison – it should take place throughout their sentence.
- Recommendation 9: Every Jobcentre office should have a specialist worker trained on dealing with criminal record and disclosure matters. All advisors should have a basic awareness and be able to make internal referrals to the specialist where appropriate.
- Recommendation 10: All practitioners providing support to people in prison and those in the community that have a criminal record should have appropriate training tailored to their role which enables them to provide appropriate support on criminal record disclosure matters.
- Recommendation 11: All CRC practitioners should have specific training on providing disclosure support.
- Recommendation 12: CRCs, Jobcentre Plus, Work Programme and careers provision should establish a regional and local strategy for proactively engaging employers in recruiting people with a criminal record given the dual-importance of both reducing re-offending and reducing unemployment.

- Recommendation 13: Every resettlement prison and CRC area should have a dedicated central point of contact for employers looking to recruit people still serving a sentence or keen to offer training and voluntary opportunities.
- Recommendation 14: Employers that offer training and voluntary opportunities/places should be able to demonstrate how their broader recruitment practice is fair towards people with convictions and how they recruit people with criminal records.
- Recommendation 15: We reiterate the recommendations we made in our 2010 research, *Time is Money*, in relation to benefits.
- Recommendation 16: All people leaving prison should be able to prepare a claim for JSA or ESA before release so that payments are available to them promptly on release.
- Recommendation 17: Those making claims for ESA should, before release, be able to obtain relevant medical certificates alongside being supported with community GP registration.
- Recommendation 18: NOMS should sufficiently resource oversight of the national bank account programme to ensure that CRCs and other providers in prisons where appropriate are providing the appropriate support to people in opening a bank account before release.
- Recommendation 19: An assessment into the availability of financial support through local authority welfare assistance schemes should be undertaken.
- Recommendation 20: People in prison should receive one-to-one disclosure support from someone that is trained and confident in criminal record disclosure.
- Recommendation 21: Prison programmes on self-employment and entrepreneurship should cover insurance and how to overcome the additional challenges because of their criminal record.
- Recommendation 22: We support the recommendation made by the Prison Reform Trust and Clinks in January 2016 to reverse the decline in the use of ROTL for rehabilitation and resettlement.
- Recommendation 23: Prisons should have a dedicated point of contact for employers in offering opportunities for people on ROTL.

- Recommendation 24: National employers engaging within the criminal justice system should be provided with more support to ensure that they are able to effectively engage and offer opportunities to people in prison and on probation.
- Recommendation 25: CRCs should make it clear to those moving into the homes of family members or friends of the need for them to address any insurance implications that arise and the ways to overcome these.
- Recommendation 26: Alongside Clinks and Homeless Link, we recommend that there is a full review of all legislation and guidance relating to housing for people with a criminal record, to prevent people being unfairly excluded from social and other appropriate housing.
- Recommendation 27: Research should be undertaken on the impact of unemployment on the social mobility of people with a criminal record, and the disproportionate impact on young people and those from BAME backgrounds.
- Recommendation 28: Consideration should be given to how providers offer specific support to people convicted of sexual offences.