

# Ear to the ground, voice at the top

Strategic Plan 20**16**-20**20**



**SHEILA  
MCKECHNIE  
FOUNDATION**

# The Need

Amongst former prisoners alone, the criminal justice cost of re-offending is up to £13 billion a year<sup>1</sup> and 75% of individuals make a new claim to an out-of-work benefit within two years of release.<sup>2</sup>

According to Ministry of Justice research (2012)<sup>3</sup>, the most important factor identified in stopping reoffending was the importance of 'having a job.' However, 75% of employers say they would reject someone with a conviction.<sup>4</sup>

People who leave crime behind are frequently forgotten by society. Government and the media often present only 'offenders' versus the 'law abiding majority'<sup>5</sup>, even though there are over 10.5 million people in the UK with a criminal record.<sup>6</sup>

As the acknowledged experts on overcoming the long-term impacts of criminal convictions, Unlock assists over 300,000 people a year online and over 5,000 directly through our Helpline (by telephone, email and letter), as well as providing support and training on criminal record disclosure to employers & practitioners.

'Teenage crime set to disqualify war hero Simon Weston'  
(Channel Four News, 18<sup>th</sup> June 2012)

Teachers to be barred for living with offenders  
under new rules'  
(The Independent, 30<sup>th</sup> November 2014)

'Rape victims with petty convictions denied  
compensation'  
(The Guardian, 17<sup>th</sup> March 2015)

Of the 10.5 million people in the UK with a criminal record<sup>6</sup>, the vast majority have put their former mistakes behind them and are living crime-free and law-abiding lives. However, their criminal record can restrict their enjoyment of full and inclusive citizenship – in some cases, many years after the offences for which they have already served their sentences in full. Examples include discrimination in the field of employment, difficulties obtaining insurance and other financial services, restrictions on travel and access to educational opportunities and exclusion from participation in aspects of civil society.<sup>7</sup>

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.

# The Need

## The scale of the problem – it's more than just prison

There are in excess of 300,000 people either in prison or on probation supervision in England and Wales.<sup>8</sup> The growth of the prison population and the 'net widening' of the criminal justice system are very worrying and rightly draw the attention of those concerned with social justice. However, people who are imprisoned or who are otherwise under the supervision of the penal system make up only a small part of those encountering the problem of having a 'criminal record'. There are over 10.5 million people in the UK with a criminal record,<sup>6</sup> the majority of whom have left crime behind and gone on to live law-abiding lives.

## Outdated and partial solutions

In the early 1970s, the then Lord Chancellor, Lord Gardiner, chaired a working party to examine the problem of old convictions.<sup>9</sup> This led to the introduction of the Rehabilitation of Offenders Act 1974 and the establishment of an important legal principle that, after a specified period of time, most criminal records could become 'spent' meaning that they could not lawfully be taken into account in many circumstances.<sup>10</sup> However, over four decades the power of the Act has been gradually eroded. Even in its recently amended form, nobody sentenced to more than four years in prison can ever become 'legally rehabilitated'. Unlock estimates that there are still in the region of 735,000 people with 'unspent' convictions.<sup>11</sup> Moreover, sentencing statistics reveal that in 2014 alone some 7,010 people received a sentence of four years or more which means that their conviction can never become 'spent'.<sup>12</sup> The ever increasing numbers of 'exemptions' limit the protections of the Act and the status of having a conviction which is now 'spent' risks becoming meaningless.

People with convictions regularly face barriers to moving on positively with their lives and contributing meaningfully to society

## A long standing problem

People with convictions have long been subject to discrimination. Over a century ago, perhaps history's most famous convicted person, Oscar Wilde, considered the stigma of a criminal record, noting how society:

*'...shuns those whom it has punished, as people shun a creditor whose debt they cannot pay, or one on whom they have inflicted an irreparable, an irremediable wrong.'*<sup>13</sup>

However, the tendency to 'shun' people with convictions or to treat them as 'less eligible'<sup>14</sup> than other citizens is sadly not a relic from a bygone age, which this example from someone that we've helped demonstrates:

"I couldn't believe it when the lady at Unlock told me that my conviction was spent and I didn't need to disclose it. I love driving and my dream has always been to be a bus driver. The minute I put the phone down I realised that I could do anything I wanted to do. I've been judged because of my past for so many years." (Alan)

## A confusing legal and policy landscape

People with convictions are required to negotiate a complex legal and policy landscape. People with criminal records do not benefit from protections offered by the Equality Act 2010. Instead the Rehabilitation of Offenders Act 1974 remains the only piece of legislation designed to protect people with convictions from unfair treatment. However, a 2002 review of the Act concluded that the legislation was 'confusing' and noted that people:

*'...do not understand how it applies to their particular circumstances. It is not explained in court as part of the sentencing process and, although such information is sometimes made available to individuals in custody or under supervision in the community, more often than not it is never explained at all. It is not just people with previous convictions who are confused. Many employers know little or nothing about the ROA...Given its lack of proportionality and clarity, it is inevitable that the ROA is failing to achieve the protection for ex-offenders to which the Gardiner Committee aspired.'*<sup>15</sup>

## An intensification of the problem

Since the launch of the Police National Computer in 1974, criminal records have evolved from being used merely for crime detection purposes<sup>16</sup>, to becoming a means of categorizing people as potentially 'unsuitable', 'risky' or even 'undeserving'.

When the current system of 'criminal background checks' was introduced in 2002 a total of 1,183,877 checks were processed. There are now in excess of four million checks each year<sup>17</sup>, many of which are ineligible.

Modern forms of online news reporting are compromising the extent to which even spent convictions can remain private. The so-called 'Google effect'<sup>18</sup> can lead to information about criminal offences remaining publicly accessible for many years, undermining the purpose of the Rehabilitation of Offenders Act. Whilst the 'right to be forgotten'<sup>19</sup> is slowly being established as a legal principle, Unlock remains concerned that employers and others are routinely able to access information about people to which they are not legally entitled.

## Discrimination

### Employment

 33% of Jobseeker's Allowance claims are made by those with a criminal record<sup>2</sup>

 75% of employers say they would discriminate against a candidate if they disclosed a criminal conviction<sup>4</sup>

### Financial Services

 Insurance cover is often refused or subject to unjustified increased premiums

### Travel

 Visa requirements and confusing travel restrictions can deter or prevent travel

### Education

 Requirements to declare convictions when making university applications can deter people from studying

# Our Philosophy

## Countering the 'less eligibility' principle and advocating fair treatment

Unlock's work is founded on the principle that people who have already been punished by the criminal justice system should not face further 'punishment' or exclusion from aspects of civil society. Punishment, if it is necessary, should be restricted to the criminal justice system and not continue into the convicted person's future life. In short, if serving one's sentence can be likened to paying back a notional 'debt to society', the continued treatment of people with convictions as 'less eligible' than other citizens goes against the principles of natural justice.

## Access to information is vital

We believe that an effective way to help people with convictions overcome stigma and discrimination is to empower them with the information, advice and guidance they need to help themselves. To put this philosophy into practice we have produced an online Information Hub which is the country's most comprehensive source of online self-help information on a wide range of issues that are relevant to those with criminal convictions. We have also developed an online disclosure calculator to help people work out for themselves if and when their convictions become 'spent'. In addition, we provide a free and confidential Helpline which offers accurate, reliable, honest and non-judgmental advice. It is staffed by people with convictions who understand the barriers caused by a criminal record.

## Social justice requires alternative ways of acting

Unlock also takes the position that it is not enough for us merely to condemn examples of discrimination against people with convictions when we find them; we also need to promote practical solutions that demonstrate how the fair treatment of people with convictions can be achieved to promote a fairer and more inclusive society. Unlock has a track record of doing just this, for example:

- When we discovered that people leaving prison were struggling to receive benefit payments because they didn't have a bank account, we worked with the Ministry of Justice and the banking sector on a project to open bank accounts for serving prisoners prior to release
- When we learnt that probation officers and employers were struggling to understand how the law stood in relation to criminal background checks and the Rehabilitation of Offenders Act, we ran masterclasses for practitioners so that they could accurately advise their clients or applicants
- When we learnt that people with convictions were struggling to find insurance for their homes or their vehicles, we worked with the insurance industry to produce a register of specialist brokers who would provide access to cover. We also successfully campaigned to change the law so that the responsibility for eliciting a disclosure would always be the insurers

# Our Approach

**Mission:** To help people overcome the long-term disadvantages caused by their criminal convictions, and to work with government, employers and others to enable people to move on positively in their lives

At Unlock, how we work is as important to us as what we do. We are a small charity achieving BIG things. We hold strongly to 5 core values:



**Independence** - We believe it is important that we are able to hold Government, agencies and others to account. We also believe it is important that people with convictions trust us. That's why we're independent; Unlock does not deliver any government-contracted services. This is crucial to our model of working since, whilst we aim to work constructively with government and other partners wherever possible, we are also at liberty to take a critical stance on policies which unfairly restrict opportunities for people with convictions. As a result, our beneficiaries, supporters and funders can be sure that our sole motivation is to improve the life chances of people with convictions.



**Involve and include people with convictions** - We believe that personal experience is intrinsically valuable so we recruit people with convictions as staff and volunteers to deliver our front-line services. It offers a bridge of understanding, awareness and empathy to people who sometimes find it hard to talk about the issues they face. We also aim to have a Trustee Board with half of whom having convictions. People with convictions are in a unique position to know what needs to change. Being a beneficiary-led and delivered charity ensures that Unlock has legitimacy.



**Ear to the ground, voice at the top** - We listen and engage every day with people who face difficulties as a result of their convictions. We have an impressive track record of identifying issues, finding solutions and putting them into practice. We influence policy and create systemic change, continually punching above our weight to achieve large-scale outcomes including with employers, service providers, advice agencies and government.



**Think big. Act big. Stay small** - We are a small charity with big ideas. We will constantly adapt our work so that we better meet the needs of our client group. To do this, we need to make tough choices; we can't do everything. Longer-term, it is important that we are able to ensure that the organisation's core work continues, which means working efficiently and effectively.



**Work in partnership** - As a small charity, we work with like-minded organisations so that, together, we are able to achieve our aims. However, if we are to achieve real change, we also need to work with people and organisations that are different to Unlock and develop partnerships that influence the way they think and behave.

# Our Work

**Vision:** A fair and inclusive society where people with convictions can move on positively in their lives

Outcome	<b>Objective 1</b> – People moving on positively with their lives				<b>Objective 2</b> – A fairer and more inclusive society	
	Individuals have the knowledge, skills, confidence and support to overcome the long-term disadvantages caused by their convictions				Government, employers and others have policies, practices and attitudes that support fair treatment of people with convictions	
Area of work	Deliver direct support	Provide online support	Volunteering scheme	Support for providers & practitioners	Challenging employment discrimination	Influencing Government, employers and others
	Helpline Case work	Information Hub Disclosure Calculator theRecord   theForum	Train & support people with convictions as volunteers	Disclosure training Use of resources Partnership working	Supporting employers Challenging employers & How DBS checks operate	Collect evidence; undertake research; strategic litigation; work in the media; campaigns

**By 2020, we want to...**

Have developed our online support to maintain our position as a leading source of information, advice and support on criminal record issues	Have developed our volunteering scheme, providing valuable work experience and training to people with convictions	Be recognised as a leading charity for challenging and supporting employers in their treatment of people with criminal records	Have supported and enabled employers to put in place fair and inclusive employment practices
Have developed our peer-run helpline, maintaining its existing high standards and independence	Have developed our overall offer of support to service providers whilst maintaining our independence	Have influenced government, its departments & agencies in the fair and proper execution of criminal record checks	Have sought opportunities to challenge other areas where people with convictions face discrimination

# Our Priorities

## New activities

### Employment project

Fair Chance Recruitment / Ban the Box  
Supporting employers  
Challenging employers  
Improving how DBS checks operate

### Support for providers & practitioners

Criminal record disclosure training  
Disclosure Calculator use  
Use of resources  
Partnership working

## Core activities

### Direct information, advice & support

Helpline  
Case work

### Online information, advice & support

Information Hub | Disclosure Calculator  
theRecord | theForum

### Volunteering

### 'Ear to the ground, voice at the top'

Listening to the problems faced  
Engaging senior policy makers

### Strong media presence

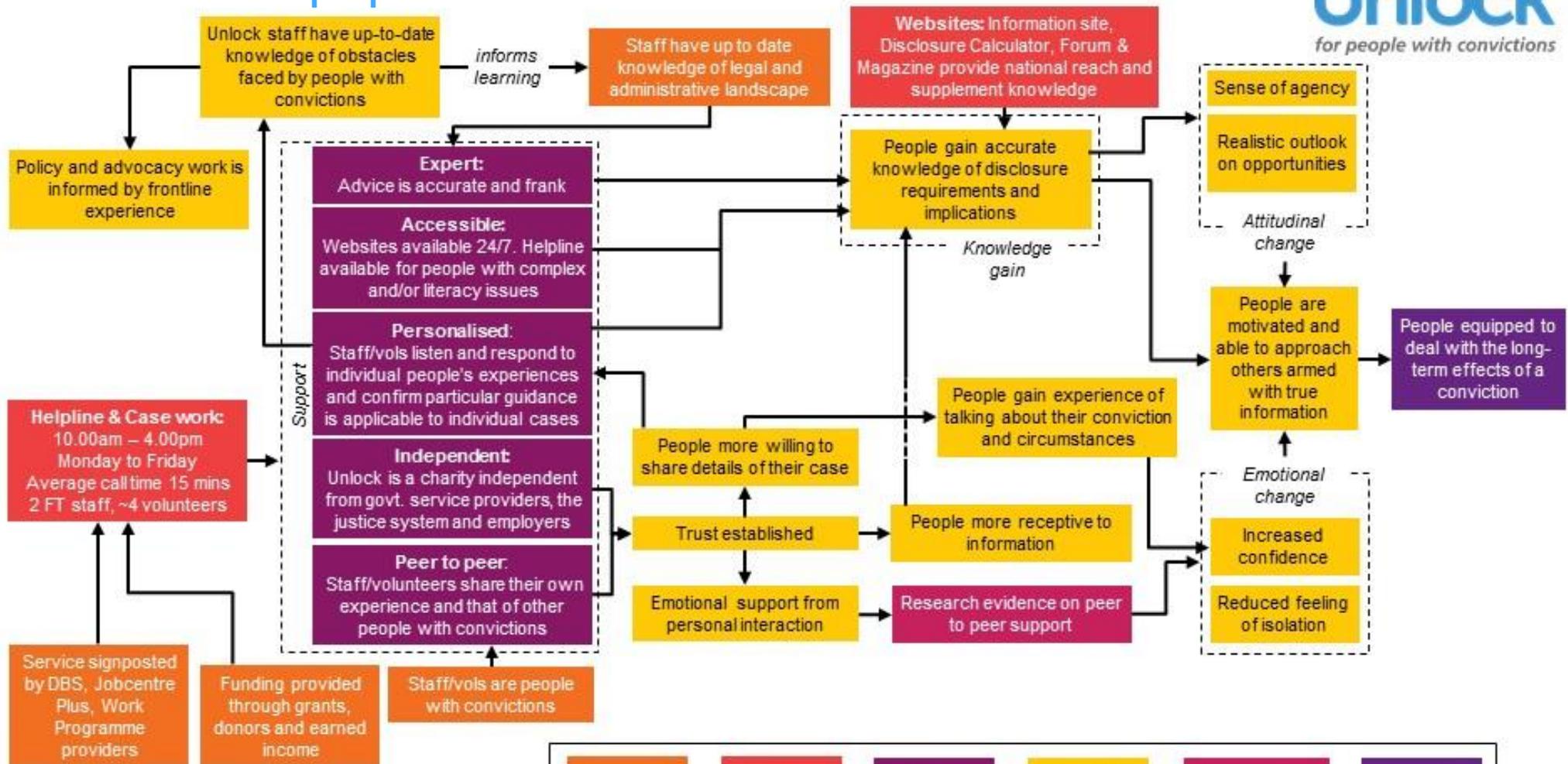
Trusted  
Independent

## Maintenance activities

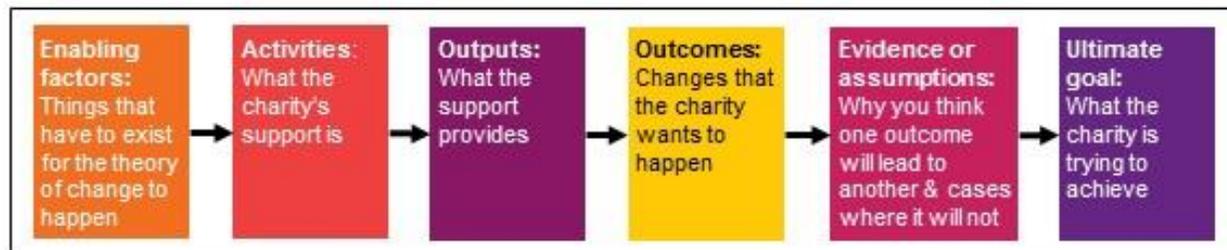
### Access to financial services

Promote access to basic bank accounts pre-release from prison  
Campaign for fair access to insurance

# Our Support for Individuals



Using a **Theory of Change**, developed with the support of New Philanthropy Capital



# What We Do

## 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 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

## Find out more

web	<a href="http://www.unlock.org.uk">www.unlock.org.uk</a>
twitter	<a href="https://twitter.com/unlock2000">@unlock2000</a>   <a href="https://www.facebook.com/unlockuk">facebook www.facebook.com/unlockuk</a>
youtube	<a href="https://www.youtube.com/UnlockRadio">www.youtube.com/UnlockRadio</a>
linkedin	<a href="https://www.linkedin.com/company/unlock-the-national-charity-for-people-with-convictions">www.linkedin.com/company/unlock-the-national-charity-for-people-with-convictions</a>

## Contact us

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References in this plan can be found in full on our website at [www.unlock.org.uk/references](http://www.unlock.org.uk/references)