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LIVING IT

CHILDREN, YOUNG PEOPLE AND JUSTICE

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GETTING A JOB

Richard Thomson on recruiting young people with convictions

THERE IS an employability mantra: ABC - Any job, Better job, Career! For young people, finding and keeping a job can be difficult and a criminal record marker can be devastating or not, depending on their aspirations, the advice they receive, other barriers to employment and local labour market dynamics.

While many obstacles are overcome by a mixture of effective interventions, good luck and growing up - a criminal record is for life. Well almost, but there is a shortage of accurate advice to jobseekers on what, when, why, where and how to disclose convictions (or not) to get a job and keep it.

The part of the Children's Hearings (Scotland) Act 2011 which concerns how youthful offending is dealt with in Enhanced Disclosure and Protecting Vulnerable Groups (PVG) scheme certificates, is yet to come into force. Until then all offences dealt with by Children's Hearings will potentially result in 'criminal records' for children. The Scottish Child Law Centre has concerns about the way this and other information will appear even after that part of the Act comes into force. Such disclosure may be inconsistent with their right to privacy under Article 8, ECHR. Young people should be encouraged to seek legal advice if the disclosure of Children's Hearing information appears to harm their career prospects.

The Rehabilitation of Offenders Act 1974 has not been amended in Scotland and it allows Scottish employers to consider the relevance of most convictions for much longer than in England and Wales as it stands. For example, a 16 year old who is convicted and fined is currently subject to a 30 month rehabilitation period to disclose their convictions in Scotland but only 6 months in England. The Scottish Government is currently reviewing the 1974 Act but no timescales have been committed to reform.

Understanding this legislative background and Disclosure Scotland's role are key competences for mainstream employability advisers. While Recruit With Conviction provides minimum core competence training for employability advisers, there are clear roles for specialist agencies like Apex Scotland and Access to Industry.

A criminal record declaration can produce unpredictable employer responses so young people must be prepared to disclose and be resilient enough to cope with the consequences.

Identifying what should or shouldn't be disclosed to different employers is complex, and guessing the contrasting and conflicting employer responses to a criminal record disclosure is impossible, so advice must be given positively but with the caveats explained clearly.

Understanding a young person's attributes, attitude and aspirations for work and matching this against the realism of local employer expectations is an art which is developed with experience.

Getting a job, is only the first step towards keeping a job. Matching the right person to the right job, with the right employer at the right time is crucial and a direct relationship between key workers and employers can play a pivotal role.

Recruit With Conviction employer training helps recruiters to understand their own offender stereotype anxiety so that they can be more aware of their personal bias. The training also helps them to understand the legislative background and highlights the opportunities and good practice in widening their recruitment pool.

The process should go further than just policy and procedure. Many public bodies, such as Fife Council, have good practice procedures for the recruitment of people with convictions, but people with convictions often deselect themselves from public sector jobs either through embarrassment of disclosure or a false assumption that they will be barred. Recruiters must be empowered rather than technically authorised to select the right candidate with convictions.

Good employer processes help more people to 'apply with convictions' and promote opportunities to compete at interview by delaying disclosure. This is why the Ban the Box UK campaign is so important.

Like all interventions, there is no silver bullet. Employment is widely accepted to support desistance, health and routes out of poverty but the wider issues are complex and a job can be harmful too unless it's the right job for the right person in the right place with the right employer at the right time.

More research is also needed into the particular challenges of high local unemployment and the disadvantage caused by single summary convictions or specific stigmatising conviction labels such as racial aggravation or sexual.

Richard Thomson is director of Recruit With Conviction promoting safe, effective and sustainable employment for people with convictions.

<http://www.recruitwithconviction.org.uk/>

Ban the Box: <http://www.bitc.org.uk/banthebox>

BRIAN WAS INVOLVED in low level offending as a teenager and this has had long-term consequences on his employment prospects. Here he describes his journey towards employment and reflects on situation for other young people.

I got into trouble from 15 years old, it was stupidity. There were difficulties at home and I turned to drink to help me cope. I was charged with vandalism, breach of the peace, breaching bail and resisting arrest. When I was 22 I was sent to prison. I wanted to change but on my release I was living in a hostel and hanging around people with had issues of their own so it was straight back to drinking. After another spell in prison I was determined and this time I got the support I needed, I went to rehab and was introduced to the AA. I started to turn my life around but I was suffering from anxiety and was on incapacity benefit for a couple of years. I wanted to stay on the sick but I was eventually declared fit to work. I'm five years sober now and I felt I was able to work about three years in.

I was scared of going on job seekers allowances, panicking about getting sanctioned and being forced to look for work. It was hard but I got support to do my CV and apply for jobs. When I got an interview sometimes I'd get a good feeling but then I'd declare my unspent conviction and the interview would be terminated. This must have happened seven or eight times last year. They never asked what my conviction was for, just rejected me outright. I was willing to put the work in but there was no chance. It knocks your confidence, you kid on you're not bothered but you are.

I also volunteered in a charity shop, did football coaching though street soccer, was accepted on a Venture Trust course and went to France to engage in promotional activities through Exchange Scotland. Once I started volunteering one thing led to the next. At street soccer one of the players had got a job through Social Bite and so I contacted them. Social Bite didn't ask about my past.

They gave me a three day work trial as a kitchen porter and have kept me on. I was so nervous at first, it's the first job I've ever had.

I've never got a job when asked to declare my convictions. Because my sentence was seven months I have to declare for 10 years. I've got another three years to go. If my sentence was one month less I wouldn't need to declare for so long and because my offending is relatively minor 10 years seems like a long time. It's not right to judge people forever for making mistakes. People should be forgiven if they're trying to change.

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I don't think employers should discriminate for those with minor offences but offer a trial period, like Social Bite. It doesn't feel right to be asked about convictions on an application form when this doesn't take account of the type or level of offence. For minor offences like mine I think employers should change their policies. For those who have committed more serious crimes, like homicide there's no chance, other than perhaps at Social Bite because they don't ask. Young people need to speak out about their experiences too because I'm not sure people realise how bad it is.

Its hard to say but things might have been different for me if I'd had an apprenticeship when I was younger, if I'd had something to focus on rather than drinking. When I was at school I had a one week trial at a painters and decorators which didn't come to anything but if it had I think it could have helped. There's nothing out there for young people like this hence they end up committing offences, it's not changed since I was young.

As for the future, I'm starting college this year to do an outdoor education qualification. I'd like to eventually be able to work with young people who are in a similar situation to the one I was in. Social Bite have agreed to offer me some hours when I go to college. I'm looking forward to it.



UK Justice Policy Review:

Volume 2

6 May 2011 to 5 May 2012

UK Justice Policy Review:

Volume 3

6 May 2012 to 5 May 2013

By Richard Garside, Arianna Silvestri
and Helen Mills

UK Justice Policy Review:

Volume 1

6 May 2010 to 5 May 2011

By Richard Garside and Helen Mills

CENTRE FOR CRIME AND JUSTICE STUDIES

The *UK Justice Policy Review* is an annual series of publications tracking year-on-year criminal justice policy developments in the UK since the formation of the coalition government in May 2010.

Each review focuses on the key criminal justice institutions of policing, the courts and access to justice, and prison and probation, as well as changes to the welfare system. The publications are free to download and the online versions include links to all the original data and the references used in the review.

UK Justice Policy Review: Volume 1 (May 2010 to May 2011), *UK Justice Policy Review: Volume 2* (May 2011 to May 2012) and *UK Justice Policy Review: Volume 3* (May 2012 to 5 May 2013) are now online and available to download from: www.crimeandjustice.org.uk/project/uk-justice-policy-review