

Why improve recruitment practice for people with criminal records?

“Business must become a strong advocate for rehabilitation. It makes perfect sense, as it increases the talent pool, it lowers the price tag of re-offending, it nurtures entrepreneurial spirit, and it contributes to safer communities.”

- Richard Branson¹

Because employers miss out on great candidates

There are over 12 million people in the UK with a criminal record. Employers who don't apply Fair Chance recruitment practices could therefore be missing out on large numbers of skilled and capable candidates; often without realising it. Most employers will be recruiting for roles that are only eligible for a Basic DBS check. Roughly 700,000 people have criminal records that would appear on a Basic check, including nearly 25,000 people who are currently unemployed.

Questions about criminal records rarely provide useful information as to whether someone can do a good job now. We encourage employers to introduce recruitment policies that help them identify what skills and experience applicants can bring to a role; building strong teams with diverse skills.

Because evidence shows that organisations benefit from inclusive recruitment

Attitudes to applicants with criminal records are changing for the better; in the last decade, the number of employers who say they would be willing to employ someone with a criminal record has nearly doubled. Yet 30% of employers still report automatically excluding people who have something that would show up on a Basic check.² This is despite 86% employers who have recruited people with criminal records reporting this to be a positive experience. An encouraging 92% of those say that it has enhanced their reputation, helping them win new contracts.³ Some additional benefits of recruiting people with criminal records reported by employers are:

- Higher levels of retention and loyalty from employees with criminal records
- Include more diverse and different perspectives and skills in teams
- Tackle labour shortages
- Increase diversity and inclusion

¹ [Sir Richard Branson wants to help businesses employ ex-offenders | London Evening Standard | Evening Standard](#)

² Working Chance (2022) [Progress and Prejudice](#)

³ New Futures Network (2020) [Employer Guide – further information on recruiting from prison](#)

Because bad practice isn't always obvious

Many employers are unaware that, although they do not explicitly exclude people with criminal records, their policies and approach are nonetheless discouraging to would-be ideal applicants. Employers who do not automatically exclude people with criminal records can still be deterring prospective employees in the following ways:

- Asking about criminal records early in the application process so people fear the answer will be used to exclude them
- Asking confusing or ineligible criminal records questions, leaving applicants unsure what they need to disclose
- Lack of easily accessible policies explaining how an employer will respond to a criminal record disclosure, leaving people unsure whether they will be rejected

Because there are legal requirements to meet

There are legal requirements for employers who are asking about criminal records. The best way for employers to comply with these is by ensuring they have carefully developed policies and processes. Legal considerations include:

- Criteria that employers must follow in carrying out any criminal record check. For example, data protection rules consider criminal record data as not just sensitive data but as its own category of data. This means that other policies regarding special categories of data can't be relied upon; specific criteria must be met and documented to allow for the processing of criminal records data.
- Legal restrictions on when employers can carry out more stringent DBS checks (beyond Basic checks) – it is unlawful to knowingly carry out a check which is not permitted for a specific role.
- Limits on what information employers can take account of when they make a recruitment decision. Employers cannot make decisions based on data they are not legally entitled to request. If practice is poor, applicants are more likely to over-disclose and provide information that employers should not have.

Because better practice protects businesses

Employers often report concerns about the perceived risks of employing someone with a criminal record. It is important to challenge this narrative that people with criminal records are inherently dangerous or pose more of a risk than anyone else. People should not be permanently labelled and judged according to their criminal record. An individual's history should not be used as a reliable indicator of future behaviour.

However, it is important to recognise that risk is an inherent part of any business. We know that employers work hard to identify potential challenges to their business and develop relevant policies and preventative measures. Preparing for recruitment of people with criminal records should be no different; our experience is that imposing blanket rules does nothing to minimise

risk. In fact, robust policies that clearly set out decision-making processes and criteria can provide much more effective protection from the risks that concern employers.

Because it is a vital part of inclusive recruitment

Disproportionality elsewhere in the criminal justice system (whereby some groups are more likely to receive tougher sentences than others) follows through into the criminal records system, leading to double disadvantage for groups already facing discrimination. As such, minoritised communities who are under-represented in certain sectors of employment find a criminal record can entrench and exacerbate existing challenges they face. Improving practice for people with criminal records should therefore be considered part of wider work to improve workplace Equality, Diversity & Inclusion.

Because meaningful employment can reduce reoffending

Meaningful employment can play a vital role in supporting people to feel connected and valued in their communities, reducing the likelihood of further crime. There is extensive research to show that getting a job is a primary factor in supporting people to successfully move away from the criminal justice system. This means that supporting people to move on and find employment can reduce reoffending, making the communities in which businesses operate safer for everyone.

For more information and guidance is available at Unlock's dedicated website for employers:

[Recruit](#)

Or you can contact us via policy@unlock.org.uk