

**NOT  
YOUR  
TYPICAL  
CRIME  
FIGHTERS!**



**EMPLOYMENT LAWYER**



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**PROJECT MANAGER**

**RECOMMENDATIONS OF THE  
GLASGOW CITY EMPLOYERS'  
ADVISORY GROUP ON EX-OFFENDERS**

# “NOTHING CUTS CRIME LIKE A PAYSALIP”

## RECOMMENDATIONS OF THE GLASGOW CITY EMPLOYERS’ ADVISORY GROUP ON EX-OFFENDERS

### FOREWORD

*“Rarely does private business get a direct chance to make a real difference to a big public service. The Glasgow Employers’ Advisory Group on Ex-offenders has successfully engaged businesses in this task. Involvement in shaping new thinking on the employment of marginalised groups is a privilege for business owners and leaders. The bold recommendations of this group are backed by solid research that acknowledges the business case for reducing re-offending rates through employment and thus the importance of creating a level playing field for ex-offenders in the labour market.”*

Fiona McKay | Kinetic Performance | Member of the Glasgow Employers’ Advisory Group on Ex-offenders

### INTRODUCTION

The following recommendations have been produced by the Glasgow Employers’ Advisory Group on Ex-offenders. Established in March 2012, the remit of this group was to articulate the key issues and challenges from the perspective of employers, in recruiting ex-offenders and to produce a set of recommendations to improve ex-offenders’ chances of securing stable employment.

In early 2012, the Glasgow City Offenders and Employability Strategic Group, set up by Glasgow Works and the Glasgow Community Justice Authority, consulted with the Glasgow Chamber of Commerce to explore issues around employer perceptions of recruiting ex-offenders. As part of this consultation, a ‘Behind the Scenes’ event for employers was held at HMP Barlinnie which gave an insight into the employability and vocational training provision within the prison.

Following this event, a group of employers became interested in finding other ways to support improvements to offender/ex-offender employability in the city. Drawing on their own networks, and those of the Chamber of Commerce, the wider membership of the advisory group was established.

Between March and July 2012, the advisory group considered evidence from a range of partners and stakeholders from across the justice and employability sectors, including:

- Information about employability and training in prisons from HMP Barlinnie and HMP Low Moss;
- Employment law and some of the legal/procedural issues associated with employing ex-offenders from an accredited employment law specialist;
- Information about the criminal justice system and community justice in Glasgow; and,
- Information on employability support and pathways for offenders/ex-offenders in the city.

In making its recommendations, the group was mindful of the complex social, cultural and legal barriers associated with employing ex-offenders, particularly in a tight labour market. The group was of the view, however, that there were good reasons to justify the promotion of equality of opportunity for ex-offenders given the relationship between securing stable and quality employment and the positive impact on reducing further reoffending. The group thus hopes that the following recommendations will be considered by stakeholders across the employability and justice sectors and influence the design and delivery of future interventions and services.

# 1 SCOTTISH PRISON SERVICE: VOCATIONAL TRAINING & SKILLS

## RECOMMENDATION 1

The Scottish Prison Service should undertake a review of its vocational training to ensure that, as far as possible, it is linked to real job opportunities and the actual skill sets that employers are seeking, including transferable skills. SPS should seek to involve employers and other skills agencies in this review.

The group had the opportunity to observe the vocational training provision at HMP Barlinnie and the newly built HMP Low Moss. The group was impressed by the commitment and enthusiasm shown by both prisons to improving offenders' employability and skills. However, most of the group felt that this provision could be better aligned to (current and future) labour market realities in the city and the country, particularly given the decline of jobs in the construction and manufacturing sectors and the growth of job opportunities in the service sector.

## RECOMMENDATION 2

The Scottish Prison Service should establish better links to employment and training opportunities in the community to enable prisoners to continue to build on the skills and work experience gained in prison.

As per recommendation 1, the group's view was that the training and work experience gained in prison would not be sufficient to convince the majority of employers that ex-offenders were fully job ready, particularly in a tight labour market. There was also a concern that the resources and efforts put in by the prisons had the potential to be 'lost' in transition to the community unless clear and consistent arrangements were in place to help link ex-offenders into mainstream employment and training opportunities. This would enable ex-offenders to continue to build on the skills and work experience gained in prison whilst also demonstrating their commitment to changing their lifestyle in a non-custodial environment.

**DAVID HOEY**  
EMPLOYMENT LAWYER



# 2

## CRIMINAL JUSTICE SOCIAL WORK: COMMUNITY PAYBACK ORDERS & UNPAID WORK PLACEMENTS

### RECOMMENDATION 3

In order for Community Payback Orders (CPOs) to be successful as an experience of work, resources and efforts should be focused on longer term, unpaid work placements.

The group felt that longer, unpaid work placements provided a clear opportunity to engage offenders in an experience of employability. The group understands that CPOs/unpaid work placements are a community penalty and not just about preparing offenders for work. However given that longer, unpaid work placements are now structured along the lines of a working day/week, the group felt that there was the potential for these placements to be an important 'first step' in the journey towards work for many offenders. The group's view was that Criminal Justice Social Work Services and its providers of unpaid work placements could make more of this potential within the CPO/unpaid work placement.



**HELEN TRAINOR**  
PROJECT MANAGER

### RECOMMENDATION 4

As per recommendation 1, Criminal Justice Social Work Services should seek input from employers and other skills agencies to ensure that vocational training opportunities provided to offenders on unpaid work placements have relevance to real jobs and skills requirements in the city.

The group did not have the opportunity to fully observe the delivery of unpaid work placements but were informed that Criminal Justice Social Work Services and its providers were considering how vocational training opportunities might be included within the delivery of unpaid work placements. Similar to the recommendations made to the Scottish Prison Service, the group felt that Criminal Justice Social Work Services should consult with employers and other employment and skills agencies in the city on the best way to link this training to real jobs and skills needs in the city.

### RECOMMENDATION 5

Offenders on unpaid work placements should be actively encouraged and supported to move onto mainstream employment and training opportunities at the end of their order.

The group heard examples where offenders continued volunteering with their placement providers or requested to continue attending their unpaid work placement even after their order was completed. The group thought this was a good example of how unpaid work placements can act as a 'stepping stone'. At the same time it seemed to highlight a gap in the current provision of unpaid work placements and a missed opportunity to support motivated individuals to move onto mainstream employment and training programmes in the city.

# 3 MAXIMISING ACCESS TO EXISTING RESOURCES & INCENTIVES

## RECOMMENDATION 6

Agencies working with ex-offenders should seek to maximise their access to intermediate labour market programmes and related opportunities as a means of demonstrating to employers that individuals are both job ready and rehabilitated.

While an uncomfortable reality, the group felt that for the majority of employers there is a real and/or perceived risk in employing an ex-offender, particularly directly from prison or a community sentence. The group heard from Glasgow Housing Association and Glasgow's Regeneration Agency about the success they have had in helping ex-offenders (amongst other unemployed groups) find work through their Community Janitor ILM programme. The group felt that this type of opportunity, which provides paid employment and additional upskilling in a real work environment, is an effective means of demonstrating to employers that ex-offenders are job ready and have made a commitment to change their lifestyle.

## RECOMMENDATION 7

Financial support can be an incentive to encourage employers to recruit from this client group. Agencies working with ex-offenders should make better use of existing incentives & subsidies when marketing clients to employers.

Much discussion was held by the group on what could be done to create a level playing field for ex-offenders at the point of recruitment. The group was made aware of existing financial incentives in the city to encourage employers to recruit from longer term unemployed groups. Most of the employers on the group were unaware of the full range of these incentives and how to access them. The group felt that much better use could be made of available incentives and subsidies by employability providers when marketing ex-offenders to potential employers.



**ANDREW MACKIE**  
ARCHITECT

# 4 EMPLOYABILITY SUPPORT FOR EX-OFFENDERS

# 5 EMPLOYER RECRUITMENT POLICIES

## RECOMMENDATION 8

There is a need for a more streamlined and joined up approach to encouraging and supporting employers to recruit ex-offenders. A 'Front Door' service through which employers could get advice, information and practical support to recruit and retain ex-offenders would be an improvement on the current delivery landscape.

The group heard from a number of public and private sector employment providers in the city with a remit to support ex-offenders and other unemployed groups back to work. The group's overall impression was that these services could be working better together and could operate in a way that made it easier for employers to navigate. A 'one stop shop' or a 'single door' approach where employers could go to get information, advice and practical support to recruit ex-offenders would be a significant improvement on the current delivery landscape. The group appreciates that these issues apply to other disadvantaged groups in the city, but were of the opinion that employers would benefit from some degree of specialist and targeted support to recruit ex-offenders.

## RECOMMENDATION 9

The Government should ensure that all devolved public services have in place policies and procedures that promote equality of employment opportunities for ex-offenders and through procurement processes and procedures, encourage purchased contractors and commissioned service providers to adopt similar policies.

The group was made aware that the Scottish Prison Commission's Report (2008) recommended that the Scottish Government promote recognition across all Government departments, all public services, all sectors and all communities of a duty to reintegrate both those who have paid back in the community and those who have served their time in prison. The group was of the view that this recommendation should include a specific focus on reintegrating ex-offenders into the labour market and extend to publicly procured contractors and commissioned service providers. The intention here would not be to prioritise ex-offenders above others in the labour market, but to reduce the disadvantage they experience as a result of having a criminal record. The proposed replacement of HMP Cornton Vale with a new-build facility might be an opportunity to test this recommendation.



**FIONA MCKAY**  
SMALL BUSINESS OWNER

**RECOMMENDATION 10**

Employers should be encouraged to ask candidates about their unspent convictions and advisors should encourage candidates to disclose. Advice and training should be made available for employers, individuals and their advisors to ensure that this is dealt with in a non-discriminatory manner.

**The group heard from a Law Society accredited employment law specialist on a range of legal issues relating to the recruitment and employment of ex-offenders. The general consensus was that in most cases it is better for an employer to know about unspent convictions in the recruitment process and for potential candidates to disclose this information. However the group also felt that current practice by many employers meant that this information was used to automatically exclude ex-offenders from the recruitment process. There is thus a clear need for advice and training to sit alongside this process to ensure that employers ‘judge’ ex-offenders on their abilities first rather than their previous convictions.**

**RECOMMENDATION 11**

Public and private sector employers should follow fair and responsible policies and practices when considering whether to employ ex-offenders and not automatically exclude them from the recruitment process solely on the basis of previous convictions.

**As per recommendation 10, the group heard that employers are generally entitled to ask potential candidates about unspent convictions and to legally discriminate against ex-offenders on this basis. It also heard examples where both public and private sector employers have blanket bans on recruiting ex-offenders regardless of the relevance of any conviction(s) to the job opportunity. These policies limit the already limited jobs available to ex-offenders and undermine other efforts in the city to rehabilitate ex-offenders and reduce (re)offending.**

**RECOMMENDATION 12**

There should be a single and credible point of access for employers in Scotland on best practice in relation to the use of disclosure in the recruitment process that promotes equality of opportunity for ex-offenders. The Disclosure Scotland website could be developed to act as a portal in this respect.

**The Disclosure Scotland website does contain a sample policy on the recruitment of ex-offenders but it was difficult to locate on the website and was not clearly linked to the section for ‘Employers and Agencies’. There is scope to develop a specific section on the website to provide employers, individuals and their advisors with information on fair and responsible policies and practices to follow when recruiting ex-offenders.**

**RECOMMENDATION 13**

The Scottish Government should review the Rehabilitation of Offenders Act 1974 (ROA) in order to ensure it is still fit for purpose for the current labour market and the modern criminal justice system with its increased focus on the rehabilitation and reintegration of ex-offenders.

**The group was of the view that the ROA was in need of review and reform and understand that the UK Government is intending to reform it. The group felt that the current Act is overly complex and that the time periods within the legislation should be revisited. The group felt that as part of the review, the Scottish Government should provide guidance that clearly states when ex-offenders should and should not be required to disclose convictions and when employers may or may not take convictions into account as part of the recruitment process. This guidance should include a clear process for audit and appeal where an applicant believes an employer has wrongly considered previous convictions as part of the recruitment process.**

# GLASGOW EMPLOYERS' ADVISORY GROUP ON EX-OFFENDERS WAS DEVELOPED AND SUPPORTED BY:

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**Kim Murphy**  
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**Glasgow Chamber of Commerce**  
**Glasgow City Council**  
**Glasgow Community Justice Authority**

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