

Meeting Minutes: Improving the Hiring of People with Convictions 19th June 2024

Introduction: Keith Rosser began by introducing the session and the next two forthcoming ones: How HR can stop the Worker exploitation crisis and Future Management for the future of work. The latter has the Chartered Management Institute and Investors in People as speakers. Dates as TBC due to the General Election.

Chair's introduction: Lord Lucas has a strong personal commitment to this area, in particular through work done by Lady Lucas. Finding a job for prisoners is always difficult and without helping in this area the rate of re-offending will not change. Delighted to be involved in this initiative.

Speakers

1. Keith Rosser

Keith introduced himself and re-capped on the work of the APPG and the BHI (see accompanying slides)

Slide 10 – suggest using the agency as the intermediary for vetting and approving candidates especially those with convictions.

Slide 11 – recently launched the UK's first best practice guide on AI in Hiring with a foreword by Lord Holmes.

Natasha Finlayson will give a woman's view on getting women with convictions into work.

Hope for today is that with a mix of policy people and industry experts we can produce a guide without replicating the valuable work done by the speakers' organisation. We want to produce a best practice guide for those with criminal records that helps them into work.

2. Leah de Silva, CIPD Trust

Slide 12 / 13 - Trust brand is recent and creates access to people professionals and can harness these HR skills and amplify the charitable purpose of the CIPD. Biggest asset is those skills and experience and looking to focus on more challenging areas of inclusion such as people with convictions. Also support parents returning to work as well as refugees.

Slide 14 - Model is around partnership with experts who support people with convictions and the Trust working with its members to donate time and expertise as well

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as collaborating with working partners. Aim is an inclusive workplace for all. HR has a real role to play doing this.

Slide 15 – published a guide in May on how to recruit and retain people with a conviction. Based on expert input and Murphys & Greene King who, as employers, are taking on people with convictions. Key is that you cannot overlook 25% of those looking for work because they have a conviction, esp. in a tight labour market. It's a business benefit for all

Slide 16 – snapshot of the work which CIPD are doing. At HMP Styal, working with the employment leads in the prison to move women into employment, by giving them a HR mentor pre and post-release. We also have the opportunity to take employers in to meet candidates.

Slide 17 – about how CIPD convenes and connects people – by bringing together the HR Profession, employers and expert partners. Had Offploy on the stand last week at the Excel for CIPD's Festival of Work and had good attendance at workshops for people to ask the difficult questions.

3. Natasha Finlayson, Working Chance

Slide 18 – introduction

Slide 19 – space for plenty of guides, lots of employers who need the information. WC guide is aimed at employers generally.

Slide 20 – explains who Working Chance are. Generally seeing that employers are getting better at hiring people with convictions but there is still a high number who will not employ anyone with a conviction.

Slide 21 – Working Chance are working hard to dispel misconceptions. Society still thinks all who commit offences are inherently bad. Organisational buy-in has to go hand in hand with individual buy-in. Agrees that collaboration with other organisation is key.

Slide 22 – Covers key principles from May publication. Ability to do the job and criminal record have nothing to do with each other!

If many employers see the name of an offence without context it can seem much worse. This is particularly a case where women suffered from coercion or control. Employers can be overly empathetic or overly intrusive at interview, neither is helpful.

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Slide 23 – talking about women with convictions, many are victims of crime before being convicted. There is also a connection to poverty, abuse and coercion. 60% of women in prison have been sexually abused as a child. Self-harm in women's prisons is increasing. Coaching helps them to focus on strengths not deficits and see a future.

Slide 24 – many employers are enthusiastic but need a policy in place. How you approach disclosure for instance is crucial, not one right way to do it but a number of options. Recruiters should make clear that applications are welcome from those with convictions. Great that we are talking about this and the enthusiasm from employers.

KR – statistics show that it is only a minority who would employ a convicted person.

4. Thea Tomison – KPMG

Spoke about KPMG's own experience, and explained this was not a "how to" guide.

Slide 26 – introduced KPMG and the New Futures Programme.

Three things contributed towards the development of the New Futures Programme:

- ②. Social mobility is fundamental to KPMG as a firm. KPMG are keen to support people from different backgrounds into the organization.
- ②. Voluntary work in the criminal justice sector helped the firm understand the challenges people face in finding employment when leaving prison and also the significant talent available in the prison population. KPMG have worked with organisations like Key for Life who help the firm connect with those requiring support.
- ②. Cabinet Office wrote to the KPMG as one of the strategic suppliers to government to ask what targets the organization could set around recruiting people from prison.

Slide 27 – an example of how the programme works. Guides for employers will be really useful. Spent a year doing stakeholder engagement with senior leaders. It means moving from an absolute no to employing ex-offenders to a more open approach. Since 2022 have been running a pilot employing people with convictions.

Steps KPMG take include:

- Identify a suitable role in the business, do a risk assessment to understand who the new hire would work with, access to data etc.
- Contract with a charity local to the role location so they can provide the right support.

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- Run recruitment events either in prison or the community. Shortlist candidates based on fit for the role. The shortlisting process does not include offence history.
- Shortlisted candidates' offence history disclosed at the governance board stage.
- Successful candidates are provided with a KPMG mentor and buddy, through the gate support from the charity provider and the external charity is also contracted to provide support and training of line managers and team members.

Slide 28 – deep and broad commitment from senior leadership was given to this project. The approach was positive from senior management.

Internal communications have been received positively and has boosted the number of people volunteering in prison. Has strengthened relationship with MoJ.

Security clearance is a big challenge and this is important for working with Govt and Public Sector clients. Many employees are client facing so this needs to be tackled successfully.

Run as a separate programme which needs a sustainable “home” internally.

5. Dominic Headley, FRSA (DHA)

Slide 30 – introduces Dominic

Slide 31/32 – We know that there are 9m economically inactive people. Keen to enable both sides employer and applicant to be able to come together to enable a meaningful sustained employment relationship. Govt has changed the law to reduce barriers people with convictions face accessing employment and has had conversations with many sectors to improve the hiring of people with convictions. Over 25% of the working population have a conviction, 12.3m+. There are over 1m convictions in England and Wales per year. Only 6.5% go to prison; many people 61% are motoring offences. In addition, approx. 925,000 Fixed Penalty Notices for motoring offences were issued in 2022 which are considered convictions and disclosable for 5 years if over 18 when convicted.

Slide 33 – Summary of Supreme Court Judgment on disclosure regime. Which makes it clear the employer has the legal responsibility to determine the risk and relevance of hiring a convicted person, and this will need a discussion with the candidate. In addition the Code of Practice does require employers to have a written policy on recruiting ex-offenders, and to make them aware of any potential impact of their criminal record on the role applied for and to have a conversation with them before withdrawing a job offer. It requires employers to treat applicants fairly – but it only covers higher level DBS

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checks (standard and enhanced). We should push for Code of practice to cover all levels of checks including Basic DBS checks.

Slides 34 / 35 – need to shine a light on the principle of safeguarding and inclusion not being competing/conflicting interests – it is about informed decision making. DHA worked with Reed Screening, BHI and other safeguarding experts from VBA Consulting, Skills for Care and DBS to create the PRISIM Model of Safer Employment a framework that supports employers to apply a safeguarding mindset to the whole employment relationship.

Slide 36 – shows the PRISIM Model of Safer Employment (which is already included in many BHI Toolkits).

Slide 37 to 39 – we are now operating under UKGDPR rules which moves beyond data being personal and sensitive to special category data (Article 9) and criminal offence data (Article 10) which requires its own protection and needs to be considered separately as detailed in the slides. Criminal Offence Data also includes whether someone is subject to an allegation and processing criminal record checks (more info in slides). The Govt. does however recognise that the sharing of criminal record data will be of wider public interest.

NHS was one of the sectors that has been tasked by government with doing more to hire people with convictions. However vetting for some regulated sectors such as health and social care (Regulation 19) is intrusive and does require the employer to obtain criminal record checks, full employment history, evidence of conduct, reasons for leaving and gaps in employment history. Having “Valuable Conversations” with applicants is extremely important as many people who have the right skills, qualifications and values may have made mistakes in their lives.

Slide 40 – 41 DBS checks do not cover overseas candidates, but they have to self-declare in line with England and Wales Requirements. If we apply compliance only approach and only discuss with candidates the result of DBS check then we are missing out on relevant safeguarding data. Conversely the vetting regime can be more punitive or discriminatory towards UK nationals or those convicted in England & Wales because DBS checks provide information to the employer which they would not receive from an overseas candidate. This is particularly the case for women. For example NHS roles where More women apply to NHS jobs than men.

Slides 42 – 44 / 45 – need to signpost to candidates where to find information to get the answers right. And ask the correct questions of applicants using the wording agreed with DBS, MoJ and Home Office when new filtering rules came in 28 November 2020.

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Slides 46 - 50 – apply a values based approach to recruitment and retention. DHA has worked with VBA Consulting to create a more compassionate model for having difficult/challenging conversations which we call the ‘EARL Model’ of valuable conversations. It is not about an interrogative approach as shown in the Police Scandal Inquiry (PACE interview) as but about having a compassionate, sympathetic and empathetic conversation with the candidate. This approach can be used in interviews, risk assessment meetings, mentoring and support meetings and dealing with concerns meetings.

Questions and comments

- a) Dughall Laing – Scotland works under different laws. Lack of employer knowledge and many different pieces of legislation which makes it hard to know if people are getting the right advice. For 50 years we have dealt with criminal convictions on the side, need to bring this into the mainstream to be fair and inclusive in the workplace.

KR – Scotland should be included in the guide. Agree that we need to put this at the heart of normal recruitment.

- b) Jacob H – ex-prisoner and runs an organisation to help employers. The applicant’s experience is very important, need to understand what it is like for them. Biggest challenge in vetting is accommodation and proof of accommodation. Prisoners lose this and have a gap in their accommodation history. This needs to be considered.

3rd sector partners should be paid.

KR – need to have case studies in the documentation and the right terminology.

- c) Brendan Shepherd, Unlock – lots of good comments. Can be complicated for employers. Look carefully at your employment policy and why do you need to know about a criminal record?

KR mentioned the BHI charter and where this work sits. Agree with this. There are benefits to hiring people with criminal records, such as diversity in your workforce. Unlock runs a website called Recruit which employers might find useful.

Conclusion:

KR thanked the speakers and those who made comments.

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Lord Lucas: an inspiring session and very taken by Liam's comments on partnership. Best formation with which to approach HMG. Ministers and officials will find that approach to be so much better, avoid pursuits of personal glory! Be helpful rather than telling Ministers what to do. Activists tend to be much less supportive in their approaches to HMG.

These goals are challenging but worthwhile, keep pressing for the best. Minister for Prisons tend to be unloved posts with two years for the individual to do something worthwhile. Encourage us all to have something positive to drop onto the desk of the new Minister. This is an area which a new Prisons Minister should pick up with enthusiasm. When it succeeds it should be good for the Treasury and save money.