

Ex-offenders

A good-practice framework for their employment



Questions this tool is designed to help you answer

- How can I build the business case for employing ex-offenders?
- How will I get to grips with the legal obligations?
- How will I identify actions for improving the recruitment and management of ex-offenders?

We would welcome your feedback

If you have any queries about these tools or would like to contact us, you can get in touch with the CIPD at:

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For you:

- Understand the issues involved in recruiting ex-offenders.
- Assess what needs to be done to get your organisation moving forward.
- Gain guidance on good practice.

For your organisation:

- Understand the reasons for taking the issue seriously.
- Get information on risk assessment and safeguards.
- Gain guidance on accessing criminal records.

Who is this tool for?

- HR professionals with responsibility for recruitment and selection.
- Organisations wishing to develop their talent pool.

What's in the tool?

- An explanation of the business case for employing ex-offenders and guidance on drawing up a business case for your organisation.
- A set of questions you should consider so that you can assess your organisation's position on ex-offenders.
- An action plan.

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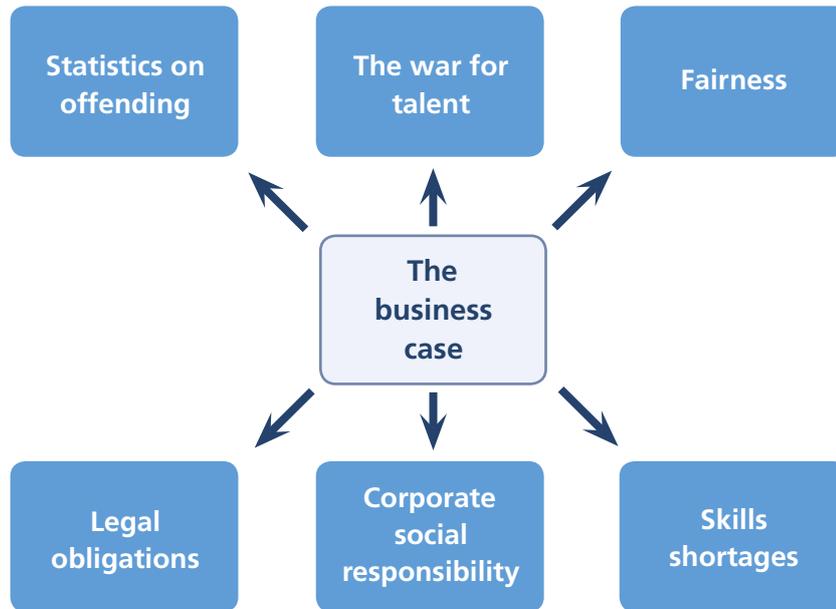
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The CIPD believes the employment of ex-offenders is important both to the labour market and as a social issue. There are important implications for the recruitment and retention of talent and the creation of healthy local economies and business success. There are also legal obligations employers need to comply with.

The business case for your organisation



The facts show that employing ex-offenders is not a minority diversity issue. One in three adult men under thirty have criminal records.

Statistically it's possible that almost a quarter of the workforce has committed an offence for which they have been convicted. And that's only the people who've been found out. Many others will have committed criminal or civil offences as an adult. Statistics like these mean employers can't afford to ignore the issues or sweep them under the carpet.

The single most important requirement to prevent re-offending is getting a job. But research shows that employers are often reluctant to consider ex-offenders for jobs. Personal characteristics like honesty, reliability and trust are high on an employer's shopping list and they assume that ex-offenders won't be able to deliver on these and that they may re-offend while in work or leave quickly.

But a CIPD survey of personnel practitioners published in October 2002 called *Employer attitudes to ex-offenders* has showed that employing ex-offenders can be an effective resourcing approach. They have the same retention rates as people without convictions.

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The attitudes of colleagues are the main reasons for problems if any arise. And re-offending is rare.

The war for talent and skills shortages mean employers are having to develop new strategies to fill vacancies. Yesterday's ways of recruiting people are no longer delivering success and different recruitment and selection techniques, flexible working and terms and conditions are being adopted.

Focusing on diversity is a key issue and presses the case for tackling the challenge of employing people with convictions. The CIPD survey report [*Recruitment, retention and turnover 2004*](#) evidences these trends and demonstrates that employers are being forced to look in new areas of the labour market.

Many people serving custodial sentences can follow training courses leading to new and often high-level as well as basic skill qualifications. Some follow programmes designed to change behaviours and develop the 'softer' work-related skills so many employers are now saying they are desperate for, such as attitudes to work and working in teams. Examples of these programmes are described in the CIPD free publication

[*Casing it out, why it can make sense to employ ex-offenders.*](#)

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Description of the tool

The purpose of this tool is to trigger action by employers to help them to consider and progress the employment of ex-offenders. The tool comprises:

- A range of suggestions for [building the business case for your organisation](#).
- A series of questions in [a quick survey](#) to draw your attention to the main issues. Your answers will give you a sense of where you need to focus.
- [Assessing your organisation](#) which asks some more in-depth questions about the issues.
- [Benchmarking your score](#) allows you to understand how well your organisation is managing these issues.
- [Next steps](#) will help you develop an implementation plan.

It is important that the questions are considered by practitioners, alongside reading the CIPD publications on ex-offenders, which are free to [download](#).

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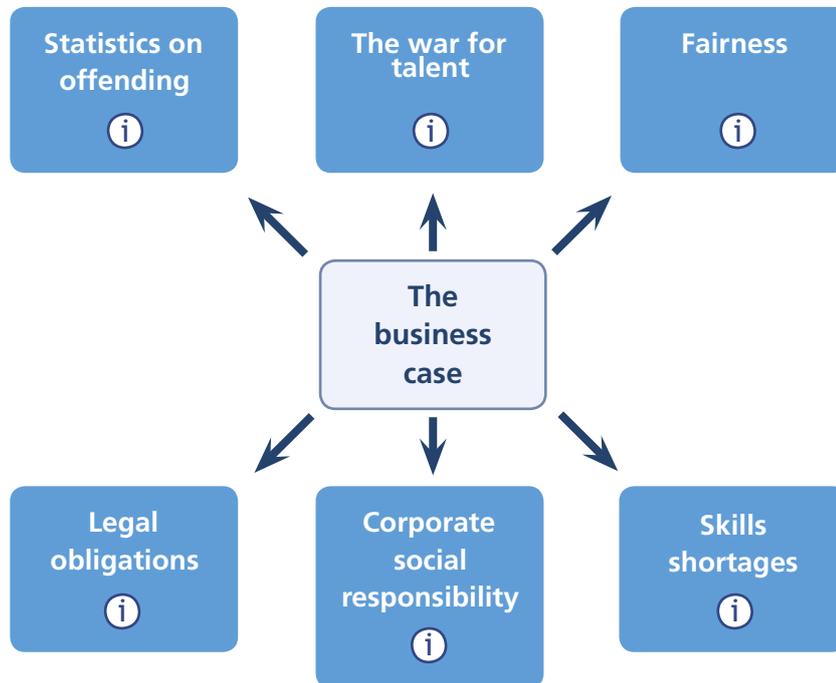
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Building the business case for your organisation



Facts and figures on the topics in the 'business case' diagram should be researched to draw up appropriate business case arguments for action in your organisation. The business case should then be considered against your current policies and practices on employing ex-offenders so as to bring them into line. In particular, you should consider:

- the organisation's strategy on equality and diversity
- future skills needs
- local community involvement
- corporate social responsibility activities
- legal obligations.

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1 A quick survey

Assessing your organisation's approach to employing ex-offenders. Are you being effective?

Does your organisation knowingly employ ex-offenders?

Yes Proceed to [assessing your organisation](#)

No Go to [screen 2](#)

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Do you operate a blanket exclusion policy on employing ex-offenders?

Yes Go to [screen 3](#)

No Go to [screen 4](#)

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The CIPD does not recommend the use of blanket exclusion policies. There are important business reasons for making sure you address the ex-offender issue.

Proceed to [assessing your organisation](#)

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You could be employing ex-offenders without realising it. Issues that need to be properly managed will not be given due attention. This could be damaging to your organisation. We recommend you look at the business case for employing ex-offenders.

Go to [screen 2](#)

When you have done this, go to [assessing your organisation](#)

Go to [screen 3](#)

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Assessing your organisation

Please read through the following questions. When you have answered them all, go to the [benchmarking your score](#) section to understand how well your organisation is managing these issues.

- | | | Yes | No |
|-----|--|--------------------------|--------------------------|
| 1. | Are you sure you're not breaking the law – do you ensure you don't offer jobs involving the-care or supervision of children or vulnerable adults to those who have offended against children or vulnerable adults? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | Do you know the requirements of the Rehabilitation of Offenders Act? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. | Do you know if your organisation is exempt from the Rehabilitation of Offenders Act? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. | Do you know if you can legally ask for information about spent convictions? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. | Does your organisation have an equality/diversity policy? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | If so, does it include a section on employing ex-offenders? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. | Do you make it clear in the recruitment process that you require information about previous convictions but that you will consider all applications fairly? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. | Do you ensure that conviction information is handled confidentially and is only seen by those who need to know? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. | Do you train people involved in recruitment and selection to ensure they understand the issues? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. | Do you train managers and employees generally to understand your organisation's policy and practice on employing ex-offenders and to understand their own responsibility in this? | <input type="checkbox"/> | <input type="checkbox"/> |



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		Yes	No	
11.	Do you explore conviction information during the interview, giving the candidate an opportunity to explain the background to the offending behaviour and actions taken to stop offending behaviour?	<input type="checkbox"/>	<input type="checkbox"/>	
12.	Do you always take into account the nature and circumstances of offences and offending histories in making employment decisions?	<input type="checkbox"/>	<input type="checkbox"/>	
13.	Do you wait until the job offer stage to check conviction information through the Disclosure Service provided by the Criminal Records Bureau, making sure you follow the Code of Practice?	<input type="checkbox"/>	<input type="checkbox"/>	i
14.	Would you consider the nature of the criminal offence and the circumstances in dealing with an employee who is convicted of a criminal offence while working for you?	<input type="checkbox"/>	<input type="checkbox"/>	
15.	Would you take other issues into account before dismissing an employee who lied about a conviction?	<input type="checkbox"/>	<input type="checkbox"/>	i
16.	If you failed to ask a job candidate about criminal convictions that came to light after you employed them, would you consider satisfactory job performance and behaviour in deciding what action to take?	<input type="checkbox"/>	<input type="checkbox"/>	
17.	Do you carry out risk assessments regarding jobs in making judgements about employment where criminal records are involved?	<input type="checkbox"/>	<input type="checkbox"/>	
18.	When risks have been identified, do you introduce safeguards before employment is offered?	<input type="checkbox"/>	<input type="checkbox"/>	
19.	Do you carry out risk assessments regarding people (staff, customers etc) in making judgements about employing people with criminal records?	<input type="checkbox"/>	<input type="checkbox"/>	i
20.	Do you take out indemnity insurance in connection with employing ex-offenders?	<input type="checkbox"/>	<input type="checkbox"/>	

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- | | Yes | No |
|--|--------------------------|--------------------------|
| 21. Do you encourage employees in your organisation to get involved with initiatives that support the rehabilitation of offenders so they will develop in ways that will improve their chances of getting work? | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. Does your organisation get involved in initiatives to support the rehabilitation of ex-offenders? | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. Does your organisation offer work experience placements to ex-offenders? | <input type="checkbox"/> | <input type="checkbox"/> |

Go to the [benchmarking your score](#) section to understand how well your organisation is managing these issues.

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Benchmarking your score

Score 1 for each 'Yes' answer you gave and see what your total suggests about the way your organisation is managing the relevant issues.

16–23 Your organisation is operating at the leading edge of good practice.

10–15 Your organisation is doing well but you need to consider some additional practices to cover the core key issues in the questionnaire.

5–9 Your organisation is building the right approach and needs to expand and develop its policies and practices.

<4 Your organisation needs to focus on developing policies and practices. You need to ensure the employment of ex-offenders is appropriately addressed to protect the organisation and its customers and clients, as well as ensuring ex-offenders are treated fairly and within the requirements of the law designed to protect vulnerable people.

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If you answered 'No' to any of the 23 questions, use the action plan to prioritise your actions and go to the [Sources of information](#). The documents listed here refer you to other valuable information sources.

Employing ex-offenders action plan

Issue to be addressed (ie questions in assessing your organisation which you answered 'No')

What are you trying to achieve? Goal:

How are you going to get there? Route:

When are you aiming to get there? Timescale:

How will you demonstrate that you have achieved the goal? Evidence:

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From the CIPD website

Casing it out: why it can make sense to employ ex-offenders (Guide) [CIPD guide](#)

Employers and ex-offenders: reducing crime through work and rehabilitation (Change agenda) [CIPD think-piece](#)

Employing ex-offenders: a practical guide (Guide) [CIPD guide](#)

Employing people with criminal records (Fact sheet) [CIPD factsheet](#)

Employing people with criminal records: risk assessment (Fact sheet) [CIPD factsheet](#)

Relevant website links

The CIPD's special interest [Recruitment Forum](#)

Criminal Records Bureau www.crb.gov.uk www.disclosure.gov.uk

Home Office www.homeoffice.gov.uk

NACRO www.nacro.org.uk

The library holds a range of books and resources offering more detailed guidance. If you would like further information, please consult the [CIPD Library and Information Services](#).

This tool was prepared by **Dianah Worman** (CIPD).

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Use this to see an overview of the tool layout. Click on the appropriate section if you wish to go directly to an activity or diagram, or you can follow the tool through in sequence.



Where you see this symbol, hover the cursor over it for more information using your mouse.

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Click on these buttons (in the corner of some pages) to return to your original position in the tool or move on to the next page in a series.

Thumbnail



Accessed at the side of Acrobat's program window. Use this to view quickly the length and appearance of the tool.

Bookmark



Use this to see at a glance the different sections within the tool. Click where you wish to go with your mouse to navigate quickly within the tool.

Print



Use this facility to print the tool out (including any sections you have completed online). Please note that it is not currently possible to save your work in the tool.

Hyperlinks

[Red links](#) will link you to the CIPD website or an external website.

[Blue links](#) will link you to other areas within the tool.

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