



**On behalf of Opportunities Fife:  
A Review of Ex-Offender Employability in Fife,  
2014**

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## A Review of Fife Ex-Offender Employability

<b>Contents</b>	<b>Page</b>
<b>Executive Summary</b>	<b>3</b>
<b>1. Review Context</b>	<b>5</b>
<b>2. Mapping the population of (ex-) offenders</b>	<b>7</b>
2.1 Fife Criminal Justice Social Work (CJSW)	7
2.2 Department of Work and Pensions (DWP)	8
2.3 Scottish Prison Service (SPS)	8
2.4 Work Programme Providers	9
2.5 Indicative cohort figures based on research	10
2.6 Fife Context	11
<b>3. Understanding (ex-) offenders barriers, experiences and aspirations</b>	<b>13</b>
3.1 Experiences and perceived barriers to employment	13
3.2 Resource Implications	14
3.3. The Disclosure Process	15
3.4 Claiming benefits and Government Employment Schemes	17
3.5 Aspirations	20
3.6 Employers	21
<b>4. Current Employability Provision for (ex-) offenders in Fife</b>	<b>26</b>
<b>5. Effective delivery models for employability provision</b>	<b>29</b>
<b>6. Recommendations</b>	<b>31</b>
<b>7. Bibliography</b>	<b>33</b>



## A Review of Fife Ex-Offender Employability

### Executive Summary

This review presents the findings from information gathered through consultation with key agencies involved in the support of (ex-) offenders, service users, employers and desk based research.

There is a sizeable (ex-) offender population in Fife, whereby up to 1 in 3 of the adult male population, and up to 1 in 10 of the adult female population is likely to have a criminal record that is acting as a barrier to employment. This equates to approximately 8000 individuals. While this can be inferred from a reliable hypothesis, there is a real lack of accurate information about the cohort and how it is made up. Lack of information primarily relates to the cohort where there is a history of offending, as information is more readily available for the 'live' offender cohort. Those with a history of offending are the vast majority of the cohort and there needs to be better systems to identify them.

As of June 2014 there is no specialist, targeted employability support provision for (ex-) offenders in Fife.

While there is a substantial knowledge base around the value of employment to the desistance process, there is little robust evidence around effective models of delivery for employability support, and a distinct lack of clarity around where attribution for success should be placed.

From the evidence gathered, it can be inferred that for employability service provision for (ex-) offenders to succeed, it needs to be mobile, and accessible across locations in Fife. Provision should be flexible and adaptable to the needs of service users, with a person centred, holistic approach, that takes account of the complexities of the barriers that the cohort faces. At the same time, provision needs to be dynamic and engaging, and must offer a range of purposeful activity, from basic skill building to work experience opportunities, to support service users at each stage of their journey.

There is a lack of informed knowledge around the disclosure process amongst support agencies in Fife and confusion among service users. There is the need for future employability service provision to offer a balance of holistic provision and practical disclosure guidance, and awareness training for practitioners in the field.

There is little knowledge about the Fife Employability Pathway among key support agencies and this must be considered as part of an ongoing marketing and communication strategy.



## A Review of Fife Ex-Offender Employability

There is a significant indication that there are high levels of self-selection undertaken by ex-offenders not to apply to particular employers as they perceive they will be rejected on the basis of their criminal record. In contradiction to service user perception, large employers, including Fife Council, have been shown to have stringent procedures in place to ensure the integration of an equalities framework that supports the employment of ex-offenders and the minimisation of discriminatory practice. More employer engagement needs to be undertaken to promote interaction with the ex-offender cohort and to encourage proactive work experience opportunities and recruitment.

Throughout the review there is a significant and highly complex theme emerging of a disconnect between the unemployed (ex-) offender cohort claiming out of work benefits, and the concept of moving back into employment. Service users do not tend to view the process of compliance, associated with being a benefit claimant or participator in an employment scheme, in the context of a process to re-engage them with economic activity. Service users often primarily view this as their source of income and survival. This will largely be to do with the fact that a high proportion of the (ex-) offender population will be long term unemployed, ex-Incapacity Benefit claimants, and do not view themselves as 'job ready' or in a position to actively look for employment.

Therefore, the barrier of criminal background will not be their primary one, as there will be a host of other complex barriers to contend with in the first instance, including health. In this way, criminal record or a history of offending can only be viewed as a barrier to employment, when employment becomes a viable consideration. In this way, the (ex-) offender cohort should be viewed as one of the most problematic groups to progress back into the labour market, as actually, this can often be a secondary concern. This is significant when considering that a proportion of (ex-) offenders, who are job ready, may be finding labour market entry challenging.



## A Review of Fife Ex-Offender Employability

### 1. Review Context

This review is produced by Apex Scotland, a leading third sector organisation for the provision of employability services for (ex-) offenders and those at risk of offending.

The main objectives of the review were to:

- Estimate the unemployed population of (ex-) offenders in Fife
- Through consultation with service users and employers, provide an understanding of (ex-) offenders employment barriers, experiences and aspirations
- Determine current employability provision for (ex-) offenders in Fife
- Summarise effective delivery models for addressing the employment needs of (ex-) offenders
- Develop recommendations for a Fife-wide strategy for employment support provision for (ex-) offenders

The review is based on primary and secondary research, generated through a combination of desk-based and qualitative research undertaken in the Fife, Forth Valley and Tayside communities.

Primary research was undertaken through focus groups with key agencies Fife Criminal Justice Social Work (CJSW) and Department of Work Pensions (DWP), to gain the views and experiences of frontline staff and managers who support (ex-) offenders on a regular basis.

Two focus groups were held with CJSW teams and were comprised of a combination of Team Managers, Social Workers and Social Work assistants from across locations in Fife. In one of the focus groups there was also representation from Housing, NHS and SACRO.

One focus group was held with DWP representatives from Jobcentre Plus (JCP) teams in Fife. This consisted of JCP Team Managers and advisors from Kirkcaldy and Leven. JCP Team Managers from Dunfermline provided additional feedback through email and telephone communication.

Service user consultation was carried out through a combination of focus groups and 1-1 interviews with a total of 14 individuals. The service user group was made up of 13 individuals aged 25+ and 1 individual aged 16-24. A total of 11 out of 14 service users had been unemployed for more than one year and were claiming Employment Support Allowance (ESA), while 3 out of 14 had been unemployed for more than 6 months and were claiming Jobseekers Allowance (JSA).



## **A Review of Fife Ex-Offender Employability**

Employer consultation took place through a combination of interviews and telephone questionnaires with a total of 8 employers. These included 3 large employers (Fife Council, Morrisons Supermarket Plc, Premier Inn), 2 medium employers (Fife Group, WASP Services) and 3 small employers (Kassy's Kitchen, J & M Pets Supplies Ltd, Cobblers and Keys).

Desk based research featured to undertake investigation across all aspects of the review, including the literature review on effective delivery models, primarily utilising online resources. Telephone questionnaires were also undertaken with current Fife employability providers.

## A Review of Fife Ex-Offender Employability

### 2. Mapping the population of (ex-) offenders

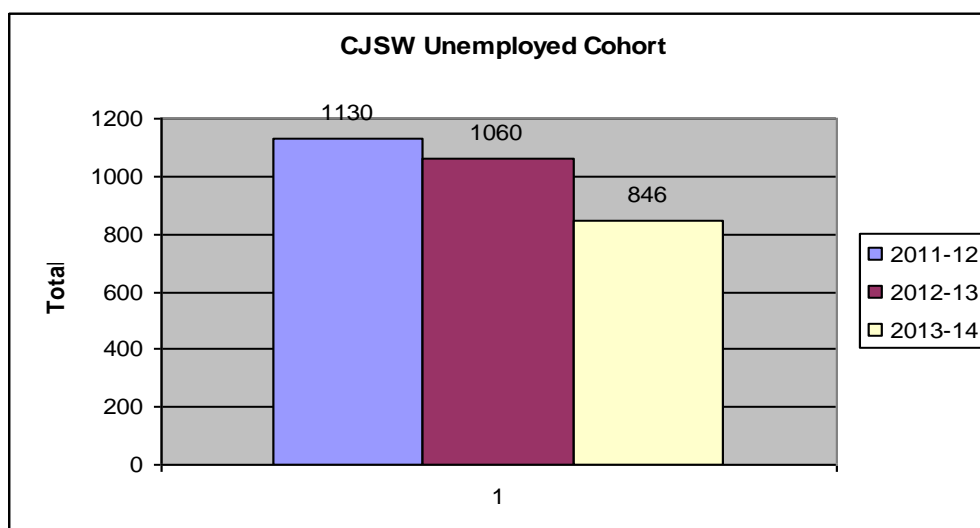
In order to achieve this objective, a range of sources were consulted. These consisted of the agencies most likely to come into contact with the (ex-) offender cohort on a regular basis; Fife CJSW, DWP, Scottish Prison Service, Fife and Forth Valley Community Justice Authority and Work Programme providers (Ingeus (Triage is subcontracted to Ingeus ), Working Links).

The most accurate information available is for those individuals currently connected to the Criminal Justice system, while gaining this data for individuals who may be unemployed with a history of offending is problematic.

Initially, all sources were asked for a breakdown of information for the past 2-3 years to gain context, and to present information split by age breakdown of 16-24 and 25+, and by specific locations in Fife, however on the whole, this level of data was unavailable.

#### 2.1 Fife Criminal Justice Social Work (CJSW)

Regarding the 'live' offender, unemployed population it is estimated that this equates to a cohort of 1000 individuals per year. The chart below details the number of individuals registered unemployed at the point their community order was imposed for the past 3 years.



CJSW figures do not account for the proportion of individuals where the information is not recorded or is not known, and so this figure could be slightly higher. For 2013-14 this was a total of 160 cases, potentially bringing the total for the year to 1006, while still in the region of 1000.



## A Review of Fife Ex-Offender Employability

CJSW figures indicate that the majority of offenders serving community orders are unemployed. Based on the year 2013-14, a total of 1447 orders were imposed (Community Payback Order, Community Service Order, Probation Order, Supervised Attendance Order, Drug Treatment Testing Order) and of that total, 441 individuals were in full time education, employed or self employed, on a Government sponsored training scheme, or were not seeking employment. This equates to 70% of the total 'live' offender population potentially being unemployed or the status is not known.

CJSW figures do not provide aggregate information or contribute to information on the level of unemployment over time, when individuals complete their community order (ex-offenders). This means CJSW information does not take account of the individuals year on year remaining unemployed, where their criminal record or history of offending continues to be a barrier to employment.

### 2.2 Department of Work and Pensions (DWP)

In order to ascertain a more accurate picture of the size of the (ex-) offender cohort, DWP was approached to gain information on the level of the unemployed population who have a criminal record. There are no accurate indicative figures that can be gathered from this source, explained below.

Jobcentre Plus (JCP) customers are not obliged to disclose if they have a criminal record, and JCP advisors do not directly ask customers this question, or probe for an answer. Therefore, this is not formally recorded and analysed.

The only group of customers DWP can be certain have a criminal record are the MAPPA (Multi-Agency Public Protection Arrangements) cohort, while this information cannot be shared with external bodies and no historical data is retained.

DWP run 'snapshot' analyses of their customer cohort, which provides an overview of the numbers of individuals on the system at any given time. This relates to Jobseeker Allowance claimants and Work Programme participants only. The snapshot would only provide information on the customers with a criminal record where this has been recorded and therefore, would not be an accurate reflection of the total cohort. Snapshot information could not be achieved for the review as JCP sites were not in a position of resource to run this analysis. Historic figures in relation to customers with a criminal record are not recorded.

DWP do not record numbers of prisoners who are unemployed and will be mandated to Work Programme provision upon release.

### 2.3 Scottish Prison Service (SPS)





## A Review of Fife Ex-Offender Employability

SPS were only able to supply information on the numbers of individuals returning to the Fife area from prison, on a Community Justice Authority area basis, which would entail Fife and Forth Valley. SPS were able to supply postcode based information but advised this would be problematic as postcodes can cross local authority boundaries.

SPS do not record numbers of prisoners who are unemployed and will be mandated to Work Programme provision upon release.

### 2.4 Work Programme Providers

Working Links provided figures based on the current 'live' caseload in Fife. The total number of individuals was 1750. Out of this, almost half service users had declared they have a criminal record, at 831 (47%); and from the total, 52 were prison leavers (3%) (June 2014).

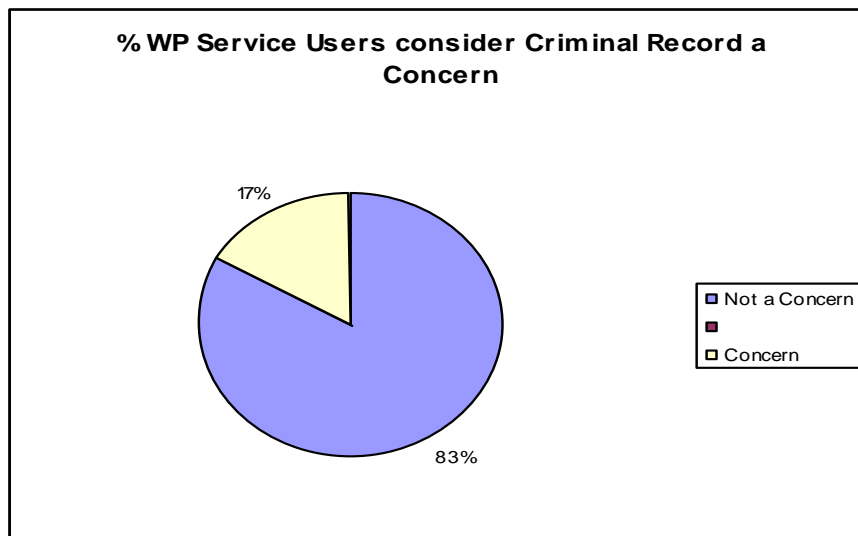
Working Links and Triage (for Ingeus) both provide full Fife coverage and should operate at equal capacity. Therefore, it can be inferred that approximately 3500 individuals are currently Work Programme participants in Fife, and of those, 1662 have a criminal record and 104 are prison leavers (June 2014).

Ingeus provided figures that from Work Programme inception (April 2011), a total of 5707 individuals have participated that have a criminal record. A total of 100 individuals have been prison returners, and of this, 74 actually participated with the programme.

Ingeus provided information that of the prison returners, 50% actually declared their criminal record upon Work Programme engagement, while 45% did not declare and this was recorded unknown, while, 20% stated that they did not have a criminal record. The reasons for this are unknown.

In addition, Ingeus reported that the majority of service users with a criminal record declared that they did not have concerns about their criminal background and how this impacted them, detailed in the chart below. Ingeus indicated that this may be because these individuals associate other factors in their lives, such as health, as their primary barriers, and at the point the question is posed, criminal record does not resonate. Further analysis behind these figures would be revealing and could provide real insight into the cohort and ultimately, how best to support them.

## A Review of Fife Ex-Offender Employability



### 2.5 Indicative cohort figures based on research

Information from CJSW and Work Programme providers is very helpful for highlighting the proportion of the population in certain contexts that are unemployed with a criminal record, while this still does not provide an indication of the full population size and scale of the issue in Fife.

Scottish Government Justice Analytical Services used the Scottish Offenders Index to estimate the proportion of the Scottish population with a criminal conviction. This shows that over 38% of men and 9% of women born in 1973 are known to have at least one criminal conviction<sup>1</sup>. A Scottish Centre for Crime and Justice Research (SCCJR) report states, “extrapolating to the population as a whole, at least one third of the adult male population and nearly one in ten of the adult female population is likely to have a criminal record”<sup>2</sup>.

When this analysis is applied to the existing unemployed population in Fife, the estimated cohort of individuals where a criminal record or history of offending may be acting as a barrier to employment, could be in the region of 8000.

The number of the working age population in Fife who are benefit claimants is 38,795<sup>3</sup>. The population split by gender is 49% males, 51% females<sup>4</sup>. If Scottish

<sup>1</sup> Mc Guinness, Paul, Mc Neill, Fergus and Armstrong, Sarah (2013), *The use and impact of the Rehabilitation of Offenders Act (1974): Final Report*

<sup>2</sup> As above

<sup>3</sup> The Fife Annual Labour Market Report 2012

<sup>4</sup> National Records of Scotland 2012



## A Review of Fife Ex-Offender Employability

Government analysis would indicate that one in three males are likely to have a criminal record, applied to the benefit claimant category, this is a total of 6337; while for one in ten females, this is a total of 1979, reaching a total of 8316. (2012 information used for consistency of analysis).

### 2.6 Fife Context

Communication was undertaken with Scottish Government, in particular Justice Analytical Services, with the aim to drill down data to specific areas in Fife. However, the information presented is the best available at local authority level and there is little information available at lower geographical areas. Inferences, however, can be made based on the information available. Justice Analytical Services advise that although figures are not collected on the levels of offenders serving community orders, or returning from prison, to specific locations in Fife, there is an evidence base to suggest that offenders will tend to come from the most deprived areas.

The most deprived datazone in Fife, in the overall SIMD 2012 is the intermediate zone of Kirkcaldy, Gallatown and Sinclairtown<sup>5</sup>. In terms of the domains which indicate levels of deprivation, areas of Central Fife are the most deprived overall<sup>6</sup>.

Highlighting this, based on the 2001 Census, 29% of the households in Central Fife are living with breadline poverty (less than 60% of median household income), compared to 26% in West Fife and 21% in East Fife<sup>7</sup>.

More strikingly, child poverty estimates for the same areas show that in 2011 26% of children under 16 were in poverty in Central Fife, compared to 18% in West Fife and 10% in East Fife<sup>8</sup>.

There are also significant distinctions in the levels of Community Safety across Fife, with levels of crime much higher in Central Fife. Fife Constabulary reports that in 2007 the level of domestic housebreakings in Central Fife was 380, compared to a West Fife total of 145 and East Fife, 51.

With regards car crime, including theft if and from motor vehicles, in 2007 this came to a total of 864 in Central Fife compared to 471 in West Fife and 126 in East Fife.

In 2007, 3977 reports of vandalism were made in Central Fife, compared to 2001 in West Fife and 992 in East Fife.

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<sup>5</sup> SIMD 2012

<sup>6</sup> SIMD 2012

<sup>7</sup> Breadline Britain

<sup>8</sup> DWP Child Poverty Estimates, 2011



## A Review of Fife Ex-Offender Employability

This information demonstrates that the communities in Central Fife experience intensified criminal activity and levels of poverty. However, this is not a direct correlation to levels of unemployment. There is not a significant distinction between levels of benefit claimants in this area in comparison to the rest of Fife. DWP figures for 2012 show that for the working age population (16-64), in Central Fife and West Fife, 27% of the population were claiming jobseekers (JSA) and 45% were claiming Employment Support Allowance (ESA) and Incapacity Benefit (IB), in comparison to 22% JSA and 48% ESA/IB for East Fife<sup>9</sup>.

As the most accurate indicative figures for the (ex-) offender unemployed population are based on benefit claimant count, the inference would be, that targeted employability provision still needs to be Fife wide rather than focused on areas of deprivation.

### Findings

- While accurate information can be obtained on the unemployed 'live' offender section of the cohort, this is problematic for the ex-offender group, which indicative figures show are the vast majority of the target population.
- There is no accurate information that breaks down the nature of the ex-offender group and the extent to which their criminal record is a barrier to employment i.e. the proportion of 'one time' offenders and those with a criminal lifestyle. This is important to inform the nature of future service provision.
- Regarding future service provision, employability support needs for the (ex-) offender cohort is Fife wide, while levels of resource and nature of intervention may be tailored to provide more intensive input to Central Fife.

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<sup>9</sup> NOMIS



## A Review of Fife Ex-Offender Employability

### 3. Understanding (ex-) offenders employment barriers, experiences and aspirations

#### 3.1 Experiences and perceived barriers to employment

3.1.1 All service users consulted with reported that they felt at a disadvantage in gaining employment, because of their criminal record. The reason for this was primarily the individual's perception rather than based on actual negative employer experiences. Service users discussed how they have received rejections for job applications, or received no feedback at all, and they believed this was due to their criminal record. Only on a few occasions had this been the actual feedback from an employer and this appeared to be legitimate in terms of conviction relevance. This is in contradiction to the Ingeus service user feedback, where the majority of service users had declared they did not view their criminal history as a concern. More analysis would need to be undertaken to compare the context to this feedback.

3.1.2 Service users reported that their self-confidence has been affected by having a criminal record and that being required to disclose this to employers gives them a "bad feeling" or is something they are nervous about. This is despite service users reporting that they did not feel having a criminal record was detrimental to them finding work.

3.1.3 Service users who had a drug issue and were using a methadone prescription indicated that this is an additional barrier to starting employment due to the practicalities of collecting their prescription on a daily basis. This mainly related to the fact they need to be available at the pharmacy appointment times and the feedback was that it would be unlikely to find an employer that would support this.

3.1.4 CJSW teams reported two overarching and overlapping strands concerning service user barriers to employment. These relate to the practical process of the declaration and disclosure of criminal convictions during the recruitment process; and also to the 'job readiness' of service users, as the majority of individuals have a range of other, often complex barriers impacting their ability to move on. This includes housing stability, drug or alcohol problems, lack of core and basic employability skills, often combined with poor literacy and numeracy and a lack of educational attainment, lack of work experience, mental health concerns, financial capability and more.

3.1.5 CJSW reported that there is a gender distinction in relation to barriers to accessing employment and also the aspiration to do so. There was a consensus that a higher proportion of males tend to present with the desire to work and aspire to this, while females do not present with employability as one of the main support needs. Proportionally, female offenders' lifestyles tend to be more chaotic and they

## A Review of Fife Ex-Offender Employability

have other priorities in terms of support. Employability for females tends to be more of a topic for progression post-order, if even at this stage.

3.1.6 JCP advisors also had particular concerns about the young offender population (16-24) and their employability prospects, as they discussed that the group seems to lack an awareness about the impact and seriousness of their activity for their future. This is supported by the evidence that early convictions can deny job opportunities throughout a young offender's life as it may preclude entry into training programmes and apprenticeships (Mc Evoy 2008:9).

### Findings

- Service users do have perceived barriers to employment because of their criminal history, while these may not be realistic.
- There is a separation of support needs for the cohort; practical disclosure guidance and holistic support and both may not always be required.
- Services should tailor aspects of programme provision to male, female service users and young people, who may all require slightly different approaches to support. This would be encompassed in a holistic approach.

### 3.2 Resource Implications

Resource implications and a lack of employability expertise by the key agencies involved in the support of (ex-) offenders, CJSW and DWP, could also be acting as a barrier to moving service users on.

3.2.1 CJSW teams expressed that they do not feel resourced or equipped to undertake employability support with service users and that often they do not feel they have been able to implement as robust an exit strategy at the point of order completion as they would like, and that often service users would benefit from better progression support<sup>10</sup>. This was raised as a concern on a number of levels. The lack of a robust post-order strategy can impact upon the likelihood of the service user progressing into positive activity, including employment, but can also impact the risk of re-offending. There is a significant level of positive feedback from service users regarding their experience of unpaid work, which often motivates the service user and builds confidence to enter or re-enter the labour market, but this can be lost without ongoing support. The level of support present throughout any

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<sup>10</sup> Progression support throughout the review refers to the support service user transition into positive, meaningful activity and this may include volunteering, training, further education or employment.

## A Review of Fife Ex-Offender Employability

community order also provides an element of structure for service users, and when their order finishes, this support dismantles, particularly in the instance where there are no other support agencies involved and no progression support identified.

3.2.2 JCP advisors reported that the point they become aware an individual has a criminal record, and that this may be acting as a barrier will differ on a person by person basis. Often a criminal record is identified when the service user reports that they have been unsuccessful with a job application because of this. JCP advisors indicate that regardless if a service user discloses they have a criminal record or not, does not really impact on the process they will follow in terms of progressing the individual towards employment. In addition, advisors reported that by highlighting or “*flagging*” a criminal record as a barrier can only compound the problem, as it is currently raising an issue for which there is not the resource to support.

3.2.3 JCP advisors reported that they can only provide a limited input to the progression of (ex-) offenders, especially the MAPPA cohort who they described as a “*real challenge*” to support. This cohort may have additional barriers through restrictions to IT/Internet access, require specialist and often resource intensive input, and for all these reasons, tend not to move on very quickly. While actual figures were not available, JCP reported that a very small proportion, if any, individuals in this cohort had progressed into employment over the past year, and it is the exception of cases. CJSW also stated that accessing opportunities for this cohort, including training or work experience is problematic.

### Findings

- There are fundamental resource issues within the core agencies that support (ex-) offenders in Fife and this is impacting successful progression outcomes.
- Employability support for (ex-) offenders is not the primary remit of the core agencies involved and employability provision for the cohort requires relevantly skilled, experienced, specialist staff.
- There is a lack of resource to effectively integrate high risk offenders due to the requirement to provide a service that offers progression opportunities and manages risk with confidence.

### 3.3 The Disclosure Process

3.3.1 Both CJSW and JCP teams reported that they did not feel they were adequately equipped with an appropriate level of knowledge to guide service users with criminal record disclosure. CJSW have an in-house resource for this, while it is currently restricted to sex offenders, and this is primarily a resource issue. JCP advisors

## A Review of Fife Ex-Offender Employability

indicated that they are primarily self-educated with regards conviction relevance through regular contact with local employers. In this way they have established a basic understanding of the types of criminal convictions that would restrict a job application with particular companies. Advisors indicated that their experience of employers rejecting candidate's applications where they had a criminal record was mainly legitimate, and to do with the company policies, including insurance, rather than a negative attitude to the recruitment of ex-offenders. While on the whole this may be accurate, advisors are basing their knowledge on the information employers are giving them, rather than an informed understanding. This leaves room for discriminatory practice as employers can highlight the type of individual they would prefer for their vacancy and take their pick from applicants. Advisors stated that they are not aware of any employers who tend to operate with a social conscience and actively support the recruitment of ex-offenders; and the current economic climate allows employers to cherry pick the best applicants. There was an agreement that training to gain a basic understanding of the legislation around disclosure and the disclosure process would be beneficial and improve JCP advisor skills sets.

3.3.2 There was a mix of service user feedback regarding whether or not individuals have been or would be honest about disclosing their criminal record in the job application process. Around half stated that they would always disclose as it would be worse to have the threat of exposure hanging over them in employment, and that they will either be successful or they will not. The other half of service users indicated that they have been dishonest at the point of job application when asked if they have any criminal convictions, and that they would be dishonest again in the future. The reason for this was that they believed they would receive an automatic rejection if they honestly disclosed. However, in contradiction, all service users acknowledged that it would be better to be honest about their criminal record from the outset and recognised that there are employers who would not discriminate on this basis. One service user had been dismissed by his employer as it was later exposed that he had been dishonest through application.

3.3.3 Service users had some understanding about conviction relevance and the employer restrictions that exist, particularly with regards to certain, or more 'obvious' types of employment, for example working with vulnerable children and having a criminal history of crimes of a sexual nature. However, the only other perception service users had about the nature of the conviction and restrictions to employment was in relation to crimes of dishonesty. Service users perceived crimes of dishonesty to be the main category that would restrict an applicant from any employer.

3.3.4 Service users expressed that they did not have an understanding of the disclosure process in relation to their personal circumstances and this was supported by JCP advisor experience. There was a lack of understanding around the use and





## A Review of Fife Ex-Offender Employability

purpose of disclosure generally and the distinction between employers who ask about a criminal record without running an official Disclosure Scotland check, and those who do. Service users did not have an awareness about the level of disclosure they were expected to offer, depending on the job application, in relation to convictions that may have become spent. Neither did they have a comprehensive understanding of conviction relevance. There was also a lack of awareness about how much they should disclose in discussion at interview stage and what was appropriate for an employer to ask. A proportion of the service users were being supported by an Apex service and had access to disclosure guidance, but without this service, they would not have this knowledge. All service users reported that they would be interested in, and benefit from, this kind of service as they felt it would improve their confidence.

### Findings

- There is a lack of informed knowledge and understanding of the disclosure process by JCP teams, while this does not prevent guidance being provided. This has the potential to create a culture of inaccurate advice giving, heightening discriminatory practice by employers and negative experiences by service users.
- Training for employability support agencies on the disclosure process would be beneficial.
- Employability service provision that entails guidance on the disclosure process is crucial as there is significant confusion amongst the service user group.

### 3.4 Claiming benefits and Government Employment schemes

The challenges associated with being a benefit claimant and a participant on 'work for your benefit' schemes such as the Work Programme was a significant topic of discussion across consultation, in relation to finding and sustaining employment.

3.4.1 CJSW teams reported the growing pressures of service user compliance with mandatory appointments for JCP and Work Programme providers, and this had various aspects. CJSW discussed this in a context of access to and availability of support across geographical locations in Fife, and this was described as "*imbalanced*". For example, Work Programme providers Working Links and Triage both provide full Fife coverage while their offices are located in Dunfermline and Kirkcaldy only, and they do not provide mobile or outreach provision. CJSW reported that this has an impact not only on equal availability of opportunities, but it also creates an additional barrier for individuals living in specific areas from a financial

## A Review of Fife Ex-Offender Employability

perspective. It was reported that the spread of provision applies pressure to individuals who need to fund their own travel to attend mandatory appointments, including those for CJSW. There is a concern that this increases the level of non-compliance, impacting on community orders potentially being breached and JCP sanctions applied, which in turn pushes the individual further away from the labour market. In order to take account of the geographical landscape and to reduce service user barriers with regards service access, CJSW emphasised that future provision needs to be mobile and outreach based. In order to do this, services should utilise more community spaces such as community centres to provide support, including a drop-in basis.

3.4.2 The 'imbalance' of available provision throughout Fife also relates to access to IT equipment and internet access which is becoming more fundamental to the process of claiming out of work benefits. Lack of access creates another barrier to gaining employment more generally as many employers now recruit using an online system or at least advertise online. Lack of access also heightens the likelihood of sanctions being imposed for non-compliance to evidence job seeking activity on a regular basis, or has an impact on the success of making an initial benefit claim.

3.4.3 Service users reported that the most pervasive barrier to moving into employment is the pressure of the criteria they need to meet to claim their out of work benefits, and in particular the threat of JCP sanctions. Service users placed JCP and Work Programme provision in a context of the employability support they were currently receiving and spoke about the provision interchangeably. There was a lack of awareness about the context to Work Programme provision, when an individual becomes eligible, timeframe, what it entails and the associated expectations. While there was an acknowledgement that there are many good advisors who take the time to offer support and guidance, on the whole service users felt unsupported by the system. Not only this, but service users indicated that their experience often has the reverse impact of what is intended, as it makes a criminal lifestyle seem more attractive. This was discussed for the potential to make an income in this way, and that prison was also a better option and even 'lifestyle' than facing the pressures of complying to significant claimant criteria and certainly than having benefits sanctioned. Service user feedback entailed various strands.

3.4.4 Through JCP or Work Programme provision, service users did not feel they gained person centred employability support, through the inclusion of learning opportunities or skill building work, and ultimately that this provision was not moving them closer to the labour market. Service users reported that often they did not feel that advisors have empathy for their personal circumstances, and due to the nature of the service, they are "just a number". Service users expressed a "fear" at the threat of having their benefits sanctioned and felt that often the advisors making this decision had no real concept of the impact this has on the individual. Some of

## A Review of Fife Ex-Offender Employability

the service users had been sanctioned a number of times, and reported that when this happened, they have not been able to eat, have been at risk of becoming homeless and that they have re-offended at this time, or they have considered it. Scottish Council for Voluntary Organisations (SCVO) (2014) highlights the impact the sanctions regime can have on the employability process, that in dealing with a crisis situation, “...families will be trying to access the basics of life – food, shelter, heat – rather than moving back towards employment”, ultimately meaning they will be less job ready.

3.4.5 Service users indicated that a strategy to minimise the pressure of criteria associated with being capable of work (evidencing levels of jobsearch activity etc) was to remain claiming ESA, and to avoid JSA for as long as possible, even if this meant bending the truth. This is a significant concern as it indicates that an inability of service users to manage employability based activity means a proportion will claim they cannot work because of sickness or disability. Although no direct correlation can be made with this statement and the particular service users consulted with for this review, with regards validity of claims, 11 out of 14 service users consulted with were claiming ESA, while 3 were claiming JSA. Applying this to Fife, figures show that a much higher proportion of the working age population are claiming ESA as opposed to JSA. On average, 25% of the population claim JSA while 46% claim ESA<sup>11</sup>. Again, this is not meant to infer that a proportion of the 46% ESA claimants are making invalid claims, but highlights a challenging mindset that exists in Fife communities. The level of ESA claimants in comparison to JSA is a much wider issue across Scotland with a range of other determining factors.

3.4.6 Service users expressed a lack of knowledge around the current welfare guidelines, Universal Credit system and the impact certain positive activity would have on their benefit claim generally. There was an understanding regarding adverse impact, for example, through sanction, but there was not an understanding of the process before this becoming a consequence, and how to prevent it. Crucially, there was a lack of awareness about how further education, volunteering or various employment contracts would impact their benefit claim, or what additional entitlements e.g. working tax credits they would be eligible for. Service users also did not have an awareness of the more stringent rules around moving into employment, and then leaving this voluntarily or being dismissed and how this could impact a new claim. Service users did not feel confident to ask these questions and explore their options with their JCP/Work Programme provider advisors and so they did not feel well informed. Therefore, how service users view their relationship with various agencies, is an important aspect to consider the likelihood of success when utilising the provision.

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<sup>11</sup> NOMIS (2012)

## A Review of Fife Ex-Offender Employability

### Findings

- There is a concerning lack of understanding and knowledge by the service user group about the system they rely on for their income. The process of claiming out of work benefits or being part of an employment scheme is more associated with survival than the quest to rejoin the labour market. This concept aligns with the Ingeus feedback that service users often do not associate their criminal background as their primary barrier. It may not be considered as a restricting factor to employment as many service users do not feel ready for employment anyway, and so this does not resonate. Any future provision must take account of this complex landscape to offer service users the level of guidance and support they require.
- Service users require often intensive support, to manage the process of being unemployed and to comply with it, never mind the actual progression into employment and sustainment of it.
- There are significant issues with access to core and often mandatory provision which is providing an additional barrier to service users.
- There are significant issues with access to IT and internet provision in a n ever growing digital interface that is the main way to communicate and interact.
- Future employability services should ensure they are designed to be mobile and accessible across communities.

### 3.5 Aspirations

3.5.1 All service users reported that they aspired to move into employment and felt that they were capable of this. Most, however, discussed that they will pursue types of employment where they think it is less likely they will need to disclose, or that their criminal record will be an issue. Most service users reported that they will directly avoid jobs where they think their criminal record will be scrutinised as part of the selection process. Service users mainly described that they will apply for low skilled jobs or jobs with smaller companies where there may not be as robust recruitment policies or procedures.

3.5.2 CJSW supported this by reporting that while male offenders tend to aspire to work, proportionally more than females, there is often a “*hopelessness*” associated with the process of finding work. CJSW teams report that a high level of offenders claim they want to work but do not know what line of work they would like to move into. CJSW state that service users do not tend to be aspirational with the nature of employment they aim for and employment does not tend to be ‘career’ driven or

## A Review of Fife Ex-Offender Employability

even based on individual's personal skill sets and strengths. CJSW suggested that this is associated with the lack of apprenticeship opportunities from post-School onwards so many individuals are older without having any form of work experience and a taster of the field they would like to work in.

3.5.3 CJSW teams also report that although there is often an aspirational desire to work and a perception of personal capability, the ability to sustain work can threaten this. CJSW discuss that the reality of the structure, routine, time management and all other aspects required to comply with employer standards and to be a good employee, can be very challenging for individuals who have been unemployed for some time, have had limited employment history, or have never been employed. There has also been experience of service users being dishonest about their circumstances in employment and failure to disclose pending Court dates, but taking the day off to attend, and being dismissed for this later coming to light. Service users agreed with this to an extent and could identify that a dramatic change in lifestyle would be challenging. This was particularly relevant for service users who had drug issues and they discussed the impact of gaining an income on their risk of relapse. Service users also discussed that a key challenge in the work place would be dealing with negative attitudes from their line manager or team members and they provided examples of how they would be likely to react in a negative way if anyone jeered them for knowing they had a criminal record or a drug issue, referring to being called names such as 'junkie'.

### Findings

- Service users require support to identify transferable skills and to build an understanding of the labour market opportunities that exist.
- Service users require a period of 'in-work' support to increase job sustainability.

### 3.6 Employers

3.6.1 A number of service users expressed that they "*just need a chance*" and felt they were more likely to achieve this with smaller companies and employers where the person interviewing them would consider them on a person by person basis. Some service users discussed that where possible, they would rely on word of mouth through family and friends to access a job opportunity, to avoid the formalities of the recruitment process.

3.6.2 In contrast to service user perception, the smaller employers consulted with, had more reservations about the employment of an ex-offender than larger companies. While on the whole they did not have negative attitudes about the



## A Review of Fife Ex-Offender Employability

recruitment of ex-offenders, their priorities were associated with the level of damage to their business if an appointment went wrong. Small businesses, often family run, were more concerned about the impact on their reputation in the local community and how their customer base could be impacted by the appointment of an ex-offender or how they would recover in the event of the individual acting in a negative way. Therefore, small employers deemed the recruitment of an ex-offender more of a risk because of the potential level of loss. The appointment of an ex-offender (or any individual) to a smaller business also had more resource implications in terms of training, management and supervision and so the appointment of the 'right person' was all the more crucial. Therefore service user perception of a more 'formal' recruitment process being most likely to restrict them from employment, is inaccurate. The absence of this actually allows employers to make decisions based on whether or not an applicant has a criminal record, and their perception of how this will impact their business. All of the small businesses consulted with did not use an application form to recruit, but would proceed straight to interview, which could be quite informal. At the same time, the small employers were not clear on whether they would directly ask an applicant if they had a criminal record, but were clear if it came up, in certain instances it would be a restricting factor.

3.6.3 For large employers, there were more robust mechanisms in place to ensure that equality of opportunity in terms of selection is integrated. Service users may be surprised to learn that Fife Council do not ask about criminal convictions at the point of application. If the role demands disclosure, there will be a request for this information to be placed in a sealed envelope and brought along to interview. This envelope will only be opened when the applicant has been deemed as the best candidate for the position, and any relevant convictions will be discussed at this time. Fife Council are sector leading from this perspective, as findings from the recent Scottish Government review of the Rehabilitation of Offenders Act, stakeholder event, highlights an agreement in the business community that the current system of pre-interview conviction information can create discrimination and further stigmatisation (Recruit with Conviction 2014:6). This is coined as 'deselecting when preselecting' (RWC, 2014:6).

Morrisons Supermarket Plc do ask about convictions on their application form, while it is part of the equal opportunities monitoring section. Both Fife Council and Morrisons stated that they expect some confusion for applicants around the disclosure section, and for Morrisons the disclosure of any conviction would not restrict an applicant from interview, nor would this be the case if the section was left blank. All of the large employers stated that they promote dialogue with the applicant around their convictions to gain context and understanding.

## A Review of Fife Ex-Offender Employability

The medium sized businesses consulted with did not use application forms in the initial stage of recruitment. One of these asked for a CV and the other proceeded straight to interview.

3.6.4 The small employers did not have any real understanding of the disclosure process and the legislation that surrounds it. They stated that the skills and experience of the applicant were their primary interest and two of them used the phrase 'everyone deserves a second chance'. However in terms of conviction relevance two of the small employers referred to high tariff convictions as restrictions to employment with them. They referred to murder and rape and based their decision on the risk of harm associated with these offenders. While in some instances these will be valid reservations and management of the risk of harm is always the priority, in some instances this can be known as 'stereotype anxiety', which is discrimination based on having the conviction (Recruit With Conviction 2014:8).

Medium employers had a better understanding of the disclosure process and for some aspects of their business, Disclosure Scotland checks applied. There were no particular opinions about the recruitment of ex-offenders as was evident with small employers. Large employers had a very good knowledge and equalities safeguards seemed to be well implemented. With regards conviction relevance, Morrisons highlighted that individuals who had a history of violence would be one of the main types of criminal background where there may be restricting factors to employment. This was to do with the company's duty of care to other employees and to the public, while it was stressed that this would be dependent on context and would be most relevant where there had been evidence of consistent violence over time, or serious incidents.

3.6.5 Both Fife Council and Morrisons provided examples of having employed ex-offenders, and this included individuals who had committed crimes of a sexual nature. From a Fife Council perspective this involved implementing additional resource to support employees where this was the case, to manage their role in line with any Criminal Justice restrictions, for example, access to information on certain electronic servers. Morrisons provided an example of how the company retained an employee's contract when they gained a conviction during employment, and was ordered to serve a short-term prison sentence. Morrisons highlighted that in this scenario there is a clear distinction between context for a new applicant and a historic member of staff.

3.6.6 Of the employers consulted with, all of them indicated that they either had no experience of individuals with a criminal record applying for a vacancy, or that it does not happen to the level that it should. Fife Council reported a perception that there is a high level of self-selection by individuals with a criminal record, not to



## A Review of Fife Ex-Offender Employability

apply to certain employers, or vacancies as they perceive that their convictions will discount them. This suggestion is aligned with service user feedback.

3.6.7 Fife Council highlight that the area that may restrict individuals from being successful with a vacancy is that they simply are not qualified or experienced enough. That is, the Council have few entry level jobs, and as recruitment is based on merit, individuals may be disqualified on this basis, on many more occasions than their criminal record.

3.6.7 Employers were also asked whether they would be prepared to support work experience opportunities for ex-offenders. Access to work experience and volunteering opportunities was highlighted by CJSW and JCP as core to future employability provision. Work experience should provide 'hands-on' opportunities for service users and simulate the work environment as much as possible. Volunteering opportunities for service users were deemed important to enhance motivation, build confidence, improve social and communication skills and to gain access to training and development opportunities.

Employer responses varied. Two of the small employers thought this would be too resource intensive, and of no real benefit to either party if there was no possibility of a job at the end of it. One small employer would consider it, but to make it worthwhile, it would need to be a longer term commitment by the same individual. The medium sized companies reported that some areas of their business would not be appropriate for a work experience placement as they are mobile and this would not work practically as there would not be an available level of resource to supervise and train someone. Morrisons stated that they do provide work experience for other vulnerable groups and would be willing to explore this, while Fife Council were less committal as this would be a political decision due to the cohort and budget implications.

### Findings

- The main barriers for both employers and service users in the recruitment of ex-offenders, are perceived, rather than being rooted in real experience (employer conviction relevance, primarily in relation to small businesses, and service user self selection).
- Often rejection of a job application for ex-offenders will be to do with their lack of skills and experience for the role, as opposed to their criminal record.
- There is no consistency in terms of how employers apply the recruitment process for ex-offenders.





## A Review of Fife Ex-Offender Employability

- There are varying levels of knowledge with regards the disclosure process amongst employers and a training resource for this would be beneficial, as part of a wider strategy of employer engagement.
- There is the need to increase the opportunities for 'real' contact and interaction between employers and service users to break down perceived barriers, for example, through work experience.
- Some consideration should be given to a strategy to support employers to proactively market the recruitment of ex-offenders, given the potential level of self-selection reported by service users and that presumed by employers.

## A Review of Fife Ex-Offender Employability

### 4. Current employability provision for (ex-) offenders in Fife

Key agencies, CJSW and JCP indicated that there is currently no targeted employability provision for (ex-) offenders in Fife, both for wider employability support and practical disclosure guidance support. Rather, there are a number of agencies, with various remits, that are willing to support the cohort, but do not target referrals for this group specifically.

4.1 The main employability project referred to on a number of occasions, which does proactively market referrals for offenders was the Fife College Next Steps project. Next Steps provided a direct referral route for CJSW, and so, supported the 'live' offender cohort 16+, Fife wide. Service users would be referred to Next Steps for employability support, and this could coincide with the completion of hours from their community order. The service provided disclosure guidance and also a resource for the support of medium to high risk offenders. Due to a change in funding from 2014, Next Steps no longer has the resource for the CJSW specific activity (this is currently being reviewed). This means that moving forward, the criteria to access the wider service is primarily for service users who have a drug or alcohol issue, or are affected by another's. Next Steps report that they will still come across service users where offending or a history of offending is a barrier, while with the dedicated CJSW provision, they were supporting an average of 180 service users per year. This demonstrates a significant loss to the only provider in Fife that was offering a targeted employability service to (ex-) offenders.

4.2 Outwith this, CJSW and DWP teams mainly alluded to addiction support agencies, where there was an awareness the projects may offer some elements of employability support as part of a holistic service and onward progression. There was no real consistency to this, even within particular locations of Fife. Professional referral routes to employability or other agencies where employability support may be gained, was not formalised, but down to the individual's discretion about the service they linked with. Some of these agencies were specific to certain areas of Fife, for example, Clued-Up, and this service has an age restriction, so availability of the service would also inform whether a referral could be made. JCP advisors discussed that often they resort to referring to "*the next best thing*" in terms of agencies, when it may be employability support specifically they are interested in. This means that other support needs e.g. being a lone parent, may be promoted, to enable a referral to a specialist agency e.g. Fife Gingerbread, to ensure employability needs are met.

4.3 Other support agencies that deliver employability projects, and that operate on the Fife Employability Pathway declared their services do support individuals with a criminal record, including; SAMH, Fife Gingerbread, Scottish Christian Alliance, Kingdom Housing Association, FEAT, West Fife Enterprises, BRAG.



## A Review of Fife Ex-Offender Employability

There is core criteria for service users to access most of these services, as the remit will be for a particular objective, so employability is usually a secondary priority. This includes, having a mental illness or being registered with a mental health service or being homeless. Not all of the agencies directly ask service users if they have a criminal record at the point of assessment, but this may emerge as support develops. These agencies also operate in various locations in Fife and not all deliver Fife wide coverage. Some agencies also have age or gender restrictions to their service. In addition, there was a mix of agencies that could support service users who were Work Programme participants, and others who could not, depending on various funding streams.

4.4 When these agencies were asked about how they tackle the issue of criminal record guidance, some said that they do not directly deal with it, as staff would not be equipped with the expertise to provide accurate information and that this is a training issue they would be interested in moving forward. Some agencies said that they provide blanket guidance that service users should fully disclose their criminal convictions if a job application asks for it. Some agencies also indicated that they may contact CJSW for advice, and that within their teams they have attempted to undertake research, primarily online, to improve their knowledge in this area, to better equip them to support service users. On this basis, these agencies felt they would have the confidence to support the process when it arose. Other agencies stated that they had not considered it.

4.5 There was a resounding lack of knowledge or awareness about the existence of the Fife Employability Pathway within CJSW teams. DWP teams had some awareness of the Pathway as information about new and existing provision is highlighted at partner delivery groups. However, there was no real connection to Pathway services and outwith training programmes where DWP have an investment, they are not currently used for onward referral.

4.6 CJSW teams reported that there is a distinction between availability of support for male and female offenders in Fife and across Scotland. Female offenders are a Scottish Government priority and funding has been implemented locally to support the delivery of community justice centres. In Fife, the CJSW women's team work in a multi-disciplinary team with other agencies including NHS, Housing and SACRO, for the delivery of One Stop Shops which tackle women's issues to moving on, generally. The feedback is that there is a much more co-ordinated and integrated approach to women offenders, to reduce re-offending and to impact reintegration and progression activity, than for males. Currently One Stop Shops are available in Dunfermline and Methil while the team plans to roll these out across Fife.

## Findings



## A Review of Fife Ex-Offender Employability

- There is currently no provision in Fife that targets employability support for (ex-) offenders.
- There may be consistent pressure applied to other support agencies and their resources as referrals are made with the caveat that it is to access employability support.
- There is a remarkable lack of awareness and knowledge about the Fife Employability Pathway, which should be the intrinsic resource for all employability activity in the area.
- For the 'live' offender population there is a disparity of support available for males and females.

### 5. Effective delivery models for employability provision

The Ministry of Justice (MOJ) (2013) produced a study which provides the latest evidence of the correlation between employment and reduced offending. The findings show that offenders in the sample with a P45 employment spell following their release from custody, were significantly less likely to re-offend than those who did not (MOJ, 2013:24). There have been a number of studies that link the crime/unemployment relationship, which contend that, for offenders who succeed in moving out of a criminal lifestyle, employment plays a central role (Mc Evoy, 2008:7). Therefore existing research tends to be dominated by evidence to support 'what works' with regards desistance.

There is a significant evidence base to suggest that employability programmes contribute to this. Mc Evoy discusses Bridges 1998 Probation based study which examined over 700 probation clients, across 11 different probation areas. The study found that twice as many offenders who were unemployed, at the time supervision started, and who received employability interventions, got jobs, as those who received no help with employment (2008: 8).

However, there is little evaluated evidence on the effectiveness of the models themselves. Due to the lack of rigorous evaluation, where programmes have been successful in moving ex-offenders into employment, it can be difficult to know which element of the programme, or whether the programme itself, genuinely brought about positive change (Mc Evoy, 2008:9). Mc Evoy explains that it is difficult to determine whether the individuals who were successful, were the most motivated and most able, anyway (2008:9).

However, international research on employment programmes in prisons indicates the value of a focus on interventions 'developing employability skills' (Mc Evoy 2008:10). Mc Evoy (2008) has concluded that standalone employment interventions for (ex-) offenders, such as vocational training, are unlikely to succeed, given the wide range of other social and personal problems offenders face. Mc Guinness et al. highlights that integrated programmes which address personal development, drug/alcohol issues, accommodation, as well as training and employment issues are essential (2013: 16). The European Offenders Employment Forum (EOEF) (2002) describes a service that can be flexible to provide an individualised response to the needs of participants as being fundamental to success (Mc Evoy 2008:19).

Mc Evoy states that the focus on provision of 'purposeful activity', which delivers a combination of education, training and employment focused activity, is deemed to be the most effective (2008: 10). This activity could include assistance ranging from individual action plans, confidence building, literacy and numeracy work or other

## A Review of Fife Ex-Offender Employability

basic skills training, core employability skills building (Jobsearch, CV Preparation) to vocational training, work experience and volunteering.

The common complexities of (ex-) offenders' barriers to employment dictate the requirement for diverse and well designed services, underpinned by an understanding of these barriers by skilled and suitably qualified staff (Mc Evoy 2008:18). In moving ex-offenders into employment, there will always be multiple objectives at play, at least, the quest to reduce the likelihood of re-offending and also to sustain economic activity. Ex-offenders have acted on the periphery of acceptable social conduct and norms, and so, the gain and sustainment of employment must be part of an investment to social integration. Mc Guinness et al. describe this as the individual's commitment to the desistance process and the concept of 'having something to lose', known as the development of 'social capital' (2013:17). This indicates that for an (ex-) offender to desist from crime for the long term and to sustain employment, requires them to address wider factors that create social capital. This includes the role of family, friends and positive relationships in the community, which Hagan and Mc Carthy (1997) state, create a sense of obligation, expectations and norms (Mc Guinness et al. 2013:17). Both CJSW and JCP highlighted the benefits of peer support as an aspect of service provision they would like to see integrated into future provision.

This indicates that the approach to employability provision for (ex-) offenders should be holistic and take account of the wider barriers they may face to employment. Service user consultation supports this as individuals consistently provided feedback on the importance of support services taking time to speak to them and to appreciate their individual circumstances as part of action planning. From CJSW perspective, the individual action planning aspect is crucial as service users must develop coping strategies to juggle and manage a range of issues, and these can also change very quickly due to often chaotic lifestyles. In order to build confidence, service users must be supported to reflect on and review their progress against their action plans, developing a sense of achievement and ultimately social capital.

### Findings

- Effective delivery models to support (ex-) offenders into employment should be:
  - ✓ Holistic and person centred and facilitate individual learning plans
  - ✓ Flexible and tailored to age and gender
  - ✓ Confidence and motivation building, personal development
  - ✓ Educational to enhance learning, skill building to build capacity and ability, and employment focused to equip job readiness
  - ✓ Work experience and volunteering opportunities
  - ✓ Peer mentoring



## A Review of Fife Ex-Offender Employability

### 6. Recommendations

#### 1. Better, more systematic recording of the unemployed population who have a criminal record

DWP should consider implementing measures to ensure better, more proactive recording practice within JCP centres of criminal record claimants. This should be achieved while still promoting the confidentiality of (ex-) offenders and not as an attempt to unfairly target the group. Where this cannot be implemented as a 'mandatory' question for advisors to ask, or for service users to answer, under DWP guidance, it can be integrated through staff training, development and awareness raising of the issue, that gaining this knowledge is a key aspect of moving ex-offenders into employment.

FORT should be utilised as a medium to record numbers of service users who have a criminal record, who are accessing employability and other support agencies.

#### 2. Further DWP analysis of the statistics provided by Work Programme providers and DWP service user consultation

Consult with service users on a bigger scale to gain insight into experiences of unemployment and why the majority of individuals participating in Work Programme provision did not highlight their criminal record as a barrier. It would also be beneficial to undertake some discrete analysis of the proportion of the ex-offender population who have progressed into employment, and to understand if there was any consistency with their support.

#### 3. Opportunities Fife target a funding resource for specialist employability provision, focused at stages 1 and 2 of the Fife Employability Pathway

Employability provision must entail a balance of holistic support and practical disclosure guidance, and incorporate the findings from Section 5. While provision should be targeted at stages 1 and 2, it should entail a 'case management' approach where support is accessible throughout pipeline progression.

#### 4. Promote accessible service provision

DWP in partnership with Work Programme providers should revise the geographical reach of current mandatory provision for service users and consider the implementation of more mobile operations. This may impact the levels of sanctions applied and balance the resource as more service users may become economically active, quicker.



## A Review of Fife Ex-Offender Employability

### **5. Training on the disclosure process should be made available to key professional in the field**

A basic understanding of the disclosure process and the legislation around it, would improve the confidence of front line staff to offer accurate guidance, or more specifically, it would reduce the risk of inaccurate advice. Practitioners would also benefit from training on how to identify service users with a criminal record, and how best to glean this information.

### **6. Opportunities Fife must consider the level of public places that offer IT and internet access**

Creativity is required to consider a strategy to ensure a resource is implemented in the public domain as it is a fundamental requirement to service users complying with their out of work benefit. Employability provision should consult with the Fife Digital Skills Framework.

### **7. Opportunities Fife to revise marketing and communication strategy for the Fife Employability Pathway**

An implementation plan for the 'new' Pathway should be devised to ensure information reaches frontline practitioners across support services; and the maintenance of this. This includes details of the adult employability pathway to be displayed on the Opportunities Fife website.

### **8. Opportunities Fife to revise employer engagement strategy for the development of work experience opportunities and to promote the active recruitment of ex-offenders**

Approaches to better engage with employers in this area, within the realms of equal opportunities are required. The provision of disclosure process training for employers is also important. Employer engagement should also feature as a key aspect of (ex-) offender employability provision.





## A Review of Fife Ex-Offender Employability

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