

“Angels or witches”

The impact of criminal records on women

“I will never be able to be free of the memories of the experience and the consequence this had on the rest of my life. You are looked at differently in all settings because you are seen as a violent criminal with no self-control. We are all capable of making a mistake. The punishment in my case seems to be lifelong, not just 50 hours’ community service.”

Supported by:



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The full report and executive summary are both available to download at www.unlock.org.uk/criminalrecordswomen

Executive summary

This report considers the post-conviction problems faced by women with criminal records. Based on survey responses from 511 women, alongside data on employment and criminal record checks that has a breakdown based on gender, this report looks at the specific issues that women face, including the stories and experiences shared with us, and how these issues are different to those faced by men.

In the full report, these findings are discussed in the context of other research on the impact of a criminal record on women, and the report concludes with recommendations that could help dismantle some of the barriers that women face, contributing to a fairer and safer society.

Key findings and recommendations

Women with criminal records face significant barriers to employment

"I feel in a competitive application process for university or employment I will always be at a disadvantage due to my record."

The vast majority of women surveyed (86%) cited employment as one of the problems they faced. Employment was cited more than twice as often as any other problem area. These problems were not exclusive to women who had received prison sentences, nor to particular offences types or entirely down to those with recent criminal records.

While women are overall less likely to have a criminal record, they are significantly more likely to face barriers when accessing employment roles that require enhanced DBS checks.

Recommendations:

- **The Ministry of Justice** should swiftly implement reforms to the Rehabilitation of Offenders Act 1974, including abolishing lifelong disclosure of criminal records
- **The government** should legislate to enable legal action against employers who take spent convictions into account
- **The government** should require employers to give meaningful reasons, in writing, in cases where they decide a criminal record makes someone unsuitable for a role
- **The Ministry of Justice and HM Prison and Probation Service** should create a strategy and work stream for employment that recognises the particular challenges for women leaving prison and on probation.

Women face stigma because of their criminal record, often exacerbated by their gender

“Women are still treated as either angels or witches, there is no in between. Women with convictions are demonised in ways that men never have been.”

Stigma was the second biggest problem, with 12% citing it as their biggest problem. The existence of stigma helps to explain the difficulties with employment.

51% of women surveyed thought that the problems they faced as a result of their criminal record were exacerbated by being a woman.

Recommendations:

- **The Home Office and Ministry of Justice** should jointly conduct a root and branch review of the criminal record disclosure system, specifically including the proportionality and impact on women and people with other protected characteristics
- **The Home Office and the Disclosure and Barring Service** should implement Unlock’s 2020 recommendations on ineligible checks
- **Deeper research into the gendered aspects of post-conviction problems is needed**, and an analysis of whether and how the problems vary over time

Women’s criminal records often exist alongside trauma, without specialist support

“When I fled domestic violence in 2017, I found one safe-house that would accommodate me with a criminal record. This safe- house then closed down. I had to look for another safe-house and my criminal record was a significant barrier.”

Nearly two thirds (59%) of women reported having experienced domestic abuse at some point in their lives. A tenth said they had been a sex worker at some point in their lives, and 31% had experienced addiction or substance misuse.

Recommendations:

- **Organisations in the women’s sector and criminal justice sector** should explore ways of working together to improve understanding and support for women with criminal records, taking into account multiple, overlapping needs and experiences of trauma
- **Government and other funders** should seek to fund specialist women’s sector organisations to support women experiencing post-conviction problems alongside other trauma

1. Introduction

This report was produced as part of the *Unlocking Experience* project¹, which collected evidence on the experience of people with criminal records, including first-hand evidence from those who can look back on their criminal record with hindsight and a clearer perspective, as well as quantitative and statistical data. This evidence influences Unlock's advocacy work and underpins our strategy for engaging with the wider criminal justice and social inclusion agendas.

Understanding how a criminal record intersects with other experiences of discrimination is key to this work, and this means investigating, highlighting and seeking ways to overcome the barriers faced by specific groups with criminal records.

This report considers the post-conviction problems faced by women with criminal records. The title of this report, 'Angels or witches', is borrowed from a respondent who used it to describe the particular stigma applied to women who commit crime. This has been documented by academics² and practitioners and is easily visible in media portrayals, real and fictionalised.^{3 4}

Based on survey responses from 511 women, alongside analysing data on employment and criminal record checks, this report looks at the issues that women with criminal records face. The report includes stories and experiences of life with a criminal record, and the ways these differ for women. These findings are discussed in the context of other research on the impact of a criminal record on women and the report concludes with recommendations that could help dismantle some of the barriers that women face, contributing to a fairer and safer society.

¹ www.unlock.org.uk/projects/unlocking-experience/

² See for example Lloyd, A. (1995) *Doubly deviant, doubly damned? Society's treatment of violent women*, available at: https://books.google.co.uk/books/about/Doubly_deviant_doubly_damned.html?id=zpDaAAAAMAAJ; Chesney-Lind, M and Pasko, L. (2012) *The Female Offender: Girls, Women, and Crime*, available at: <https://books.google.co.uk/books?hl=en&lr=&id=8y91AwAAQBAJ&oi=fnd&pg=PP1&dq=women+and+crime&ots=t87quf9Oem&sig=NXmh1cmS10nx2N1cazxfQwnv6W8#v=onepage&q=women%20and%20crime&f=false>

³ Seal, L., (2009). *Issues of Gender and Class in the Mirror Newspapers: Campaign for the Release of Edith Chubb*. Crime Media Culture. Available at: <http://cmc.sagepub.com/content/5/1/57.full.pdf+html>

⁴ Buonanno, M. (2017) *Television Antiheroines: Women Behaving Badly in Crime and Prison Drama*, available at: <https://books.google.co.uk/books?hl=en&lr=&id=h7irDwAAQBAJ&oi=fnd&pg=PT7&dq=women+committing+crime+drama&ots=Bk2rYonwhY&sig=xN1sNiFGd-2w3KHs2GEw4eaoW84#v=onepage&q=women%20committing%20crime%20drama&f=false>

2. Background to the criminal records regime

This section provides an outline of the criminal records disclosure regime in England and Wales.⁵

The Rehabilitation of Offenders Act and 'spent' convictions

The Rehabilitation of Offenders Act (ROA) 1974,⁶ as amended in 2014,⁷ is the foundation of the criminal records disclosure regime in England and Wales. The Act enables certain criminal records to become spent after a specified period of time, based on the sentence an individual receives. For example, if an adult receives a four month prison sentence, it will become spent two years after the full four month sentence, provided no further convictions happen in the meantime.⁸

Once spent, a caution or conviction no longer has to be disclosed when applying for most jobs, or when buying insurance or applying to university or for social housing. Unspent convictions are those that have either not yet become spent, or never will because of the sentence. For example, prison sentences of over four years cannot, under current law, become spent.

Subject to specified exceptions, it is unlawful for employers to take spent convictions into account when considering someone's suitability for employment or volunteering. Employers, insurers and housing providers can ask about unspent convictions and there is no legal protection against discrimination due to an unspent conviction.

Roles exempt from the Rehabilitation of Offenders Act

There are a number of jobs and roles that are exempt from the ROA. The ROA 1974 (Exceptions) Order 1975⁹ includes medical, pharmaceutical and legal roles, high level positions in financial services, as well as jobs working with children or vulnerable adults, amongst others. For these roles, the Exceptions Order allows spent convictions and cautions to be requested and taken into account (although since 2013, this is subject to the DBS filtering process explained below).

Disclosure and Barring Service checks

The Disclosure and Barring Service (DBS) is the Home Office-sponsored non-departmental public body that processes requests for criminal record checks in England and Wales. Criminal record checks – often called DBS checks – may be requested by employers as part of pre-recruitment checks for paid work or volunteering. There are three categories of criminal record checks:

1. **Basic:** for roles covered by the ROA. Basic checks disclose unspent criminal records only.
2. **Standard:** for specified roles exempt from the ROA, including solicitors and people applying for a licence from the Security Industry Authority. Standard checks disclose all convictions and cautions unless they are filtered by the DBS (see below).

⁵ Unlock has websites for individuals (hub.unlock.org.uk) and employers (recruit.unlock.org.uk) that provide simple, accurate information on the criminal records regime.

⁶ Available at www.legislation.gov.uk/ukpga/1974/53/contents

⁷ [Section 139 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012](#). A Private Member's Bill is before Parliament (the Criminal Records Bill, sponsored by Unlock's President, Lord Ramsbotham), which proposes further reforms.

⁸ There are more details on how the law works at hub.unlock.org.uk/roa and www.disclosurecalculator.org.uk

⁹ [The Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975, SI No 1975/1023](#). Amendments to this Order are made periodically.

3. **Enhanced:** for specified roles exempt from the ROA, including working with children and vulnerable groups. Enhanced checks disclose the same as standard checks and also may include non-conviction information held on local police records (at the discretion of the chief police officer). Enhanced checks can, depending on the role, include a check of the children's or adults' barring list, to see whether the applicant is barred from working with children or vulnerable groups.

Standard and enhanced checks can only be requested for jobs that are exempt from the ROA. Knowingly requesting a check at a higher level than necessary is a criminal offence under Part V of the Police Act 1997. Although an individual can apply for their own basic check, standard and enhanced checks require an application to go via the employer or third party 'umbrella body' before it is submitted to the DBS. When the individual receives the DBS certificate, this is passed on to the organisation requiring the check. There is no way for an applicant to preview the information that will appear on their certificate, nor can they appeal against the disclosure of a conviction or caution (although they can apply for an amended certificate if it is inaccurate).

DBS filtering process

In the past, standard and enhanced DBS checks disclosed all convictions and cautions on the Police National Computer. In 2013, the Court of Appeal ruled this was incompatible with Article 8 of the European Convention on Human Rights (the right to respect for private and family life), because it was disproportionate to the legitimate aims of protecting employers and vulnerable individuals.¹⁰

Following the judgment, the government introduced a filtering system that operates on rigid, 'bright line' rules, with no right of appeal against disclosure decisions. Following a further set of cases that resulted in a Supreme Court ruling in January 2019, the government introduced amendments to the filtering system in November 2020.¹¹

Once something is filtered, it will not appear on a standard or enhanced check. The rules are set out below:

For those 18 or over at the time of the caution/conviction

- An adult conviction will be removed from a DBS certificate if:
 - 11 years have elapsed since the date of conviction; and
 - it does not appear on the list of offences which cannot be filtered, and
 - it did not result in a custodial sentence
- An adult caution will be removed after six years have elapsed since the date of the caution – and if it does not appear on the list of offences which cannot be filtered.

For those under 18 at the time of the caution/conviction

- The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years
- Youth cautions, reprimands and final warnings received when under 18 do not appear.

Example - Samir was given a caution seven years ago for shoplifting when he was 21. **That would now be filtered** because it is over 6 years ago and the offence is not on the list of offences that cannot be filtered.

Example - Lucy was given a suspended sentence 12 years ago for two counts of overpayment of benefits when she was 24. Although the conviction is from over 11 years ago and the offence is not on the list of offences that cannot be filtered, because she received a custodial (albeit suspended) sentence **those offences will not be filtered**.

¹⁰ [R \(on the application of T\) v Chief Constable of Greater Manchester and others \[2013\] EWCA Civ 25](#). The case concerned the requirement to disclose, on an enhanced check, two warnings issued to the claimant for stealing bicycles at the age of 11.

¹¹ For details of the changes, visit <https://www.unlock.org.uk/filteringchanges2020>

3. Survey findings

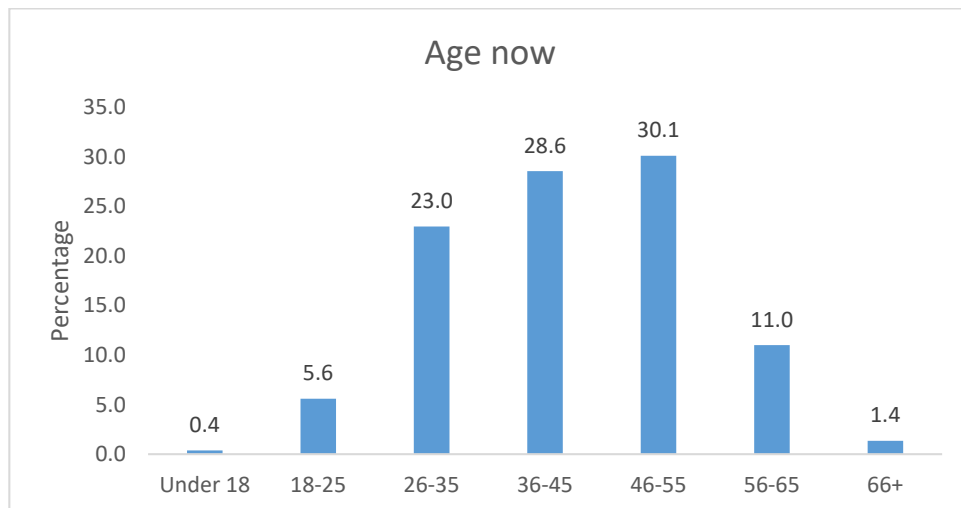
The survey was conducted between August and October 2019 and responses were collected anonymously and electronically. Respondents could choose to provide an email address if they were willing to be contacted for follow up. Duplicates and incomplete responses were removed, leaving a total of 511 individual responses.

The survey findings are presented in two parts: firstly, demographic characteristics of respondents, the age and nature of their criminal records and the problems they face. Secondly, the problems faced by individuals and their views on whether and how their gender had exacerbated those problems.

3.1 Characteristics of respondents

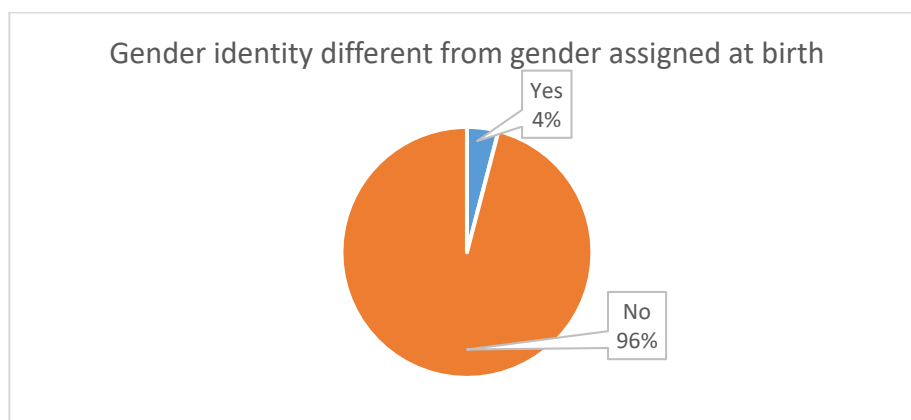
Age

Respondents spanned the age ranges but 82% were aged between 26 and 55. Six percent were aged between 18 and 25. Eleven percent were aged between 56 and 65 and 1.5% were over 66.



Gender

Respondents were asked "Is your gender identity different from the gender you were assigned at birth?". 4.1% (21) identified as female having been assigned male at birth.



Self-defined ethnicity

Respondents from Black ethnic groups are over-represented amongst respondents, compared to the general population of the UK. White ethnic groups are under-represented. A total of 79% of respondents identified as White; 71% as white British, 3% as white Irish, less than 0.5% as Gypsy or Irish Traveller and 5% as any other White background. Nine percent identified as Black; 5% as Black Caribbean, 3% as Black African and 1% as any other Black background. Just over 5% of respondents identified as Asian; 2% Pakistani and 2% Indian, less than 0.5% Bangladeshi and less than 0.5% Chinese and 1% any other Asian background. Just over 1% identified as being of another ethnic group. Less than 0.5% of respondents identified as Arab. Just over 7% of respondents identified as mixed; 3.5% white and black Caribbean, 1.4% white and black African and 1.2% white and Asian, 1.2% any other mixed background.

Although the dataset is not large enough to provide concrete conclusions, the over-representation of respondents from Black ethnic groups may point to the over-criminalisation of Black women and/or the additional challenges that Black women face in dealing with a criminal record. We found a similar over-representation of Black women in our earlier report, *Double discrimination*¹², which looked the impact of criminal records as experienced by people from Black, Asian and Minority Ethnic (BAME) backgrounds.

Employment

The majority of survey respondents (70.3%) had a job before becoming involved in the justice system, but less than a quarter (24.7%) were able to keep or return to this job.

Over three-quarters (75.3%) were unable to keep or return to their job following their caution or conviction meaning they would have faced potential discrimination in the immediate aftermath as they looked for work.

At the point of completing the survey, the majority of survey respondents were currently in full-time work (39%). When added to part-time work, studying and self-employment, nearly three-quarters were in some kind of work or training, with a quarter (24.5%) unemployed.



¹² Available at www.unlock.org.uk/doublediscrimination/

Caring for children

98% of women who responded to the survey had children. A third of survey respondents were the primary carer for children under the age of 18, and of those, nearly half (42.1%) had, or still had, involvement from Children's Services.

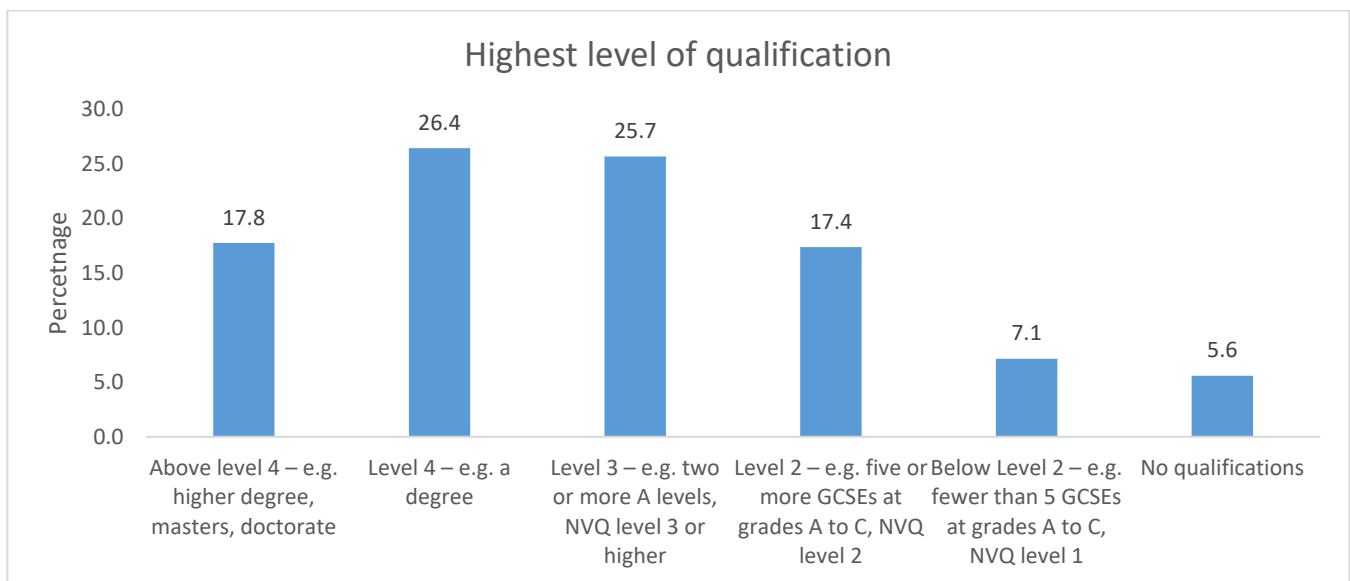
Experience of trauma

Research with women in prison finds a high prevalence of victimisation through domestic abuse, sex work and addiction.¹³ We wanted to know if this was also the case for women with criminal records who had not been to prison.

- 59% of women reported having experienced domestic abuse at some point in their lives
- 10% of women said they had been a sex worker at some point in their lives
- 31% of women reported experiencing addiction or substance misuse at some point in their lives

Qualifications

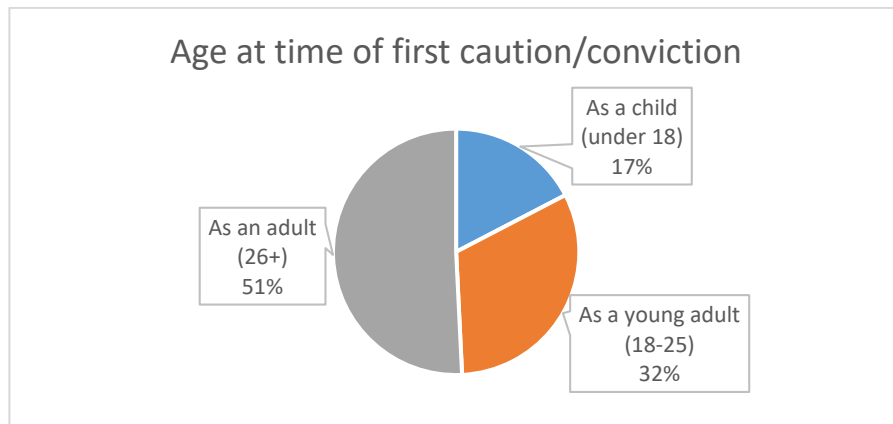
Just under half (44%) of women reported that their highest level of qualification was a degree or higher degree. A quarter (26%) had completed Level 3 qualifications (A level or equivalent). Twenty-four percent of women had completed qualifications at L1 or 2. Six percent reported having no formal qualifications. The varied range of qualifications, and a significant proportion with higher-level qualifications, suggests the difficulties women face in securing employment are more to do with stigma and discrimination than their ability.



¹³ Ministry of Justice (2020) Women and the Criminal Justice System, 2019 <https://www.gov.uk/government/publications/women-and-the-criminal-justice-system-2019/women-and-the-criminal-justice-system-2019>

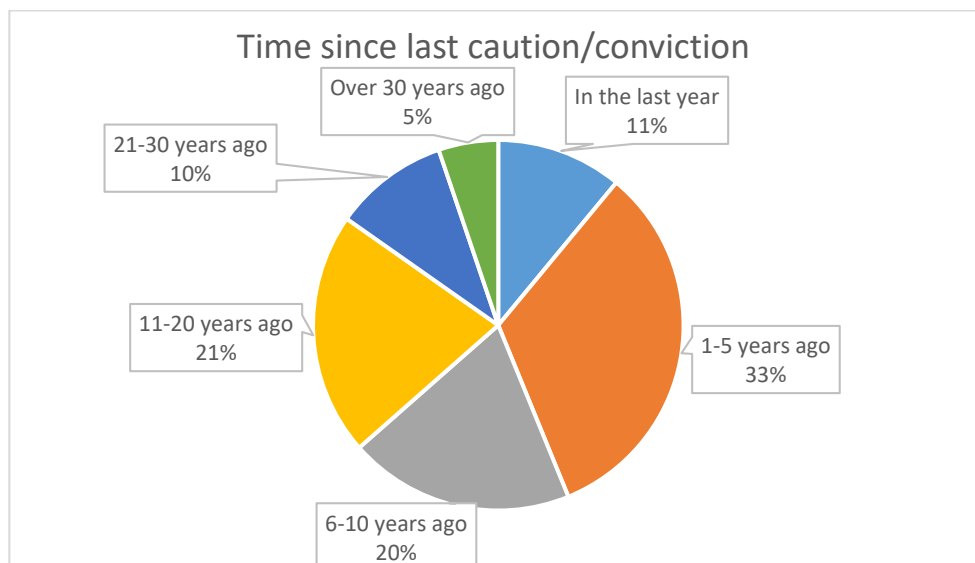
Age at time of first caution/conviction

Most respondents (51%) had received their first criminal record as an adult. Around a third (32%) were young adults at first caution/conviction and 17% were under 18.



Time since last caution/conviction

Respondents were asked how long ago their last caution/conviction was. Answers ranged from under a year to more than 30 years ago. For the majority, it was between one and ten years ago.

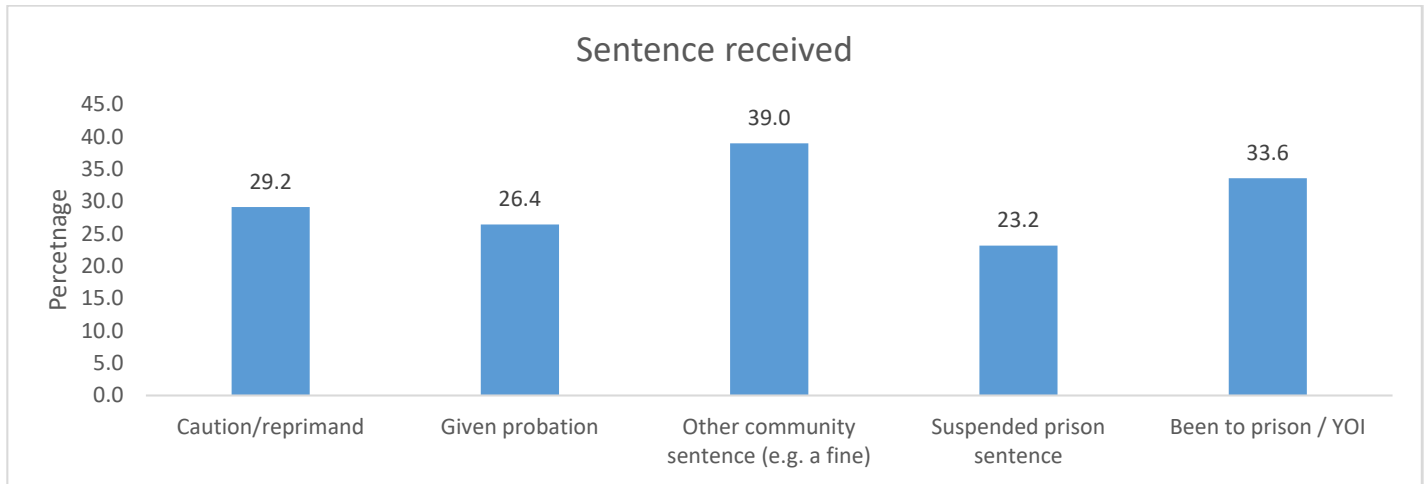


Sentences received

There was quite an even split between the types of sentences that survey respondents had received. Some had received more than one. Fifteen percent had received only a caution (i.e., no further conviction) and 25% had received only a prison sentence (i.e., no other sentences).

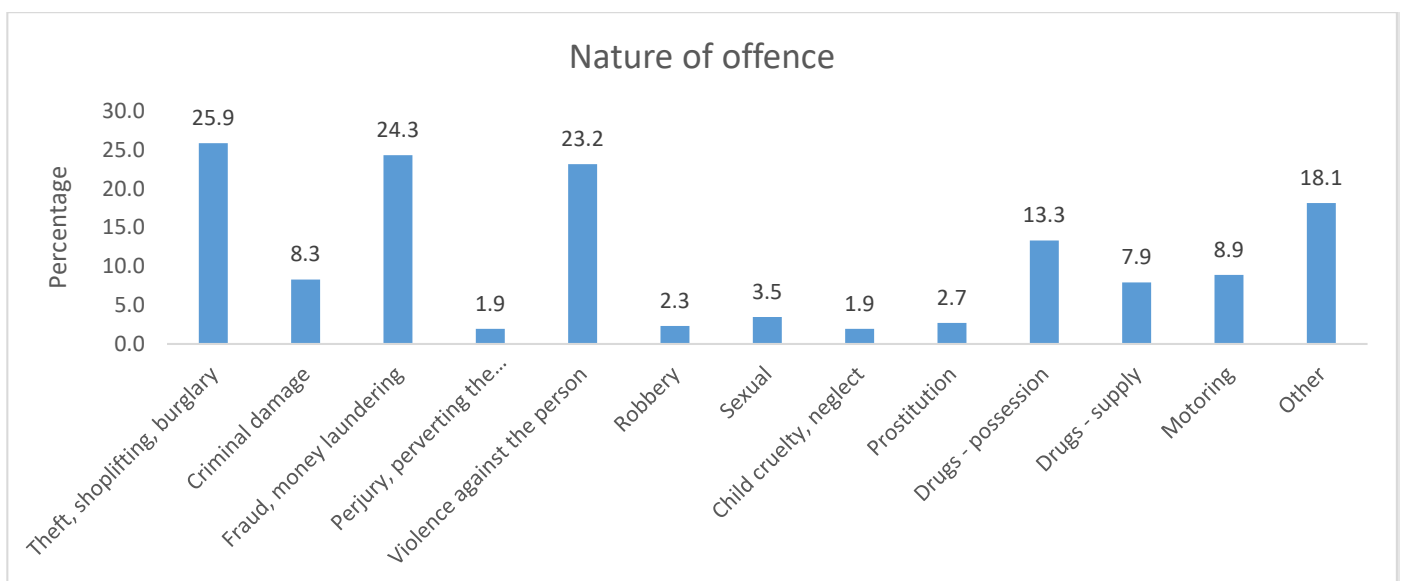
A number of respondents had more than one disposal so the total number of disposals is larger than the sample. Almost 40% of respondents had received a fine or conditional discharge. Around a third of the sample had served a sentence in prison or a young offenders institution and 23% had been given a suspended sentence. Twenty-four percent had received a community sentence and 29% had received a caution or

reprimand. The most frequent single sentence was prison/YOI (24% of sample), followed by other community sentences (18% of sample). Fourteen percent of respondents had only received a caution.



Nature of offence

Some respondents had been convicted of more than one offence group. For analysis, the first named offence was used. Offences covered a wide range, although fraud was the most common, followed by theft and drugs. This broadly mirrors other information on women's offending; women are more commonly convicted of theft and fraud and less often convicted of violent or sexual crime.¹⁴



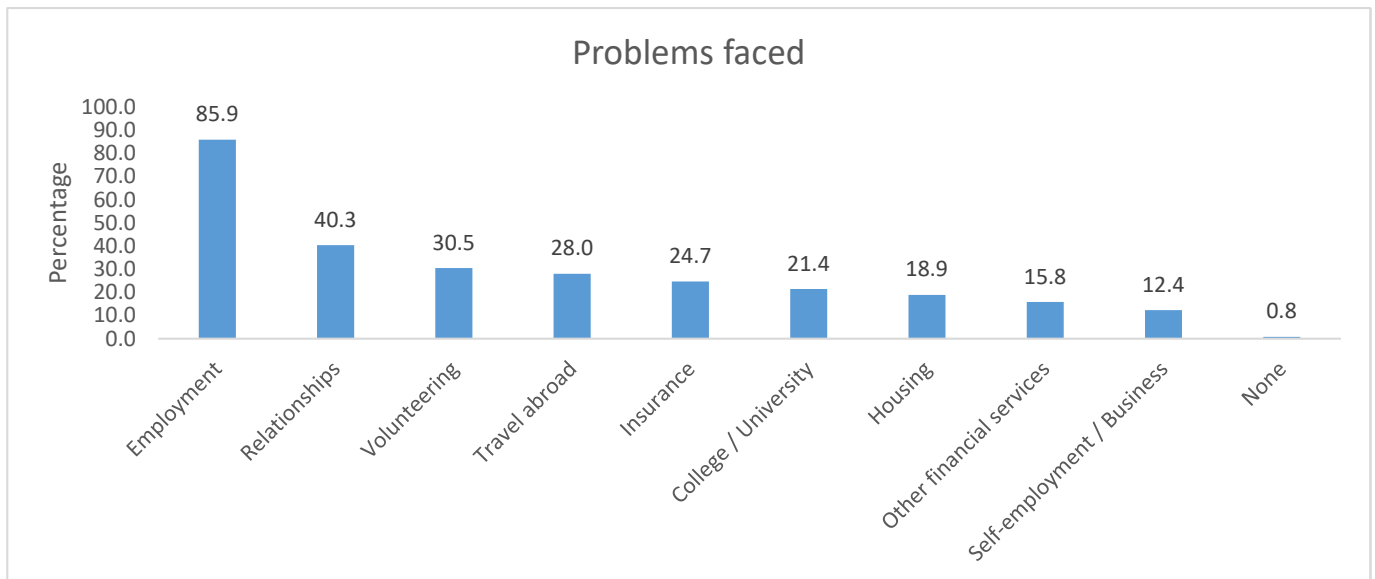
More than twice as many respondents were convicted of less serious offences of violence than of more serious ones. The more serious offences included attempted murder, manslaughter and s18 wounding. The less serious offences were primarily common assault or battery, with a number of Actual Bodily Harm (ABH) convictions. Most of the less serious violent offences resulted in a caution or conditional discharge.

¹⁴ Ministry of Justice (2020) Statistics on Women and the Criminal Justice System 2019 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938360/statistics-on-women-and-the-criminal-justice-system-2019.pdf

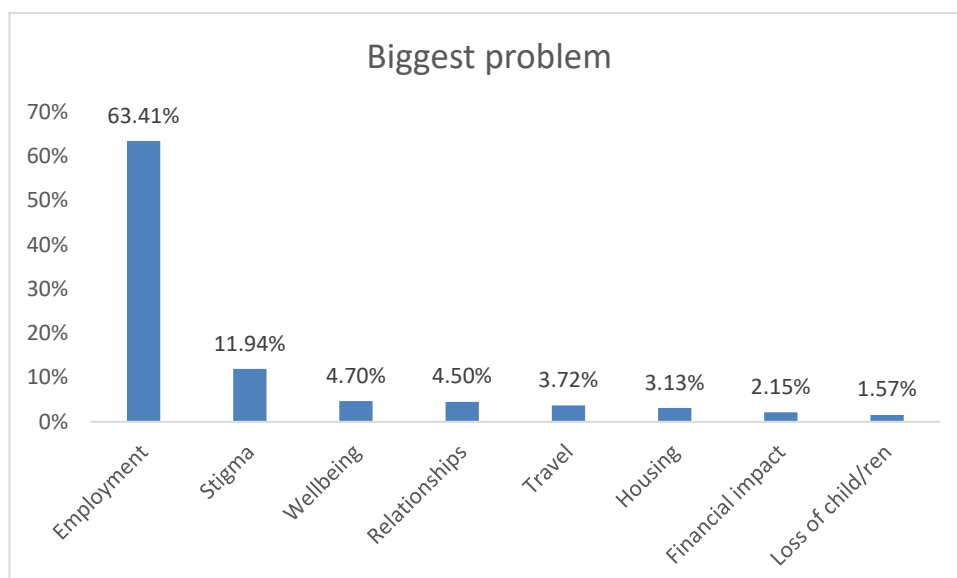
3.2 Problems as a result of a criminal record

Respondents faced multiple problems as a result of their criminal record

We know from Unlock’s helpline and advocacy work that people face structural barriers as a result of having to disclose their criminal record. We provided a list of common problems and asked respondents to identify which ones they had faced. Employment was the most frequent problem, identified by 86% of applicants. The other most frequently identified problems were relationships (40.3%), volunteering (30.5%), travel abroad (28%), insurance (24.7%) and college/university/education (21.4%).



We asked respondents to reflect on all of the problems they had faced as a result of their criminal record and identify which of those had been their main problem. This was a free text box and respondents included some problems not listed in the earlier question.



63% of respondents identified employment as their biggest problem. Stigma was the second biggest problem, cited by 12%. The existence of stigma helps to explain some of the difficulties with employment.

Five percent of respondents identified wellbeing as their main problem. This included physical and mental ill health, loss of confidence, feeling unhappy or unable to fulfil ambitions).

3.3 Respondents' thoughts on post-conviction problems

We provided a number of free text sections in the survey and asked respondents to tell us more about the problems they faced as a result of their criminal record. This section considers some of their responses and identifies emerging themes.

Employment

As highlighted above, the vast majority of respondents (86%) cited employment a problem, with 63% citing it as the primary problem post-conviction - regardless of offence type.

In almost every offence category, more than half the respondents reported employment as their primary problem post-sentence. Employment was the primary problem for:

- 65% of women convicted of theft
- 64% of women convicted of motoring offences (including drink driving)
- 60% of women convicted of violence against the person, and
- 58% of women convicted of criminal damage

We also found that employment was the biggest problem for all sentence types. Unsurprisingly, respondents who had served prison sentences most often reported employment as a problem. For these women, stigma and housing were also significant problems. However, women who had received a probation sentence also found employment their main problem.

Comments relating to problems with employment were broadly around recruitment practices and jobs that involve higher-level DBS checks.

Recruitment practices

A significant number of respondents highlighted the challenges that they faced in employment as a result of the recruitment practices used by employers, and in particular employers that asked about criminal records at the application stage:

"I've never got an interview where I had to declare my conviction, and always got an interview where I did not have to disclose my conviction"

Respondents had multiple experiences of rejection upon disclosing and lacked confidence that this would change. From automatic rejection when ticking the box on an application form, to eventual rejection after an enhanced DBS check confirmed a caution, rejection and disappointment were common:

"I couldn't even get a job in Lidl, as soon as I put I had a conviction and was honest about it, the online site closed down and said we cannot go further with your application. I had no chance, and so we are still on benefits."

"The major obstacle for me is the application process. Most of the time if I see a job, I don't bother. I don't think that this is the best time to ask about criminal convictions. People need to be giving a chance to get to interview first, and make the impressions before disclosing this."

"I was successful in getting a job but they didn't advertise that they would be completing an enhanced DBS check so I didn't declare the caution at the time. As soon as they confirmed they would be completing the check, I declared that I had a caution. After communicating with HR, the company confirmed that they would not be able to continue my employment due to the caution."

Women described the experience of disclosure as 'a mini-trial on every interview' or having employers 're-try my case', with responses such as 'we don't employ people like you'. The interview process in particular many women found difficult:

"I feel in a competitive application process for university or employment I will always be at a disadvantage due to my record."

A small number of respondents that had a criminal record from decades ago described a change in employers' approach over recent years:

"Years ago there was no problem. I had an amazing career working in aviation progressing to working as an executive assistant for the main board of directors. Eventually the law changed after 9/11 and annual DBS checks were introduced. My all-area pass was revoked and I was no longer allowed in the hangar unescorted. I had worked there with an unblemished record since 2002. I stayed until 2013 when I was made redundant."

Lisa's story¹⁵ shows the impact of the increase in use of criminal record checks:

"When I left prison in 1984, I never broke the law again. I stayed away from the abusive boyfriend (father of my daughter) I had no problems getting employment and loved working as a school secretary for 2 years. I worked my way up and became a manager in retail and hospitality sectors including 5 years at an airport as general manager for an airside duty free store. Since criminal record checks came in, I have applied for similar positions but have been rejected even though I have 25 years' impeccable work record. I'm now too embarrassed to apply for positions that would require a DBS check. I know without this check I would probably get the position. The companies only see your record and it over shadows everything I've achieved. I feel depressed that even after 30 years my criminal record is impacting my life. At 60 my job options are limited. I want to work in a school or health care office environment but I know they won't take a chance on someone with a record no matter how long ago it is. It's extremely frustrating and unfair."

Jobs that involve higher-level DBS checks

There was a particular emphasis by survey respondents on their experiences of applying for jobs requiring higher-level DBS checks.

"I've been struggling to get work. I can't work in finance or admin roles for local government like I did previously as I need an enhanced DBS. I now work in low paid cleaning jobs but struggle to find cleaning work as all school cleaners, doctors surgeries need enhanced DBS checks"

¹⁵ Read more about Joanne in the 'Stories' section below.

"I have also wanted to retrain in the nursing profession but was advised it needed checks before training commenced. I applied for quite a few jobs in the NHS when I was younger, got to interview and declared my conviction. I could see the interviewers faces change. Needless to say, I never received a job offer."

Many respondents felt they couldn't apply for certain jobs because of what would show up on their DBS check and/or how employers would view this. Some highlighted how they tended to de-select themselves and not apply for roles that involved higher-level DBS checks because of a perception that they would not be successful, highlighting wider issues around stigma and confidence.

"I always got offered jobs in the NHS but when they mentioned I needed an enhanced DBS I got too embarrassed for the many things that are on there and dropped out"

"I have limited my job search to jobs that require no DBS"

"If the job requires a DBS check then I do not apply. I don't feel it is necessary for employers or potential employers to know everything about me."

"I feel put off of applying for new jobs as I have to declare my conviction each time, as I work with children and young people."

Take Zoe's experience.¹⁶ She was convicted as a young adult a couple of years ago and given a community sentence. Although it is part of the DBS Code of Practice for employers that carry out DBS checks to have policies on the recruitment of people with criminal records, and to not have blanket bans simply because of the presence of a conviction, Zoe has a strong sense that she needs 'a clean DBS':

"As a singer and dancer, teaching is a natural path I would of loved to follow, but now I will never be able to do this because of my conviction as I will never have a clean enhanced DBS. Even though I am not and never have been a danger to children, my conviction stops me from working in this field for the rest of my life. I would like to audition for work in professional theatre shows, pantomimes etc, but because this work involves performing for children and at times working alongside child performers, I am unable to pursue this type of work either as again I cannot provide a clean DBS."

Filtering rules

A number of survey respondents cited the filtering rules (which determine which cautions and convictions no longer show up on higher-level DBS checks), and the fact that their own criminal records is not currently (or never will be) filtered, as a problem.¹⁷

"I have applied for a few jobs working in care and because my caution will never be filtered, I have never been offered an interview."

"All my convictions are old and minor with the last one being 11 years ago but because there's more than 1 conviction it can never be filtered. This will be with me forever. I would love the chance to become a behaviour mentor in a school to help keep young children in education so they can achieve and become successful and hopefully not fall into the criminal justice system and although I have the qualifications, I get deemed unsuitable."

(As a result of changes to the rules in November 2020, more than one conviction can now be filtered)

¹⁶ Read more about Zoe in the 'Stories' section below.

¹⁷ The survey took place in late 2019. In November 2020, the filtering rules were changed. This is explained in the 'Background to the criminal records regime' section above. Where the changes would have an impact on a particular survey respondent, this is highlighted.

"I was dismissed from a job because I wasn't aware that after 30 years, I still had to declare my criminal record. I was dealing with vulnerable adults and I wasn't aware of an enhanced DBS check as I'd never been in a job role of this nature. I naturally assumed after such a long period of time that my previous criminal record would of been spent!"

The importance of the filtering rules is highlighted in Joanne's story.¹⁸ She was given a community sentence over 30 years ago as a young adult for drugs possession and a fine for benefit fraud. She worked for over 12 years at her local police force in an administrative role:

"I declared my convictions and was delighted to get the job. After a few years I wanted to apply for a different role but was told I could not take on any role which required giving evidence in court. I was also told that I had not been vetted properly when I commenced employment with the police force, and that if I had been vetted properly, I would never have been given the administrative role. I was declined any career development/mentor.

She hoped the filtering system would help her: *"I worry now about the filtering system and how I must always declare my convictions because I have two no matter how old they are."* Although the changes to the filtering rules in November 2020 mean that her convictions would now be filtered, police constable roles are exempt from filtering and so her convictions will still need to be disclosed.

The positive impact of the filtering rules is shown in this survey respondent's comment:

"I used to face discrimination, embarrassment, feeling like a low life to managers that were aware, as the conviction had to be disclosed as it showed up on an enhanced disclosure. My conviction is now filtered and no longer shows since 2013. This has been a godsend, as my DBS is completely clear. I am more confident now in the workplace, and have gained promotion, and apply for lots more opportunities elsewhere, as I no longer have to disclose this to new employers, so they do not know. Before, I wouldn't apply for new roles, as I couldn't face the embarrassment of disclosing at the end of the interview."

The difficulties Brigitte¹⁹ faced when studying childcare at college will be alleviated in time as a result of changes to the filtering rules. She received a caution for ABH as a result of a fight outside of school:

"I went to college to study childcare and was unaware that the caution was still on my record as I had been advised otherwise. I had completed 70% of my course by the time my DBS check came through. I took it into my placement setting and they told me I needed to leave the premises as I was not allowed to be near children. I really want to be a social worker and I'm going to keep trying but I fear it will be a problem when I eventually want to apply for university. I think support for those who want to get into education and really change their life around would be a big bonus."

Childhood cautions no longer appear on higher-level DBS checks. However, the approach of the placement setting shows how many other women with cautions or convictions still disclosed on a higher-level DBS check will continue to face difficulties in the future.

The response from Lauren shows how people cling to changes to the disclosure to open up the doors to their future:

¹⁸ Read more about Joanne in the 'Stories' section below.

¹⁹ Read more about Brigitte in the 'Stories' section below.

"I constantly check Unlock for progress on how the new filtering system may work following the court ruling and I am desperate to get a new, clean, DBS so I can really fulfil my aspirations of leadership in education. I cannot explain to people why I don't go for certain promotions or why I won't go to New York on holidays as I can't face the whole process of constantly having to explain and declare. I feel trapped with this noose I cannot break free of, no matter how long ago it was."

Lauren's palpable hope helps illustrate the anxiety and sadness so many women described as a result of their criminal record. Aspirations and fulfilment are what motivate many to work hard but Lauren, and others like her, are trapped by their past and unable to move on.

Feeling unable to disclose

Some respondents reported that having to disclose their criminal record put them off applying for jobs.

This was highlighted in Nicola's story.²⁰ She was convicted of fraud and given a suspended sentence four years ago:

"Every time I'm asked to give a DBS I panic and run off - there's been a few occasions where I haven't disclosed and it's come up on my check - needless to say I got shown the door. I find life really challenging - only working 15 hours a week for minimum wage and not really fulfilling my potential."

Another survey respondent commented:

"Too embarrassed to apply for jobs, as people would judge me and I have stayed with the charity I work at for over 15 years, when my friends from university are earning more than me and can't understand why I stayed in same job."

Lauren's experiences²¹ highlight the impact on future careers:

"Although fortunate to continue my career in teaching it has really impacted upon my progression. I saw many promotions over the years but was too embarrassed to disclose my conviction. I didn't even fully realise I had more than one conviction until 18 months ago when I finally applied for a promotion at another college as I thought it was all one incident as it was dealt with in one case and referred to forms completed at the same time. I thought that my conviction would be filtered and that's when to my horror, after applying for a new DBS, as I had been successful in my interview, I discovered I had four convictions, so not applicable for filtering. Again, luckily, after attending a meeting with HR at my new employers and being given the opportunity to explain my circumstances, I was able to start my new post. I am now a senior manager, but even now, this really holds me back. I am nervous about the next level as to be an executive member I would have to be an official board member and have to declare my conviction to the chair of the board etc and I know that it would be gossiped about."

Relationships

40.3% of survey respondents cited relationships as a difficulty they had faced.

One respondent said of the impact on her children:

²⁰ Read more about Nicola in the 'Stories' section below.

²¹ Read more about Lauren in the 'Stories' section below.

"Because I worked for local government my 'story' was plastered all over the news and papers locally which made it even more difficult for my children and my family. If people wanted to search my name now it still comes up from over 12 years ago."

Some respondents reported losing custody of, or contact with, their children. This was highlighted by Rhiannon:²²

"My husband used my criminal record against me when applying for custody of our child when our marriage broke down. He told the court that I was a violent offender even though I had not been in trouble since that one incident and the courts granted him custody of my 11-year-old daughter. She went on to be sexually abused by his son and I believe that the courts may not have taken his side had he not brought up my past indiscretions."

Volunteering

30.5% of survey respondents cited volunteering as a difficulty they had faced.

One survey respondent said:

"I avoid all volunteering work that I'd like to get involved with because I'm not sure if it will show up and I'm concerned about being judged. You are definitely judged harsher as a woman for anything criminal, and as a single mother even more so, also being unable to gain work meant I struggled and we went without even more."

Travel abroad

28% of survey respondents cited travel abroad as a difficulty they had faced.

Some respondents had experiences of applying for the relevant permissions to enter certain countries and had faced problems:

"I had problems travelling to Canada as I could not easily get an ETA and had to go through a difficult and expensive process to get one with a system with nobody to talk to about it. I was humiliated with my Canada trip because I was travelling for work and lots of people knew that I had a problem getting an ETA so that is very awkward for me as it makes people think that I am untrustworthy as a person."

"I tried to obtain a visa to travel to America for two weeks to take my daughter to Disney world Florida along with my father and his partner. I was refused my visa"

"I've had to apply for visas as I work for a US company. Every time I travel, I make sure I'm not with colleagues as I get interviewed in US airports every time. I've had criminal record checks for work and although my convictions are now spent, it doesn't mean I don't completely freak out. I recently travelled the world for a year, it took so long to get my Australian visa approved I didn't end up going. I also avoid some countries all together. Leaving the EU may present more issues travelling to EU countries."

A small number highlighted how the need to disclose had put them off from travelling:

²² Read more about Rhiannon in the 'Stories' section below.

"I don't feel I can travel abroad freely as before as many countries require you to declare your criminal record which I feel uncomfortable doing. This is challenging as I have many relatives who live abroad and fear I might never see them again. Foreign governments should recognise the UK rehabilitation of offenders legislation and therefore not require people with convictions for minor offences to have to declare this when travelling (e.g. USA, India, Canada)."

One person highlighted the link between travelling abroad and employment:

"The industry I work in (travel) does not require an enhanced criminal record check and so far I have had no issues with employment. However, as part of my job I am given the opportunity to travel and received a free educational holiday to Canada which I had to turn down. I was afraid my ETA would come back unapproved and I did not want my work knowing why so had to make an excuse as to why I could not make the dates. I was also concerned about similar things happening with other countries, whether for work or pleasure, which also ask about criminal records on application form such as New Zealand which has very recently also introduced this."

Insurance

24.7% of survey respondents cited insurance as a difficulty they had faced:

"My contents insurance lapsed so I had to declare details to providers. This meant I had to go through an independent broker from the list you [Unlock] provide and the quote was double that if I didn't declare anything from insurers on price comparison sites. Upon declaring the offence to my housing association, they decided they must issue a warning letter as the offence occurred at their property, my rented flat. This has made me very concerned about the security of my tenancy."

College/University

21.4% of survey respondents cited college/university as a difficulty they had faced.

The challenges with university are highlighted in Rhiannon's story:²³ *"I believe I was discriminated against by colleges and universities due to my criminal record right up until the age of 36 years old when I was finally accepted by my local university."*

The link between education in prison and further study in the community was highlighted by this survey respondent:

"After prison I applied to my local university to continue studies I had carried out in prison and despite a supportive letter from my probation officer that my offence occurred in the context of a bad relationship I was refused entry to the course because 'on the balance of probabilities I posed too great a risk to staff and students'."

Sherene²⁴ was convicted 12 years ago, during her second year of a social work degree:

"I was removed from my degree for breaking the rules of the university regarding conduct even though the incident took place off campus and not during term time. I received no advice or support from my tutors other than being told I was no longer suitable to be a social worker. His words exactly were "the door to social work is closed to you forever."

²³ Read more about Rhiannon in the 'Stories' section below.

²⁴ Read more about Sherene in the 'Stories' section below.

Another person highlighted the issue of putting into practice qualifications and the ongoing difficulties with working in their profession:

"I was just starting University, it could have ruined my life, I had to go to see the University governing panel before being accepted on my course. I was going into the social care sector, each placement I did had to see my conviction, I couldn't do a statutory placement, I feel humiliated, going for jobs, because although it's a spent conviction, I need an enhanced DBS and so still have to disclose, even though I'm not a risk and my spent offence is not child protection or safeguarding related."

Housing

18.9% of survey respondents cited housing as a difficulty they had faced.

A common problem was finding that they were refused housing as a result of their criminal record:

"I'm currently facing housing issues – can't bid on certain properties because of my past and because I'm on life licence."

"When I fled domestic violence in 2017, I found one safe-house that would accommodate me with a criminal record. This safe house then closed down. I had to look for another safe house and my criminal record was a significant barrier."

One woman told us about the challenges one of her clients had:

"I was asked if I could assist in getting a client out of her current accommodation as it is too close to former associates as she had been badly beaten up. I called all the local domestic violence refuges and they all stated the same - her convictions were too risky and therefore they could not accept her. On calling the local residential unit - I was told due to her convictions, (and there is an extensive list) that they would be unable to accept her due to risk. The problem is discrimination and was due to her past convictions and she was too high risk because of her convictions. At best, she will be recalled to prison for 28 days, which seems unfair, but we can start again with her from prison. But the point is, until that recall hits the PNC, she is still at risk and her safety is compromised."

Conviction information remaining online

Difficulties with information on the internet was not listed as an option in the survey. However, some respondents highlighted this issue.

The problems were largely relating to media articles containing convictions that are now spent:

"My conviction is never spent because google always has it. I think once a conviction is spent to truly be spent the law needs to change so google has to remove it if requested and not be the decision makers as to whether it's in the public interest. In the eyes of the law, you are allowed to get on with life but google makes that impossible."

"What happened to me in court was published online. This has led to me being fired from a job after someone at work googled my name - this happened 15 years after the conviction. I've also lost relationships due to partners and potential new friends googling my name. My overall confidence was eaten away and this led to me spending a lot of money on dealing with my shame in therapy. I was also told in 2009 that I couldn't travel to the US without a visa. I

only really started to feel more like my conviction wasn't going to be so present and current to me once my surname changed through marriage. My surname changed through marriage, which men's surnames don't, and this helped deal with the problem of people google searching. I wasn't able to bring myself to actively change my surname simply because of my conviction."

Mental health / anxiety

Some respondents cited difficulties with mental health and anxiety.

These problems particularly related to the sense that the problems they were facing with their criminal record were never going to go away:

"It affects my mental health, knowing it will never be forgotten"

"There is nothing out there at all and I had terrible feelings of shame and suffered anxiety and depression afterwards. I still panic and shake when I see a police car after six years and have struggled with drinking heavily."

"As soon as I state that I have the Caution (although spent) and because it was linked to my mental health at the time I am quizzed and challenged about being a risk to myself. I am not on a barred list and am getting better help for the anxiety. My circumstances mean that I did something wrong but will be judged forever."

"A year after my trial, I was rushed to hospital after my blood sugar shot up to dangerously high levels and I had to be sedated. I had come close to a stroke - at 29 years old. The worse impact was the stigma and loss of sense of purpose. I can understand why some people become suicidal."

Shame and stigma

Difficulties with shame and stigma were raised by a number of respondents in different ways.

Some responses cited shame and embarrassment particularly when talking to employers. This is highlighted in Abigail's story²⁵:

"The biggest problem for me is the worry of what the employer will think, it was from a very traumatic time in my life, where I was in a very abusive relationship, I have come a long way, and have never been in trouble before ever, and to have to explain why and what happened to someone who knows nothing about you, who needs to know what and why you have this caution, you are instantly judged for that and that alone, considering that it was completely out of character and was not how I would normally act, it has completely destroyed who I really am in the eyes of an employer."

Some respondents felt that being a woman increased the likelihood of feeling shame or stigma:

"Although I think men also suffer from the fear of embarrassment, perhaps being a woman makes that fear all the stronger. The relatively recent advent of universal criminal records checks pre-employment and the increasing use of data (travelling abroad, etc.) possibly creates a heightened sense of embarrassment/shame/fear of 'discovery.'"

²⁵ Read more about Abigail in the 'Stories' section below.

"I will never be able to be free of the memories of the experience and the consequence this had on the rest of my life. You are looked at differently in all settings because you are seen as a violent criminal with no self-control. We are all capable of making a mistake. The punishment in my case seems to be lifelong, not just 50 hours community service."

The wide-ranging impact

A number of survey respondents reflected on how many parts of their life the impact of their criminal record had had on them.

Lauren was convicted of theft about eight years ago, in her late twenties, and was sent to prison:

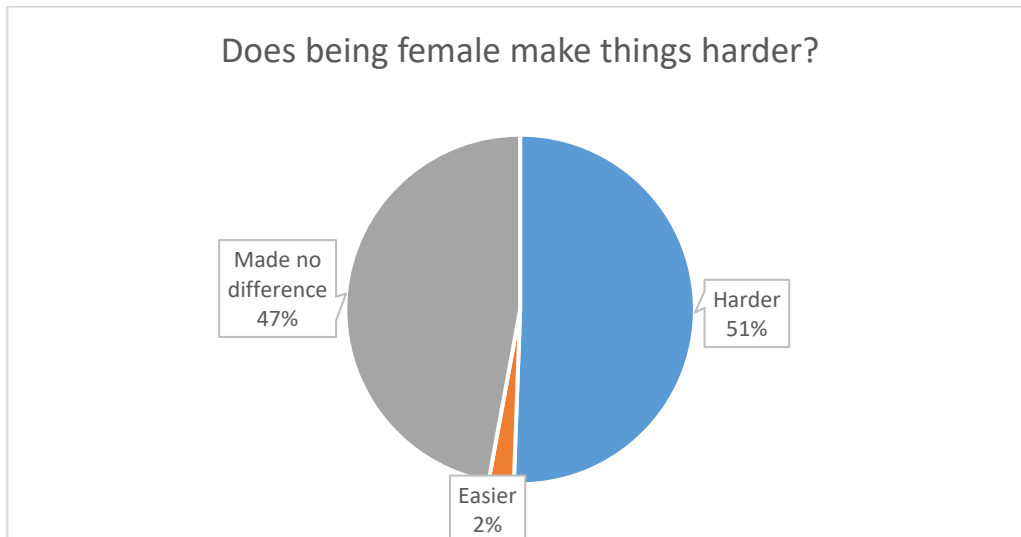
"I am lucky that I still have my family, but my conviction has caused issues with travelling to the USA and taking part in family holidays. The conviction was held against me whilst looking for employment. I was a volunteer for the Sea Cadets and the conviction caused issues. I found it hard to get car insurance, I lost my friends, my relationship struggled hugely. One of my main regrets is that I could not go to university to study nursing or midwifery which was always my dream. After a lot of research, I determined that even if a university accepted me, hospitals would probably not take me for placements and also then finding employment with my conviction forever showing up would be a huge barrier."

Mandy was convicted of a sexual offence about seven years ago, in her mid-twenties, and given a community sentence:

"I have faced significant barriers to employment (both as an employee, volunteer and self-employed). These barriers have sometimes been system led and sometimes perception driven. I have been refused a VISA to America. I had my house insurance cancelled and I now pay approximately 3 times more for insurance than I would ordinarily. I have faced a variety of relationship challenges included getting divorced and challenges relating to partners who already have children (and the mothers' perceptions of me). I faced significant press coverage both at the time and in the years afterwards. I had to fight for the right to be allowed fertility treatment."

3.4 Does being a woman make things harder?

The survey asked respondents whether they felt the difficulties they faced as a result of their criminal record were exacerbated by their gender, had made it easier, or whether it made no difference. Over half (51%) said being a woman had made these problems harder, 2.3% said it had made it easier, and 47% said they felt it made no difference.



Of the 51% that felt being a woman had made these problems harder, the majority of respondents commented on feeling that societal views contributed to this:

"I think it is more acceptable for a man to have a criminal record"

"Because society does not want to think of offenders as an educated female, they want to see a guy with a swag bag and a stripe jumper"

"In terms of being judged, I believe that my gender can make conviction more difficult to deal with: cultural stereotypes don't expect women to be criminals (particularly with violence convictions, such as mine). By contrast, women are often presumed to be 'troubled' if they received a criminal record, whereas males are often perceived to 'have themselves to blame'."

"People are less understanding women who have violent convictions. Men use the excuse it was a drunken fight one night and people are more understanding."

"Being female and especially being a mother, it seems that you are almost demonized as a bad parent if you get caught up in the justice system, and it almost feels like people think 'you get what you deserve'"

"Women are still treated as either angels or witches, there is no in-between. Women with convictions are demonised in ways that man never have been."

"As a female there is no middle ground you are either Mother Theresa or Myra Hindley"

Some respondents reflected on the challenges women face in securing employment:

"People don't expect it as much a lot of jobs I want to do have high female employment rates such as nursing or caring where you always have to disclose your record. It's very hard explaining over and over again, you feel like a terrible person like you're not worthy."

"Employment is always harder for women, who face structural difficulties that men do not. So, for this reason my criminal record was probably exacerbated by being a woman, in that it was an additional loss of confidence men rarely have."

"I work in a female dominated career path and the expectation of women is that we are caring. A criminal record really goes against that expectation."

One survey respondent, Asha²⁶, is an Indian woman convicted about as a young adult about 20 years ago and was given probation. She feels her experiences were made more difficult as a result of being Asian and female:

"I was too ashamed to apply for college courses and jobs initially due to damaged self-esteem. I had a long relationship with a domestic abuse perpetrator who would threaten to inform my family of the offence if I left him. I suffered over 20 years of severe abuse at his hands and am lucky to be alive. I have refrained from applying for jobs requiring a DBS until recent years when I went to work in domestic abuse. The criminal record still haunts me even though I have recently completed a law degree. It is constantly dragging me back to a very distressing time in my life. Being female you are judged more harshly than males for having a record. Held to a higher standard. Being Asian and female makes this 100 times worse as we have to work so much harder at everything than our white counterparts."

Another survey respondent, Phoebe²⁷, was convicted as a young adult a couple of years ago and given a suspended sentence. She feels things have been harder as a woman:

"People don't seem to understand how to deal with a woman with a criminal record, people seem shocked when I say I have a criminal record. I've been laughed at and I've been mocked. I feel I can't progress in life. I worry about what people will think of me and if I can ever be taken seriously. The offences on my criminal record 'selling stolen goods' and 'fraud' make the offences sound a lot more sinister than they were, people hear those words and pre-empt, make their own judgement. For a man they're just brushed off."

She also reflects on the differences between her and her former partner:

"I feel vulnerable. My ex moved on with no problems, he came out of prison, had a rehabilitation program, had a job. I had no support; I had no help finding a job. I had nothing. I received abuse online and stories and pictures of me published in magazines but had no support from the justice system with this, I was just as much a victim as the person he stole from."

Of the 2.3% that felt being a woman had made these problems easier, comments included:

"Being a female is easier than being a male with a criminal past as we are usually looked at as vulnerable or victims at the same time. We are able to discuss and talk about our problems easier than men do and I found that if I was a male I'd find it a lot harder to adapt back into society."

"My surname changed through marriage, which men's surnames don't, and this helped deal with the problem of people's google searching. I wasn't able to bring myself to actively change my surname simply because of my conviction."

Of the 47% that felt being a woman had made no difference to the problems faced, comments included:

²⁶ Read more about Asha in the 'Stories' section below.

²⁷ Read more about Phoebe in the 'Stories' section below.

"I don't think being a woman makes a difference, the record is detrimental whatever your sex."

"I think either way, having a criminal record whatever gender you are will always cause you more issues and further checks."

"I'm not sure, as I have not known anyone else deal with this problem, it's something I tend not to discuss with people."

"I don't necessarily think being female makes the issue of applying for jobs any easier. Once people see that 'tick' on application forms for jobs applied for, the application comes to a halt!"

"I think the problems are different, and in terms of employment may well be harder, but securing housing which is more important in my view, has probably been easier due to being female."

3.5 What might help?

The survey asked respondents to select which options would help to tackle the problems that they had identified. The number and percentage of people that selected each option is set out in the table below.

Detail of change	Percentage	Number
Making sure once a criminal record become spent, women are protected from discrimination on the basis of their criminal record	81.3	421
After a certain point, removing the need to tell ordinary employers about a criminal record	77.4	401
Giving women the opportunity to apply to get their criminal record sealed or expunged so that it was no longer disclosed to others	77	399
Making companies give reasons why they think a criminal record makes you unsuitable for the role	68	352
Allowing women to have their criminal record wiped entirely at some point	65.8	341
More specific support to women in finding a job with a criminal record	65.1	337
After a certain point, removing the need to tell employers that do enhanced DBS checks (work with children or vulnerable adults) about a criminal record	61.6	319
Removing online media articles that refer to old convictions	61.2	317
Specific probation schemes that help women find a job, house etc.	57.7	299
Making companies remove questions about criminal records from application forms and instead asking later in the recruitment process	56	290

In addition to choosing from the above options, survey respondents were also asked an open question about what other things they thought would help women with criminal records. The responses can be grouped into the following categories:

1. When convictions become spent
2. Jobs that involve higher-level DBS checks
3. Sealing records
4. Changes to employment practices
5. The way offences are worded
6. Practical support with employment

When convictions become spent

“Receiving a criminal record and going to prison was the single worst thing that has ever happened to me. Being reminded of it daily, does not make me feel better about myself, but only worse. The feeling that society says I can never be rehabilitated is terrible. To remove the need to declare a criminal record after a period of time, maybe the licence time, which let's face it, is supposed to be the period to assess future risk, would be of enormous benefit.”

“I think that the severity of the crime should dictate if a person's record is wiped clean, in some cases I think it should but others it should not. Everyone messes up in life and some don't necessarily deserve a lifetime of barriers when trying to help themselves get back on their feet. It will have the opposite effect if they can't move on.”

Jobs that involve higher-level DBS checks

"The Rehabilitation of Offenders Act may help many people to move on with their lives and careers despite having a conviction, but it does not cover all areas, and circumstances of employment such as the profession I work in. Therefore, despite receiving my sentence, completing my community service, and my conviction being spent over 3 years ago, I cannot move on with my life and with my career because of all the employment restrictions I face, directly because I have a conviction."

"There is no way of holding an employer to account if they judge me to be a risk. Even 30 years after a minor offence, employers still turn me down because of it and there's no way for me to question that."

Sealing records

"When I committed the crime, I was 17 years old. Young people should have another chance, if the person is willing to study and make a positive change. Then people as such should be given the chance to get their convictions removed on DBS check. After my conviction I have studied a course, plus 2 BSc and BA degree including doing my Masters at the moment. I am also planning to do a second masters and complete a PhD. Even if the person has done the most horrific crime in the societies view, such as myself charged with terrorism they still need a second chance. Because I am providing evidence that I can change myself, I want to become a Doctor and give therapeutic services for those in need. If I don't get any support in the terms of removing my conviction, then how does the actual system want to rehabilitate people? It is a question that needs to be studied in depth."

"Wipe the records after say 10 years, completely gone. That's surely enough time to show that you've no intention of reoffending?"

Changes to employment practices

"Being clear early in the process of a job application that a DBS is required as I've been offered jobs and then at the last minute found they decided they wanted a DBS."

"Companies should not be allowed to use checks as an HR filter and there should only be disclosure after an offer. There should be more protection against discrimination if they then decide to withdraw the offer - this should not be allowed if the record does not affect their performance."

The way offences are worded

"I think in some cases an understanding that domestic issues may play a role in offending (i.e. violent partners forcing someone to do sex work or using children as a bargaining chip to force offending) and somehow communicating that in terms of the naming of offences so that future employers are able to understand context."

"I think it would be better if the law was written more succinctly. For one of my offences I stupidly sent a Twitter link containing pornographic content to a minor. But my conviction literally reads as "sending pornographic material or inciting prostitution". Those two things are extremely different in my experience. There was nothing about my case that involved any kind of offence involving prostitution. But as the law reads that way, this is how the offence was reported about me in the press. I believe this has probably hindered any trust that potential employers could have in me."

Practical support with employment

“More support around domestic abuse, housing and substance misuse. I strongly feel there should be organisations that offer women only support in regards to finding work, safe and secure housing, domestic abuse and or substance misuse. I believe women's experiences are very different to men's, therefore it is extremely important to have women only spaces that can support women in the areas I mentioned above.”

“More local support when you are released. There are lots of excellent groups like Women in Prison / Working Chance but they are all London based and if you live outside of London difficult to access. I have a lot of skills but even 7 years on from my last offence and having received counselling and made life changes it is extremely difficult to get a job that is at my skill level. I am still 'bogged' down by my criminal record, by the information available about me online and by my inability to move on because of this. Rehabilitation is all well and good but if you are consistently being asked for DBS checks or people can simply google you, life doesn't change.”

4. Employment & criminal record checks

To supplement the findings of the survey, and given the particular emphasis on the problems faced in employment, it was important to look at data in relation to women, employment and criminal record checks.

4.1 Employment

Unemployment is one of the strongest predictors of women’s reoffending.²⁸ Given the significant challenges respondents faced in securing employment, we looked at the available information in relation to the employment rates of women leaving the criminal justice system.

There appears to be no published information at a national level on the employment status of women (or men for that matter) when completing a community sentence. However, there is data collected on the employment status at the start. Below is a summary of the information that the Ministry of Justice (MoJ) publish in relation to employment circumstances.²⁹

Employment at the start of a community sentence

For people serving community sentences, the data the MoJ publish shows employment status at the start of a community sentence, broken down by NPS/CRC, gender, age, ethnicity.

In 2018-19, women made up 16.1% of those starting a community sentence (representing 17,524 in number), and 16.3% (representing 16,616 in number) in 2019-20. The employment status of these women, in comparison to men, is set out below.

Employment status ³⁰	2018-19		2019-20	
	Women	Men	Women	Men
Employed	19.8%	33.4%	20.5%	33.7%
Unavailable for work	14.3%	8.5%	11.3%	7.6%
Unemployed	46.7%	37.3%	49.4%	39.9%
Data missing	19.2%	20.8%	18.8%	18.8%

The percentage of women employed at the start of a community sentence is significantly lower (by around 13%) than men, whereas the percentage ‘unavailable for work’ is around 5-6% higher which may be a result of caring responsibilities. The percentage of women unemployed is around 10% higher than men.

Employment six weeks after release from prison

²⁸ HMPPS (2019) Women convicted of crime <https://www.gov.uk/guidance/women-convicted-of-crime>

²⁹ Ministry of Justice (2020), *Community Performance Quarterly: update to March 2020*, available at <https://www.gov.uk/government/statistics/community-performance-quarterly-update-to-march-2020>

³⁰ “Employment” includes any type of paid work regardless of whether this is permanent or temporary, full time or part time, or employed or self-employed and apprenticeships. “Unavailable for work” includes those who are retired, carers, are unable to work due to ‘Foreign National Offender’ restrictions, or because of work capability assessment, or are participating in any form of education. “Unemployed” includes those who are recorded as having no paid employment, other sources of income or are volunteering. “Missing” is where the employment status is unknown (either because no status is recorded, or because there are multiple incompatible statuses).

In its recent white paper, the MoJ stated that “of those released from prison in 2019/20 who were available for work and where employment circumstance was known, 12% were employed six weeks following their release while 88% were unemployed.”³¹

For people leaving prison, the data the MoJ publish shows employment status at the start of a community sentence, broken down by NPS/CRC, gender, age, ethnicity.

In 2018-19, women made up 8.5% of those released from prison (representing 5,435 in number), and 8.6% (representing 5,179 in number) in 2019-20. The employment status of these women, in comparison to men, is set out below.

Employment status	2018-19		2019-20	
	Women	Men	Women	Men
Employed	4%	11.3*	4.2%	10.1%
Unavailable for work	14.5%	8.8%	11.1%	8%
Unemployed	60.1%	63.1%	70.2%	69.3%
Data missing	21.4%	16.9%	14.5%	12.6%

4.2 Criminal record checks

As a result of a particular focus by survey respondents in focusing on the impact of criminal record checks, we looked at the available information (and requested further information through freedom of information requests) to look at whether there was any differential impact on women with criminal records.

The number of criminal record checks per year

In the seven years 2012-13 to 2018-19, the DBS issued 31 million checks.³²

- 63% of these - 19.6 million - were on women and 11.4 million were on men
- Of the 31 million checks, 27 million (87%) were at enhanced level, and of those, 18.2 million (67.3%) were on women.
- Of the 2 million standard checks, 37.2% (759,000) were on women.
- Of the 2 million basic checks in 2017-18 and 2018-19, 35.2% (696,000) were on women.

During that seven-year period, the DBS did not issue basic criminal record checks for a full financial year until 2018-19. To enable a full comparison between the three levels of check, the table below focuses on the number of checks in 2018-19. ³³

Level of check	Women			Men			Total
	Number of checks	% of checks on women	% of level of checks	Number of checks	% of checks on men	% of level of checks	
Basic	583,988	17.5%	35.5%	1,061,115	41.6%	64.5%	1,645,103
Standard	139,737	4.2%	40.1%	208,889	8.2%	59.9%	348,626

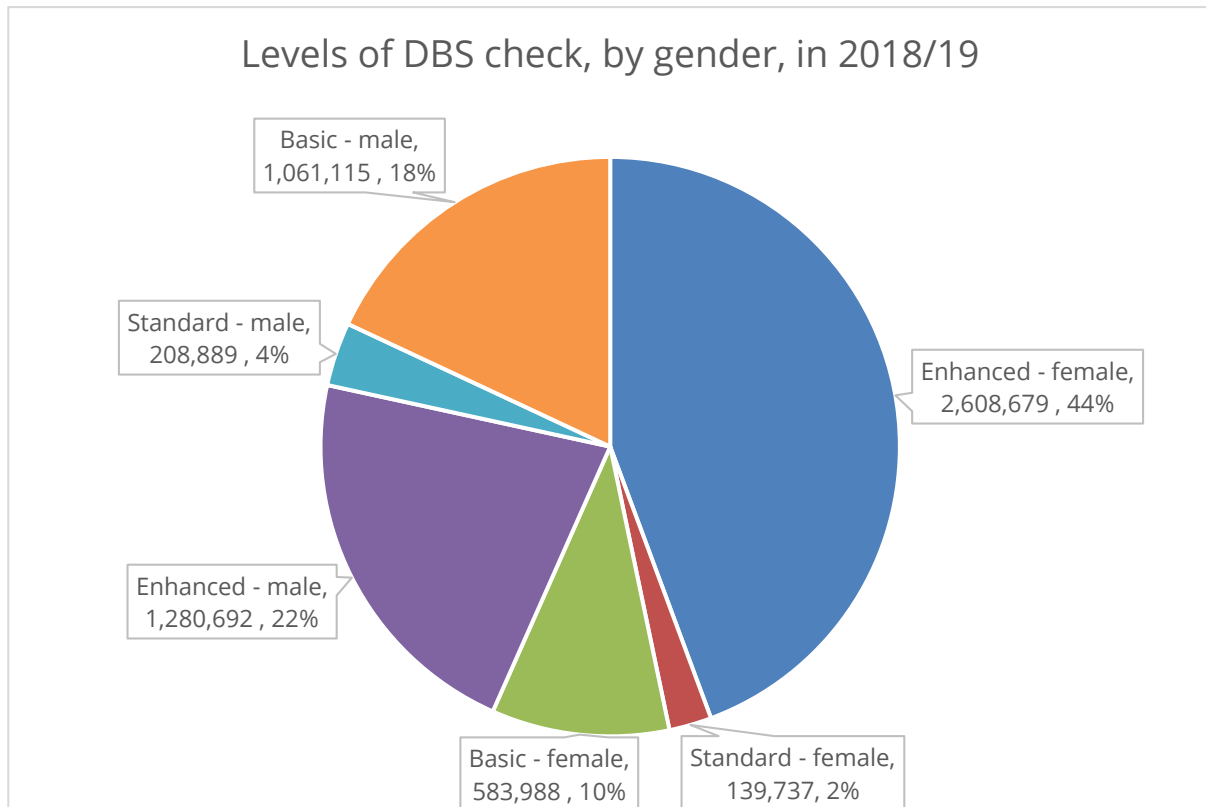
³¹ Ministry of Justice (2020) A smarter approach to sentencing, available at: <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>

³² Freedom of Information request 1903, available at https://www.whatdotheyknow.com/request/number_of_checks_by_gender#incoming-1449282

³³ 2018-19 figures were provided in response to an FOI request because quarterly datasets published by the DBS do not provide a gender breakdown,

Enhanced	2,608,679	78.3%	67.1%	1,280,692	50.2%	32.9%	3,889,371
Total	3,332,404		56.6%	2,550,696		44.4%	5,883,100

The chart below shows the number and percentage of each level of check carried out in 2018-19, by gender.



The figures for both the seven-year period and for 2018-19 show that:

- Women are more likely than men to undertake a DBS check.
- Women are much more likely than men to undertake an enhanced DBS check.
- Men are much more likely than women to undertake a standard or basic DBS check.

Number of checks that disclose cautions or convictions

To compare the number of women and men affected by the disclosure of cautions and/or convictions on their DBS check, we obtained information from the DBS³⁴ which is set out in the following two tables:

Women

Level of check	Number carried out	Containing convictions and/or cautions		Breakdown of criminal records between different levels
		Number	Percentage	
Basic	583,988	2,526	0.43%	2.83%
Standard	139,737	5,533	3.96%	6.22%
Enhanced	2,608,679	80,962	3.10%	90.95%

³⁴ Freedom of Information request 1904, available at https://www.whatdotheyknow.com/request/number_of_checks_that_revealed_c#incoming-1451443

Total	3,332,404	89,021	2.67%	
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Men

Level of check	Number carried out	Containing convictions and/or cautions		Breakdown of criminal records between different levels
		Number	Percentage	
Basic	1,061,115	24,363	2.30%	13.88%
Standard	208,889	31,717	15.18%	18.07%
Enhanced	1,280,692	119,443	9.33%	68.05%
Total	2,550,696	175,523	6.88%	

Over nine out of ten (90.9%) criminal record checks on women that contained convictions and/or convictions disclosed in 2018-19 were through an enhanced check. This is much higher than men, where the figure is 68%.

Conversely, women with criminal records are less likely to be affected by basic checks. Fewer than 3% of checks on women which disclosed criminal records were at a basic level, compared with nearly 14% on men with a criminal record disclosed on a basic check.

While women are overall less likely to have a criminal record, they are significantly more likely to face barriers in accessing employment roles that require enhanced DBS checks.

Are women with criminal records more or less likely than men to have them disclosed on DBS checks?

To try to answer this question, we needed to know the gender breakdown of DBS checks that contain criminal records (which we have examined above) as well as the gender breakdown of the general population and those with a criminal record.

There are no figures on the gender breakdown of people with a criminal record, however Ministry of Justice research published in 2010 found that:

1. 15% of people between the ages of 10 and 52 in England and Wales in 2006 are estimated to have had at least one conviction for a standard list offence.
2. The equivalent figure for males is 24% and for females 6%.

For the purposes of answering this question, we can use these figures to represent the proportion of the general population that has a criminal record, as well as population estimates from the Office for National Statistics (ONS)³⁵ to base a calculation.

³⁵ See <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/annualmidyearpopulationestimates/mid2019estimates#population-growth-in-england-wales-scotland-and-northern-ireland>. The population in England and Wales in 2019 was 59,439,840. Of these,

- 49.4% (29,382,509) were male
- 50.6% (30,057,331) were female

Combining the Ministry of Justice research and the ONS estimates, we can estimate that 7 million men and 1.8 million women have a criminal record.³⁶

Applying these figures to the number of DBS checks that contained criminal records in 2018-19, we can say that:

1. 4.94% of women with criminal records had them disclosed on DBS checks.³⁷
2. 2.49% of men with criminal records had them disclosed on DBS checks.³⁸

We can tentatively conclude that women with criminal records are almost twice as likely as men to have them disclosed on DBS checks. This might be because of the level of checks needed for more female-dominated roles. This might also be because of the nature of offences committed by women – for example, benefit fraud and soliciting – result in multiple convictions which, until recently, could not be filtered by higher-level DBS checks.

Number of checks that disclose cautions or convictions for loitering/soliciting

We asked the DBS for the number of checks per year that have revealed just cautions, just convictions and both cautions/convictions for the offence of “Loitering or soliciting for purposes of prostitution” under section 1 of the Street Offences Act 1959, broken down by gender and, if possible, categorised by how old the most recent caution/conviction on the check is.

Most recent caution/conviction ³⁹	Women	Men
Last 2 years	0	32
Over 2 years but less than or equal to 5 years	2	121
Over 5 years but less than or equal to 10 years	10	100
Over 10 years but less than or equal to 15 years	32	101
Over 15 years but less than or equal to 20 years	66	80
Over 20 years but less than or equal to 25 years	86	3
Over 25 years but less than or equal to 30 years	103	3
Over 30 years ago	238	1

In focusing on those where the most recent caution or conviction was over 30 years ago:

1. the one male had received a conviction which appeared on a basic check (meaning it must have been received by someone who had either with this offence or another offence received a prison sentence of more than four years).

³⁶ If 24% of males had a criminal record, that equals 7,051,802 of the total male population. If 9% of females had a criminal record, that equals 1,803,440

³⁷ This is based on 89,021 DBS checks being issued that related to women which contained criminal records, out of an overall population of 1,803,440 women with criminal records.

³⁸ This is based on 175,523 DBS checks being issued that related to men which contained criminal records, out of an overall population of 7,051,802 men with criminal records.

³⁹ One applicant may have more than one conviction listed on their disclosure and may have made more than one application.

2. the 238 women had all received convictions, with 221 appearing on enhanced checks and 17 appearing on standard checks.

We analysed data on the number of convictions included on checks in 2018-19. We found a significant number of convictions from 30 or more years ago were disclosed - 3,049 on enhanced checks and 182 on standard. It is likely that the main reason they were continuing to be included on the certificate is because of the so-called 'multiple conviction' rule that was in force in 2018-19.

In 2017, the organisation nia published a report, *"I'm no criminal"*, looking at the impact of prostitution-specific criminal records on women seeking to exit prostitution, based on research with 56 women with prostitution-specific criminal records and a further 15 semi-structured interviews.⁴⁰ It found that the rules on which criminal records appear on DBS checks results in prostitution-specific records being disclosed in most cases for women even years after they have exited sex work.

The data above shows a shift in the number of loitering/soliciting offences being disclosed that were received in the past. From around 15-20 years ago, convictions/cautions received more recently are predominantly received by men, whereas convictions/cautions older than that are much more related to women.

Number of checks that disclose cautions or convictions for benefit fraud

We took a particular focus on benefit fraud offences (using the Sentencing Council's definition) to look the variation between women and men.

We asked the DBS for the number of checks per year that have revealed just cautions, just convictions and both cautions/convictions for benefit fraud), broken down by gender and, if possible, categorised by the age of most recent caution/conviction on the check.

One applicant may have more than one conviction listed on their disclosure and may have made more than one application.

Most recent caution/conviction	Level of check	Women	Men
Last 2 years	Basic	65	271
	Standard	53	120
	Enhanced	807	683
Over 2 years but less than or equal to 5 years	Basic	66	311
	Standard	90	236
	Enhanced	1548	1179
Over 5 years but less than or equal to 10 years	Basic	17	144
	Standard	152	346
	Enhanced	2307	1563
Over 10 years but less than or equal to 15 years	Basic	3	20
	Standard	91	139
	Enhanced	1220	554
Over 15 years but less than or equal to 20 years	Basic	0	2
	Standard	20	49
	Enhanced	726	360
	Basic	0	0

⁴⁰ Available at: https://niaendingviolence.org.uk/wp-content/uploads/2020/02/Im_No_Criminal.pdf

Over 20 years but less than or equal to 25 years	Standard	3	7
	Enhanced	16	51
Over 25 years but less than or equal to 30 years	Basic	0	1
	Standard	1	5
	Enhanced	14	25
Over 30 years ago	Basic	0	0
	Standard	2	7
	Enhanced	14	50
Totals	Basic	151	749
	Standard	412	909
	Enhanced	6652	4465
Overall total		7215	6123

The table above shows that overall, the number of men and women with benefit fraud convictions disclosed on DBS checks are about the same, however there are differences over time and between different levels of checks.

A focus on benefit fraud was to demonstrate that it is possible to do more to understand the impact of the criminal records regime on people that receive convictions/cautions for certain offences.

This is the first time an attempt has been made to understand the impact of the criminal records regime on women. Alongside Unlock's previous work on the impact of criminal records on young people⁴¹ and on people from black, Asian and minority ethnic groups⁴² collectively, this research should be seen as the start of seeking to better understanding the impact of the criminal records regime on different groups of people.

⁴¹ Stacey, C. (2018) A life sentence for young people: A report into the impact of criminal records acquired in childhood and early adulthood, Available at: <https://www.unlock.org.uk/wp-content/uploads/youth-criminal-records-report-2018.pdf>

⁴² Stacey, C. (2019) Double discrimination? The impact of criminal records on people from black, Asian and minority ethnic backgrounds <https://www.unlock.org.uk/wp-content/uploads/Double-discrimination-Full-report-July-2019.pdf>

5. Conclusions and recommendations

5.1 Women with criminal records face significant barriers to employment

Regardless of offence type, sentence and length of time ago, difficulty with employment was the biggest problem that women who responded to the survey reported. We know from other data and Unlock's helpline that the existence of a criminal record is often the biggest problem, regardless of the nature of the offence or the circumstances in which it occurred.

More women who had received a caution experienced problems with employment than women who had received another community sentence, such as a fine. This may reflect the types of jobs these women had applied for. It may also reflect the fact that a significant number of women had received cautions for Actual Bodily Harm (ABH), including when under 18. ABH is an unfilterable offence as it can be a serious act of violence. It can, however, also be a minor incident and we see women and girls accept cautions for ABH where the facts would probably not survive the scrutiny of a court. The recent change to the filtering of youth cautions will benefit those who received cautions for ABH when under 18 which, since November 2020, will no longer be disclosed on standard or enhanced DBS checks.

Recruitment practices were seen as a particular barrier to women, especially employers who ask about criminal records at the application stage. Many respondents were put off from applying by this. This is reflected by the 77% who believed that removing the need to disclose a criminal record to an employer would help them find employment. For jobs covered by the Rehabilitation of Offenders Act 1974, the simplest solution would be to enable more convictions to become spent, and all convictions to become spent sooner. This would reduce the number of women impacted by the need to disclose for these jobs, without significant change to the framework of criminal record disclosure.

Over 81% of women (the highest of all choices) wanted to see changes to make sure that once a criminal record becomes spent, women are protected from discrimination on the basis of their criminal record. There are a couple of different ways of achieving this (some of which relate to the criminal record checks section below) but in relation to recruitment practices, this must include measures to ensure employers follow the Rehabilitation of Offenders Act 1974 and genuinely disregard spent convictions where the Act applies. This also includes requiring companies to give reasons why they decide a criminal record makes someone unsuitable for the role, which 68% of women supported and which many highlighted as an issue.

The employment rates for women leaving prison, and on a community sentence, are much lower than for men. Many factors impact this, such as a much higher likelihood of taking on caring responsibilities, but these need to be better understood and should be properly studied. There is also a need for dedicated employment services for women which take these factors into account and provide tailored support.

Furthermore, alongside a measure of "six weeks after release", there must be measures both earlier and later in the process. For example, measurements at the point of going to prison or on the day of release would establish a baseline. A measure further down the line, for example 12 months after release, or at the end of the licence period, would help to understand the longer-term impacts.

Recommendations

1. **The Ministry of Justice** should swiftly implement reforms to the Rehabilitation of Offenders Act 1974 including:
 - abolishing lifelong disclosure
 - universal reductions in disclosure periods informed by evidence
 - young people to disclose based on their age at the time of the offence.
- **The government** should legislate to ensure a penalty for unlawful use of spent convictions to discriminate against applicants
- **The government** should require employers to give meaningful reasons, in writing, in cases where they decide a criminal record makes someone unsuitable for a role.
- **The government** should require their suppliers to implement fair recruitment policies including banning the box, guaranteed interview schemes and targets
- **The government** should ensure all departments engaging with employers include fair recruitment policies and practices relating to with criminal records
- **The Ministry of Justice and HM Prison and Probation Service** should create a strategy and work stream for employment that recognises the particular challenges for women leaving prison and on probation.
- **HM Prison and Probation Service** should measure employment outcomes on release and at several intervals post-release to build a detailed understanding of short and medium term employment outcomes for people leaving the criminal justice system.

5.2 Women face stigma because of their criminal record, often exacerbated by their gender

Problems when applying for jobs requiring higher-level DBS checks were a significant feature amongst survey respondents. Women are overall less likely to have a criminal record yet our analysis found they are almost twice as likely as men to have their record disclosed on DBS checks.

Many jobs that involve higher-level DBS checks, such as caring for vulnerable adults or for children, are low-paid and undervalued. Despite the high level of responsibility demanded by these jobs, they tend not to require formal qualifications and offer flexible hours. These jobs are therefore accessible to women who, for a variety of reasons, have missed out on gaining qualifications and may have caring responsibilities. People with criminal records deselect themselves from jobs that require disclosure because they believe it will have a negative effect

on their chances.⁴³ This raises questions about why women with criminal records would choose to work in those occupations, and these findings may suggest they have limited alternative options. It is not as simple as women simply looking for other jobs where they don't have to disclose. Labour is gendered and access to 'unskilled' or semi-skilled work often means construction for men, care and retail for women.⁴⁴

Taking the example of loitering/soliciting offences, the change in numbers disclosed over time can probably be tracked to campaigns by women's groups, possibly some legislative changes and certainly some policing priorities.⁴⁵ This highlights how women were historically criminalised as part of their exploitation, and adds weight to the need for expungement policies that would allow women to permanently remove these convictions from their DBS checks.

Many survey respondents highlighted how they would not apply for jobs that involved a DBS check – *"I have limited my job search to jobs that require no DBS."* In 2020 Unlock published a report on illegal DBS checks.⁴⁶ Given that women are much more likely than men to undertake an enhanced DBS check, women are much more likely to be affected if an employer carried out a higher level of check than the role legally requires.

Developments in the criminal records regime should pay particular attention to the impact on different groups. For example, Home Office analysis on the impact of the changes to the filtering rules did not look at the differential impact on men and women. The way in which enhanced DBS checks operate, both in terms of what they disclose and which roles they are carried out for, means that problems (and improvements) will have a disproportionate impact on women.

It was clear from survey respondents that many women with criminal records felt that being a woman had made these problems harder. This was particularly the case in seeking employment, with many women referring to how they have felt employers have treated them more harshly than they would have a man in a similar situation.

This report should be seen as a first phase of understanding the differential impact of criminal records on women.

Recommendations

1. **The Home Office and Ministry of Justice** should jointly conduct a root and branch review of the criminal record disclosure system, specifically including the proportionality and impact on women and people with other protected characteristics.
2. **The Home Office and the DBS** should implement Unlock's 2020 recommendations on ineligible checks.

⁴³ Business in the Community (2015) Finding work after prison – A survey into prisoners' attitudes towards employment and the criminal record tick box, London: BITC

⁴⁴ Office for National Statistics (2018) Dataset: EMP04: Employment by occupation <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/employmentbyoccupationemp04>

⁴⁵ NPCC (2019) National Policing Sex Work and Prostitution Guidance <http://library.college.police.uk/docs/appref/Sex-Work-and-Prostitution-Guidance-Jan-2019.pdf>

⁴⁶ *Checked out? Ineligible criminal record checks and how to prevent them*, available at <https://www.unlock.org.uk/checkedout/>

3. **Deeper research into the specific issues faced by women is needed**, and an analysis of whether the problems vary over time. Research into the issues men face is also needed as part of a more targeted approach.

5.3 Women's criminal records often exist alongside trauma, without specialist support

A criminal record has a wide-ranging impact on women. From employment, travel abroad, volunteering, buying insurance and applying to university, to shame, embarrassment and stigma. The need for practical support, specific to women, taking into account intersectional experiences, came through strongly.

Recommendations

1. **Organisations in the women's sector and criminal justice sector** should explore ways of working together to improve understanding and support for women with criminal records, taking into account multiple, overlapping needs and experiences of trauma.
2. **Government and other funders** should fund specialist women's sector organisations to support women experiencing post-conviction problems alongside other trauma.

Appendix A – Information sheet

The information sheet used to promote the survey is below:

Are you female and have a criminal record? We want to hear from you!

A criminal record can be a real obstacle in getting on in life. What we don't know is whether women face additional barriers that men don't.

Last year, we published a report (A life sentence for young people) that looked at the specific problems people face from criminal records they acquired in their youth. In July this year, we published a report (Double discrimination?) that focused on the impact of criminal records as perceived by people from black, Asian and minority ethnic backgrounds.

Now we want to understand the structural barriers women face in terms of their criminal record.

Although our focus is mainly on the issues that women have faced after they've received their criminal record, we're also keen to identify any issues that might relate to earlier on in the process that had an impact later on in terms of the criminal record and its consequences.

We're keen to hear from women with every type of criminal record – so whether you've been fined, spent time in prison, had a caution or spent time on probation, we want to hear from you about the problems your criminal record has caused for you.

We also want to hear from practitioners and organisations that have experience in this area.

Your answers will be treated in confidence and will directly inform our recommendations for structural and practical changes. These recommendations will be shared with people who have the power to make things better.

So what do we want to know?

We've put together an online survey for women with a criminal record – it should only take about 15 minutes, all responses will be confidential and no personal details shared externally. You can read our full privacy policy on our website.

You can fill out the online survey [here](#).

There's also an option to put your email address if you're happy for us to contact you about your response.

We're also keen to have contributions from practitioners and organisations that work with women. These can be emailed to policy@unlock.org.uk.

The survey will close on Monday 14th October.

Appendix B - Stories

This section includes a selection of respondents' descriptions of their experiences.

Nicola

White woman, convicted of fraud in her forties and given a suspended sentence four years ago

"I was taken to court but I have no idea what really happened. I was in the middle of a massive substance abuse period and was in a violent domestic situation. I still really don't know what happened. I have no paperwork as I had to flee my home in the end. I'm okay now and in a much better place, though I have never worked professionally with my degree because of my record.

"Every time I'm asked to give a DBS I panic and run off - there's been a few occasions where I haven't disclosed and it's come up on my check - needless to say I got shown the door. I find life really challenging - only working 15 hours a week for minimum wage and not really fulfilling my potential. I still have mental health issues and I try to deal with life without misusing substances but I find it really tough going.

"Sometimes I feel like I'm continually being punished over and over again. I've never told my friends or family about the suspended sentence - they wouldn't have much understanding. They think I'm lazy and can't be bothered to work in my chosen profession. I told one friend and she thought I shouldn't be bothered and to declare the suspended sentence on my application forms because it's not that bad a crime - I tried this only to literally watch applications terminate as soon as you click the button. So now I don't go for jobs that ask - which is basically warehouse jobs or cleaning. I tried volunteering for Mind benefits advice - which I loved but I got nervous and left before my DBS arrived."

Aisha

Pakistani woman, cautioned and convicted as young adult 6-10 years ago for theft offences

"I was cautioned for trying to shoplift some shoes from Primark. This was my first ever offence. A couple of years later replaced the labels and tags on some items I purchased from Outfit and returned them. The items were looked over at some point and I was charged with Fraud by False Representation. This was my second and last offence I ever committed to this day. I was given a fine and community service.

"I was leaving university at the time of my second offence and it took me 9 months before finding any work and this was only because I was able to work at a letting agency where my friend was the manager. I was paid cash in hand and had no work benefits. After this I joined a contact centre, I answered the question regarding my conviction and was honest about it. Only to have HR come across this after 18 months of employment. Getting car insurance was difficult - what would of otherwise cost me £1200 ended up costing me £2500. I'm always worried about applying for jobs or getting vetted in case the DBS check holds me back. The biggest problem is trying to get employment and continuously thinking "will I pass the vetting stage?". And there needs to be more care and consideration when looking at women who now want to foster or adopt."

Rhiannon

Black Caribbean woman, convicted of violence against the person, as a young adult (18-25), and given a suspended sentence over 30 years ago

"I grew up in a racist area and I was attacked. I fought back. I was arrested and the case went to court and I was found guilty of wounding. I believe I was discriminated against by colleges and universities due to my criminal record right up until the age of 36-year-old when I was finally accepted by my local university. My husband used my criminal record against me when applying for custody of our child when our marriage broke down. He told the court that I was a violent offender even though I had not been in trouble since that one incident and the courts granted him custody of my 11-year-old daughter. She went on to be sexually abused by his son and I believe that the courts may not have taken his side had he not brought up my past indiscretions."

"The job that I was offered and then had taken away has to be the biggest problem I've faced, because I have not been offered a permanent role since and that was a permanent community nurse role paying £38,000 a year. Since this offer was taken away I have had the odd nursing temporary role and I have acquired new skills (painter and decorator) in order to survive but I believe it has had a big impact on me. I waited nearly a year for my enhanced DBS to come and in the end the offer of employment was taken back. When I went to the meeting to carry my paperwork in the staff told me that if I didn't have a criminal record it would not have taken so long

"The need for enhanced DBS checks are appropriate for people with offences against children and vulnerable people. Thirty years on, if the person has not offended again and fully rehabilitated, then women deserve help with employment.

Abigail

White woman, given a caution for criminal damage about 3 years ago

"Before my caution I would volunteer at my children's school, and I used to work with vulnerable people. With this caution it makes it very difficult to apply for these types of roles. I have not known anyone else deal with this problem, it's something I tend not to discuss with people.

"The biggest problem for me is the worry of what the employer will think, it was from a very traumatic time in my life, where I was in a very abusive relationship, I have come a long way, and have never been in trouble before ever, and to have to explain why and what happened to someone who knows nothing about you, who needs to know what and why you have this caution, you are instantly judged for that and that alone, considering that it was completely out of character and was not how I would normally act, it has completely destroyed who I really am in the eyes of an employer.

"It is not something that is expected of a female a criminal record. When a male explains he has a criminal record you put it down to them playing up, being a silly bloke, it's classed as more expected to a certain degree depending on the level of conviction of course, a bit of fighting, bit of criminal damage normally down to them being with friends out being boisterous. But when a female explains they have a criminal record people are very quick to be disgusted. It throws people off and they are quick to judge you as an extremely bad person.

"No criminal record is right, but sometimes as humans we make stupid one time mistakes (this is my case) that costs us, I just want to be able to defend my actions. I just want to be heard and not judged."

Joanne

White woman, now aged 56-65, given a community sentence over 30 years ago as a young adult for drugs possession and a fine for benefit fraud.

"I commenced employment with my local police force in an administrative role. I declared my convictions and was delighted to get the job. After a few years I wanted to apply for a different role but was told I could not take on any role which required giving evidence in court. I was also told that I had not been vetted properly when I commenced employment with the police force, and that if I had been vetted properly I would never have been given the administrative role. I was declined any career development/mentor. I worked for that police force for 12.5 years, keeping myself under the radar and always feeling I shouldn't be there!

"My biggest problem was a sense of being an outsider, that I could have had a great career if I hadn't broken the law. I worry now about the filtering system and how I must always declare my convictions because I have two no matter how old they are."⁴⁷

Sherene

Black Caribbean woman, aged 26-35, was convicted 12 years ago and given a community sentence for assault

"About 12 years ago I was on a social work degree in my second year. I had never been in trouble before and the incident took place immediately following a car accident. A member of the public who was drunk interfered with the scene of the accident and was making cruel and nasty remarks to myself and the passenger and I lost my temper and pushed the victim to the ground, the victim then pulled me on top of her and bit me on the breast causing me pain and a fight ensued. I immediately got up and apologised as the entire event was traumatising and I was acting out of character out of the shock of it all and the anger at being bitten. Whilst I apologised for pushing the victim, she had made a phone call and I was heard on voicemail saying sorry. The victim went to the local police station later in the day to give them my registration details. Police were very kind to me during the booking process, however it is still something that haunts me to this day. I was in a cell until around 1am the following morning and told to return. The police at the time said that the victim was a known alcoholic in the area that makes several complaints to the police a week and they didn't think it would go any further. I returned a month later to be told I'd have to go to court.

"No one would go to court with me and a family appointed solicitor didn't show up. I was too embarrassed to ask for character witnesses. The duty solicitor I had pronounced my name wrong throughout the proceedings and was disinterested in my case. I was made to sit with a probation officer to determine my level of guilt/responsibility. The probation officer recommended a conditional discharge as I had never been in trouble and was working with many charitable organisations at the time and on a degree in social work. The judge said this was not her concern and that I should have thought about that before attacking people in public. I was given 50 hours' community service and a fine of £250.

"I was removed from my degree for breaking the rules of the university regarding conduct even though the incident took place off campus and not during term time. I received no advice or support from my tutors other than being told I was no longer suitable to be a social worker. His words exactly were "the door to social work is closed to you forever".

⁴⁷ The survey took place in late 2019. In November 2020, the filtering rules were changed. This is explained in the 'Background to the criminal records regime' section above. In Joanne's case, her convictions would now be filtered, but will still need to be disclosed when applying to become a police constable as it one of a small number of roles that is exempt from the filtering rules.

"I completed my community service in a charity shop and did some of my hours doing a Maths course. I completed my community sentence alongside a doctor who received 100 hours for drink driving in which the other driver was severely injured. The doctor would attend the charity shop and return to the hospital to work.

"Although this incident took place 12 years ago, every part of my life has been effected ever since. I was taken off my course only to find later I could have switched universities, I struggled to find employment, my family and friends shunned me and my parents lost all respect and trust for me. I was embarrassed and ashamed and spent many years battling depression and anxiety and still go through this to this day. I received no guidance or support from anyone and was completely alone. It may seem trivial to some and some would say you deserve what you get, however I will never be able to be free of the memories of the experience and the consequence this had on the rest of my life. You are looked at differently in all settings because you are seen as a violent criminal with no self-control. We are all capable of making a mistake. The punishment in my case however seems to be lifelong not just 50 hours. Being young and black was my biggest problem."

Lisa

White woman, now aged 56-62, was convicted over 30 years ago as a young adult of store/credit card fraud and sent to prison

"An abusive boyfriend made me use a credit store card to obtain goods which he would sell. I got caught (he ran off) and I got a suspended sentence. After a beating I had to do it again and got caught. This time I was sentenced to 12 months' imprisonment. "

"When I left prison in 1984 I never broke the law again. I stayed away from the abusive boyfriend (father of my daughter) I had no problems getting employment and loved working as a school secretary for 2 years. I worked my way up and became a manager in retail and hospitality sectors including 5 years at an airport as general manager for an airside duty free store. Since criminal record checks came in, I have applied for similar positions but have been rejected even though I have 25 years' impeccable work record. I'm now too embarrassed to apply for positions that would require a DBS check. I know without this check I would probably get the position. The companies only see your record and it over shadows everything I've achieved. I feel depressed that even after 30 years my criminal record is impacting my life. At 60 my job options are limited. I want to work in a school or health care office environment but I know they won't take a chance on someone with a record no matter how long ago it is. It's extremely frustrating and unfair."

In explaining why, she thinks being a woman has made things harder: *"People tend to look on a woman as disgusting and lower than low if she had a criminal past."*

Phoebe

White woman, aged 18-25, was convicted as a young adult a couple of years ago and given a suspended sentence

"I was tricked into selling jewellery and saying it belonged to me. It belonged to my violent ex-boyfriend that didn't have any identification, hence saying it was my jewellery and selling it on his behalf. I later found out he'd stolen the items.

"The biggest problem I've faced is lack of trust from people. I was a carer; I never stole from anyone however I lost my job because of what he put me through. Simple things like car insurance increased in price. I struggle to trust people; I became scared to enter into relationships. I lost a lot of friends.

"People don't seem to understand how to deal with a woman with a criminal record, people seem shocked when I say I have a criminal record. I've been laughed at and I've been mocked. I feel I can't progress in life. I worry about what people will think of me and if I can ever be taken seriously. The offences on my criminal record 'selling stolen goods' and 'fraud' make the offences sound a lot more sinister than they were, people hear those words and pre-empt, make their own judgement. For a man they're just brushed off.

"I feel vulnerable. My ex moved on with no problems, he came out of prison, had a rehabilitation program, had a job. I had no support, I had no help finding a job. I had nothing. I received abuse online and stories and pictures of me published in magazines but had no support from the justice system with this, I was just as much a victim as the person he stole from."

Brigitte

Black Caribbean woman, aged 26-35, was cautioned for ABH as a child

"I was 14 years old and got into a fight outside of school. The parents of the other child decided to go to the police. I was arrested and advised to say I was guilty as it would result in a caution that would leave my record at 17. This was not the case as I was cautioned for ABH under section 47 of the Offences against the Person Act. I went to college to study childcare and was unaware that the caution was still on my record as I had been advised otherwise. I had completed 70% of my course by the time my DBS check came through. I took it into my placement setting and they told me I needed to leave the premises as I was not allowed to be near children. I really want to be a social worker and I'm going to keep trying but I fear it will be a problem when I eventually want to apply for university. I think support for those who want to get into education and really change their life around would be a big bonus."

Lauren

White woman, aged 36-45, convicted as an adult and given probation

"I was convicted in court about 15 years ago, relating to benefit claims a couple of years before. I was studying to be a teacher at the time of the claims, a single mum. I was in therapy, had come out of a bad relationship and trying to better myself. My mother was very ill with MS. I was overwhelmed with studying and caring for my mum at weekends who was 40 miles away. I didn't update my records to say I was now a full time student. I didn't fully realise I was full time as I only attended university 2 days per week, under 16 hours per week, and thought it was the same rules as studying at FE level, although I was in receipt of a bursary.

"Luckily my employer was supportive and supplied me with an excellent character reference, as did the university who confirmed my personal circumstances when studying and the stress I was under due to my mum dying mid-course. This made no difference and I was given a maximum community service sentence as well as an instruction to pay everything back. It has taken me over 12 years to pay it back.

"Although fortunate to continue my career in teaching it has really impacted upon my progression. I saw many promotions over the years but was too embarrassed to disclose my conviction. I didn't even fully realise I had more than one conviction until 18 months ago when I finally applied for a promotion at another college as I thought it was all one incident as it was dealt with in one case and referred to forms completed at the same time. I thought that my conviction would be filtered and that's when to my horror, after applying for a new DBS, as I had been successful in my interview, I discovered I had four convictions, so not applicable for filtering.

"Again, luckily, after attending a meeting with HR at my new employers and being given the opportunity to explain my circumstances, I was able to start my new post. I am now a senior manager, but even now, this really holds me back. I

am nervous about the next level as to be an executive member I would have to be an official board member and have to declare my conviction to the chair of the board etc and I know that it would be gossiped about.

"I constantly check Unlock for progress on how the new filtering system may work following the court ruling and I am desperate to get a new, clean, DBS so I can really fulfil my aspirations of leadership in education. I cannot explain to people why I don't go for certain promotions or why I won't go to New York on holidays as I can't face the whole process of constantly having to explain and declare. I feel trapped with this noose I cannot break free of, no matter how long ago it was."

Zoe

White woman, aged 26-35, convicted of domestic violence as a young adult a couple of years ago and given a community sentence

"My conviction was for section 20, unlawful wounding/wounding without Intent. My sentence was 60 hours' community service and a small fine.

"The wording of my conviction is written differently on the Police National Computer from what I received at court on the day of my sentencing. As a direct result of this wording on my Police National Computer certificate I have been refused a visa by the American Embassy. This was a visa to allow me to transit through America in order to work for a Cruise ship company in the Caribbean. The cruise ship company wanted to employ me on two contracts amounting to 9 months of work. And further work with the cruise company was a definite possibility. The cruise company were aware that I had a conviction and still wanted to employ me. But I was refused the visa, I was told by the American embassy this was due to the wording of my conviction on my Police National Computer certificate.

"As a singer and dancer, teaching is a natural path I would of loved to follow, but now I will never be able to do this because of my conviction as I will never have a clean enhanced DBS. Even though I am not and never have been a danger to children, my conviction stops me from working in this field for the rest of my life. I would like to audition for work in professional theatre shows, pantomimes etc, but because this work involves performing for children and at times working alongside child performers, I am unable to pursue this type of work either as again I cannot provide a clean DBS.

"I have also auditioned for TV programmes such as The Voice and X Factor and have reached as far as performing for the judges, then when filling in forms to move to the next stage I have been asked if I have any previous convictions which I have been honest about. After which I have been told I could not proceed any further in the show because contestants with convictions are not allowed to participate.

"Because of all of the above, I am very restricted in the singing and performing work I can pursue because of my conviction. I have very little scope to improve my career and better myself, and this will not change for the rest of my life and I am only 26. I am resigned to singing in pubs and clubs, and trying to make extra money from waitressing. This is not the life I had planned for myself, but I now have a conviction resulting from a terrifying domestic violence incident I was involved in aged 22.

"The Rehabilitation of Offenders Act may help many people to move on with their lives and careers despite having a conviction, but it does not cover all areas, and circumstances of employment such as the profession I work in. Therefore, despite receiving my sentence, completing my community service, and my conviction being spent over 3 years ago, I cannot move on with my life and with my career because of all the employment restrictions I face, directly because I have a conviction.

"I think being female with the conviction I have had, and will continue to have, career problems. The stigma attached to a woman being unable to work with children because of a conviction is life changing. The biggest problem I have faced because of having a criminal record is knowing that despite my conviction being spent, I will never ever be free of it. It will always appear on my enhanced DBS check for the rest of my life. And at only 26 years old the prospect of never being able to better myself because of the career restrictions I face is unbearable.

"Being female has made this problem harder, because despite being the victim in a violent relationship, being physically and mentally abused over a lengthy period of time, and living in fear of my life, I have been given a conviction that I will carry for the rest of my life. I have been advised by a solicitor that the particular police force involved probably used my case as an example to show that they will prosecute women and not only men in domestic violence incidents and were determined to secure a conviction with my case.

"The Rehabilitation of Offenders Act should be updated so that the individual circumstances of a person's conviction can be reviewed as to whether or not they are suitable to be allowed to work in an environment with children once their conviction is spent, instead of a general rule that rules out anybody with a conviction.

"There should also be more detail being shown on a DBS certificates, for example, a short explanation alongside the wording of the conviction, stating which category the conviction is listed under and what that category means. This could give a clearer definition of the actual incident that had taken place, and therefore help a prospective employer to make a more informed decision when considering employing a person with a conviction. Just the wording of a conviction on a DBS can be misleading and make it look more serious than it actually is to an employer."

Unlock

Unlock is an independent award-winning national charity that provides a voice and support for people with convictions who are facing stigma and obstacles because of their criminal record, often long after they have served their sentence.

The author

This paper was written by Christopher Stacey, who was co-director of Unlock until February 2021. For eight years as co-director he led the charity's policy and campaign work as well as overseeing the practical support the charity provides to individuals. More details about Christopher's work at Unlock can be found at www.unlock.org.uk/chris.

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