



Standing Committee for Youth Justice

Mr Frank Field MP
Chair, Work and Pensions Committee
House of Commons
London SW1A 0AA

January 2017

Dear Mr Field,

Inquiry into employment opportunities and support for young people.

We write regarding the Work and Pensions Select Committee inquiry into employment opportunities for young people. We feel it is important that the Committee considers the significant impact criminal records have on the employment opportunities of children and young people as part of this inquiry. Criminal records act as a significant barrier to employment, yet it is relatively common for children to receive a criminal record in England and Wales, particularly those not in education, employment or training. We would like to share the work the Standing Committee for Youth Justice (SCYJ) has done on this matter.

SCYJ is an alliance of over forty non-profit organisations, campaigning for reform of the youth justice system. For the past eighteen months we have been looking at the impact of childhood criminal records (those acquired before a person is 18) and believe the system of retaining and disclosing such records should be reformed. SCYJ believes that children who have been in trouble with the law should be given the chance to move on from their mistakes and contribute to society. Employment is key to them doing so yet the criminal records system too often acts as a significant barrier to employment.

All formal responses to offending become part of a child's criminal record in England and Wales. As a result, a large number of children receive a criminal record; in 2013/14, 60,000 cautions and convictions (all attracting a criminal record) were given to children in England and Wales. By way of contrast, SCYJ's research on the treatment of childhood criminal records in different jurisdictions shows that, over the same time frame, only 48 children under the age of 17 were given a criminal record in New Zealand and in New Mexico, USA, only one child received a criminal record. Even given the differing populations of these jurisdictions, this is remarkable.

A childhood criminal record must be disclosed on basic criminal records checks (which can be accessed by **any** employer) for the duration of the "rehabilitation period". Once the rehabilitation period has elapsed, the conviction becomes "spent", meaning it is only disclosable on standard and enhanced checks, which are accessible to a defined list of professions.

Rehabilitation periods can be lengthy and some convictions never become spent, meaning they must be disclosed to any employer for life (for instance, those resulting in a custodial sentence of more than four years). Some cautions and convictions can be "filtered" from a standard and enhanced check (meaning they will not appear on such a check), but the system is very limited, meaning a large number of childhood cautions and convictions continue to be disclosed. A large number of professions can access enhanced and standard checks; a full under-18 criminal records history can be accessed in order to work as



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a traffic warden or vet. All together, this creates a system where childhood criminal records are not uncommon, and children must disclose them widely, often for a long period of time, and sometimes for life.

Studies have found that people with criminal records face barriers to employment. A study from Belgium, for example, looked specifically at the impact of childhood criminal records on employment. They sent out fictional entry-level job applications of school-leavers, identical except that one mentioned a period in a juvenile detention centre. They found: “hiring discrimination against former juvenile delinquents in a direct way... labour market discrimination is indeed a major barrier in the transition to work for former juvenile delinquents. Labour market entrants disclosing a history of juvenile delinquency get about 22 percent less callback compared to their counterparts without a criminal record.”¹ This is consistent with wider evidence on the impact of criminal records on employment. For instance, “A survey by the Chartered Institute of Personnel and Development showed that people with a criminal record are part of the “core jobless group” that more than 60% of employers deliberately exclude when recruiting.”² A number of other studies have found that criminal records act as a barrier to employment.³

These studies accord with anecdotal evidence and case studies gathered by SCYJ. We have heard many reports of people with under-18 criminal records having real difficulty in accessing employment. For instance:

“Frankie has a criminal record and had spent time in custody. He turned his life around, went on to study law, and is currently a year away from graduating with a law degree. However, he has met with many hurdles due to his criminal record. He has taken advice about becoming a lawyer and has been advised that there will be substantial hurdles because of his past. Most jobs and work experience he applied for he was turned down for. He experimented with the application forms for various jobs and he reapplied for roles he had been turned for with the same CV but a different name, saying that he did not have a criminal record, and he found that he was offered an interview or was offered to progress to the “next stage” when they had automatically rejected him under his real name.”

Additionally, we have heard reports that having a criminal record can reduce people’s motivation to apply for jobs, because they feel as if they are being set up to fail. One probation officer told us: *“People feel unmotivated to apply for posts – they feel what is the point if my application gets screwed up? They give up from the outset”.*

¹ Baert, S and Verhofstadt, E, 2013, Labour Market Discrimination against Former Juvenile Delinquents: Evidence from a Field Experiment”. Accessed at <http://anon-ftp.iza.org/dp7845.pdf>

² Prison Reform Trust, 2012, “Out for Good, Taking responsibility for resettlement”, page 56, accessed at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/OutforGood.pdf>.

³ See for instance, Uggen, 2008, Lam & Harcourt, 2003; Pager & Quillian, 2005; Stoll & Bushway, 2008; Backman, 2011, all cited in Carr and Dwyer, 2015, “Young People, Criminal Records and Employment Barriers”, in NIACRO, 2015, “New Directions: Understanding and Improving Employment Pathways in Youth Justice in Northern Ireland”, accessed at: http://www.niacro.co.uk/sites/default/files/publications/New_Directions_Research_Papers_June2015.pdf





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A criminal record can be particularly damaging for children, as compared to adults; children are unlikely to have an employment history that allows them to demonstrate to employers that they are trustworthy and reliable, and their access to employment based references is limited. The impact of criminal records will be a particular problem for children and young people not in education, employment or training (NEET), who are a particular focus of the Committee's current inquiry. Young men who are NEET are five times more likely to have a criminal record than their peers;⁴ as well as more likely to be suffering from poor health and depression.⁵

Criminal records thus create significant barriers to employment. Yet employment is a key factor in desistance from crime, and reducing offending and reoffending is a statutory aim of the youth justice system. SCYJ believes the system of retention and disclosure of childhood criminal records should be reformed to remove barriers to children and young people with a record accessing employment, and so enable the criminal records system to work in favour of desistance and the aims of the youth justice system. Many other jurisdictions have far less punitive criminal records systems than our own and there is no suggestion that they compromise public safety in doing so.

We would like to see the system reformed to drastically limit the disclosure of childhood criminal records by:

- Reducing rehabilitation periods;
- Allowing all childhood convictions other than life to become spent;
- Greatly expanding the filtering system as it applies to childhood cautions, providing the police with greater discretion; and
- Creating a presumption that police intelligence on children is never disclosed on record checks.

I attach copies of a summary of our report, *Growing Up, Moving On*, which sets out our recommendations for reform in full, and summarises how the system in England and Wales compares to that in other jurisdictions. We would welcome a meeting with you to discuss this important matter further. Please do get in touch to arrange a time and date if this would be of interest.

Thank you very much for your time and consideration.

Yours sincerely,

Alexandra Wigzell
Chair
The Standing Committee for Youth Justice

⁴ Audit Commission. *Against the odds: Re-engaging young people in education, employment or training 2010* [11/01/2014]. Available from: <http://archive.audit-commission.gov.uk/auditcommission/sitecollectiondocuments/Downloads/20100707-againsttheoddsfull.pdf>

⁵ Social Exclusion Unit. *Bridging the Gap: New Opportunities For 16-18 Year Olds Not in Education, Employment or Training 1999* [13/01/2014]. Available from: http://www.cabinetoffice.gov.uk/media/cabinetoffice/social_exclusion_task_force/assets/publications_1997_to_2006/bridging_gap.pdf

