

## Who are 'ex-offenders'?

### Myth-busting factsheet

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11 million people in the UK have a criminal record. There are many myths and assumptions about who makes up this 'ex-offender population'. The reality is that a variety of people could be excluded from the labour market because of a criminal conviction, as current statistics show. Employers shouldn't assume that people with convictions pose an automatic risk to the business.

**Assumption: All ex-offenders have been to prison. \***

**Reality: Fines are the most common sentence given by all courts, with only a small proportion of people sent to prison.**

- 74% of all sentences handed down by courts are fines.
- 78% of convictions were for 'summary offences', which means that they are deemed less serious and almost always dealt with by the Magistrates' court, not tried by a judge and jury.
- Only 7.3% of offenders are given immediate custodial sentences.

**Assumption: Only ex-offenders with a serious sentence have to tell an employer.**

**Reality: Anybody with any criminal record may have to tell an employer when asked.**

- When applying for most roles, anybody with a criminal conviction will have to tell an employer when asked for a specific period of time following their sentence. For example: if fined by a court, an applicant would be required to disclose that they have a conviction for one year.
- For a certain length of time following their sentence (defined by the Rehabilitation of Offenders), any ex-offender is legally required to tick a box on an application form which asks whether they have any 'unspent' criminal convictions. A ticked box could indicate anything from a court fine to a lengthy prison sentence.
- When applying for regulated roles, including those with children of vulnerable adults, applicants' entire criminal record will be disclosed (only excluding an old, minor conviction if filtered from their record in line with restricted rules of recently implemented legislations).

**Assumption: All ex-offenders are men.**

**Reality: A high proportion of people convicted of more serious offences are men, but not all.**

- Men account for 7 out of 10 individuals proceeded against in court, however, the number of prosecutions against men have been falling while prosecutions of women have remained stable.
- 9 out of 10 offenders given immediate custodial sentences are men.
- Women represent 4.8% of the overall prison population, with almost 60% of women serving sentences of 6 months or less.

**Assumption: Ex-offenders are violent.**

**Reality: Violence against the person accounts for only a small percentage of criminal convictions, and the severity of the convictions can range dramatically.**

- There were 36,758 convictions for violence against the person in 2016 - accounting for only 8% of all convictions.
- 57% of convictions resulted in non-custodial sentences.

**Assumption: Ex-offenders are dishonest.**

**Reality: Only a small proportion of offenders are sentenced for fraud and forgery offences (crimes typically associated with dishonesty); these people often have no previous convictions. Evidence suggests that employers find ex-offenders trustworthy.**

- 6.3% of convictions are for fraud or forgery offences.
- Offences related to fraud and forgery accounted for 12% of convictions for offenders with no previous criminal history, but only 2% of convictions for prolific offenders (with 15+ offences) meaning that a previous criminal record is not always an indicator of a future risk of fraud or forgery.
- Fraud and forgery can mean many things – from failing to tick the right box on a form, to crimes with significant financial implications – and can result in a sentence of anything from a fine to a prison sentence.

**Assumption: Ex-offenders chose their fate.**

**Reality: Bad choices often result in a criminal conviction, but many ex-offenders have previous experiences that may have played a part in the outcome. \*\***

- 24% of the adult prison population was taken into care as a child, compared to 2% of the general population.
- 15% of the prison population were homeless before entering custody.
- 49% of women and 23% of men in prison are identified as suffering from anxiety and depression compared to 15% of the general population.
- 42% of the prison population were expelled or permanently excluded from school when younger, compared to less than 1% of school pupils in England in 2005.
- 41% of the prison population observed violence in the home as a child, compared to 14% of the general population.

**Not all ex-offenders pose a risk. Through Ban the Box, employers assess each individual and their conviction(s) on a case-by-case basis. This reduces the likelihood that they will exclude suitable, talented candidates.**

\*All data drawn from Ministry of Justice Criminal Justice Statistics for England and Wales, September 2016, unless otherwise stated.

\*\* Data comparing prison population characteristics to those of the general population appear in the Bromley Factfile, Autumn 2016.