

# Volunteering for Offenders

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**CLiNKs**

## Clinks

- National infrastructure organisation supporting work of VCSE organisations within criminal justice and community safety
- 600+ member organisations; Light Lunch e-bulletin sent to 10,000+ in-boxes each week
- Representation and voice for the sector; information and support; research and development; partnerships with other organisations to achieve common goals
- Promote the VCS; influences policy around desistence from offending and VCS involvement in criminal justice

The logo for CLINKS, featuring the word in a bold, white, sans-serif font against a blue background. The letters are slightly shadowed, giving a 3D effect.

## Clinks work in London

- Support statutory sector to understand and engage with VCS at strategic and operational levels
  - Representation on London governance and strategic bodies
  - Integrated Offender Management; Transforming Rehabilitation; NHS Health in the Justice System commissioning
- Support VCS to respond to change in criminal justice and community safety
  - Local infrastructure organisations' role in criminal justice and community safety; Support development of networks and forums; Shared measurement
  - Understand implications of Transforming Rehabilitation

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# Volunteering for offenders

**Part 1:** Some issues in recruiting and managing offenders as volunteers

Karen Chillman, Croydon Volunteer Centre

**Part 2:** Disclosure of criminal records

Specialist information, training and support

Implications of Transforming Rehabilitation for Volunteer Centres and VIOs

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# Group discussion 1: Issues in volunteering for offenders

1. What is your experience of working with offenders as volunteers – positive or negative?
2. What do you see as the issues for Volunteer Centres and other volunteer-involving organisations in working with offenders as volunteers?

## Part 1: Issues in recruiting and managing offenders as volunteers

- Offenders are people, first and foremost
- Good policies and practice in the recruitment, training and management of volunteers applies equally
- Understand the issues and how to deal with them
- 'Issues' include advantages

## Offenders are just people - but who?

- Do this exercise for yourself; there is no pressure to disclose your answers or score
- On hand-out is a table numbered 1-16 down the left hand side
- Write down answer A and/or B and/or C for each question read out – or zero, if none apply
- Write down your score for each answer from the table on the other side
- Total your scores

## Quiz

- 1. Have you ever been in a fight?**  
**A** Never **B** Yes **C** Yes, but only at school
- 2. Did you, before the ages of 16, 17 and 18 respectively:**  
**A** Purchase cigarettes? **B** Drive on public roads? **C** Purchase alcohol?
- 3. Have you ever agreed to pay cash, in return for a price reduction, in any transaction with a self-employed person?**  
**A** Yes **B** No **C** Not sure
- 4. Have you ever driven a car while over the permitted alcohol limit?**  
**A** Definitely not **B** Perhaps a bit **C** Yes, definitely



**5. Have you passed to another person a car park ticket that hasn't expired?**

**A** Not sure **B** No **C** Yes

**6. Have you ever signed an income tax form without fully comprehending it?**

**A** Yes **B** No **C** No, but I have made incorrect or misleading statements on one

**7. Have you ever driven a car**

**A** While using a mobile phone, not hands-free? **B** Without car tax?  
**C** While not wearing a seat belt?

**8. When making an insurance claim have you ever added to the list of items lost or damaged, items that were neither?**

**A** Yes **B** No **C** No, but I have inflated value of items or the extent of damage

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**9. Have you ever:**

**A** Smoked cannabis? **B** Travelled on public transport without a valid ticket? **C** Smoked in a non-smoking train compartment or in any public place since the ban?

**10. Have you ever done any of the following:**

**A** Recorded a TV programme and invited friends around to watch it?  
**B** Purchased a CD and copied it for someone else?  
**C** Purchased a CD, copied it, then returned it as an unwanted gift?

**11. Have you ever claimed sick pay for time off when healthy?**

**A** Yes **B** No **C** Arguably

**12. Have you ever carried more than your quota of alcohol, tobacco or other goods through Customs?**

**A** Certainly not **B** Perhaps inadvertently **C** Yes, definitely

**13. Have you ever photocopied a book?**

**A** Yes **B** No **C** Yes, but I was only obeying orders

**14. Have you ever urinated outdoors?**

**A** Yes, but only in my back garden **B** Yes, frequently **C** Certainly not

**15. When driving a motorised vehicle, have you ever exceeded the speed limit?**

**A** Yes, now and then **B** Yes, regularly **C** Never

**16. Have you ever stolen from:**

**A** Your parents **B** A local shop **C** Your office

## Exercise scores

- 0-5** Goody-goody – or not being totally frank?
- 6-10** Well-adjusted citizen (nobody's perfect)
- 11-21** Petty criminal – breaking the rules when it suits you?
- 22-35** Probably lucky if you haven't been caught - yet
- 36-51** Tend to hold forth about declining standards, ineffectual policing and lenient sentencing? Look in the mirror!
- 52-71** You are a habitual criminal: arrest and conviction must be occupational hazards – have you considered volunteering to provide peer support to offenders?

## Offenders – a socially excluded group

- 50% sentenced prisoners (men & women) had run away as a child (10% in general population)
- 25% had been in care (2%)
- 50% women report DV; 35% sexual abuse
- 20% men / 36% women have attempted suicide
- 50% men / 33% women excluded from school
- 50% reading ability at/below age 11; 82% writing skills and 66% numeracy skills at this level
- 70% suffer two or more mental illnesses (5% / 2%)
- 33% no permanent accommodation prior to prison; 5% street homeless
- 75% on benefits; 66% unemployed prior to prison
- 65% using drugs prior to prison...

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## Managing offenders as volunteers

- Why might you want find out about a volunteer's offending history?
  - Safeguarding others
  - Requirement to ask/disclose criminal record
  - Supporting volunteers who may also be vulnerable
- Some relevant policies and processes
  - Equal opportunities
  - Risk assessment
  - Data Protection

## Equal opportunities

- Policy: wider aims, not just legal requirements
- Recruitment: suitability for specific role; what is relevant?
- Unnecessary questions are barriers to volunteering
- DBS disclosure Code requires anti-discrimination statement in policy
- Positive statements around recruitment of offenders; proactively recruit offenders as volunteers

## Group discussion 2: Assessing risk for offender volunteers

1. What issues should be considered?
2. What steps should you take?



## Risk assessment

- What level of risk does the individual pose in the particular setting – to others, the organisation, themselves?
- How can that risk be managed?
  - Review policies & procedures and adapt; specific policy on risk assessment for offenders, including mitigation of assessed risk
  - Provide additional supervision and support
  - Specific risk for those working alongside people who have committed certain offences?
  - Work with offender managers to understand and benefit from restrictions, protocols and other requirements

## Data Protection

- Contact with criminal justice system is sensitive personal data under the Act s2(h)
- Requires express personal consent to processing, with some very specific exceptions, including to comply with employment law
- Check data protection policy and processes and ensure they are compliant for offenders

## Advantages of offenders as volunteers

- Strong motivations
  - Moving on, better life, new identity, improved relationships
  - Employment prospects
- Desire to give back to community and society
- Experienced volunteers
  - Volunteering in prison
  - Peer understanding and credibility
  - Experiences other volunteers don't have, but may wish to move away from those
  - Service user involvement expertise

## Desistence

- Process or journey of moving away from offending
  - committing fewer crimes, less serious crimes, rather than ceasing altogether on day one; different from binary outcome
  - becoming engaged in something that fulfils needs better than criminal activities
  - changing identity from criminal to citizen
- Resettlement Pathways
  - Accommodation; Education, Training & Employment; Health; Drugs & Alcohol; Finance, Debt & Benefits; Children & Family; Attitudes, Thinking & Behaviour; Domestic Violence; Prostitution
- Volunteering can help support desistence

## Part 2: Criminal record disclosure and rehabilitation of offenders

- Extremely complex – detail beyond the scope of this session
- Range of resources to help understand what offenders do and do not have to disclose, and when
- Anyone responsible for administering disclosure is advised to obtain specialist information and training
- Recent changes to the Rehabilitation of Offenders Act 1974 are of help to people with convictions

## DBS checks

- Disclosure and Barring Service (DBS):
  - Replaced Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA)
  - Helps employers make safer recruitment decisions and prevent unsuitable people working with vulnerable groups
- Responsible for:
  - Processing requests for criminal record checks and issuing criminal record certificates for specific positions, professions, employment, offices, works and licences included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
  - Deciding whether a person should to be placed on or removed from a barred list

- Criminal record checks
  - Search police records and, in relevant cases, barred list information, and then issue a DBS certificate to the applicant
  - Information on DBS Certificates can be extremely sensitive and personal; Code of Practice for recipients; Certificates now issued to individuals
  - List of guidance documents for checking service on DBS website
- Referrals
  - Referral to DBS made by employer (obligatory) or organisation (such as a regulatory body; not obligatory) where a person has caused harm, or poses a risk of harm, to vulnerable people
  - Referral usually follows dismissal or removal of employee from working in regulated activity, following harm or identified risk
  - A list of guidance documents about referrals on DBS website

- Barring

- Barring or not barring has impact for both the person under consideration and those with whom they have or could come into contact, so decisions require difficult judgments
- DBS can only bar a person from working within regulated activity with children or vulnerable adults where there are grounds for believing that:
  - s/he is, has been, or might in the future be engaged in regulated activity; or
  - if a person is cautioned or convicted for a relevant offence, which brings automatic barring
- An person under consideration may have the right to make representations against barring



## Carrying out criminal record checks

- Can only be requested by employer or registered organisation; other organisations can access via an umbrella body if require under 100 checks per year and are eligible to ask the 'exempted question'
- Can only ask an individual to provide details of convictions and cautions that organisation is legally entitled to know about, relating to specific eligible roles
- Only arrange a check on successful applicants
  - withdraw offer if Certificate shows applicant is unsuitable
  - must tell applicant reason for the check and where to get independent advice

- Types of checks
  - **Standard:** to be eligible to request, the role must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975
  - **Enhanced:** to be eligible to request, the role must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) Regulations
  - **Enhanced checks with children's and/or adults' barred list check(s):** to be eligible to request, the role must be eligible for an enhanced level DBS check and be specifically listed in the Police Act 1997 (Criminal Records) Regulations as able to check the barred list(s): to request for any other position is a criminal offence

- Standard check for:
  - Security industry licence; lawyer; accountant; traffic warden; football steward; Member of Master Locksmiths Association
- Enhanced check for:
  - Working with children or vulnerable adults; teacher; social worker; doctor; nurse; other health and social carer; taxi driver licence
- Checks for eligible volunteers are free but they must not:
  - benefit directly from the position
  - receive any payment (except travel and approved expenses)
  - be on a work placement
  - be on a course that requires them to do this job role
  - be in a trainee position that leads to a full time role / qualification

## DBS Update Service: portable Certificates

- Applicants can subscribe to the Update Service with a new application or Certificate, which is then updated weekly; annual subscription fee waived for volunteers
- Subscribers can then take Certificate with them from role to role where same level and type of check required
- With permission, employers, VIOs, etc, can make a 'status check' online:
  - No need to register or subscribe to make a check
  - Need to provide name and organisation, plus applicant's name, DoB and DBS Certificate number
  - Changed status of a Certificate means it is no longer up-to-date

## Rehabilitation of Offenders Act 1974

- Each sentence has a 'rehabilitation period', during which the conviction linked with that sentence is 'unspent'
- At the end of the rehabilitation period (subject to any further convictions) the conviction becomes 'spent'
- People with spent convictions and cautions given right not to disclose these when applying for most jobs and for other products/services, such as insurance
- ROA permits a legal 'lie' about spent convictions: questions about past convictions can be answered 'No'

- Some sentences can never become spent, including:
  - Imprisonment for life
  - Imprisonment, Youth custody, Detention in a YOI or corrective training of over 4 years
  - Preventive detention
  - Detention during Her Majesty's pleasure or for life
  - Public protection sentences
- Some job roles are exempt from the Act and require all previous convictions to be disclosed, whether spent or not – recent changes affect this
- Most people with convictions will benefit from ROA at some point

## Unspent v Spent convictions

### Unspent convictions:

- Are disclosed on all levels of DBS certificate
- Must be disclosed, if asked, by an employer; employer can legally discriminate and refuse job on basis
- Must be disclosed, if asked, when applying for products and services, such as insurance, a mortgage or tenancy
- May be prosecuted if do not disclose when an entitled organisation asks

## Spent convictions:

- Will remain on person's record for life; will not be deleted
- No need to disclose to an employer, even if asked
- Jobs *exempt* from the ROA require disclosure, if asked
- Are disclosed on standard and enhanced DBS certificates (unless filtered); employers can legally discriminate and refuse job on basis
- No need to disclose when purchasing insurance
- *May* need to disclose when travelling or working outside England & Wales



## Changes to disclosure

- Changes to the ROA from 10 March 2014:
  - Some convictions can now become spent that previously never could
  - Length of time for many convictions to become spent is reduced
  - In a few cases, the period has lengthened: further convictions for summary offences, which will now generally 'drag' previously unspent convictions with them; Youth Rehabilitation Orders (in some cases) and Detention and Training Orders for 12-14 year olds
- DBS filtering, from 29 May 2014:
  - Removes certain cautions and convictions from standard and enhanced DBS certificates

## Filtering

- Amendments to Exceptions Order 1975 (2013):
  - Certain spent convictions, cautions, reprimands and final warnings are ‘protected’
  - PNC information on these is ‘filtered’ and will not appear on DBS certificates at standard and enhanced level
  - Protected convictions, cautions, etc, do not have to be disclosed to employers and it is unlawful to take them into account
- Filtering applies to minor and old offences; it doesn’t apply to serious, violent and sexual offences, others relevant to safeguarding, extra-DBS vetting (for example, for police officers and firearms licences), custodial or suspended sentences

## Specialist support

- Disclosure and Barring Service

<https://www.gov.uk/government/organisations/disclosure-and-barring-service> Information and guidance

- Unlock

Information; Telephone helpline; Online calculator for offenders and advisers; Training, both open and in-house <http://hub.unlock.org.uk/>

- Business in the Community (with Unlock)

Support for employers and employees; Guide and Top Tips on disclosure <http://www.bitc.org.uk/programmes/ban-box>

- Nacro

Online information and advice; Resettlement Advice Service via phone and email <http://www.nacro.org.uk/resettlement-advice-service/>

# CLINKS

# Transforming Rehabilitation

- Changes to probation and resettlement services from April 2015
- Outsourcing rehabilitation and resettlement for low and medium risk (of serious harm to others) offenders to mixture of private, VCSE and public sector mutuals
- Offenders with prison sentences under 12 months provided with statutory supervision for first time
- Implications for volunteering organisations?
  - Work Programme-like issues?
  - Opportunity to engage with providers?

# Thank you!

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