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Decent Work in Scotland: Thematic Report 3

Exploring 'Decent Work' with people with criminal convictions

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EXPLORING 'DECENT WORK' WITH PEOPLE WITH CRIMINAL CONVICTIONS

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EXECUTIVE SUMMARY

This study investigates how people with criminal convictions think about 'decent work' and whether 'decent work' could support them desisting from crime. It found:

- Participants in this study experienced extreme levels of marginality, poverty, exclusion and stigma. Their work histories are characterised by low paid and insecure employment.
- The main barrier to employment was disclosure of criminal convictions. In particular, the 'criminal conviction tick box' at the stage of application limits chances for employment.
- Being in employment was viewed as providing a means out of the isolation and poverty experienced whilst unemployed. The possibility of finding 'decent work' was so far removed to people with convictions that any job would be accepted.
- Purposeful and stable employment, but also volunteering opportunities, are crucial elements of social integration and support desistance from crime.
- Four main factors were identified as comprising decent work:
 - Being treated with respect
 - Decent pay to provide 'enough money to get by'
 - A fixed term contract for a minimum period of a year which set the terms and conditions for employment
 - Opportunity for training

THE RESEARCH – BACKGROUND AND PURPOSE

This report is part of a larger project conducted under the auspices of the UWS-Oxfam Partnership which explores the meanings of 'decent work' for different socio-economic groups in Scotland. The focus of this particular report is on people with convictions. There are good reasons for this focus. While employment is an important pathway out of re-offending, people with convictions are often among those who are the furthest away from the labour market. They share many problems with the long-term unemployed with regards to labour market attachment: low levels of educational attainment, low self-esteem, and a poor work history. However, such already high barriers to finding employment are compounded by the stigma of conviction. As a consequence, people with convictions are among the least likely to find 'decent work'. Recent research showed that on release only three percent of ex-prisoners progressed to employment (Scottish Government, 2012) and that two years after release only fifteen percent were in paid work (Ministry of Justice, 2013). An exploration into what people with convictions consider 'decent work' is important in order to understand the characteristics of work which can further desistance and re-integration into society.

For sustained desistance from crime to become a reality for the individual, it is known that the person must want to change and have environmental support such as employment, marriage or parenthood (LeBel et al, 2008). While employment is considered to be a significant environmental factor which contributes to desisting, the quality and type of this employment may also matter.

But many of the debates about the relative significance of subjective and social factors in desistance fail to take into consideration whether actual or available employment is viewed as 'decent' by those with convictions, and what such 'decent' work would entail. The objectives of the research underlying this report are therefore threefold:

- To explore the impact of unemployment on people with convictions
- To understand better what constitutes 'decent work' for people with convictions
- To investigate the impact 'decent work' has – or would be likely to have - on people with convictions

THE METHODS – PARTICIPATORY RESEARCH

The research sought to draw out the experiences and opinions of those taking part using participatory research methods. Twelve people with convictions participated. Seven participants took part in interviews, two in a paired interview, and three in a small focus group. All participants said they had already made the decision to stop offending and were either attempting to, or already had achieved, social change in their lives. They were

recruited with the help of voluntary organisations and charities in Glasgow which assist people with convictions to enter employment. Four were currently employed by these organisations and eight were currently in receipt of benefits whilst they volunteered there. Among the participants were eleven men and one woman. Their backgrounds varied greatly; nine of those participating had completed some or all of secondary school, one had a degree and one a degree and postgraduate qualification. The youngest participant was twenty four and the oldest sixty one, the others were between thirty and fifty. In the report, the participants' names have been changed to maintain their anonymity.

This is a small and quite selective sample of participants, but it nonetheless provides a reasonable basis for a discussion about 'decent work' from the perspective of a group for whom it is both particularly important, and also, too often, difficult to obtain.

THE FINDINGS: WORK MATTERS

Overall, findings clearly indicate that 'decent work', but also 'decent volunteering opportunities', provide support to stop offending, and both are seen to increase well-being. The study highlighted the impact that 'non-decent' work, but also unemployment had had on participants health and well-being.

Below, findings are presented under four themes:

- Impact of unemployment and barriers to work
- Previous history of work
- 'What is decent work' for people with convictions
- Importance and impact of decent work



Impact of unemployment and barriers to work

The impact of unemployment was reported as reaching into all aspects of participants' lives. One of the few positive outcomes of unemployment came through volunteering, which will be discussed below. These positive consequences were, however, outweighed by the destructive consequences of unemployment. Interviewees spoke about isolation, loneliness, lack of connection to others, and poverty. Choices had to be made; electricity over gas, new shoes or taking the kids out at the weekend, pay the bills or eat? The impact of unemployment was so detrimental to health and well-being that for some incarceration seemed a better choice:

'Personally, it affects me mentally cause I don't like being... I've spent enough time locked up so when I'm out I like tae dae something. I don't want tae, like, sit in a hostel room an' it just feels like being back in the jail. Sometimes I feel as if I'd be better back. At least in there I was working, get a bit o' social thing my, do you know what I mean?' (Hank)

The interviewees, who are reported by pseudonym, emphasised the stigma attached to being on benefits was multiplied due to their offending histories. This had a negative impact on their confidence levels, stopped them from socialising and developing personal networks, and resulted in even lower self-esteem, in particular in comparison to people in paid work. Being unemployed caused strain in relationships, reduced income, limited social activities, increased drug or alcohol intake and caused isolation. Offending was described as closely-linked to isolation as participants described their offending behaviour as a result of desperation and boredom. (Re-)Offending was also described as being closely-linked to resorting to 'old ways' such as drinking and previous offending because they are familiar and habitual. One interviewee, Barry, captured this feeling by referring to his offending behaviour as a friend:

'If you're sitting about idle doing nothing, do you know what I mean, that's the only friend you've got is offending behaviour. Do you know what I mean? That's your confidante, that's your ally. Do you know what I mean? And so you just plod along.' (Barry)

There were many barriers to employment which made the interviewees experiences similar to long term unemployed people: lack of formal education or experience, low self belief and confidence. However participants described the main barrier to finding employment was the 'criminal conviction tick box' in formal job application procedures. Here, the applicant is asked whether they have a conviction at the very start of the process – usually in an application form. Participants stated that when the box was ticked, they would be instantly rejected on the basis of their criminal conviction. This is a widely shared belief among people with convictions, but it is one that is supported by the evidence. Research has found that 55% of employers refuse an interview due to a criminal conviction disclosure tick without knowing the offence or the circumstances surrounding it (Working Links, 2010).

Previous history of work

The participants' previous employment experiences were mostly in insecure jobs in low paid industries, in particular warehousing, catering and construction. Two of the interviewees, Tony and Steve, were exceptions. Tony had been employed for sixteen years within a professional position and Steve had been self-employed. Tony, prior to his first conviction, had mostly good employment experiences and Steve also experienced his self-employment as largely positive for his self-esteem and social status. The rest of the participants described how their experience in paid work was characterised by what they see as 'bad employment practices'.

'If they like you they'll tell you you're getting paid off on Wednesday. If they don't like you they'll tell you on Friday at half past four, "Don't come back on Monday".' (Hal)

Among these bad practices were zero-hour-contracts, insecure work, low pay, bad working relationships between management and workers, and lack of proper health and safety measures. Contracts and their terms and conditions were a frequent problem for the interviewees. For example, rolling or zero-hour-contracts trapped them in cycles of low-pay-no-pay in which they could spend weeks with no income at all due to the complicated benefits system. Zero-hour-contracts meant participants were not guaranteed a predictable income. Disputes between employers and their managers were frequent, too, and characterised by the significant power which in particular zero-hour or rolling contracts give managers over employees. Being unable to work an offered shift often led to future hours being withdrawn. Being offered hours also often depended on the personal relationship between the employee and their manager and the power that the latter had over the former:

'I absolutely hated it because they could do whatever they wanted. If they (management) didn't phone you, they didn't phone you. I mean, you'd not a leg to stand on.' (Hal)

Based on the interviews, it appears that the lack of regulation or the lack of the enforcement of basic contractual regulations in particular sectors is a major problem. Of the twelve participants only three reported having had any experience of having a written contract prior to their current employment despite the fact they held jobs for numerous years:

'And that's the first contract I've ever signed in my life, at the age of forty-five.' (Barry)

To sum up, the participants reported that the overall precariousness of their employment situations had diminished their lives in numerous ways: wellbeing, confidence, financial security, feelings of security and worth.

What is 'decent work' for people with convictions?

Asking the question "what is decent work?" highlighted the paucity of available employment to participants. This limited availability of work coupled with the social inequalities and deprivation experienced by those who were not in employment, meant participants would take any job that was available regardless of conditions, hours, or nature of this employment. And as Shildrick et al emphasise (2010) low paid, insecure employment traps people in no-pay-low-pay cycles. Interviews highlighted that job quality – i.e. the 'decency' of work – was less important than having paid employment in the first place. This was due to a number of factors associated with unemployment: feelings of isolation and lack of social activities or support, lack of structure, poverty and increased likelihood of offending. Participants were actively trying to change their social circumstances and alleviate these elements – the participants in this study who could not find employment sought this change through volunteering, but this is by no means the rule. Participants recognised that a 'decent job' would help improve their lives and help lift them out of poverty but they were so far removed from achieving this that any job would do:

Hank: 'If somebody was to come in and say 'Right, there's a job. Go and do it', I'd go and do it. If it was sweeping the street, I'd go and do that.'

Researcher: 'Even though they're going to give you abuse and be nasty to you – it doesn't matter?'

Hank: 'Naw, I'd still go and do it. It's money in my pocket, innit?'

Researcher: 'That's how important it is to you?'

Hank: 'A job's a job.'

Yet participants, when asked what was most important in providing 'decent work', most frequently named four factors: 'being treated with respect' by managers, 'decent pay', having 'fixed term contracts' with decent terms and conditions, and being offered 'training opportunities'. Interestingly, though perhaps not surprisingly, 'being treated with respect' was described as the most important factor above 'decent pay':

'I think the pay helps, know what I mean? But it's the way... even if it's shite wages, see, if you enjoy going? You'll go. If you're going in tae take abuse every day? You're no' going to stay, well, you're no' going to last long anyway.' (Bruce)

For the majority of participants 'decent pay' meant that they wanted 'enough to get by'. Only the youngest participant stated the most important factor in decent work was decent pay. He saw decent pay as a way of ending his exclusion from social activities and as a requirement for 'leading a life'. The next factor for decent work, according to the consensus among interviewees, was having a fixed term contract ideally for a year with specified conditions such as holiday pay, sick pay and a set number of minimum and maximum hours. The definition of a 'secure job' which research participants used was one that would not be universally shared. Rather than a 'secure job' being one with a permanent contract, fixed term contracts were considered decent because they allowed planning at least for a certain and clearly defined amount of time. The final identified factor was 'access to training opportunities' which would allow the individual 'to grow' within the company and which also was a proxy for respect for, and appreciation of, the employee.

Importance and impact of 'decent work'

If work offers decent pay, if employers treat their employees with respect, if contracts offer reliability and at least some degree of permanence, and if training gives people a sense of worth, then 'decent work' can be expected to have a positive impact on the individual with a history of offending. As interviewees confirmed, a decent job – but also decent volunteering opportunities – increased feelings of worth:

"A sense of pride. Actually, that's – aye, self-worth. That's the biggest thing, is self-worth, do you know?" (Clark)

Participants agreed that a fixed term contract would give their lives a feeling of security allowing them to plan ahead:

'Security. For me and my son. A bit relief, I got some insurance for anything extra in my life, you know, any holidays.' (Diane)

'This is the first time I've had real security in terms of I can look five year down the line.' (Hal)

To return to the question of whether *any* employment can help people desist from further offending or whether only 'decent work' has the potential to do so, it was clearly the case that participants saw any employment as a way of reducing offending. Yet participants also highlighted that their lives were characterised by low paid, insecure jobs which had not helped them to stop offending sustainably in the past. It only alleviated their problems for the period while they were in employment. Decent work is important for any long-term change to be sustained. 'Decent volunteering' also provided interviewees with a sense of connectedness and self-worth. In doing so, they said that volunteering helped transform their poverty from an unbearable experience to one that was more 'manageable':

'So the Super Noodles that I ate a week before and gone, skint, poor, life's crap, might as well jump off a bridge,' to a week after it, I'm going, 'Oh they are lovely by the way.' Cause I've been out all day, I've been involved in stuff, I've been constructive. I felt worth, part of something. Do you know what I mean? People were talking to me, I was listening, I was interacting. [...] Your head's full of all sorts of things 'cause you've been out all day. And it was wonderful for me.' (Barry)

When people do not feel part of society, or feel that society does not care about them, they are more likely to (re)offend. Activities that create feelings of connectedness help diminish the motivation to (re)offend. These feelings were fostered not only through 'decent work' but also through decent volunteering opportunities. Importantly, the volunteering must be meaningful for the person for it to have a positive effect in their life (see e.g. Farrell & Calverley, 2006).

CONCLUSION AND RECOMMENDATIONS

According to those interviewed for this report being unemployed without access to structured and meaningful opportunities, such as decent work or volunteering, increased the likelihood of (re-)offending, created feelings of isolation, and diminished health and wellbeing. For those interviewed, the biggest barriers to employment were the criminal disclosure tick box and lack of available jobs. Participants believed that decent work should include the availability of work or meaningful volunteering opportunities and that availability of these should be prioritised. Following that, decent work should involve respect, fixed term contracts, decent pay and the opportunity for training.

In light of the findings presented here the following recommendations are made:

- Tighter enforcement of employment laws to ensure basic rights are upheld
- The removal of zero-hour or rolling contracts from low paid industries
- Ban the criminal conviction tick box at application stage and introduce at the interview stage
- Decent work or decent volunteering opportunities should be made available to people with convictions



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