How racism in the criminal justice sector harms women's chances of finding work - and what Probation can do about it

Olivia Dehnavi, Policy and Research Officer at charity Working Chance, provides an overview of their recent research on the discrimination faced by racially minoritised women with convictions when trying to find employment.

WORKING CHANCE
Unlocking women's potential

When I spoke to Ruby, a Working Chance client, about her experience looking for work with a criminal record, she told me that she has a Master's degree and trained as a social worker and psychotherapist. But still, when she tried to leave her conviction behind her she found it incredibly difficult to get a job.

"Instead of my achievements, discrimination and my conviction have defined my life for the last ten years," she said.

Unfortunately, Ruby's experience is common for racially minoritised women. Working Chance recently carried out research which explores the long-term consequences of conviction for those women. The report, [Worst-Case Scenario: How racism in the criminal justice sector harms women's chances of finding work](#), shows how challenges such as a criminal record are much tougher for racially minoritised women, who face multiple forms of intersecting discrimination.

Over-policed and harshly punished

At Working Chance we support women with convictions to develop confidence, skills and self-belief to overcome barriers to employment. We therefore talk a lot about the difficulties of job-hunting with a conviction. However, it's important to take a step back, and understand how discrimination and exclusion can undermine someone's chances long before they start writing a job application.

That's because racially minoritized women are subject to structural disadvantage in society throughout their lives. Research from Lankelly Chase (2020) shows that when women cannot access support systems like education, healthcare or employment, they are more likely to face multiple disadvantage like homelessness, unhealthy substance use, poor mental health, violence or abuse, and therefore their chances of offending are higher. This is especially true of racially minoritised women, particularly

Olivia Dehnavi
Policy and Research Officer
Working Chance

Black British women and women with mixed backgrounds, who are more likely to suffer from economic and social deprivation.

Racially minoritised people are more likely to have contact with the police and, as shown in a recent report from the Sentencing Academy (2021), are more likely than white people to be sentenced to custody for comparable offences. Further, the Lammy Review found that once they are in prison, racially minoritised women receive lower quality rehabilitative care, less support, fewer opportunities, and harsher punishments than their white peers. This means that Black and other racially minoritised women tend to have tougher and longer sentences than their white counterparts.

So, racially minoritised women are more likely to be saddled with a conviction in the first place, and then their punishments are harsher. This means that racially minoritised women have to wait longer for their convictions to become spent, meaning they will show up on a criminal record check for longer. Women are more likely to work in roles and sectors that require enhanced DBS checks, like nursing, social work, education and care, and so this is a huge barrier to employment. A criminal record can effectively end a woman's career.

Many women who come to Working Chance tell us that their conviction follows them around long after their sentence is over: this is particularly true for racially minoritised women.

Fighting battles on multiple fronts

Our research showed that racially minoritised women are often fighting battles on multiple fronts whilst looking for work and trying to rebuild their lives. It's a complicated picture, where all of these experiences intersect to create the 'Worst-Case Scenario'.

Racially minoritised women already face stigma and discrimination as a result of their ethnicity and their gender. A conviction only makes matters worse. Sometimes, racially minoritised women suffer acute stigma from their own communities after they receive a conviction. Experiencing shame affects women's resettlement, since it can prevent women from reintegrating into their communities, and hamper their attempts to go back to a "normal" life. Research from Muslim Hands (2018) has suggested that Muslim women in particular face rejection or community isolation on leaving prison, likened to a 'second sentence'. Experiencing shame and isolation stands in the way of women thriving in their futures: it prevents women from applying for and getting the jobs they're capable of doing. Then there's the most insurmountable barrier to employment, which is employer prejudice. A YouGov (2016) survey showed that almost half of employers would not consider hiring someone with a conviction. At Working Chance, clients often tell us that they are absolutely dedicated to finding work, but struggle to find an employer who is willing to take a chance on their future.

We found that women need jobs not just for the money, but to give them a sense of purpose. Finding meaning and value in your work is key to sustaining employment. Beyond the obvious

impact on women's self-esteem and sense of hope, we know that sustained employment is a key factor in reducing offending and reoffending. This is especially the case for women, who are more likely to commit offences out of financial need, such as shoplifting or not paying the TV licence fee. People leaving prison who find work on release are 5-10% less likely to reoffend than those who do not. That's why it's so important that every woman with a conviction has a fair chance at finding a job, and rebuilding her life.

Getting into work: the missing building blocks

Volunteering is a good way for individuals to build their CV and develop their skills. However, these opportunities are often less available to racially minoritised women, which only serves to entrench inequality.

Evidence from NCVO shows that racially minoritised people have poorer volunteering experiences than their white counterparts, and report being less likely than white volunteers to continue volunteering in future. Cultural barriers for potential volunteers, such as daunting application forms, lack of interest in diversity and inclusion and negative attitude from staff or other volunteers all result in poorer volunteering experiences for racially minoritised people than their white counterparts.

When we look at access to apprenticeships the picture is largely the same. An independent review into race in the workplace by Baroness McGregor-Smith (2017) showed that racially minoritised workers are 23% less likely to obtain an apprenticeship than white workers. These barriers prevent minoritised people from advancing their careers and ultimately contributes to the unemployment gap for those with skills-based qualifications.

Levelling the playing field

How can we begin to put right all the wrongs that racially minoritised women face when they are handed a conviction? The issues are deep-rooted and systemic, but there are simple solutions to ensure that racially minoritised women get a fair chance at finding work - and probation has an important part to play.

We recommend that the probation service signpost women to employment support in the community, with culturally specific services identified for racially minoritised women. The evidence tells us that racially minoritised women engage less, and feel they benefit less, from employability and training opportunities. This can be rectified through simple actions to create an inclusive environment.

The probation service should ensure visible diversity in their promotional materials and when sharing information. Think about the wording around opportunities to make sure women see themselves reflected and know they are included. Make the benefit of the opportunity to racially minoritised women clear. Proactively use diverse examples during workshops, sessions, and in case studies - for example, names and images. Proactively advertise how and why diversity in groups is important and managed.

It's important to seek out racially minoritised women's views on what the barriers to engaging with employability support are and what the barriers to finding employment are, along with possible solutions. Lived experience expertise is invaluable in improving women's employment prospects.

Persistent racism across the criminal justice system, in our communities, and in our workplaces make it much more difficult for racially minoritised women with convictions to rebuild their lives without discrimination. We must all commit to anti-racist practice so that every woman gets a fair chance.

References

- Working Chance (2021) Worst-Case Scenario: How racism in the criminal justice system harms women's chances of finding work. Accessed from: <https://workingchance.org/about-us/our-policy-focus/worst-case-scenario/>
- Lammy, D (2017) The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System. London: Lammy Review.
- Lankelly Chase (2020) Gender Matters. Accessed from: <https://lankellychase.org.uk/publication/gender-matters/>
- McGregor-Smith, R. (2017) Race in the workplace: The McGregor-Smith Review. Accessed from: <https://www.gov.uk/government/publications/race-in-the-workplace-the-mcgregor-smith-review>
- Ministry of Justice (2013) *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching*. London: Ministry of Justice
- Muslim Hands (2018) (In)Visibility: Female. Muslim. Imprisoned. Accessed from: <https://muslimhands.org.uk/latest/2018/02/in-visibility-female-muslim-imprisoned>
- NCVO (2020) Time Well Spent: Diversity and volunteering. Access from: <https://publications.ncvo.org.uk/time-well-spent-diversity-and-volunteering/>
- Roberts, J. V. and Bild, J. (2021) *Ethnicity and Custodial Sentencing: A review of the trends, 2009-2019*. London: Sentencing Academy
- YouGov (2016) Survey Results, Fieldwork 26 June-14 December. Accessed from: https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/42yrwvixdo/YG-Archive-160126-DWPwaves.pdf