

WORST-CASE SCENARIO

HOW RACISM IN THE
CRIMINAL JUSTICE SYSTEM
HARMS WOMEN'S CHANCES
OF FINDING WORK

SUMMER 2021

EXECUTIVE SUMMARY



WORKING CHANCE
Unlocking women's potential

EXECUTIVE SUMMARY

This research examines how gender and racial inequality in the criminal justice system creates poorer employment outcomes for racially minoritised women.

While there is plenty of excellent reporting on racial inequality within the criminal justice system, this research examines the knock-on effect this has on employment outcomes for racially minoritised women, who face multiple and intersecting disadvantages.

This report is based on our research and the lived experience of women with convictions. Working Chance is the sector-leading expert when it comes to supporting women with convictions into employment. Of the women we support, 62% come from an ethnic minority background.

18% OF THE WOMEN'S PRISON POPULATION ARE FROM A MINORITY ETHNIC GROUP, COMPARED TO 14% OF THE GENERAL POPULATION.

- Ministry of Justice, Population bulletin: 31 March 2017

FINDINGS

A conviction creates a series of obstacles to overcome. Gender and racial inequality in the criminal justice system is aggravated by discriminatory recruitment practices when women try to find work with criminal records, making the barriers to employment almost insurmountable for some women. We found that you are more likely to encounter each of those obstacles as a racially minoritised woman, with Black women facing the most and highest hurdles.

"INSTEAD OF MY ACHIEVEMENTS, DISCRIMINATION AND MY CONVICTION HAVE DEFINED MY LIFE FOR THE LAST TEN YEARS."

- Ruby

DISCRIMINATION IN THE CRIMINAL JUSTICE SYSTEM

Our research found that racially minoritised women are more likely to:

- COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM**

About 18% of the women's prison population are from a minority ethnic group,¹ compared to 14% of the general population. There are three times as many Black women in prison as there are in the general population. Racially minoritised women are more likely to be excluded from support systems (such as education, healthcare, and employment), more likely to suffer from disadvantages (including homelessness, substance misuse, poor mental health, violence, and abuse), and are therefore at increased risk of offending.²

- HAVE POORER MENTAL HEALTH DUE TO DISCRIMINATION**

Facing discrimination can increase the chance of developing conditions such as depression, which are also exacerbated by risk factors such as poverty and higher rates of unemployment.³

- RECEIVE LOWER QUALITY SUPPORT IN THE CRIMINAL JUSTICE SYSTEM**

The Lammy Review found that racially minoritised women receive lower quality rehabilitative care from the criminal justice system, less support, fewer opportunities, and harsher punishments than their white counterparts.⁴

- BE CRIMINALISED WHEN THEY ARE VICTIMS OF CRIME**

The Victims Commissioner reported discriminatory treatment in relation to racially minoritised women who are victims of crime, including routine failure of authorities to assess levels of risk, identify indicators of coercive control and sexual exploitation, or to properly investigate reports of marital rape. These failures have resulted in the criminalisation of racially minoritised women.⁵

- HAVE THEIR CONVICTIONS TEAR FAMILIES APART**

When women receive convictions, it disproportionately affects families since women are often the primary caregivers.⁶ When convicted of a crime, there is a risk that mothers may lose custody of their children. Children from some minoritised ethnic groups are disproportionately represented in the care system compared with the general population.⁷

- EXPERIENCE BARRIERS DUE TO THEIR LANGUAGE OR NATIONALITY**

Foreign nationals (non-UK passport holders) make up 10% of the women's prison population. Provision for these women is inconsistent across the prison estate, with interpretation services under-used.⁸

"IN PRISON, THE PRISON OFFICERS FEEL THEY'RE THERE TO PUNISH YOU RATHER THAN REHABILITATE YOU, AND RACISM PLAYS A HUGE PART IN POWER RELATIONS."

- Ola

IMPACT ON EMPLOYMENT

- **DISCRIMINATION DUE TO CRIMINAL RECORDS**

Evidence shows that almost half of employers would not consider hiring someone with a conviction.⁹ 75% admit to discriminating against applicants with a criminal record.¹⁰

"THE INTERSECTIONS OF MY IDENTITY, MY ETHNICITY, MENTAL HEALTH ISSUES, DEBT, LOW INCOME, THE AREA I LIVE IN – IT ALL COLLIDES AND MAKES THE WORST-CASE SCENARIO."

- Cheryl

In addition, our research found more specific barriers for racially minoritised women, who are more likely to:

- **FACE STIGMA AND REJECTION, INCLUDING IN THEIR COMMUNITIES**

Racially minoritised women can suffer acute stigma and shame after they receive a conviction, preventing effective reintegration to their communities.¹¹ These attitudes can provoke low self-esteem, which in turn inhibits women from applying for jobs and performing effectively.

- **BE HINDERED FROM PROGRESSING IN THEIR CAREERS**

Racially minoritised people are more likely to perceive the workplace as hostile and are more likely to be disciplined or judged harshly in the workplace.¹² They are less likely than white individuals to access opportunities to progress in their careers.¹³

- **STRUGGLE WITH VOLUNTEERING AND APPRENTICESHIPS**

Racially minoritised people have poorer volunteering experiences and are less likely than white volunteers to continue volunteering.¹⁴ Meanwhile, 23% fewer racially minoritised workers obtain apprenticeships compared to white workers.¹⁵ Barriers to apprenticeships can prevent racially minoritised women from advancing their career, which contributes to the unemployment gap.

- **HAVE EMPLOYMENT-RELATED ANXIETY DURING THE COVID-19 PANDEMIC**

Data from the pandemic shows that 65% of women from racially minoritised communities report anxiety as a result of having to go out to work.¹⁶ This indicates that even with a situation that is affecting nearly everyone, racially minoritised women are more negatively affected.

- **BE AT RISK OF REOFFENDING**

Research suggests that employment is one of the surest ways to prevent reoffending.¹⁷ The data shows that people leaving prison who find work on release are 5-10% less likely to reoffend than those who do not.¹⁸ When racially minoritised women cannot secure meaningful, sustainable employment, they are more at risk of reoffending and therefore more likely to be trapped in the cycle of criminalisation.

"IF I SPEAK UP, IF I DISRUPT, I KNOW THAT I'LL BE SEEN AS A TROUBLEMAKER. BUT THE WORLD NEEDS DISRUPTORS – OTHERWISE HOW WILL ANYTHING CHANGE?"

- Cheryl

RECOMMENDATIONS

We must address these barriers to make sure that racially minoritised women can rebuild their lives post-conviction without discrimination. Change is urgently needed. Anti-racist practice should be implemented across the criminal justice system, government, and the employment landscape, to give racially minoritised women a fair chance. Government policy must take action, and employers also have an important role to play.

RECOMMENDATIONS FOR GOVERNMENT

- 1. Address racial inequality in the criminal justice system**, starting with implementing overdue recommendations in the Lammy Review and commitments in the Female Offender Strategy. The new Female Offender Minority Ethnic Working Group set up by the Ministry of Justice should look specifically at reducing racial disparities in access to and outcomes for employment.
- 2. Commission an independent review** that focuses specifically on disparities in treatment of and outcomes for racially minoritised women in the criminal justice system.
- 3. Gather and publish more accurate, disaggregated data** that enables analysis by gender in combination with different ethnic groups and religions as variables. Statistics should additionally be published regarding non-custodial sentences and probation, and include employment outcomes.
- 4. Fund specialised support in the community** to meet the needs of racially minoritised women. The Ministry of Justice should partner with and support specialist community organisations already doing this work.
- 5. Increase representation of racially minoritised women in government**, particularly the Cabinet Office, Ministry of Justice and HMPPS, through specialised recruitment schemes and by reviewing vetting and security processes to encourage the recruitment of people with lived experience.

RECOMMENDATIONS FOR EMPLOYERS

- 1. Embed inclusive practices.** Commit to anti-racist practice, gather and monitor data on diversity, and ensure that the workplace has an equality, diversity and inclusion policy that all staff receive training on and are obliged to comply with.
- 2. Build a diverse workforce.** When hiring, ensure that job specifications are in plain English. Represent the organisation in a way that attracts diverse applicants and encourages candidates' confidence in applying. Partner with organisations that are experts in the experience of minoritised groups to reach a wide range of candidates.
- 3. Execute inclusive recruitment.** Reform recruitment processes so that they are inclusive on the basis of gender, race, and criminal convictions. Carry out blind review of job applications, employ diverse interview panels, and focus on applicants' mindset, skills and potential rather than qualifications. Employers should sign up to the Ban the Box campaign and understand the laws around DBS checks and when it is legally required to ask candidates to disclose criminal records. Ensure that all recruitment and Human Resources staff are trained in unconscious bias and inclusive hiring practices.
- 4. Provide in-work support.** To enable career progression and create an inclusive environment for racially minoritised women, match employees with career mentors, set up inclusive networks that allow employees to make connections and receive advice and support, offer flexible working, establish professional development opportunities, and provide equal pay and benefits.



ABOUT WORKING CHANCE

Working Chance is the UK's only employment charity solely for women with convictions. We offer employability and job search support. As a charity, we recognise that the women who access our services face intersecting discrimination based on both their identities and the additional disadvantage of a criminal record. We advocate for changes to policy and practice that will dismantle the intersectional disadvantages they may encounter when seeking work.

Get involved at workingchance.org



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