



CIOB

The Chartered
Institute of Building



Building Opportunity: Employing People with Criminal Convictions in Construction

March 2024

About us

We are the Chartered Institute of Building (CIOB), and we stand for the science, ethics and practice of built environments across the world. Everything we do is to improve the quality of life for those using and creating the built environment.

We have a role in the management, leadership, education and development of our industry, guiding and educating our members as they embark on their careers.

Using both the cutting edge of technology and the foundation of hard-earned experience, we train the construction experts of the future. From tools and data for the day-to-day, to degree qualifications for investing in a career. We train and shape workers and organisations who make our industry what it is.

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Executive Summary

There are over 12.3 million people with a criminal record in the UK¹, including hundreds of thousands of people with an unspent criminal conviction. For a number of reasons, these individuals often face significant barriers to employment following their conviction, with only 26% of prison leavers employed six months post-release and 42% of individuals with a community sentence employed six months post-disposal in England and Wales.² The challenge for people with criminal convictions to find employment presents a range of social and financial costs, for individuals with convictions, their communities, and the wider economy, and undermines social inclusion in respect of a notable portion of the population.

Simultaneously, the construction industry is facing a persistent skills gap and has the capacity to offer new entrants well-paid, skilled and rewarding career pathways. Whilst the construction industry has historically held a reputation for being accessible to individuals with criminal records, the extent of this inclusion and the current barriers for individuals with a criminal record looking to work in the sector are not widely known. This report aims to bridge that gap by offering an overview of the current attitudes towards, and context of, employing people with criminal convictions in construction within England and Wales.

This report sheds light on the attitudes of managers in the construction industry towards employing individuals with criminal convictions, examining ongoing efforts within the sector to employ people with convictions and identifying existing barriers for this demographic from entering skilled careers in construction. The insights are drawn from a survey conducted by the CIOB, gathering responses from 270 individuals across 133 businesses in the UK construction sector, as well as a small number of interviews with construction businesses that run formal programmes to employ people with criminal convictions.

Key Findings

CIOB's report finds that attitudes across the construction sector towards hiring people with a criminal conviction is varied: whilst 25% of survey respondents would hire a candidate with an unspent conviction and a further 43% of respondents would maybe consider such applicants, 32% would not consider hiring someone with an unspent conviction.

Many people within the construction industry are open to hiring individuals with unspent criminal convictions to remove employment barriers, provide a chance for personal growth, and enhance diversity and inclusion in their businesses, with some highlighting the broader social impact of reducing the likelihood of reoffending. Of those unwilling to hire individuals with unspent convictions, the most common reasons were a range of concerns around risk to the business, including potential harm to the company's reputation, negative client perceptions and public stigma, safety risks on construction sites and potential legal liabilities.

Company approaches to considering unspent convictions in recruitment vary widely. Some companies hold a policy of rejecting applicants with specific types of, or any, unspent convictions, whilst others

adopt a more individualised approach where they evaluate circumstance, attitude towards work, and the relevance of the conviction to determine suitability for a role. Additionally, some companies and hiring managers would be open to hiring someone with an unspent conviction but are not taking active steps to employ or make recruitment accessible for such job candidates.

The report highlights notable efforts from many construction companies to actively facilitate the employment of individuals with criminal convictions. A growing number of companies are implementing formal programmes aimed at hiring people with convictions, providing them with training, experience, and interview opportunities to pursue skilled construction careers. An increased emphasis on social value commitments, particularly amongst large

contractors, serves as a strong motivator for these initiatives. Many of these programs are still expanding and evolving, influenced by recent changes introduced by the UK Government to enhance the connection between potential employers and the Prison Service. Proactive companies are achieving success through collaboration with external stakeholders, including the Prison Service and charities with expertise in supporting individuals with criminal convictions in securing employment.

However, efforts to hire people with criminal convictions in construction can be hindered by oversight of and unnecessary barriers for these individuals in the recruitment approach taken by some companies, as well as gaps in public sector support for improving the vocational skills and employability of people with convictions.

Summary of Recommendations

Professional Bodies: Following this publication, CIOB will seek to raise awareness around the value of and best practice towards employing people with criminal convictions amongst its membership and industry stakeholders, including other built environment professional bodies.

Construction Businesses: Regardless of the size of the company, all construction businesses can take steps to adopting an open-minded and positive approach towards hiring individuals with a criminal record, recognising the diverse range of skills and experience that people with criminal convictions can offer, and challenging negative stereotypes. Companies can review the recruitment process to remove unnecessary barriers and look to assess applicants on an individual, case-by-case basis. For companies that would like to actively recruit people with criminal convictions, there are a range of steps they can take such as offering work experience, training academies in prisons and interview opportunities specifically to people with criminal convictions.

Public Sector Stakeholders: Despite positive changes from the current UK Government to enhance employment opportunities for individuals in custody, there remains a need for further improvements in the preparation of people with criminal convictions for skilled careers in construction and other industries. To achieve this, the Government should work to improve consistency of access to accredited construction qualifications and increase work experience opportunities for people with criminal convictions, with potential to draw funding from sources such as the Apprenticeship Levy and CITB Levy. It is crucial to review prison schedules to allow sufficient time for learning and development and address under-resourcing of the prison service. Additionally, prisons and training partners should align qualifications and training with construction industry needs, whilst also considering the specific learning requirements for people in custody. Furthermore, continuing to improve support for individuals leaving custody, including access to appropriate accommodation and financial assistance, is vital for supporting individuals to reintegrate into the workforce.



Introduction

Individuals with a criminal conviction encounter significant barriers to employment, often facing a complex web of challenges that hinder their integration into the workforce. Limited access to qualifications, widespread negative perceptions of potential employers and rejection during the recruitment process all frequently hold people with a conviction back from securing a job.

At the same time as these barriers to work for people with criminal convictions, the construction industry faces its own challenge of a persistent skills gap. The construction industry is a vital component of the economy, but the ongoing difficulty to recruit skilled workers is undermining its ability to meet demand for developing the UK's built environment. Due to this skills gap, and an increasing focus of the sector on social value, many construction companies have looked to further incorporate people with barriers to employment into their workforce, including people with criminal convictions.

The construction industry has, historically, held a reputation for being a more accessible sector for people with a criminal record. However, it is not widely known how many people in the construction industry are open to employing people with convictions, nor the extent that the industry as a whole is looking to address barriers to work for this group. Subsequently, this report aims to provide an overview of current attitudes within the construction industry towards employing people with a criminal conviction, the context of current efforts in the industry to employ people with convictions and identify the current barriers to working in construction faced by people with a criminal record.

To inform this report, CIOB carried out a survey of industry, gathering responses from 270 people across 133 businesses in the UK construction sector. Survey responses were mainly from CIOB members working in a range of construction management roles. Furthermore, a small number of interviews were held with construction businesses that actively collaborate with the Prison Service to recruit people with criminal convictions, to understand their experience of working in this space.

This report will primarily focus on the current context of the criminal justice system and the prison estate within England and Wales, though attitudes towards employing people with criminal convictions are assessed across the UK.

The report finds that there are already genuine efforts in the construction industry to boost employment of people with criminal convictions, by equipping them with the training and experience to enter skilled career pathways in construction. However, these efforts are inconsistent across the construction sector and are held back by both barriers within industry, and gaps in the public sector's support for preparing people with convictions to secure employment.

The Employment Challenge for People with Criminal Convictions

There are over 12.3 million people with a criminal record in the UK, including hundreds of thousands of people with an unspent criminal conviction.³ These individuals often face substantial barriers to employment.

When someone is convicted of a crime, they receive a sentence specifying a length of time for rehabilitation before the conviction becomes spent. This period of rehabilitation will extend beyond any time spent in custody. However, there are also rehabilitation periods for non-custodial sentences, such as community sentence orders or fines. The length of time until a conviction becomes spent depends on the type of sentence and is set by law, though the most serious convictions will never become spent. In England and Wales, for example, individuals with a custodial sentence for 1 year or less will have a 12-month rehabilitation period following their time in custody, and individuals with a custodial sentence between 1 and 4 years will automatically have a 4-year period after their sentence before their conviction becomes spent⁴.

Employers can assess the criminal record of job applicants using the Disclosure and Barring Service (DBS) - the public body that issues criminal records checks to help employers make informed recruitment decisions.⁵ People who have a spent criminal conviction are not required to disclose their criminal record to potential employers, unless the potential job is covered by The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.⁶ For roles such as those working with vulnerable people, depending on the type of activities they will be engaging in, employers should carry out either a Standard or Enhanced DBS check which would identify any previous spent convictions, which can

Around 12,000 people are released from custody every quarter in England and Wales, but only 30% of these individuals will find employment six months post-release.

then considered by the employer as part of their determination of whether the individual is appropriate for the role.

People with an unspent criminal conviction are legally required to disclose their conviction if asked by a potential employer, who can also identify a job applicant's unspent conviction through a basic DBS check. Following the 2014 reform of the Rehabilitation of Offenders Act, there were over 735,000 people with unspent convictions in England and Wales.⁷ However, reform to reduce rehabilitation periods in late 2023 means that the total number of unspent convictions is expected to decrease in the years to come, by reducing rehabilitation periods across different types of criminal convictions.⁸

People with an unspent conviction face substantial barriers to employment following, and usually before, their sentence. In England and Wales, the prison population is at a record level of



over 88,000 people in custody.⁹ Around 12,000 of these individuals are released every quarter.¹⁰ Though there have been recent improvements in the number of people that find employment shortly after their time in custody, only 30% of prison leavers are employed six months after their release.¹¹ The outlook for individuals who receive a community sentence is also discouraging, with only 42% of these individuals employed six months post-disposal.¹²

A prime driver of this struggle for people with an unspent criminal conviction is the considerable reluctance and stigma held by employers towards people with a criminal record, with a survey conducted by YouGov finding that 50% of employers in the UK would not consider hiring someone with a known criminal conviction.¹³ Beyond stigma, there are a range of practical barriers holding people with convictions back from securing employment following their sentence, including issues finding permanent accommodation when leaving custody and a frequent lack of prior qualifications. The overall level of educational attainment of this group is notably low, with 47% of people entering prison holding no prior formal qualifications.¹⁴ Even before their conviction, people with a criminal record

are more likely than the wider population to face issues of discrimination and social exclusion, with an overrepresentation of care leavers¹⁵, people from minority ethnic backgrounds¹⁶, and people with learning disabilities¹⁷ in the criminal justice system.

The low rate of employment for people with unspent convictions has a range of negative implications for both individuals with convictions and their communities. The most central consequence is that it prevents an individual from the opportunity to make a living for themselves and support their families, vastly impacting their quality of life. Additionally, a stable income, routine, and purpose through meaningful employment is also key to an individual's rehabilitation. The Ministry of Justice reports that people leaving prison that find work are less likely to reoffend, to the benefit of the individual, their community, and the wider economy.¹⁸ The financial cost of reoffending is significant, with the Government estimating the total economic and social cost of reoffending to be around £18 billion per year for England and Wales.¹⁹ Employing someone with a criminal conviction can therefore not only help the individual with building a positive future and a good quality of life, but also contribute to reducing the potential impact of reoffending in their community.

Despite the difficulty for people with a criminal conviction to find employment, there are many sectors of the economy that are currently facing skills shortages, including construction. The UK construction industry has faced a persistent skills gap that hinders its capacity to deliver on projects, with an ongoing lack of new entrants to the sector complicated by labour market changes such as the UK's exit from the European Union. It is estimated that 225,000 further construction workers will be needed by industry to meet demand by 2027²⁰, and there are a range of other professions in the built environment sector also facing skills shortages. Demand for construction work is likely to increase in the years ahead with significant plans for regeneration of the built environment in the UK, particularly with the Government's flagship levelling up agenda and political

focus on delivering a faster rate and easier route for housebuilding. A potential increase in regeneration work is only likely to exacerbate the construction skills gap unless meaningful action is taken to boost recruitment in the sector.

With this ongoing skills gap, but also a reputation for being a more accessible sector for employing people with a criminal record in the UK, it is beneficial to assess how open the construction industry currently is to hiring people with a criminal record, and the current barriers faced by both businesses and people with criminal convictions in finding employment within the industry.



Attitudes in the Construction Industry Towards Employing People with Criminal Convictions

Attitudes amongst construction managers towards people with a criminal record are varied. A quarter of survey respondents indicated they would hire a candidate with an unspent criminal conviction, and many more were cautious but potentially open to hiring such a candidate. However, almost a third of respondents would not consider a job candidate with an unspent conviction.

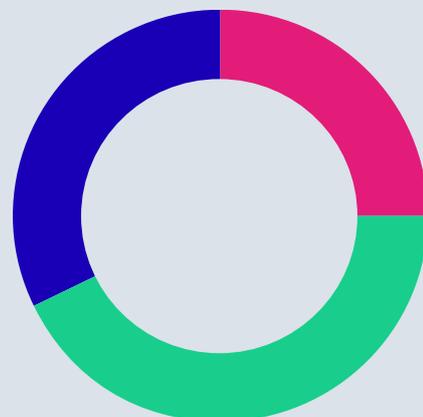
CIOB's survey of industry found that construction managers' willingness to hire people with unspent convictions is varied, with many individuals cautious but potentially open towards hiring a candidate with an unspent conviction. A quarter of respondents reported that they would consider hiring someone with an unspent conviction, and a further 43% said they would maybe consider such candidates or were unsure of their stance towards hiring people with unspent convictions. However, 32% of respondents said they would not consider hiring a candidate with an unspent conviction – regardless of nature and relevance of the conviction.

Construction managers that were open to hiring someone with an unspent criminal conviction took this view through recognising the social value and opportunity created by that employing people with a criminal record creates. The most common reason for employing people with an unspent conviction was to remove barriers to employment, give people the opportunity to move on from past mistakes and hold the view that individuals are capable of growth. Many are motivated by increasing the diversity and inclusion of the business, and further responses cited the wider social contribution of reducing the chance of reoffending. Some respondents noted that their company demonstrates social value impact through recruiting people with criminal convictions.

Figure 1

Construction managers that would consider hiring someone with an unspent criminal conviction

NO	32%
YES	25%
MAYBE	43%



There is also a notable middle ground of managers that are open to employing people with criminal convictions but are not actively seeking to recruit them. Many respondents reported that they would consider any applicant if they held the right skills and experience, but their company is not taking specific steps to employ people with a criminal record.

“We believe that everyone has the potential to develop and grow, regardless of their past. Giving people with outstanding criminal convictions the opportunity to work can help them develop new skills, build self-confidence, and achieve personal goals and accomplishments.” – Survey Respondent

Of the 32% of survey respondents who said they would not consider hiring someone with an unspent conviction, there were common themes as to why they would not hire such applicants. The most common reason provided was the perceived risk to the business. Most frequently, respondents cited a risk to business reputation and a potential negative perception of clients. The risk of negative perception of clients was predominately cited in respect of trade professions, with respondents concerned around the wider public stigma and stereotypes held when employees will be working in public places or around people’s homes. Many others noted that they would not hire due to lack of trust in the individual’s behaviour and the safety risk to other employees, particularly in a high-risk work environment of a construction site. Some viewed that knowingly hiring someone with an unspent conviction would increase the legal risk and liability of the company.

Other respondents noted their business is prevented from considering people with a criminal record directly by client

requirements, particularly with projects that involve working on a site around vulnerable people, such as schools and hospitals. Some managers responded that they viewed that people with criminal convictions would not fit in with company culture and values, whilst others noted that they were actively prevented from considering people with convictions by the culture of senior management. A handful of responses noted that they viewed newly employed people with convictions as requiring a lot of support that they do not have the skills or internal resource to provide.

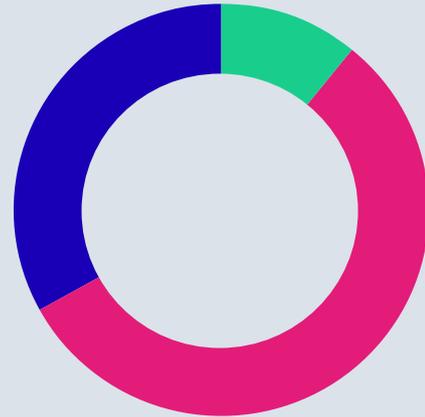
At a company level, the approach to considering unspent convictions during the recruitment process is also highly varied. Some companies take a blanket approach to not consider job applicants with certain types of unspent convictions, and in many cases any applicant with an unspent conviction. However, companies that actively work to recruit people with convictions report that they look to consider the individual’s circumstances, attitude to work and relevance of the conviction when deciding whether they are suitable for a role. There are also companies that do not carry out a basic DBS check unless it is required for a project with specific restriction or by law for a regulated job role, with survey responses indicating that 23% of construction companies do not check or ask about an applicant’s criminal record during the recruitment process.

“Hiring those with a criminal conviction can change society’s biased and negative perceptions of them. By showcasing their changes and efforts, we are able to break down stereotypes and send a positive message to society at large that everyone deserves to be given a chance.” – Survey Respondent

Figure 2

Construction companies employing at least one person with a known criminal record

NO	33%
NOT SURE	11%
YES	56%



According to survey responses, 56% of construction companies employ at least one person with a criminal record that managers are aware of. However, the true number of construction companies employing someone with a criminal record is likely to be higher, as spent convictions do not require disclosure in most cases or the respondent may simply not be aware of an employee's criminal record.



The CIOB has its own process for considering unspent criminal convictions in respect of individuals applying for chartered membership, to ensure that it upholds the professional standards of the Institute in the field of construction management.

As required by CIOB's Membership Regulations, candidates are asked to declare any unspent convictions that are considered relevant at the latter stages of applying for membership.

Whilst candidates are required to declare a 'relevant' unspent conviction in the interest of protecting the public²¹, this does not rule the individual out from becoming a chartered member. The CIOB follows a fit and proper person process under its Membership Regulations where candidates with a relevant unspent conviction are considered on a case-by-case basis. The candidate will come before a 'Fit and Proper Person Panel' who will consider the suitability of a candidate, discussing the circumstances of the offence and then the candidate's rehabilitation. Similarly, for those who are convicted whilst a member of the CIOB, a sanctions hearing will be held if the conviction is considered relevant according to the Disciplinary Regulations. As with all of CIOB's governing policies, all Regulations remain under continual review to ensure they reflect the needs of industry and the wider public context.

For CIOB's own recruitment process, job applicants are not required to disclose an unspent conviction in the initial stages of application but are required to disclose at a later stage of the recruitment process. As with chartered membership, disclosure of an unspent conviction does not rule out a job applicant from being successful, and a discussion will be had with the candidate to determine the relevance of the unspent conviction to the role they have applied for.

Initiatives to Train and Employ People with Criminal Convictions in Construction

With recognition that employment constitutes a core aspect of rehabilitating people with criminal convictions, there has been an increased emphasis from both the public and private sectors on proactively supporting people with criminal convictions to secure skilled work. This trend has been particularly prevalent in the construction industry, where over the last decade there has been an increase in companies taking steps to not only remove barriers to employment for people with convictions, but to proactively engage with the prison population to train and inspire them to enter a skilled career in construction.

Initiatives to deliver training and employment in construction are usually delivered through collaboration between a combination of industry, the public sector, qualifications providers, charities, and community interest companies (CICs) specialised in employment of people with a criminal record. The range of schemes and initiatives to train and employ people with criminal convictions is broad, though they are usually focused on individual prisons or local regions.

The challenge for people with a criminal record to find employment has been recognised by the UK Government, and there have been a range of reforms and new initiatives aimed at increasing the employability of people with criminal convictions. The Prisons Strategy White Paper set the Government's vision for the prison system in England and Wales²², including objectives to improve education in prisons and preparation of people in custody for work on release. As part of enacting the strategy set out in the White Paper, the Government has recently introduced a new transformation of the approach to learning in prisons through the introduction of the Prisoner Education Service.²³ The new service introduces a range of measures to increase the quality of learning delivery in the prison service, including a New Head of Education, Skills and Work for

each prison, introduction of Neurodiversity Support Managers in prisons, and new targets for education providers. It is also implementing the Future Skills Programme, which will fund specific initiatives to increase the skills and employability of people in a select number of prisons, such as to fund facilities for construction skills training. Alongside these measures, the Government has operated further schemes in recent years, that have been targeted at supporting individuals with their rehabilitation, including ensuring their readiness to work. For example, the CFO3 fund delivered from 2015 to 2024 has focused on supporting people with criminal convictions that have difficulty in securing employment or formal training opportunities.²⁴

Outside of the Prison and Probation Service, charities and CICs have played a significant role in supporting individuals with a criminal conviction in their rehabilitation and with finding employment. These organisations regularly collaborate with employers and offer valuable expertise in supporting construction companies' approach to recruiting people with criminal convictions. Construction companies active in employing people with criminal convictions report that it is particularly helpful to work with these organisations that already have a good relationship with local prisons and understand how to navigate the prison system.



A major change within the last decade to improve career opportunities for people in custody was the launch of the New Futures Network for England and Wales in 2018.²⁵ The New Futures Network serves as a link between the prison service and potential employers. Companies can work with the Network to engage with people in custody, offer work experience to people nearing the end of their sentence through Release on Temporary License (ROTL), and offer interviews to candidates due to be released.

The New Futures Network not only connects businesses with potential job candidates, but also carries out a comprehensive risk assessment for individuals due to be released from custody.

Companies interviewed noted that the introduction of the New Futures Network has made the prison service easier to engage with and has opened greater opportunities for construction companies to collaborate with prisons. Alongside this change, there has been an increasing focus

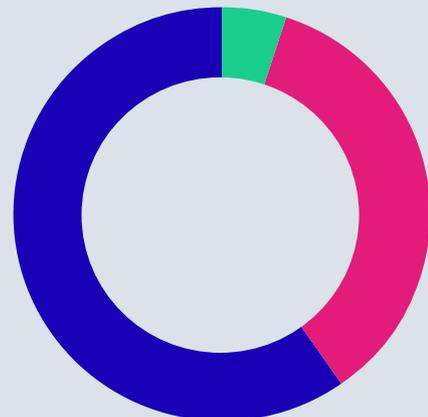
in the construction industry on delivering social value and ESG commitments, in part due to the competitive edge this adds to companies' tender bids. Perhaps due to these factors and the ongoing sector skills gap, there has been an increasing amount of construction companies taking action to improve employment opportunities for people with criminal convictions in recent years. Of the 133 UK-based construction companies that responded to the survey, 35% had participated in an initiative to train and employ people with criminal convictions. This reflects the notion the sector is highly interested in this cause and recognises the pool of talent people with criminal convictions presents. However, large contractors were more likely to have participated in an initiative to train and employ people with criminal convictions, and in turn companies that had not participated in such a formal initiative were more likely to be SMEs.

The construction companies that are proactive in supporting people with criminal convictions to work in the industry predominately engage with people with criminal convictions that are currently in custody. Many individuals interviewed reported that going into prisons and speaking to people in custody in person really brought to life the opportunity and value actively recruiting from this demographic can create, leading the business to run a formal initiative aimed at training and recruiting this group. Companies often start small with active steps to engage with or give work experience to people in custody. Once confidence and assurance are built across the business that these programs are successful and

Figure 3

UK construction companies that have participated in an initiative to train or employ people with criminal convictions

NO	60%
NOT SURE	5%
YES	35%



delivering value, businesses tend to scale-up programmes to recruit people with criminal convictions further.

Companies active in this area report that they do not try to push people towards construction jobs where there is not the interest: interviewees highlighted that they look to have the discussions with interested people in custody about whether a career pathway is right for them. Similarly, the companies interviewed stressed that all job roles, apart from those with specific legal restrictions, are open to people with a criminal record. Whilst there is a strong appetite from people with convictions to work in skilled trades in construction, there are also a range of office-based roles in the sector such as HR, finance and quantity surveying that people with criminal convictions are recruited into where this is a better match for their skills and interests.

Equipping people with criminal convictions with the right skills and qualifications is particularly important for accessing careers in construction, which require a high level of technical skill. Offering the opportunity to achieve accredited qualifications can open a wide range of doors to people with criminal convictions to demonstrate their motivation and competence to work in construction roles. Whilst many people who receive construction training and qualifications during their sentence go on to secure permanent employment with a contractor, many also work in the sector on a self-employed basis.

Prisons can offer a range of National Vocation Qualifications (NVQs) or equivalent qualifications in construction up to level 4, which are solely delivered by the qualification provider City & Guilds.²⁶ In late 2022, the Government enshrined legislation to allow people in custody to work towards an apprenticeship, further expanding the range of vocational qualifications available in prisons.²⁷

In addition, there is often an emphasis on providing people in custody who want to work in the industry with access to Construction Skills Certification Scheme (CSCS) cards. CSCS cards are typically required to work on construction sites by demonstrating the individual has the health and safety knowledge and the appropriate

skills to work on-site.²⁸ To apply for a CSCS card, an individual must pass the Construction Industry Training Board's (CITB)'s industry health and safety test, as well as have an appropriate level of training for the CSCS card level applied for. Where CSCS cards are offered to people in custody, this is usually enabled through mobile testing vans to deliver assessment within prisons.

However, access to training and accredited qualifications in construction and other industries is uneven across the prison estate, with the opportunity for people in custody to gain valuable skills in construction trades dependent on the offering available in the individual prison. Whilst there are initiatives to train people in custody that have been funded by the Government, there remains large gaps in the extent and variety of vocational training offered across the prison estate, with funding programmes often focused on setting up a select number of training academies.

The latest Chief Inspector of Prisons report highlighted a declining quality in prison education and limited opportunities for people in custody to study an accredited qualification that would support their future employment.²⁹ This issue takes place in the context of an overpopulated and under-resourced prison system in England and Wales, as the prison population has exceeded the prison estate's operational capacity in the last couple of years.³⁰ Whilst expenditure on prisons has been increasing, there are longstanding issues with under-funding of prisons, with the UK Government's programme of austerity leading to a decreased spend on prisons between 2011 and 2020.³¹ This combination of lack of funding, understaffing and overpopulation in prisons means that opportunities for motivated people in custody to gain vocational training and qualifications can often be limited.

In addition to the limited opportunities to work towards an accredited qualification in custody, there is also a general underutilisation of opportunities to enable people in custody to gain work experience in construction trades on-site. Whilst ROTL exists as a valuable mechanism for people in custody to gain experience in a construction workplace towards the end of their sentence,

Methods for Construction Companies to Actively Support People with Convictions into Work

There are a range of opportunities for construction businesses to proactively support the employability of people with criminal convictions and help them to access skilled employment, that many construction companies already engage with.

Participating in Prison Employment Sessions: Companies can visit prisons and engage with people in custody, raise awareness of different built environment career pathways, and deliver workshops on soft skills such as writing a CV.

Release on Temporary License (ROTL): ROTL permits individuals day release from custody for rehabilitative activities, including work and training opportunities. Construction companies can offer people in custody on-site work experience through ROTL to build their employability, support their development and help them demonstrate readiness to work. This can also help build a relationship with the person in custody and lead to employment on release.

Prison Academies and Training Centres: Businesses can contribute to equipping people in custody with a high standard of skills training in construction trades. Companies can work to host a prison academy to train people in custody using purpose-built facilities in prisons. They can also support in delivering skills workshops, or work with prisons and training partners to deliver construction qualifications to people in custody.

Proactively offer job interview opportunities to people with criminal convictions:

By collaborating with a range of public, private and third sector stakeholders, companies can actively look to reach job candidates with a criminal conviction and offer interview opportunities through these organisations. Companies can sign up to guaranteed interview schemes, advertise roles on job boards dedicated to people with a criminal record, and work directly with the prison service or charities to arrange interviews with suitable candidates.

Sign up to a Charter for employing people with a criminal record: For construction companies that have amended their recruitment processes to break down barriers for people with convictions, there are charters offered by different organisations that companies can sign up to and signal to potential candidates with a criminal record that they will consider their job application with a fair approach and willingness to hire.

the numbers of individuals that participate in ROTL is a small fraction of those being released from custody and far below pre-pandemic levels.³² In addition, there is room to greatly improve the number of people in prison undertaking an apprenticeship, as a minimal number of people in custody have started such a qualification since the Government changed the law to enable people in prison to undertake apprenticeships.³⁴

Furthermore, the assessments required to obtain a CSCS card are still not available in many prisons, preventing many people in custody from accessing this vital passport into working in construction trades on-site. For higher-security prisons, CSCS assessment vans with testing equipment are prohibited due to enhanced security requirements, meaning the only option for

people in custody to gain a CSCS card is to set up a testing centre within the prison. However, many open prisons with reduced security requirements that could accept a CSCS mobile testing unit still do not offer CSCS card assessment, in line with the general inconsistency of access to qualifications between prisons. For individuals with a conviction that do not obtain CSCS card in custody, many can struggle to afford the cost of CSCS card assessment where there are gaps in grant funding. Though improving availability of CSCS card testing in custody would support accessibility to construction work for those with a criminal conviction, these tests are focused on demonstrating health and safety skills and need to be combined with more technical, focused training to equip an individual with a substantive skillset to work in a construction trade.

Kier Group



Kier Group, one of the largest Tier 1 contractors in the UK, provides infrastructure services, construction, and property development. Since 2013, Kier has run the Making Ground Programme, a initiative to engage with the Prison Service and Probation Service with the objective of employing people due to be released from custody.

The Making Ground Programme collaborates with multiple prisons to engage with people in custody, provide on-site work experience through Release on Temporary License and offer interview opportunities to people with criminal convictions. Since the legal changes to enable people in custody to undertake apprenticeships at the end of 2022, Kier is one of the first companies in England and Wales to pilot delivery of apprenticeships to people in custody through ROTL.

To deliver the Making Ground Programme and get suitable candidates into roles, Kier works closely with the New Futures Network, prison employment leads and the Probation Service to ensure that candidates are work-ready, as well as Community Interest Companies with expertise in supporting prison leavers to transition into work.

Recruitment of people with convictions is open to a wide range of occupations in the business, not just specific roles. Kier's focus is on matching people with criminal convictions with job opportunities that align with their individual skills, experience, and aspirations. This has led to prison leavers being recruited across the business, whether in specific trades, as a site manager or in office-based professions such as HR. There are many examples of individuals that have joined the business through Making Ground that have been promoted to more senior roles due to their competence and commitment.

Kier are proud of their non-discriminatory and open approach to recruiting people with criminal convictions. When assessing job applicants, Kier look to review an individual's CV and carry out the interview process as they would for any other candidate. They avoid making blanket judgments on people because of their conviction and treat them on a case-by-case basis. They are clear in stating that the individuals recruited are not 'given' roles out of charity – they have earned their roles with the company through being valuable candidates.

Kier's recruitment of people with criminal convictions has delivered value for the business in multiple aspects. Individuals employed through the programme have proven to be highly committed to their work and have added great value to the business. Making Ground has directly helped Kier in filling vacancies that they have previously found difficult to recruit for, which has closed skills gaps for the business and supported delivery of projects for clients. Working with external partners has helped Kier to recognise and accommodate the specific challenges that someone with a criminal conviction may face when applying for roles, which in turn has helped the company adopt a more inclusive approach to recruitment. Actively recruiting from this group has benefited the diversity of business and helped its workforce reflect the communities they work in.

Williams Homes



Williams Homes is a family-run construction business based in North Wales, with nearly 100 employees and over 50 individual regular subcontractors. Its primary client base are housing associations across North Wales, with the business solely focused on building low-carbon, affordable homes for the public sector.

In the past few years, Williams Homes has developed a strong partnership with its local prison HMP Berwyn, a Category C prison for adult males. Williams Homes hosts a training academy within HMP Berwyn, a purpose-built factory where 30 people in custody can receive training and work towards qualifications, as well as being paid for their work. Workers in the factory assemble building materials for use by Williams Homes in constructing sustainable social housing. The factory facilities are set up and operated to the highest standard, fully replicating factories found outside of custody.

Williams Homes ensures that everyone working in the prison academy receives high quality training. On top of equipping workers with CSCS cards, people working in the academy can achieve up to a NVQ Level 3 qualification, with qualifications funded in partnership by the local college.

When factory workers are nearing the end of their sentence, they can gain work experience on Williams Homes construction projects through ROTL. The business has employed many workers on ROTL, who have not only gained further training in construction skills and experience working on-site but have also had a chance to demonstrate good behaviour and their readiness to work.

Since starting to engage with people held in custody at HMP Berwyn, Williams Homes has started to employ people leaving custody in permanent roles. It has often met potential employees through attending employment events at HMP Berwyn, with roles open to both those

who have worked in the academy and other individuals that hold the right skills to join the business. In addition, the business is also starting to help people who have worked in the factory with registration for the UK's construction taxation system, so they are ready to work on a self-employed basis on release using the skills and experience they have gained in custody.

Williams Homes' collaboration with HMP Berwyn has been a phenomenally successful project for both the business and people with criminal convictions that have participated. Through utilising the factory and equipping people in custody with tailored training, Williams Homes has benefited from being in control of its supply chain and fulfilling the specific skills requirements of the business. Using an entirely local supply chain has also helped to contribute to the local economy, for example by enabling the company to manufacture wooden building materials using only Welsh timber.

The business has seen how significant a difference this work has provided to the lives of the people in custody and the opportunities they have on release because of this training Programme. The individuals with a criminal conviction employed have all integrated well into the Williams Homes team and are thought of very highly throughout the workforce, as they have proven to be loyal and dedicated workers. Following the success of this initiative, Williams Homes is looking to increase recruitment from the prison in the year ahead, to get more people with a criminal conviction to join the business in a permanent role.

Current Barriers to Hiring People with Criminal Convictions in Construction

Whilst many construction companies are taking proactive steps to train and employ those with a criminal conviction, there remains a range of challenges for securing employment in the industry for people with a criminal record. Many companies are reluctant to hire someone with a criminal conviction due to stigma or concern, or unintentionally create barriers in their recruitment process. Within the criminal justice system, there are also barriers faced by individuals in gaining the education, training and qualifications to enable their entry into a skilled construction career pathway.



Barriers for People in Custody

It is the responsibility of the Prison and Probation Service to help prepare individuals to be able to move into sustainable and meaningful employment post-release, in order for individuals to be fully rehabilitated and move on with their lives. However, there are several current challenges that hold people in custody back from being ready to access work in the construction industry.

Inconsistent career guidance and planning:

When offering training and employment opportunities within prisons, there is not always enough consideration and guidance given to ensure that the career pathway matches the individual's skills, qualities, and interests.

Uneven access to accredited construction qualifications:

Whilst prisons can offer a wide range of construction qualifications to people in custody, access to accredited construction qualifications is highly inconsistent across the prison estate. The learning and development offering varies greatly between each prison, and the opportunities to study an accredited vocational qualification are limited for too many people in custody.

Limited time for learning and training:

Restrictions on the time allowed for learning and skills training in many prisons present a huge barrier to meaningful skills development and opportunities to achieve qualifications in prisons, with many individuals kept within their cells for long time periods.³³ Sufficient time and consistent learning are essential to being able to achieve accredited qualifications within a reasonable timeframe, as well as preparing people in custody for the work routine and schedule that will be expected when employed post-release.

The Social and Business Value of Recruiting People with a Criminal Conviction

Construction businesses that have run a programme to recruit people with criminal convictions reported the following positive outcomes from proactively incorporating people with a criminal record into the workforce when interviewed:

Creating Social Value: Creating social value by providing career opportunities for people with a criminal record that face barriers to employment. This not only enhances the quality of life for the individual and their family, but also supports their rehabilitation.

Challenging Discrimination: Addressing and challenging the stigma associated with individuals with a criminal record. By raising awareness of the value offered by people with a criminal record, businesses contribute to changing wider perceptions and fostering greater social inclusion.

Enhancing Business Reputation: Initiatives to employ individuals with convictions contribute significantly to the business's reputation for social value impact. This positive reputation, in turn, proves beneficial in securing new contracts with clients who value such commitments highly.

Addressing Skills Gaps: By tapping into a wider pool of talent, hiring people with convictions contributes to overcoming recruitment challenges commonly encountered by construction businesses, filling skill gaps and supporting businesses in meeting project delivery needs.

Building a Loyal Workforce: Individuals with criminal convictions are often loyal employees that deliver great commitment and value to the business. This loyalty can frequently translate into the individual's career progression through promotions within the company.

Fostering Diversity and Inclusion: By incorporating individuals with different life experiences and ways of thinking, hiring people with a criminal record actively contributes to fostering a diverse and inclusive work environment.

Quality of education, training, and

assessment: Whilst, in many instances, there is a high standard of training in the prison estate, the quality of skills, training and education across the prison estate is inconsistent.³⁵ People in custody are not always receiving vocational training to a standard that will be expected by employers on release or in a way that meets the needs of businesses, such as being trained to deliver work at the pace that would be expected on-site. In addition, learning and assessment methods do not always meet the individual needs of people in custody, especially in accommodating the high level of neurodivergence in the prison population.

Underuse of ROTL work experience:

The number of people in accessing work experience opportunities outside of custody through ROTL is low compared to the number of people leaving custody, with the number

of people released on temporary license for any purpose in England and Wales averaging 618 individuals per quarter across 2022 to 2023 – far lower than the level of people on ROTL pre-pandemic.³⁶ Punishment for infractions of prison security restrictions means that some people in custody are put off participating in ROTL work experience opportunities.

Resettlement challenges upon release:

Upon release, people who have recently left custody most often face a range of practical barriers to resettling and starting work. Challenges for finding secure accommodation in proximity to work is a substantial barrier, with only 27% of prison leavers in settled accommodation 3 months post release.³⁷ Once they have secured work, individuals frequently struggle to afford the cost of commuting until they receive their first paycheck.

Barriers in Construction Industry Recruitment

Though there are barriers to supporting people into construction careers within the criminal justice system, there are also many barriers faced by people with an unspent conviction when applying for construction roles. Through CIOB's survey and engagement with stakeholders looking to support people into employment, the following barriers to recruiting people with a criminal record were identified in construction businesses approach to recruitment.

Stigma and poor perception towards people with a criminal record: Whilst there are many managers in the construction industry that take an open-minded and inclusive approach towards people with criminal conviction, this is not true for many others working in the industry who may make immediate assumptions of an individuals' characteristics and behaviour. Applicants are often defined by their unspent conviction, rather than their individual skills and attitude to work. These attitudes can cause some companies to automatically disqualify candidates with an unspent conviction, without considering the strength of a candidate's application and their individual circumstances – nor the relevance of their conviction. Similarly, widely held public stigma means that companies can be concerned around whether clients are comfortable with someone with a known criminal conviction working around their home or in a public space.

Concerns around the risk of employing people with criminal convictions: Many businesses and managers are hesitant to hire people with unspent convictions due to concerns around the potential risk this could present to the company, the safety of other workers and to the reputation amongst clients. Whilst a risk assessment is a necessary part of the recruitment process to assess an individual's behaviour, the relevance of the conviction and the risk posed, many companies will not get to this stage and will outright reject an applicant with an unspent criminal conviction. Businesses can be discouraged by the extra considerations to factor in the recruitment process, especially when they feel they do not have the expertise internally to carry out a risk assessment. Furthermore, some companies can be concerned that there

is insufficient support from the probation service for people recently released from custody and believe that the business does not have the resource to provide appropriate support for these individuals.

Unintentional barriers in the job application process: A lack of a publicly available, transparent policy on whether a company would consider an application with an unspent conviction prevents potential candidates with a criminal record from applying for a role with a business. Furthermore, a tick box to disclose an unspent conviction often used in job application forms can also discourage applications, as individuals may feel that they will be immediately ruled at the first stage of recruitment.

Rigidity of start dates for full time roles: It is often difficult to line up work for someone leaving custody with the right role, job location and start date. Jobs being advertised to people in custody often have a lack of flexibility, requiring the individual to start within a short period that misaligns with their release date. Whilst some larger contractors will run programmes to employ people leaving custody specifically, the time limitations to enter a job on release in these initiatives can sometimes be restrictive and prevent suitable candidates from securing job roles.

Client requirements: Clients can frequently stipulate in construction contracts that people with unspent convictions cannot work on a project, where the nature of the site means there are enhanced security and safety concerns - such as working on a site around vulnerable people. As a result, some companies can be put off hiring someone with a criminal record that they cannot transfer to work across all sites and projects. This can be a barrier for small companies looking to hire people with a criminal record where work is concentrated on a few projects at a time.

Oversight of people with criminal convictions not in custody: Initiatives in the sector to employ people with an unspent conviction are often focused on engagement with the prison system. There is often less focus on engaging with people with an unspent conviction who have not been in custody, such as those who have received a community service order or fine, who represent a large proportion of people who receive a criminal conviction.

Improving Access to Construction Careers for People with Criminal Convictions

The social and economic value of creating opportunities for sustainable employment of people with a criminal record in construction is evident, yet there remains room for improvement in wider efforts to support motivated people with convictions to access skilled construction careers. Improving access requires effective action and collaboration between employers, the criminal justice system and other stakeholders involved in delivering training and support to people with criminal convictions.

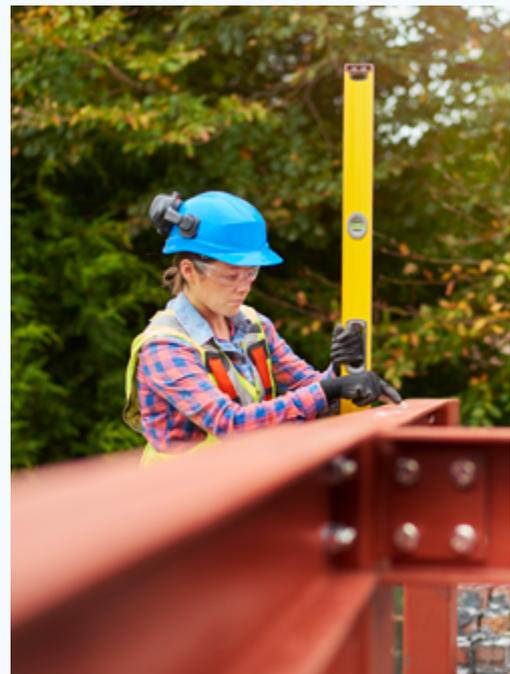
CIOB's Role in Encouraging Progress

Building on this report, CIOB can leverage its role by engaging with industry stakeholders, to effectively raise awareness, change attitudes and influence practices of the wider construction industry towards hiring people with criminal convictions.

Raise awareness about the benefits of hiring individuals with criminal convictions and foster conversations that challenge stigma: Utilising CIOB's channels for communication and member engagement can position this issue more centrally on the industry's agenda. Awareness-raising can initiate discussions amongst CIOB membership and industry stakeholders that can challenge stigma, dispel myths, and promote a positive outlook toward individuals with a criminal record.

Introduce a Continuing Professional Development (CPD) offering on making industry recruitment accessible to individuals with criminal convictions: Collaborate with external partners to develop an industry relevant CPD programme addressing considerations, risks, and best practice for recruiting and employing individuals with a criminal record.

Signpost members to partners and initiatives dedicated to enhancing the training and recruitment of people with criminal convictions: CIOB can work to promote national and regional opportunities to support training and employment for this demographic, increasing awareness of the range of funded schemes and support available for businesses. Additionally, CIOB should advocate for the support available to businesses from charities and agencies.





Recommendations for Construction Businesses

For construction businesses that would like to make recruitment more accessible for people with a criminal conviction, to reach a wider pool of talent, be more inclusive and increase their social value contributions, there are a range of steps that can be taken. Whilst companies can look to support training and awareness opportunities in collaboration with external partners, there are also key changes construction companies of all scales can make internally to the recruitment process to improve accessibility for people with a criminal record.

Address stigma and adopt an open-minded, positive approach: Construction managers can start conversations that challenge negative perceptions within their business towards hiring people with criminal convictions. Companies can also take an active role in speaking to the supply chain and raise awareness of opportunities available in proactive recruitment of people with a criminal record. Individuals can encourage businesses to recognise people with convictions for the skills and experience they have to offer, rather than defining them by their conviction. If there are concerns around the risks involved with a more open approach to hiring, reassurances of the business case and risk assessment process can be communicated to internal and external stakeholders.

Remove unnecessary barriers from the job application process: If open to hiring people with a criminal record, construction companies can look to review their job application process to remove unnecessary barriers for this group and ensure applicants are treated fairly. Companies can align with the Ban the Box Campaign by removing tick boxes to declare past criminal convictions from application forms and asking for unspent criminal convictions later in the recruitment process.³⁸ Ideally, companies should move towards the approach of considering applicants on a case-by-case basis, considering the individual's skills, behaviour, and the relevance of the conviction, as opposed to blanket rejection of all applicants with an unspent conviction. To provide transparency for prospective employees, companies can aim to make their policy for handling applications with a disclosed conviction available on their website.

Actively communicate a willingness to hire people with a criminal record: Communicating openness to hiring people with a criminal record is central to encouraging individuals to feel able to apply for a role. Companies can achieve this by making known their stance for considering applications from people with a criminal conviction on their website and signing up to a relevant fair employment charter. Companies can go further by advertising roles on job listing sources for people with convictions, or by attending prison open days and employment sessions to indicate to people in custody that the company is open to hiring them. Internally, companies take steps to communicate that career progression is accessible for people with a criminal record and that previous convictions not prevent people from being promoted.

Consider working with external partners to provide training and recruitment opportunities: There are a range of opportunities and initiatives for companies that want to proactively contribute to increasing the employability of people with a criminal conviction, as outlined in this report. Construction companies can collaborate with external stakeholders to provide people with work experience, qualifications, and job opportunities to enable them to start a skilled career in construction. If considering actively recruiting from this demographic, companies can attend a prison open day and engage with

people in custody to figure out if it is right for the business.

Provide additional support and flexibility that may be needed for prison leavers

starting work: Businesses can act to support people leaving custody to overcome challenges faced in transitioning into the work environment. Examples of support include offering a work mentor, support with commuting costs before an individual receives their first income or having flexibility to allow individuals to attend probation meetings if required. Managers may wish to check-in with new starters to see if they have any questions, issues or need further guidance as they adapt to the workplace. Furthermore, when considering a job applicant who is due to be released from custody, companies should aim to be flexible on starts dates for a role to accommodate the release date of suitable candidates.

Recommendations for Policy-Makers, the Prison Service and Qualifications Providers

Whilst there has been a range of changes from Government that have started to improve access to employment for people with a criminal conviction, there is still work to be done to ensure people with criminal convictions are prepared for work and supported to enter skilled careers in construction.

Improve consistency of access to accredited construction qualifications:

The Government should work to increase the amount and consistency of opportunities for people in custody to gain accredited qualifications in construction. There is potential to draw funding from existing sources - such as the CITB Levy or the Apprenticeship Levy, which has the potential to be reformed to fund skills development more broadly - to fund increased teaching capabilities in prisons and sponsor people with criminal convictions to gain accredited qualifications both in and outside of custody. The Prison Service should continue to work with key industries, including construction, to explore how to scale the delivery of apprenticeships to people in custody. Furthermore, the Prison Service and

relevant stakeholders should continue to work together to overcome barriers to offering assessment for key construction qualifications in custody, such as testing for CSCS cards.

Adjust qualifications and training to meet both the needs of business and people in custody:

Prisons and training partners should work with industry to ensure that training delivered in custody is sufficiently preparing people to meet the needs of construction businesses and the standards that will be expected from them when employed on-site. At the same time, training and qualifications providers can continue to take steps to ensure that the methods of learning and assessment meet the individual needs of people in custody, such as by accounting for high levels of neurodivergence in the prison population, without compromising on ensuring competency.

Aim to increase the number of ROTL work placements:

The prison service should proactively engage with local businesses with the aim of boosting the number of ROTL work placements, to increase work experience opportunities available to people nearing the end of their sentence. The prison service should also look to address the reasons why people in custody may be hesitant to take up a ROTL work placement.

Review scheduling in prisons to enable increased learning and development:

Prisons that offer limited time for learning and development opportunities in prisoners' weekly schedule should look to allow sufficient time for individuals to work towards an accredited qualification and or receive training. The Government can act to support this change through addressing staff shortages in the prison service.

Greater wrap-around support for people leaving custody:

There are key steps that the Government can take to ensure prison leavers are ready and able to work, with greater wrap-around support needed in the initial months after their release. The Government should continue to work on improving access to appropriate accommodation that is essential to prison leavers being able to work. It should also consider supporting prison leavers with the financial barriers they face in starting work, particularly the cost of commuting.

Conclusion

The notion of supporting people with conviction into work is not based on tolerating crime, but rather is motivated by offering people the chance to turn their lives around after completing their sentence and supporting their rehabilitation. It is also about embracing inclusion, which in turn helps to tap into a wider pool of underutilised talent. For the UK construction industry to tackle its ongoing skills gaps, it can be more proactive in expanding and diversifying its recruitment pool – taking steps to employ motivated people with a criminal record can help with this objective.

Whilst there are a range of actions that many construction companies can take to remove discrimination in their recruitment process and actively provide work opportunities for people with a criminal record, there are also systemic changes led by Government that could further improve the employability of people with criminal convictions. By both doing their part, the construction industry and public sector can work to improve employment outcomes of people with criminal convictions, tackling both social exclusion and industry skills gaps at the same time.



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