The Reintegration of Sex Offenders: Barriers and Opportunities for Employment

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Abstract: The process of reintegration of offenders after release from prison, or during a community sentence, is a key aim of criminal justice policy. This article provides details from recent research that investigated the barriers and opportunities to employment for sex offenders. The authors describe the barriers that are faced by sex offenders and the anxieties that employers experience when employing sex offenders. The authors conclude that the approach taken by the State is less than reintegrative and serves to increase the barriers and reduce the opportunities for employment for sex offenders.

This article reports on research conducted during the period December 2004 to May 2005 on the barriers and opportunities to employment for sex offenders.1 Sex offenders experience more barriers, or higher hurdles, to gaining employment than the majority of offenders. The research reported here investigated the barriers to sex offenders being employed on release and identified potential employment opportunities. There is a range of studies (Lipsey 1995; Kruttschnitt, Uggen and Shelton 2000) that have investigated the issue of the resettlement of prisoners and employment. However, the study reported here is the first that has considered the issue of sex offenders and the barriers and opportunities for their employment post-conviction.

Sex offenders present a number of problems in their management in the community. One strategy has been an increase in the use of risk assessments in relation to release licence and community sentences; this has occurred through risk assessment tools such as offender assessment system (OASys) and the risk management structures of multi-agency public protection arrangements (MAPPAs).

However, there is a tension in the legislative and policy approach to sex offenders with government legislation, such as sex offender registration and a range of preventative orders (see below), appearing to have resulted in higher levels of restriction placed on sex offenders, and declining levels...
of confidence in the public protection systems. The government has done little, if anything, to stimulate a proper debate concerning the reintegration of sex offenders (see, for example, Halpin and Blair 2006; Telegraph on line 2006). The call for sex offender information to be placed in the public domain is justified by those asking for it, on the grounds that individuals can make their own choices as to how to protect themselves. This reduces the scope of professionals to manage humanely those members of society who commit offences which the majority of the population find abhorrent, and underscores the erosion of trust in professional decision making. So, one of the contradictions in this area is that an increase in the number and scope of restrictive orders appears to result in the ‘public’ requiring more information on the location of this population of offenders, so the government is pushed towards considering greater levels of public disclosure. This contradiction was evident in the concerns over the employment of sex offenders in the education system (Halpin and Blair 2006) and highlights that the employment of sex offenders is highly problematic. The introduction of the menu of preventative orders introduced to provide a greater level of public protection has, it can be argued, increased the barriers to employment experienced by sex offenders.

Rehabilitation, Reintegration and Employment

According to Niven and Stewart (2005) two-thirds of prisoners in England and Wales are unemployed at the time of sentence and 70% leave prison with no job. Compared to the general population, prisoners are 13 times as likely to be unemployed (Social Exclusion Unit 2002). In Lipsey’s (1995) meta-analysis, at least as regards juvenile offenders, employment plays a key role in reducing reoffending. One study (Hanson and Harris 1998) found that those sex offenders who committed subsequent sexual offences were more likely to be unemployed. Another study (Kruttschnitt, Uggen and Shelton 2000) found that the only factors associated with reducing reoffending among sex offenders was the combination of stable employment and sex offender treatment.

One of the aims of sentencing is to enable the offender to make good the harm caused by their offence. This idea of punishment, as restoring the equilibrium (see Lacey 1989), is important, as the offender, by being punished and making good, restores the balance accrued by their offending. Rehabilitation is defined as the process where the offender is restored to their previous rank rights and privileges; that is they have made good, or made amends, for their offence and so can be considered to be a full and active members of society. Rehabilitation is concerned with allowing and assisting the offender to reintegrate into society. Lewis (2005) defines rehabilitation as:

. . . the process whereby offenders are afforded the opportunity to be full members of society, with the rights and responsibilities that this entails. For some, this will mean the restoration of a former state. For others, it will mean the receipt of services,
the acquisition of skills, and the establishment of rank, rights and responsibilities previously denied. (p.123, italics added)

This definition of rehabilitation requires the offender to desist from offending and for the State to provide what is necessary to ensure that ex-offenders can become full and active citizens. Employment and unimpaired access to employment and training is a necessary part of the process of rehabilitation. Reintegration can only occur once the offender is viewed as a full and active citizen, contributing to community and society (Spencer and Deakin 2004). For sex offenders, rehabilitation proves to be extremely problematic. They are subject to a level of scrutiny and management reserved for only a few categories of offenders. It can be argued that there has to be a balance between assessing and managing the risk presented by the offender and increasing their level of ‘freedom’. What is not evident is that the level of restriction placed on sex offenders is related directly to the level of assessed risk, consequently the majority of sex offenders are subject to similar forms of restrictions. One of the aims of such levels of restriction is to prevent further offences. There is a political need for sex offenders to be seen to be controlled and this contributes to the acceptance of increasingly exclusionary and punitive strategies which result in the barriers to employment becoming more firmly entrenched.2

Sex Offenders and Employment: The Legal Framework

Since New Labour came to office in 1997 there has been considerable legislative activity in relation to crime and criminal justice. The legislation in relation to sexual offences was ‘brought up to date’ with the introduction of the Sexual Offences Act 2003, and criminal justice responses to sex offenders were also reconsidered. In this section, a brief overview of the main legal requirements placed on sexual offenders is reviewed.

The current UK legislative framework in relation to sex offenders provides a range of possible community-based restrictions, and these present barriers to employment. Those with sexual convictions, like all other convicted offenders, will be subject to the Rehabilitation of Offenders Act 1974. Under the terms of the Act, if an employer requests information on an applicant’s criminal record, the applicant must provide this information unless the conviction has become ‘spent’. All offenders must declare their convictions, even if they are spent, if the office or occupation falls under one of the exceptions as set out in the Act. However, the MAPPA may require that a sex offender informs any prospective employers of their criminal convictions, even if disclosure is not required under the Act. So, sex offenders may have additional requirements of disclosure that may not be so for other types of offenders.

An offender, upon release, may find that as part of his conditions of licence, he is barred from returning to the area in which he had previously lived and worked; this is often to protect the offender’s victim[s], and in some cases to ensure the victim’s safety and well-being. Such exclusions on where a sex offender can live and work result in some offenders being
placed in areas where they have little knowledge of the locality, where the levels of community support, due to lack of the proximity of friends and family, are non-existent and where it is highly problematic for them to negotiate their place in the community.

Sex offenders can be barred from working with children and vulnerable adults by means of a preventative order under the Criminal Justice and Court Services Act 2000. A number of the offenders who took part in our research had worked with such vulnerable groups prior to conviction; their previous occupations were not open to them on release because of their offending. Under the legislation, the definition of a child is an individual under the age of 18 years and this excludes many sex offenders from applying to work for employers who recruit 16- and 17-year-olds either on a full- or part-time basis.

A range of restrictions can be imposed by means of a sexual offences prevention order (SOPO) (Sexual Offences Act 2003) and these include prohibitions on individuals owning a computer or having access to the Internet, both important in the workplace. There are also restrictions imposed through the SOPO, or as part of the conditions of licence, that restrict where an individual may visit or when an individual may be outside his or her home; an example of this would be that the offender must remain in his or her home to coincide with times when children may be travelling to and from school. However, not all sex offenders will face all of these restrictions and it is very much dependent on the perceived risk they pose to society. Over time, some individuals may find that restrictions will be lifted or relaxed as they are assessed as being less of a risk.

Research Methodology

The main research aim was to identify the barriers to, and opportunities for, employment for sex offenders. We identified three main groups of research respondents: (i) sex offenders in custody who would be able to tell us of their experiences prior to conviction and their plans for employment on release and those sex offenders in the community who would be able to tell us of their experiences of employment post sentence; (ii) employers who would be able to tell us about employment practices in relation to sex offenders and what they perceived as being the barriers to employing sex offenders; (iii) probation service case managers; an important group as they take the day-to-day responsibility of ensuring that the preventative strategies are in place and adhered to; such strategies have a very real effect on employment opportunities. The research was undertaken in the north-west of England.

A range of research methods was used: postal questionnaires, one-to-one interviews and telephone interviews. A total of 20 one-to-one semi-structured interviews were conducted with adult males convicted of sexual offences. All of the respondents were serving, or had served, a prison sentence for a sexual offence. There were eleven interviews with offenders living in the community and under licence and nine with offenders in prison. The sex offender respondent group had been convicted of a broad
range of sexual offences. The offenders gave their consent to the research having been informed of the subject matter at a meeting in the prison or by their probation officer. All the interviews were recorded and transcribed.

Employers’ attitudes to the recruitment of sex offenders were explored using a mixture of one-to-one telephone interviews and self-completion postal questionnaires. A total of ten interviews and 60 questionnaires were completed by employers; a response rate of 12% was achieved for the postal questionnaire. The sample size and response rate for the employer questionnaire is small; however, when analysed in conjunction with the one-to-one interviews the responses provide a good indicator of some of the main concerns for employers. Five probation case managers with experience of dealing with sex offenders and 17 other multi-agency professionals, including those involved in education and treatment provision, were interviewed during the course of the research. These interviews were carried out on a semi-structured basis.

Research Findings

Identifying the Barriers: The Sex Offender’s Perspective

Background data were collected for all respondents so that a profile could be constructed in relation to educational attainment, work skills acquisition and employment experiences. Respondents were asked to comment on how they perceived these factors creating barriers or opportunities for their employment. Generally, the respondents tended to reflect the educational attainment of other groups of offenders. The overall level of educational attainment was low, with many respondents leaving formal education at the age of 16 years. A very small number of offenders had achieved a high level of education.

Previous research (Metcalfe, Anderson and Rolfe 2001) suggests there are significant barriers to employment for ex-offenders that include poor levels of education and skills, employer discrimination, drug and alcohol addiction, lack of family support, and problems with housing. The research reported here found that there are additional barriers for sex offenders to those defined by Metcalfe, Anderson and Rolfe (2001). First, several of the respondents in the community were in employment but for many this was low paid. Second, many of the respondents had a range of educational and skill deficits. Finally, employment was obtained through what appeared to be a mixture of using personal contacts and sheer determination to overcome the barriers. What these data indicate is that employment for sex offenders is difficult to secure and the problems are exacerbated by their offence[s].

Despite the lack of formal education, most of the respondents stated that they had at least some experience of employment prior to imprisonment. Employment for the majority had tended to be low status and poorly paid work. The more highly-educated respondents had been in skilled and professional work prior to conviction. These respondents had a different set of problems. The nature of their convictions was such that many were
prohibited from returning to their former profession due to the nature of their work prior to conviction. Many commented that they were unable to find a job that carried the same status and salary and this was a source of frustration. The professionally qualified men who took part in the study felt the most let down by the prison and probation authorities as regards education and training. A number of respondents expressed the view that the authorities concentrate on the least-well-educated men and, consequently, there is little support for men who have those skills but need to retrain to enable them to compete in the job market.

A Canadian study by Earls, Bouchard and Laberge (2003) which sought to profile sex offenders, found that almost two-thirds of the men were in employment prior to conviction, and our study had a similar finding. Our research asked respondents to assess levels of self-confidence and self-esteem. Many of the respondents noted that their self-confidence had deteriorated whilst in prison; some attributed this to the stigma they perceived because of their offences, and most of the men reported that their low self-confidence would affect their chances of gaining employment. The data suggest that for the majority of respondents, health-related problems were common, with many reporting episodes of depression. However, these health-related issues were not reported as being a barrier to employment, although many recognised that they would be limited as to the type of employment for which they could apply. Finally, levels of addiction to drugs and alcohol were low.

For those respondents in prison, accommodation on release was a concern. Some of the respondents, because of their crimes, were not allowed to return to their homes or the communities in which they lived prior to conviction. Some respondents had only ever lived and worked in one community and so felt that they were at a disadvantage in relation to employment, having no knowledge of the local job market near their release address and no contacts with local employers. Related to this point, some of the respondents who were awaiting release into the community complained that they would not know where they would be living until shortly prior to release, and it was difficult for them to plan ahead as regards employment.

Family support was important for some respondents; however, their offences made the support of family, friends and their acceptance back into the community at times problematic. Some respondents stated that they had received or could expect support from family members in obtaining employment. This included both general support and the provision of accommodation, as well as actually getting them a job in a business run by family or friends. Some offenders, because of the nature of their offences, lost contact with their family and friends, and this is likely to act as a barrier to their reintegration, and lessen their chances of finding employment.

The respondents were also asked about their plans regarding future employment. All respondents expressed a willingness to work; this is perhaps not surprising given the fact that those interviewed had volunteered to take part in this research. However, they expressed a commitment to finding employment, and several expressed a willingness
to work in jobs which they considered of a significantly lower status than their employment prior to conviction. Many of the respondents expressed enthusiasm for self-employment, although most had not given the issue much thought or planning. Some felt it would offer them a way around the difficulties of employer prejudice regarding their offences. The respondents all expressed the view that the nature of their offences would have an adverse impact on their chances of gaining employment. Most potential employers they felt, would judge them and react negatively to their record, viewing them as unsuitable or undesirable. In the words of one respondent they would be treated as the ‘lowest of the low’. Most expressed real concern about the issue of disclosing their offence to potential employers saying they would feel shame, nervousness and embarrassment. Some even felt that they would find it impossible, if asked details about the offence, to continue with a job interview. On a positive note, some of the offenders had been given training on how to deal with disclosure of offences while they were in prison.

**Identifying the Employers’ Concerns and Anxieties**

The second aspect of the study involved seeking the views of employers: they were interviewed over the phone or completed a postal questionnaire. The employers were asked about their policies and practices towards the recruitment of sex offenders. The employer respondents were chosen to reflect a range of business types, size and structure across the research area.

Almost two-thirds of the employers involved in the study stated that they requested information from job applicants on their criminal records usually at the written application stage. When assessing an applicant’s criminal record, the nature of the offence[s] committed and the number of offences committed were factors that employers regarded as ‘very important’. All of these findings were similar to those found in a much larger employer survey carried out by the National Institute of Economic and Social Research in 2000 (results published in Metcalf, Anderson and Rolfe (2001)).

Approximately half of the employers would not have considered employing an individual convicted of a sexual offence, irrespective of the circumstances. Factors the employers were most likely to consider ‘very important’ in dissuading or deterring them from recruiting an individual convicted of a sexual offence were: the perceived risks posed to staff by the applicant; a negative reaction from other staff to the offender; the perceived risks presented to customers; and possible negative publicity for the company due to the employment of someone with a sex-related conviction. Concerns about the individual reoffending while employed were strongly felt. Some employers stated that if they recruited an individual with a sexual offence who then reoffended at work, they would feel responsible in some way, and they were not prepared to take the risk, as one employer put it: ‘I would not be able to sleep at night for fear (of him reoffending)’.
A number of the employers stated that they were not knowledgeable enough to assess the risks posed to staff and customers by an employee with sexual convictions. They were also unsure as to where they would find such information to assist them in understanding the risks more fully and how best to manage such an employee. Some probation case managers supervising sex offenders will work with employers to make sure that they have all the information to assess and manage the risks. For many case managers, the main concerns were to ensure that the risk was assessed and managed, and this required them to know the location, employment and social interactions of the sex offenders they supervised.

Overcoming the Barriers

In recent research (Brown S., Deakin and Spencer 2005), on the attitudes of the public towards sex offender reintegration, 15% of those surveyed stated that they believed that sex offenders should receive no additional support post-release, while 43% were in favour of sex offenders receiving support with finding employment. The majority of sex offenders within our study had a lack of suitable qualifications and experience to make them desirable in the job market, irrespective of their convictions. Such barriers can be remedied through training and education; for sex offenders for whom the barriers to employment are especially high, adequate training and education is of particular importance if they are to secure employment upon release. For the well-educated and skilled among the offenders who are barred from working within their former employment it is important, if they are to be successfully reintegrated, that adequate provision is made for retraining. Consideration must also be given as to the types of employment skills and training that sex offenders are offered. They should be given training which not only takes accounts of gaps in the job market, but also takes account of the fact that due to the nature of their criminal convictions, some types of work will not be open to them upon release. It is, in our view, pointless to allow a person to spend several years in prison studying for a trade or other occupation, if on release they will not be allowed to be employed because of the nature of the restrictions imposed.

Many of the respondents had served a prison sentence long enough for them to make adequate preparations for their employment post-release; however, what many did not have was prior knowledge of where they would be living on release and what types of work they would be allowed to engage in. The public protection agencies do have to make careful assessments regarding accommodation and employment for sexual offenders and many of the respondents accepted this. Moreover, in some cases the respondents were only told where they would be living and the restrictions regarding their future employment shortly before release. It would be beneficial if these men were given as much information as possible regarding their accommodation and legal restrictions as early as possible so they can adequately plan for employment.

Rolfe (2001) argues that the unwillingness of employers to employ sex offenders is determined by the individual moral code of the employer. We
found that only a small proportion of the employers gave moral reasons (for example, 'sex offenders do not deserve to be in work') for not recruiting sex offenders, as opposed to practical reasons (for example, concerns for safety of other staff). Part of this may be attributable to the nature of the research itself. Employers who were more prejudiced against this group may have been less likely to take part in the research, while other employers who took part may have preferred to give practical reasons rather than admit to their prejudices. However, it seems probable that some employers have only practical concerns regarding the recruitment of sex offenders and would consider employing a sex offender if they could be reassured about their concerns. If employers were given more advice about the levels of risk posed by individuals and the particular type of sex offence this would go some way to alleviating their concerns. This could be done by probation case managers, who have detailed knowledge of the offender, giving their assessment of the level of risk to the employer. This was the practice of some probation case managers interviewed, and it was thought to be useful, as employers felt that they are making a decision based on the facts.

One possible strategy to overcome some of the barriers would be for sex offenders to start up their own businesses. A number of respondents expressed an interest in doing this; however it could be argued that this creates as many problems as it solves. It allows sex offenders to avoid the issues related to gaining employment and they can avoid the embarrassment and shame of discussing their offences. However, many who have been convicted of sexual offences lack the skills and experience to successfully manage their own business. They may lack 'start-up' funds and any provided to them by government or charitable organisations will bring with it controversy. Finally many jobs that involve people working in a self-employed capacity may be unsuitable for individuals convicted of certain types of sexual offences, especially regarding unsupervised work with the general public.

**Conclusions**

The research reported here found that barriers to employment for those convicted of sexual offences are numerous and in many cases difficult to surmount. In some respects the barriers are similar to those faced by all offenders: a lack of education and training, low self-confidence, fear of disclosing their record and employer antipathy. However, employer antipathy towards sex offenders appears to be high. Straightforward and relatively non-controversial measures, such as ensuring sex offenders receive good and relevant education and skills training, and helping them to tackle any problems they have with disclosing their offences, will help reduce some of the barriers. Ensuring that offenders have adequate time and sufficient information to prepare for employment will be of benefit.

If sex offenders are to be rehabilitated and reintegrated into the community, it is important that they are given the support and opportunities
to become full and active citizens. This may not garner public support, as it provides resources to a group of offenders for which there is little tolerance; however, the majority of sex offenders are released into communities and it is more efficacious to provide resources and support in the rehabilitative process than to provide State resources in maintaining a group of ex-offenders who make little or no contribution to the well-being of the community. Research (Hanson and Harris 1998; Kruttschnitt, Uggen and Shelton 2000) indicates that employment assists the reintegrative process and reduces the risk of reoffending. It is important that unnecessary barriers to employment for sex offenders are removed while keeping in place safeguards that provide protection to the public. There needs to be a balance between the competing issues of allowing offenders who have served their sentences to reintegrate into society and protecting the public from the real risk that some of these individuals present.

The research reported here suggests that there are considerable barriers to gaining employment for sex offenders, and few opportunities. This raises both policy and moral questions. If, as a society, we are of the view that one of the functions of a criminal justice intervention is to assist in the reintegration of the offender and that there is a moral obligation to provide the opportunities for all offenders to be fully reintegrated, then the current policy approach to sex offenders fails this test. Sex offenders have to deal with the barriers that all offenders face and some additional ones that are associated with their offending. Employers experience uncertainty in how to manage the risk that an offender might present and what the implications of employing a sex offender might be in relation to the public profile of their company. What is clear from the research discussed here is that for sex offenders to be reintegrated, it will be necessary for the risk to be managed differently and for the government to promote a more positive and socially inclusive approach to the management of sex offenders in the community.

Notes

1 The research on which this article reports was commissioned by IMPACT (Innovation Means Prison and Community Together), a UK Prison Service Project and co-financed by EQUAL, which is a European Social Fund (ESF) Community Initiative, providing funds to projects which test and promote new means of combating discrimination and inequalities in the labour market.

2 Rehabilitation is not the only aim of sentencing and it can be argued that rehabilitative strategies are now viewed as being of a lesser importance than public protection and punishment.

3 This includes respondents in probation hostels as well as prisons.

4 Acknowledgments: the research on which this article is based was co-financed by the European Social Fund and IMPACT (Innovation Means Prisons and Community Together) and we acknowledge the financial assistance. We would like to thank the IMPACT Director, Denise Woods, and the Changing Directions Project Co-ordinator, Jeanette Flynn, for sharing their expertise in this difficult area of criminal justice practice. We would like to thank Ilona Haslewood-Pocsik for insightful and helpful comments on the final draft of this article.
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Date submitted: March 2006
Date accepted: April 2006