



Understanding if a participant has restrictions and how best to support them

Based on offending category and/or specific restrictions.

How to understand a participant's restrictions.

When an individual is convicted of a crime their punishment can take many different forms. They may get a custodial sentence which involves serving time in prison, or a community sentence which involves community work, probation supervision or 'repaying your debt to society'.

The sentence that is handed down whether it be custodial or a community sentence can result in restrictions. Often there are more restrictions that can follow. These restrictions are in place to reduce the chances of re-offending but also potentially to protect the victim of the crime and/or members of the public.

Whilst restrictions are part in parcel of punishment for criminal activity, they can really hinder a participant's ability to move on from that time in their life. Many restrictions can have an effect on employment, getting insurance, renting a property, getting access to a mortgage, maintaining familial relationships and many more things.

The following will outline some of the restrictions and offending categories. The information will cover how best to support participants in these specific circumstances.

Driving Offences and Driving Bans

A quite common criminal offence can be a motor offence. This can be due to speeding, driving under the influence of alcohol or drugs, reckless driving etc. A motor offence can often result in a monetary punishment with penalty points. Penalty points are a record on your driver's licence that will show what driving offence took place. Most points stay on your licence for four years from the date of the offence, although they are only active for the first three. For more serious offences, such as causing death by dangerous driving or drink driving, the points will stay on your licence for 11 years. Employers and insurers are able to find out if you have an endorsement at any time for a four-year offence, or during the first five years of an 11-year offence.



Some employment opportunities will require a full clean driver's licence, due to driving being at the nature of the role. This would often disqualify candidates from applying to these positions. As an Employment Advisor, you can approach employers and advocate for the participant to see if their other attributes and experiences can outweigh the penalty points on a licence.

In more severe circumstances, an individual can receive a lifetime or periodical driving ban. This means that the individual is not allowed to operate a vehicle for the stated period. This can be very limiting in terms of finding employment as unless the location is accessible by public transport, foot or bike, the individual can then not apply for the job. It also can limit an individual as for example they may not be able to pick their children up from school or attend certain education courses due to a lack of transport means.

Some employers may offer a cycle to work scheme which may make this easier, or there may be a car-pooling system. It is often worth an Employment Advisor knowing what employers may do to facilitate candidates that cannot drive as many people may not have access to a motor for various reasons whether it be financial or due to a disability.

A driving ban can be a real knock to confidence and can create a lot of barriers for an individual, but it absolutely does not have to be a deciding factor in securing employment. This should be emphasised to a participant with this restriction to rebuild their confidence.

Restraining orders

A restraining order can be made on the back of any number of criminal offences. They are intended to be protective and preventative. A restraining order against an individual does not automatically signal guilt. A restraining order will remain indefinitely on police records, it will

become spent once the time of the restraining order is up. It will no longer appear on a basic DBS check once it is spent. The length of a restraining order can be short term or indefinite, it depends on the individual circumstances.

A restraining order can affect employment as the individual may be barred from approaching the house or place of work of the complainant/victim.

If a restraining order is spent then an Employment Advisor does not need to give it consideration. If a restraining order is in place the Employment Advisor will need to consider would the line of work result in a possibility of breaching the restraining order. For example, if the participant were to apply for a delivery service role, they may need to consider that they could not deliver to specific locations where the victim may work or reside.

Rehabilitation Activity Requirement

Rehabilitation can be a condition of some offender's release from prison or a condition of their community sentence. Rehabilitation is used to try and help the offender work on any addiction issues they may be having to reduce their chances of re-offending and to hopefully give the offender a better quality of life.

Rehabilitation like community hours should not have too much of an effect on looking for employment but like community hours it may require some degree of flexibility from an employer so the participant can attend their scheduled rehabilitative sessions/courses.



Fixed abode/restrictions on travel

Upon release from prison or during a community sentence an individual may be given orders to reside at a fixed abode. This means that they must live at a given address. This generally will not have much of an effect on the search for employment as the stability of a fixed address will be a positive thing in some employer's eyes.

Some offenders or ex-offenders will also be given restrictions on areas they cannot travel to. This may be to protect victims of crime etc. or to ensure the individual does not travel too far from home. This can make looking for work a bit more difficult as they generally may not be able to apply for a role which involves travel such as some trade jobs like builders or delivery drivers. It may also limit the areas in which an individual can search for work.

Sexual offences

Sexual offences may come with a custodial sentence with restrictions in place long after imprisonment. These restrictions would mostly be in place to protect the public.

Another barrier that comes with a sexual offence is the stigma attached to them. It can be hard for some employers to look past this.

An individual with a sexual offence may have certain restrictions in place such as not being allowed to be near children or schools. There may be a restraining order against them. They may have a curfew or not be allowed to travel far from their home. These restrictions can be hindering on the search for employment.

The Employment Advisor can best support a participant with a sexual offence by fully equipping themselves with any relevant MAPPA knowledge and by not judging the individual. It may be worth an Employment Advisor discussing with the individual if would they prefer a non-public facing role. Often individuals with sexual offences can be known to the media and scrutinised by the public.

It is best for an Employment Advisor to know of all restrictions when assisting a participant with a sexual offence to rule out unsuitable employment opportunities and work with what would be practical. There most certainly are lots of options, they just have to be a little bit more specific than other offences due to some practicalities like Restraining Orders, Sexual Harm Prevention Orders, travel restrictions, curfews, restrictions on what groups the individual can work with and be in the presence of (particularly in the case of child sexual offences) and use of the internet.

Curfew

A curfew can be put in place to again reduce the chances of re-offending and as a punishment for the crime once committed.

An Employment Advisor will need to consider a curfew as it may mean roles where late-night shift work are involved may not be appropriate. It also must be taken into consideration how long the commute takes, to ensure that the individual is home by their specified time.

Community hours

Community hours can be a punishment given for a criminal offence. Community hours can be seen as a physical way of offenders re-paying their debt to society. Generally, community hours would be given for crimes that do not involve imprisonment.

Community hours is not a very detrimental factor on finding employment but as with all restrictions, it can have some effect. It may mean the individual needs to apply for employment with a more flexible working pattern or on a part-time basis whilst carrying out these community hours, depending on how many per week there is. It is important for an Employment Advisor to ascertain whether the weekly hours are fixed or if they vary. Fixed hours will be a lot easier to present to an employer. A Probation Officer would not typically prioritise an Offender's Community Hours over an opportunity or employment meaning the repayment of the hours could be done around a working day.

Life sentences

A life sentence can mean different things. In some cases, with very serious crimes a life sentence can mean that an individual will be in prison until the end of their life.

In other instances, a life sentence can mean that an individual will have to serve a minimum fixed term sentence with the possibility of release after. Upon release, the individual can be sent back to prison at any time and may be under supervision for the remainder of their life.

Most Employment Advisors would not be working with an individual who was given a life sentence for obvious reasons but if an Employment Advisor were working with someone that has been released from their life sentence it would be very important to understand the difficulties that come with having been incarcerated for so long.

Ex-offenders who were in prison for long periods of time become adjusted to a lack of autonomy and to having a lot of routine and structure. It would be important for an Employment Advisor to take this into consideration and see what kind of environment or routine would work best for the individual. If an Employment Advisor can work within these parameters, it may mean the participant can thrive more as they might adjust better.

It will also mean that the Employment Advisor will probably have to consider several restrictions that come with parole. These will most likely be strict and limiting.