

Criminal records and public sector professional education: The role of criminal background checks in admissions to social work courses in England

Caroline Bald  and **Aaron Wyllie**

University of Essex, UK

María Inés Martínez Herrero

Universidad Internacional de La Rioja, Spain

Abstract

Over 11 million people in England and Wales have criminal records, with men, people from Black, Asian and Minority Ethnic backgrounds and people from poorer communities being over-represented. A gatekeeping discussion is developing across the social work profession regarding the role of criminal records in decision-making at the point of admissions to social work programmes. Balancing risk, representation, and the right to move on, who becomes a social worker is an issue of debate among practitioners, educators, and policy makers, where notable instances of media and political focus on social work failure has led to public mistrust, and moral panic about the state of the profession. Whilst internationally many social work education providers have moved away from interview gatekeeping, in England this has continued, alongside wider checks including for criminal records. This discussion article reviews what social working with a criminal record represents in the profession and why course admissions is a site for restorative justice and the human right to move on.

Corresponding Author:

Caroline Bald, School of Health and Social Care, University of Essex, Colchester, CO4 3SQ, UK.
Email: caroline.bald@essex.ac.uk

Probation Journal

1–16

© The Author(s) 2022



Article reuse guidelines:

sagepub.com/journals-permissions

DOI: 10.1177/02645505221116037

journals.sagepub.com/home/prb



Keywords

criminal records, inequalities, social work education, gatekeeping, human rights

Introduction

In many ways, social work is a unique profession. Holding itself to “principles of social justice, human rights, collective responsibility and respect for diversities” (International Federation of Social Work [IFSW], 2014, para.5), the profession also labours with a conflicted public perception, concern for risk management and working with the most challenged individuals and communities. Social work sets itself the task of both protecting those experiencing vulnerability and disadvantage and acting as an enabler of rights and justice for those experiencing disadvantage (British Association of Social Workers [BASW], 2021). Moreover, in seeking to work in partnership with communities, the social work profession is ethically committed to the pursuit of a workforce which reflects the diversity of these communities (BASW, 2021; Crisp and Gillingham, 2008). Additionally, social work education in England is in a unique position. While criminal justice was historically part of social work and thereby social work education, Aldridge and Eadie (1997) detail a separation of probation education from social work, while James and Raine (1998) linked this development to a “new politics of criminal justice” (p. 23). Raynor and Vanstone (2016) note changes in organisation, education and research have “contributed to a separation between probation research and the mainstream social work literature” calling for a greater appreciation of criminal justice social work in wider social work literature. While not in the scope of this paper, there is cause for review as to the impact education separation has had on understanding of criminal justice – and specifically risk assessment and rehabilitation.

In this paper we explore how the current use of criminal record checks (CRCs) as part of social work course admission processes in England reflects an ongoing tension between the above aims and values. We argue that the way in which CRCs are currently used to gatekeep entry to the profession is closely linked to a broader shift away from social work’s inclusive and restorative ethos, and towards a narrow, marketised vision of ‘suitability’. We begin by providing an overview of the current regulatory context governing social work education in England and highlight the critical function that course admissions decisions play in shaping the social work workforce. We then contextualise the use of criminal record checks in admissions decision making processes in social work courses in England against the backdrop of their use more broadly, before developing our argument against this along three lines.

First, we argue that the current use of a criminal record as an indicator of individual suitability fails to account for the structural inequalities produced by the criminal justice system, and thus risks reproducing rather than challenging racism, sexism, and classism. Secondly, we suggest that the partial and retrospective account provided by criminal record checks enables a false sense of security and detracts from other potentially more effective and meaningful approaches to determining suitability for practice. Finally, we argue that the blanket use of criminal record checks

risks promoting a vision of social work at odds with its belief in the potential for change and growth, and antithetical to its mission of tackling inequality and disadvantage.

Our discussion then sets out to discuss the regulatory process leading to the requirement for criminal record checks in social work course admissions in England (purportedly in response to calls for increased professionalism) before exploring, from a critical theory perspective, some of the deeper root causes of social work education's current position regarding criminal record checks. Rather than conceptualising gatekeeping as a process of 'keeping out', we suggest an approach which emphasises the unique qualities and experiences that people who have experienced the criminal justice system can offer to the profession. Our approach advocates for the right to education as a public good and for an understanding of social work as a broad and independent international academic discipline encompassing practitioner, researcher, and educational professional roles (including activist ones) that people with criminal records are well placed to fulfil. These conceptualisations of the social work profession and professional suitability in social work thus challenge the narrow and increasingly marketised approaches to recruitment in social work training in England, which instead focus on gatekeeping and moral control of professional suitability.

Criminal records checks and public sector professional education courses in England

Criminal record checks have become a ubiquitous feature of contemporary life in many Western countries, informing decisions made by employers, regulatory bodies, landlords, and education providers, which can have a significant impact on an individual's life (Denver et al., 2018; Rovira, 2020). While technological advancements have significantly increased the scope and accessibility of criminal record data, efforts at recording and codifying past transgressions pre-date the modern, data-driven, criminal justice system. From the Graeco-Roman period up until the 18th Century, criminals were commonly branded with classificatory symbols or letters using a hot iron, which judges accepted as evidence of recidivism and thus a justifiable basis for the imposition of a harsher sentence (Corda, 2016; Morris & Rothman, 1998; Thomas, 2007). Despite the evolution of method, criminal record keeping systems have consistently served two primary functions. First, to provide background information on past transgressions to inform responses to repeat behaviour, and second, as a collateral form of punishment (Corda & Lageson, 2020; Thomas, 2007). While criminal record checking processes such as access and expungement rights differ considerably across jurisdictions, the number of people with criminal records on both sides of the Atlantic is significant.

Critically, race, age and gender are all significant in shaping this exposure to, and outcomes from, the criminal justice system. For example, while women are significantly less likely than men to have a criminal record in England, the conviction ratio for women is consistently higher than for men (Ministry of Justice [MoJ], 2010, 2017) with 63% of

criminal record checks being on women between 2012 and 2019 (Unlock, 2021). The most significant criminal justice disproportionalities in the UK are seen with respect to ethnicity. Black men in the UK are four times as likely, and Black women twice as likely, to be prosecuted compared to white men and women respectively (MoJ, 2017). Far from a passive record of prior conduct and its penalties, criminal record checks are an enabling mechanism of the many collateral consequences associated with a criminal conviction. Collateral consequences are 'the hidden and not statutorily mandated burdens that attach to criminal convictions' (Corda, 2016: 5), which frequently extend, in both duration and significance, beyond the originally imposed sanction. These range from the informal but frequently pervasive effects of stigma, humiliation, and disrupted support networks, through to the formalised consequences that a prior conviction can have on access to employment, education, housing, and financial services (Corda, 2016; Hoskins, 2018; Thomas & Heberton, 2013).

Increased reliance on criminal record checks by agencies not directly linked to criminal justice system coincided with the rapid expansion of digitisation, making criminal records more easily accessible. Currently, seven per cent of university courses and one per cent of total applications through the Universities and Colleges Admissions Service (UCAS) require an enhanced level criminal records check. Although UCAS announced in 2018 it was no longer a requirement for applicants to disclose convictions for non-regulated courses, this did not apply to courses attracting enhanced checks including those for social work education (Unlock, 2018). While relatively small, these courses disproportionately account for all public sector professional education courses such as teaching, nursing, and social work. Enhanced checks mean admissions decision-making for these courses will include sight of previous convictions, regardless of whether they are unspent or spent under the *Rehabilitation of Offenders Act 1974*. The rationale that these courses act as gateways to professional registration for working with children and vulnerable adults holds until it is acknowledged that the process of registration itself requires enhanced checks and a fitness to practice process for registrants with criminal records. In addition, as an education course, not all students will choose careers in frontline statutory social work and as such might best be considered as someone *who wants to study* social work rather than become a practitioner.

In a recent conceptual review, Koops (2021: 53) defines function creep as 'an imperceptibly transformative and therewith contestable change in a data-processing system's proper activity'. Rather than a planned expansion or change in how a system or technology is used, function creep refers to a gradual but ultimately transformative shift that results in an application or outcome beyond the system's original intention. Within the context of social work education, we argue that criminal record checks have come to represent a form of gatekeeping which risks unjustly conflating a criminal record with inherent moral and character failure and imperilling the foundational values of the profession itself.

Entry to social work courses in England

In England, there are multiple routes into social work with all programmes being validated by the professional regulator, Social Work England, whose responsibility is to

accredit courses, set guidance and uphold standards (SWE, 2020). Application to undergraduate courses is initially managed through a central Universities and Colleges Admissions Service (UCAS) with postgraduate routes managing applications directly to accredited providers. Most recent data shows 4140 students enrolled onto social work courses in 2018/19 – down 12% on the previous year, with a 21% decline in postgraduate enrolments alone as social worker vacancies increase (Skills for Care, 2021). Much stock is placed in ‘social worker’ being a legally protected title, with professional credibility considered central to public trust (Higher Education Committee [HEC], 2014). The decision to enrol students onto social work courses sits at institutional provider level in line with admissions guidance set out by the regulator where the tension between representativeness and protection rests (Madoc-Jones et al., 2007; Nelson and Cowburn, 2010; Scott and Zeiger, 2000).

Entry onto social work education programs can be seen as the first ‘gate’ to entering the profession. Admissions processes become the focus of regulatory attention, attempting to ‘screen-out’ unsuitable candidates and, by virtue, ‘screen-in’ those suitable. As previously explained, in England, enhanced criminal record checks are a regulatory requirement for social work course admissions, post-qualifying registration and employment. Enhanced checks provide all criminal records irrespective of the passage of time or seriousness. While protecting service users from potential harm and promoting the integrity of the profession are undoubtedly justifiable gate-keeping functions, we argue that current use of criminal record checks meets neither function effectively.

Instead, criminal record checks as they are currently employed establish a blunt standard of ‘suitability’, which is at odds with Standard 6.2 of the 2012 IFSW Global Standards that ‘student recruitment, admissions, and retention policies ... reflect the demographic profile of the locality that the institution is based in’ (IFSW 2012, standard 6.2). Valuing diversity as a professional strength has been acknowledged across other areas of widening participation practice such as disability (Fuller et al., 2004), but discussion in relation to social work students with criminal records seems taboo by comparison, and frequently generates discussion about personal responsibility, morality, and risk. For example, in developing this paper, we have benefitted from feedback from the profession via conference presentations. While the topic has attracted interest, we have been asked several times about whether we believe applicants with sexual convictions should be admitted. There was a sense that in opening the discussion, we were advocating opening a gate and risking negative public perceptions.

The root of discussions we have had so far, as authors in the course of researching this area, is *questioning discomfort*: what does having a criminal record represent? Is that representation something which a person can always move on from? If not all criminal records can be moved on from, is there a line to be drawn and if so where and by whom? If we are to begin with the belief that *not everyone should be a social worker*, as one person told us, then what does this say about the profession and whose role is it to decide who should or should not become a social worker? Does society set higher expectations on social work students to be wholly

representative of the communities with whom they work and, if so, what underpins the decision-making process for those entering social work education? Does the profession intentionally set out a 'trip-wire' as a morality test for those coming into social work – a performative test of mettle?

The inclusive ideals of social work education

The relevance of the discussion around access to higher education for people with criminal records clearly goes beyond the field of social work education. However, this discussion gains particular importance in relation to social work education and training given the very nature of social work, which according to its global definition is an empowerment- and social change-oriented profession guided by ethical principles including social justice, human rights and respect for diversity (IFSW and IASSW, 2014).

The global agreement on the inclusive nature of social work is further underpinned in the field of social work education by the 'Global Standards for Social Work Education' (Ioakimidis and Sookraj, 2021), which offer numerous grounds for promoting access to social work education for candidate students with criminal records. To comply with the global standards, schools of social work should, among other actions, take positive steps to ensure 'the inclusion of minority groups [of students] that are underrepresented and/or underserved' (p.171), and that students are 'provided with equal opportunities to learn and develop regardless of [different] forms of diversity (p. 173)'. The document encourages schools of social work to aspire to uphold 'the principles of restorative rather than retributive justice' (p. 172) and requires these to challenge 'discriminatory behaviours, policies and structures' (p. 173). Acknowledging the global constraints posed to social work education by common issues such as the advance of neoliberal globalisation and the imposition of political interests conflicting with social justice aims, the global standards require social work curricula:

- To provide students with the 'broader knowledge that is required in order to critically understand the politics, socio-legal, cultural and historical forces that have shaped social work' (p.166);
- To help students 'develop skills of critical thinking and scholarly attitudes of reasoning' (p. 166); and
- To prepare students to understand and address the impact on human development of 'socio-structural inadequacies, discrimination, oppression, and social, political, environmental and economic injustices ... at all levels including the global' (p. 167).

Nevertheless, despite the above commitment to the promotion of a critical and inclusive social work education, we contend that a lack of explicit references to social work students and stakeholders with criminal records is a notable omission in the global standards document. It is our concern that while the absence may not be intentional, it represents an exclusion of a large minority of potential social work

students – and more specifically the loss of lived experience of criminal justice systems in the profession.

The process: governance as professionalism in English social work

In England, the requirement for applicants to undergo criminal record checks was introduced in 2001 by the General Social Care Council (GSCC), a precursor to the current regulator, Social Work England. The GSCC was established under the *Care Standards Act 2000* (General Social Care Council, 2008: 4) in response to calls for increased professionalisation. While the idea that not everyone should be able to become a social worker was not new, this incoming GSCC was the first body to establish formally that applicants should be of ‘good character’ and suitable to study social work. By 2003, the GSCC had introduced the Social Care Register and in 2005 it became compulsory for social workers, then including social work students, to be formally registered.

Just under a decade later, in 2011, the Health and Care Professions Council (HCPC) assumed regulatory authority for social workers and social work education. Students were exempt from registering as it was argued that ensuring students’ ‘fitness to practise’ would best sit with the university, guided by new Standards of Education and Training standards (SETs) with regulator validation processes approving and inspecting social work courses. The HCPC set up a transitional ‘Social Work Student Suitability Scheme in England’ to provide a mechanism for addressing student concerns while the HCPC assessed social work courses against the SETs.

The narrative of suitability to enter qualifying programmes was reaffirmed by the Higher Education Academy (2014). At this point, an attempt was made to define suitability to describe “attributes” with “character trait” denoting “unsuitable people” (p. 8). The guidance includes criminal records checks as procedure with a place offered only following a satisfactory check. The regulator does not advise on what constitutes satisfactory but adds applicants must complete an additional self-declaration form “either prior to interview or immediately afterwards” (HEA, 2014: 15). The regulator rests admissions decision-making at HEI level noting “HEIs will need to follow the procedures they have established for assessing suitability” (p16). Herein lies a tension between the function of university and regulator with admissions acting as site of both access to education and the profession.

Regulator guidance to admissions were relatively unchanged when Social Work England assumed regulatory authority of social work education in 2019. In their 2021 Qualifying Education and Training Standards, Social Work England (2020) established six outcomes, the first of which specifically connects admissions to registration, and directly links education to employment:

“Social work courses recruit students who have the capability and **suitability** towards developing the knowledge and skills necessary **to meet** the professional standards

and become registered upon completion of the course.” (SWE, 2020: 2, emphasis added).

Standard 1 affirmed the construct of suitability first noted in the professionalisation of social work agenda in the 1970s to become established discourse by 2007 with the GSCC issuing the *Suitability for Social Work* guidance billed to ensure suitability of social work students to training. Social work’s “important responsibility” was posited as justification for the GSCC assuming overall responsibility for the “final decision on suitability” of students entering social work education (p. 6) drawing on the *Care Standards Act 2000* wording of s58 which placed “onus on the applicant to prove that they are suitable to be registered”. Introducing registration, the Act did not make a distinction between a social work *student* and *qualified social worker* with the premise being that those doing social work would then become formally registered.

The expression *unsuitable people* is not evident in social work education guidance under either HCPC or SWE regulatory authorities; however, its construction remained. SWE (2020) in its 2021 guidance sets that course providers must:

“1.4: Ensure that the admissions processes assess the **suitability** of applicants, including in relation to their conduct, health and character. **This includes criminal conviction checks.**” (p.4) (emphasis authors).

Social Work England does not specifically define ‘unsuitability’ or ‘suitability’. Rather, meaning can be inferred by the proximity of these terms to others such as health, character, and criminal conviction checks. It can thereby be inferred that to be deemed suitable to study social work relates to a positive outcome for each of the three categories. It leaves the decision to admissions academics with the inference of good health and clear criminal checks equalling suitability.

There is not, nor has there ever been, guidance to define what function a criminal record check has other than to assess ‘suitability’. In so doing, the onus for decision-making regarding admissions remains with the regulator but in the absence of definition leaves the detail of administering this guidance to course level. It could be said that while applicants with criminal records are not precluded from social work courses, locating criminal record consideration directly following the requirement for ‘good character’ checks connects the two in practice. It is, however, not possible to check to what extent this location impacts practice. As universities are not required to provide data regarding rejected applicants and Social Work England do not provide data on first time post-qualifying rejected registrants, it is not possible to confirm neither the extent to which criminal records pose a barrier to entry to the profession nor potential demographic themes.

Finally, and perhaps most critically, the lack of transparency and publicity of admissions processes presents two potential risks for applicants with a criminal record. Firstly, applicants may assume that they are ineligible to apply on account of their criminal record, and thus be dissuaded from pursuing social work education.

Secondly, there is a risk social work education providers breach confidentiality by sharing criminal records checks beyond the purpose of admissions, such as sharing with partner agencies providing placements.

It is our assertion that this additional layer of assessment afforded to applicants with criminal records risks discrimination predicated on a construction of suitability in ways that would be contrary to the *Equality Act 2010*, for example. There is therefore cause to consider admissions to be playing a role in social work employment, linking admissions directly to employability, and not only to education. It is of concern that social work is not understood as a broad academic discipline in and of itself, and as we argue in the following section this is largely a result of decades of public management and marketisation influences on social work education provision in England.

Root causes of social work education's current position facing criminal records checks

Historical trends of government control over British social work education

The global neoliberal turn in higher education (Durazzi, 2021) has taken place in a complex and peculiar interaction with the history of the British government's regulation of the social work profession, including its education and training systems. We believe it fundamental to consider this to reach a fuller understanding of the nature and extent of the current constraints to the autonomy of social work education programmes in England with regards to student admissions.

Social work was initially embraced by the British government as an ally profession in the mid-1940s to address social needs linked to the Second World War post-war period and the development of the British Welfare state (Doel, 2012). Since then, Sims (2003: 62) argues, social work education in England has been 'characterised by a gradual but steady centralizing [governmental] control over educational content and delivery' as a critical feature. The 1970s saw the beginning of a trend of central Government led reforms of social work training with the establishment of the Central Council for Education and Training in Social Work (CCETSW) in 1971. A characteristic of this trend of reforms, started in a social climate marked by the influences of radical struggles of the time (such as feminism, trade unionism, civil rights), is that it has arguably been characterized by subsequent governments' attempts to gain a conservative ideological control of the profession and protect this from evolving 'radical' influences.

Jones (2011) explains how the increasing demand for a more critical social work education in the 1970s posed a significant challenge, overwhelming many of the programmes and educators who were not prepared for this. The tensions reached the CCETSW, whose response was to seek to control and fend off radical influences. From that time on, Jones (2011:42) claims that it is 'evident in every change that has been made to professional social work education since, the academic and intellectual content of the courses has been constrained and diluted in favour of content that

emphasised the priorities of the agencies' to produce 'doers and not thinkers'. It is his conclusion that the fact 'that we now have highly state regulated social work education in Britain is not simply a reflection of state power or neoliberalism, but of a complicit senior social work academy which all too often was the implementer of reactionary change' (Jones, 2011: 42).

Public management, marketisation and fragmentation of social work education

From the 1980s neoliberal boom onwards, government-controlled standards setting was justified through discourses which portrayed social work as a failing profession. Moreover, increasing marketisation and a drive to fragment social work's professional field have characterized the government-led social work education reforms in the UK, if more strongly in England.

Social work and social work education have been presented as in continuous need of reform under both Conservative and New Labour (1997–2010) governments and this has been in parallel to ongoing attacks on the profession by sensationalist media, particularly linked to child protection failure scandals (Bamford, 2015; Ferguson, 2008). Contrary to the case of social work education in most countries, international influences have been limited. These have been explicitly dismissed, for example, by the advisor to the Conservative British Government Sir Martin Narey, whose social work education review report claimed that the IFSW's definition of social work is 'thoroughly inadequate' for child protection social work and there is a need for another definition 'that concentrates on that work, generally carried out in the statutory sector, which is about protecting children' (Narey, 2014: 13). This report expressed concern about social work training focusing too much on theoretical concepts such as non-oppressive practice and partnership with service users (p. 12) and argued for higher academic requirements and stricter recruitment procedures to be introduced and audited at universities. It also strongly recommended the promotion of "fast-track" specialised social work training programmes based on workplace training with a reduced academic component.

Since 2010, a series of this kind of "fast-track" social work training programmes for working in a particular area of social work (children, adults, mental health) have been introduced in England in the spirit of market accountability and elitist workforce recruitment. *Frontline*, a programme of this type introduced in 2014 aims to recruit the highest achieving graduates to train as children's social workers. At its launch, it unapologetically targeted 'the best and brightest graduates' from the country's most prestigious universities (MacAlister, 2014). The language of the *Frontline* organisation communications has since then changed slightly, and their targeted applicants are currently referred to in a consistent way as 'great people' with specific 'competencies' capable of raising the status of the profession. An example statement from the *Frontline* website is rather telling: 'It's important that we challenge the negative perceptions that are often portrayed in the media and raise the status of the profession to encourage great people to join social work' (Frontline, 2021). From

these programmes and their advocates, it is argued that the strict selection criteria will help ensure that social workers qualified through these routes will excel in their future social work practice (MacAlister, 2014).

Fast track social work training programmes can thus be seen as a culmination of long-established tendencies towards government control (increasing in the shape of public management), marketisation and the fragmentation of social work education which saw social work disassociate from probation training in England in the late 1990s. Nonetheless, these tendencies also pervade the contemporary approach to social work training and student recruitment of the whole range of social work programme providers, including universities and higher education institutions in England.

In relation to the global growth patterns of marketisation of higher education (notably in the European Higher Education Area), Durazzi (2021) has highlighted how, under neoliberalism, higher education policy breaks long standing social pacts by shifting the focus from the promotion of higher education as a public good to the concept of short-term employability. An investment in the interests of employers is prioritised over investing in developing students' (and future workforce) critical thinking about their own needs and those of the larger society (Durazzi, 2021). In marketised contexts, Lundgren-Resenterra and Kahn (2020: 216) note, HEIs need to 'sell' their courses through 'mission objectives' that affect students' choices in terms of education prospects, prioritise complying with temporary demands of the labour market in relation to enrolment and retention numbers and develop training programmes around skills and attributes to pursue profit-making and competitiveness. As they do so they lose control over the curricula and power against employers and professional regulatory bodies whilst becoming instrumental in fostering a customer rather than a pedagogical culture which marks the relationships established between students and their educators. Regarding social work education in England, it needs to be noted however, that a main stakeholder of employability agendas is the government itself, which is provided with a ready workforce for statutory social work, shaped along neoliberal lines (Bamford, 2015).

Conclusion

Professionalism encroaching on governance

The scrutiny of criminal records in social work admissions decision-making has its history in the origins of criminal records and their growing symbolism in society. We argue that for social work education, criminal record checks represent an occupational basis of risk assessment where in being applied to its own - social workers - is understood differently in terms of social justice to one that is not only required but wholly justified in scope to maintain that only "suitable" social workers practice and no "unsuitable" people make it into the profession (irrespective of this being directly contrary to social work commitment to emancipation, social justice, and human rights).

There are alternative views and influences in the current context of social work education in England, such as Croisdale-Appleby's (2014) parallel review of social work education which contrasts highly with Narey's (2014), which need to be acknowledged. There is also a history of minoritarian but rich and influential critical and radical social work currents in the UK. Very importantly, there have not ceased to exist pockets of resistance to government control of the profession as well as internationalization efforts within social work education. Nevertheless, we have sought to bring to the fore in this article some of the root causes linked to the highly constrained autonomy of social work education courses in England. Given this situation, there is on the one hand a long way to pave domestically for social work courses to regain influence, criticality, and lost autonomy that would allow for greater control over student recruitment processes and the possibility for making these more inclusive. On the other hand, looking out at the international context and seeking legitimacy from the profession's global commitment to human rights, social justice and diversity values, as established in the global standards for social work education (2021) may allow for envisaging alternative approaches to social work where criminal records are approached in a radically different way.

The last two decades have seen significant growth in digitalisation to the point where 'knowing' has become synonymous with a brief Google. Valuing knowledge has reinforced assumptions that those professions responsible for the care and support of the vulnerable in society operate following an exact science of risk assessment. In the last five years, it has been acknowledged that criminal records should not be a barrier to study. This understanding has so far not been applied to professional education in areas such as social work. While the principle remains applicants intend to study, studying is then married with a concern for gatekeeping the profession and broader public safety and confidence concerns. While when registration was first introduced student social workers were required to register, it was later argued that students ought to remain under the oversight of universities. There is a blurring of responsibility and expectations where university admissions decision-making is guided by a constructed notion of "good character" and "suitability" to study without guidance on what that means in relation to criminal records. For example, it might be considered reasonable to exclude applicants with convictions relating to harm to children or vulnerable adults from studying social work, but in the absence of clear guidance we risk convictions being measured based on applicants' ability to contextualise their conviction. This, we argue, risks disparate practice in which explanation or personalised professional identity (Goodson, 2013). In relying on applicants to contextualise or explain their criminal records, admissions rely on subjective assessment of subjective explanation leaving potential for misplaced acceptance or avoidance of risk, the so-called false promise of risk assessments (Goodson, 2013; Green, 2020).

Next steps

To better understand next steps, it has been important to reflect on where we are now in social work education. As a profession with public authority, social workers with criminal records cut across desistance and redemption public discourse. The very

idea of social workers breaking the law, no matter how long ago or to what severity, is enshrined in law by programmes and employers having the right to know through the enhanced criminal records check systems. Irrespective of risk, the right to know has become so commonplace in social work that the laws protecting a person's right to move on are diluted in becoming conflated with what has become a common-sense right to ask.

For many, concern about being asked may deter application to enter the profession. A brief review of university webpages show social work is not openly welcoming of students with criminal records despite many signing up to the *Fair Chance* pledge, a guide to universities on fairer admissions processes for students with criminal records (Unlock, 2019). While growing research of admissions processes is valuable, we argue that it is vital for a specific focus to be given to public sector professional courses, like social work.

The pressure on the profession is significant with government calls for reviews into social work being matched across public sector professional educations, most notably teaching. At a time when social work education is being tested by calls for the increasing contracting out to attract only the "brightest and the best", there is a sense of a developing parallel social work education system favouring in fact less widening participation to the point where diversity is characterised as *left behind* (Hanley, 2022).

Drawing on social work in England as a case study, we have identified how the current use of criminal record checks is linked with the broader neoliberal forces of public management and marketisation which have increasingly shaped the provision of social work education in England. Specifically, we have described how criminal record checks have become embedded within a narrow, regulatorily defined and managed vision of suitability potentially at odds with the foundational ethos of our profession.

The use and function of criminal record checks by providers of social work education is also, we have argued, emblematic of the perceived value and role of social work education itself, and the extent of regulatory and/or governmental involvement in its provision. While we have identified the exclusion of people with criminal records as an issue relevant to the profession globally, with reference to the international definition of social work (IFSW and IASSW, 2014) and the global standards for social work education (Ioakimidis and Sookraj, 2021) it is important to recognise that this is an area most significantly shaped by local legislative and regulatory contexts of social work practice.

In an immediate sense, this area for resistance and reform might be within regulatory bodies and universities, however, there is also scope for social work advocacy to the criminal record check system itself. Finally, while we have drawn on our own context as social work educators, the forces giving rise to this situation, whether political, cultural, or regulatory, are applicable to varying degrees across various professions and spheres of citizenship.

Acknowledgements

The authors wish to thank Andrew Henley, Nicola Carr and other members of the European Society of Criminology Working Group on the Collateral

Consequences of Criminal Records for your encouragement and feedback on earlier drafts. We are grateful to our colleague, Konstantinos Roussos for his comments and suggests on our manuscript.

Declaration of conflicting interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

ORCID iD

Caroline Bald  <https://orcid.org/0000-0001-7324-2738>

References

- Aldridge M and Eadie C (1997) Manufacturing an issue: the case of probation officer training. *Critical Social Policy* 17(50): 111–124.
- Bamford T (2015) *A Contemporary History of Social Work. Learning from the Past*. Bristol: Policy Press.
- British Association of Social Work (BASW) (2021) *The BASW Code of Ethics for Social Work*. Birmingham: British Association of Social Work.
- Corda A (2016) More justice and less harm: reinventing access to criminal history records. *Howard Law Journal* 60(1): 1–60.
- Corda A and Lageson SE (2020) Disordered punishment: workaround technologies of criminal records disclosure and the rise of a new penal entrepreneurialism. *The British Journal of Criminology* 60(2): 245–264.
- Crisp BR and Gillingham P (2008) Some of my students are prisoners: Issues and dilemmas for social work educators. *Social Work Education* 27(3): 307–317.
- Croisdale-Appleby D (2014) *Re-visioning Social Work Education. An Independent Review*. London: Department of Health.
- Denver M, Pickett JT and Bushway SD (2018) Criminal records and employment: A survey of experiences and attitudes in the United States. *Justice Quarterly* 35(4): 584–613.
- Doel M (2012) *Social Work: The Basics*. New York: Routledge.
- Durazzi N (2021) Opening universities' doors for business? Marketization, the search for differentiation and employability in England. *Journal of Social Policy* 50(2): 386–405.
- Ferguson I (2008) *Reclaiming Social Work: Challenging neo-Liberalism and Promoting Social Justice*. London: Sage.
- Frontline (2021) What we do. <https://thefrontline.org.uk/what-we-do/> [Accessed 15 July 2021]
- Fuller M, Bradley A and Healey M (2004) Incorporating disabled students within an inclusive higher education environment. *Disability & Society* 19(5): 455–468. [Accessed 21 December 2021]

- General Social Care Council & Joint University Council Social Work Education Committee (2007) *Suitability for Social Work: Ensuring the suitability of social work students to access and continue their training (Joint Report)*. General Social Care Council & Joint University Council Social Work Education Committee, London.
- General Social Care Council (2008) *Raising Standards: Social Work Conduct in England 2003–2008 (Summary)*. London: General Social Care Council.
- Goodson IF (2013) *Developing Narrative Theory: Life Histories and Person Representation*. Abingdon: Routledge.
- Green B (2020) The False Promise of Risk Assessments: Epistemic Reform and the Limits of Fairness. In Conference on Fairness, Accountability, and Transparency, January 27–30, 2020, Barcelona, Spain. New York, NY, USA: ACM, <https://doi.org/10.1145/3351095.3372869/> [Accessed 15 March 2022]
- Hanley J (2020) Left behind: Exploring how mainstream social work students see themselves compared to the ‘best and brightest’. *Social Work Education* 41(4): 497–513. DOI: 10.1080/02615479.2020.1851361 [Accessed 21 December 2021]
- Higher Education Academy (2014) *Assessing the suitability of students to enter and remain on qualifying social work programmes: guidance for universities and their employer partners in England*. Report in conjunction with The College of Social Work (TCSW) and Joint University Council Social Work Education Committee (JUCSWEC).
- Hoskins Z (2018) Criminalization and the collateral consequences of conviction. *Criminal Law and Philosophy* 12(4): 625–639.
- International Federation of Social Workers (IFSW) and International Association of Schools of Social Work (IASSW) (2012) *Global Standards*. <https://www.ifsw.org/global-standards/> (Accessed on: 14 December 2021)
- International Federation of Social Workers (IFSW) and International Association of Schools of Social Work (IASSW) (2014) *Global definition of social work*. <https://www.ifsw.org/what-is-social-work/global-definition-of-social-work/> (Accessed on: 20 December 2021)
- International Federation of Social Workers (IFSW) and International Association of Schools of Social Work (IASSW) (2018) *Ethics in social work, statement of principles*. <https://www.ifsw.org/global-social-work-statement-of-ethical-principles/> (Accessed on: 20 December 2021)
- Ioakimidis V and Sookraj D (2021) Global standards for social work education and training. *International Social Work* 64(2): 161–174.
- James A and Raine J (1998) *The New Politics of Criminal Justice*. London: Longman.
- Jones C (2011) The best and worst of times: Reflections on the impact of radicalism on British social work education in the 1970s. In: Lavalette M (ed) *Radical Social Work Today*. Bristol: Policy Press, pp. 27–43.
- Koops BJ (2021) The concept of function creep. *Law, Innovation and Technology* 13(1): 29–56.
- Lundgren-Resenterra M and Kahn PE (2020) Higher education in a post-truth era: Whose agency is triggered by a focus on employability? *Journal of Critical Realism* 19(4): 415–431.
- MacAlister J (2014) Thousands of top graduates apply to new social work programme frontline news. Available at: <http://www.thefrontline.org.uk/news/thousands-top-graduates-apply-new-social-work-programme>.

- Madoc-Jones I, Bates J, Facer B, et al. (2007) Students with criminal convictions: policies and practices in social work education. *British Journal of Social Work* 37(8): 1387–1403.
- Ministry of Justice (2010) Conviction histories of offenders between the ages of 10 and 52. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217474/criminal-histories-bulletin.pdf
- Morris N and Rothman DJ (eds) (1998) *The Oxford History of the Prison: The Practice of Punishment in Western Society*. USA: Oxford University Press.
- Narey M (2014) Making the education of social workers consistently effective. Department for Education. Available at: <https://www.gov.uk/government/publications/making-the-education-of-social-workers-consistently-effective>. [Accessed 15 July 2021]
- Nelson P and Cowburn M (2010) Social work admissions : Applicants with criminal convictions - the challenge of ethical risk assessment. *British Journal of Social Work* 40(4): 1081–1099.
- Raynor P and Vanstone M (2016) Moving away from social work and half way back again: new research on skills in probation. *British Journal of Social Work* 46(4): 1131–1147.
- Rovira M (2020) The next Pandora's box of criminal background checks. *European Journal of Criminology*, OnlineFirst, 1–17.
- Scott N and Zeiger S (2000) Should convicted felons be denied admission to a social work education program? No!. *Journal of Social Work Education* 36(3): 409–413.
- Sims D (2003) Social work education in England and Spain: A comparison of contemporary developments. *Educate* 3: 60–71. <http://www.educatejournal.org/index.php/educate/article/view/31>
- Skills for Care (2021) Social work education 2021: skills for care analysis of higher education statistics agency (HESA) data, March 2021. <https://www.skillsforcare.org.uk/adult-social-care-workforce-data/Workforce-intelligence/documents/Social-Work-Education-in-England-2021-Final.pdf> [accessed 15th March 2022]
- Social Work England (2020) Education and training standards. [Online] Available at: https://www.socialworkengland.org.uk/media/3423/1227_socialworkengland_standards_drft_qual_ed_training_standards_2021.pdf [Accessed 15th June 2021]
- Thomas T (2007) *Criminal Records: A Database for the Criminal Justice System and Beyond*. Basingstoke: Palgrave Macmillan.
- Thomas T and Heberton B (2013) Dilemmas and consequences of prior criminal record: A criminological perspective from England and Wales. *Criminal Justice Studies* 26(2): 228–242.
- Unlock (2018) Understanding applicants with criminal records. <https://www.ucas.com/file/189506/download?token=NOONTzwa> [Accessed 16 March 2022]
- Unlock (2019) Unlocking students with criminal records. <https://unlock.org.uk/project/unlocking-students-with-criminal-records/> [Accessed 21 December 2021]
- Unlock (2021) Angels or witches: The impact of criminal records on women. <https://unlock.org.uk/criminalrecordswomen/>