

Avoiding the obvious: Crime and race in higher education

The #BlackLivesMatter protests sweeping across Europe have encouraged us to question just how far the criminal justice system labels ‘people of colour criminals and discriminates against them’ (Alexander, 2019, p. 2). One way this discrimination is said to manifest itself is through the Rehabilitation of Offenders Act 1974 (ROA) that sets out how long offenders in England and Wales must wait after a conviction or prison sentence before their record is spent. For example, an adult serving a prison sentence of more than 30 months but less than four years must wait for seven years after their sentence has expired for their conviction to be spent. Until that time, an offender can be legally discriminated against in the areas of housing, employment and education.

Until recently, British universities have tended to overlook the interplay between crime and racism in higher education (HE), presumably because the perception we have of offenders is that they are academic underachievers unlikely to progress to university (West, 2014, p. 2). However, a research project I undertook last year (Widening the Bracket: Ex-Offenders in HE), revealed that between 2013 and 2018, 40 per cent of UCAS applications from people with a disclosed conviction came from a Black, Asian and minority ethnic (BAME) background. BAME students form part of many universities’ widening participation (WP) agendas that offer underrepresented groups support in the form of bursaries and subsidised housing. However, BAME ex-offenders are not included, even though a BAME student with a conviction will experience ‘double the obstacles’ (Unlock, 2019, p. 17).

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BAME student with a conviction will experience “double the obstacles”.’

The decision taken by UCAS to remove that box from its application forms – meaning that from 2018 onwards applicants were no longer required to disclose their criminal records – not only makes it more difficult to track the progression of BAME ex-offenders in HE, it assumes the biggest issues facing this group begins and ends with them getting accepted into university. This represents a missed opportunity for institutions to address the intersection between crime, racism and education, especially as one of the accusations levelled at the ROA is that it is an instrument of public policy designed to remove people of colour from mainstream society. Although BAME ex-offenders continue to be accepted into competitive universities, their continuation rates and academic outcomes are extremely poor. For example, between 2013 and 2018 the University of Durham reported that only 0.03 per cent of ex-offenders managed to graduate for five years in a row.

The poor performance of BAME ex-offenders can be said to be linked to their poor employment prospects – 75 per cent of employers have admitted to having used an applicant’s criminal conviction to discriminate against them (Recruit, 2020). Obtaining employment is crucial for BAME ex-offenders who choose to return to education, as typically undergraduates exhaust 80 per cent of their student loan to fund a year’s rent in student halls or shared accommodation, leaving little in the way of extra money for living expenses (Minsky, 2016).

The intersection of crime and race in HE takes on renewed importance when we relate this to the BAME attainment gap that has continued to persist despite efforts to decolonise the curriculum. While I am not suggesting that every BAME student has a criminal record, the data shows that a significant number of UCAS applicants with convictions come from a BAME background. The fact that this group receives little to no support from their universities may have a knock-on effect on universities’ attempts to improve BAME representation and academic attainment.

Education has been proven to significantly reduce reoffending, so why is it we continue to ignore the presence of BAME ex-offenders in HE? By including them in the WP agenda, they will be able to access bursaries and subsidised housing, and even priority to enrol in certain classes to avoid clashes with Probation. Moreover, universities should also be encouraged to partner with external organisations that are prepared to offer students with convictions paid internships during the holidays and part-time employment during the term, given the difficulties this group will encounter finding legitimate work elsewhere. By acknowledging the chilling effect that HE has on BAME ex-offenders who enrol in university only to learn there are no provisions to support students like themselves, universities risk doing the exact opposite of what they are setting out to achieve: creating an environment that reflects our diverse society.

References

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