
To: North Strathclyde Community Justice Authority

On: 11 December 2015

Report by: Chief Officer

**Heading: Rehabilitation of Offenders Act 1974 – Consultation Paper
Joint CJA Conveners Response**

1. Summary

1.1 This consultation paper sets out specific proposals to reform the Rehabilitation of Offenders Act 1974 to allow more people with previous criminal activity to be able to move away from their past offending behaviour and to reduce the length of time most people will have to disclose their previous criminal activity.

1.2 Over one-third of the adult male (18+) population in Scotland is likely to have at least one criminal conviction

Nearly one-tenth of the adult female (18)+ population is likely to have at least one criminal conviction

In the past decade between 2003-04 to 2012-13 the average number of reconvictions per offender has decreased by 18 per cent.

Total economic & social costs of re-offending are estimated at £3bn approx.

Individuals released without employment are twice as likely to re-offend

SPS reports that 80% of inmates were unemployed prior to their sentence/remand. Once liberated, evidence shows that it is eight times harder for a person to gain employment, with declaration of a criminal record the greatest factor in an employer refusing employment.

Jobcentre Plus research indicates less than 3% of ex-offenders progressed into employment (sample group only)

1.3 Having to disclose previous criminal activity, such as a previous criminal conviction, affects many people in our society. The consequences of having to do so can have an on-going impact on people's ability to gain employment; attend university or college; volunteer, obtain certain licences, secure an apprenticeship or even get insurance or a bank account; etc. The key factors that influence people not to re-

offend include having stable employment, access to education, having positive family relationships and having normal lifestyle choices. Public safety and the interests of wider society are, therefore, generally best served by encouraging and enabling people to move on from their offending behaviour as much as possible.

- 1.4** In Scotland, the 1974 Act provides that anyone who has been convicted of a criminal offence and either sentenced to a non-custodial penalty or sentenced to prison for a period of 30 months or less can be regarded as 'rehabilitated' after a specified period of time, (the rehabilitation period), provided he or she receives no further convictions. A person can also become 'rehabilitated' after receiving an alternative to prosecution (AtP), such as a fiscal warning or a fiscal fine. After the specified rehabilitation period has passed, the original conviction or AtP is considered to be 'spent' and no longer needs to be disclosed.

Anyone receiving a custodial sentence of over 30 months has to disclose details of this conviction when asked because there is no protection under the 1974 Act for such sentences. The requirement to disclose previous criminal activity for specific time periods, depending on the conviction or AtP, exists to try and balance the competing needs of protecting the public while allowing individuals to move on from their previous offending by becoming rehabilitated under the 1974 Act at a specific point in time.

- 1.5** However, there are some categories of employment and proceedings to which the normal rules under the 1974 Act do not apply. It is positions involving a particular level of trust, such as work in the childcare, healthcare and the financial sector, that are treated differently from the normal application of the 1974 Act. This is to ensure there is adequate protection for children and vulnerable people in particular by allowing employers to be informed about relevant previous convictions of potential/actual employees. There is existing secondary legislation^[2] which provides for the categories of employment and other types of proceedings covered by these special rules.

- 1.6** The consultation concentrates on two particular aspects of the 1974 Act:-
- (a) allowing more people with previous criminal activity to be able to move away from their past after a suitable period of time has elapsed; and
 - (b) changing the different periods of time a person has to disclose their previous criminal activity.

2. Recommendations

- 2.1** Members are asked to note the content of this report.

3. Background

- 3.1** In August 2013 the Scottish Government issued a discussion paper seeking views on how the existing legislation could be improved and modernised. This was complimented by 6 public engagement events held across Scotland in November of the same year. Based on these responses the Scottish Government issued a formal consultation document in May 2015 and the attached response on behalf of CJA's was completed by Vikki Binnie of South West Scotland CJA, following discussions with Conveners, Chief Officers and key stakeholders. Responses were required to be submitted by 12th August 2015.

Implications of the Report

Equality & Human Rights

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Authorities website.

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Rehabilitation of Offenders Act 1974 – Consultation paper

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

South West Scotland Community Justice Authority on behalf of Scotland's eight Community Justice Authorities (CJAs)

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☒ Dr ☐ **Please tick as appropriate**

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3. Permissions - I am responding as...

Individual

/

Group/Organisation

☐

Please tick as appropriate

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

☒ **Yes** ☐ **No**

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Are you content for your **response** to be made available?

Please tick as appropriate

☒ Yes ☐ No

Yes, make my response, name and address all available ☒

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

CONSULTATION PAPER QUESTIONS

Questions – Rehabilitation of Offenders Act 1974 – Consultation paper

QUESTION 1

Do you agree with the proposal that the scope of the new legislation should be increased from 30 months?

Yes ☒ No ☐

Comment

The increase from 30 months to 48 months is to be welcomed. However this may then reinforce the distinction between short term and long term prisoners which may inadvertently create further barriers for this particular group.

The name of the Act “The Rehabilitation of Offenders Act” also requires attention unless the “rehabilitation” periods can be supported by a robust evidence base at each stage clearly relating to when a person is considered rehabilitated. What this consultation and subsequent Act is actually setting out is **disclosure** periods rather than rehabilitation periods.

We have a number of queries and comments in relation to the following statements in the consultation paper¹:

- Over one third of the adult male population in Scotland is likely to have at least one criminal conviction.
 - *How many of these adult males have convictions that are unspent and need to be disclosed?*
 - *How many currently disclose unnecessarily?*
 - *How many choose not to disclose at all?*
 - *Is there any evidence that disclosing previous convictions makes people **less likely** to commit further offences and desist from crime?*
 - *A report by Christopher Stacey² went so far as to say that there was “no conclusive evidence that shows that asking for criminal record details, or checking an official record effectively reduces the risk of offending, despite the significant trust placed in this strategy”.*
- Individuals released without employment are twice as likely to reoffend.
 - *Interestingly those returning from custodial sentences are also more likely to reoffend than those completing community sentences³;*

¹Rehabilitation of Offenders Act 1974: Consultation Paper. The Scottish Government May 2015 <http://www.gov.scot/Resource/0047/00477178.pdf>

²“Rehabilitation and Desistance vs Disclosure” Criminal Records: Learning from Europe. Stacey C, Winston Churchill Fellow 2014. Published April 2015, page 13, paragraph 3 <http://blogs.iriss.org.uk/discoveringdesistance/files/2015/05/Rehabilitation-Desistance-vs-Disclosure-Christopher-Stacey-WCMT-report-final.pdf>

³ Figures released in March 2015 for the 2012/13 cohort demonstrated that the Reconviction Rate for those completing Community Payback Orders (CPO) was 11.2 points *less* than for those returning from custody, whilst the Average Number of Reconvictions per Offender was 0.55 for CPO compared to 0.87 for those returning from custody <http://www.gov.scot/Publications/2015/03/9783/downloads>

*perhaps our focus should be on developing robust **community options** for all but the most serious offenders.*

- *We need to take cognisance of recent research such as What Works to Reduce Reoffending⁴ which states “a number of studies have found that community sentences are **more effective** in reducing reoffending than short-term prison sentences. This may be due to **increased opportunities for rehabilitation** during community sentences and avoidance of the negative unintended consequences of imprisonment, such as losing employment or housing”*
- Jobcentre Plus research indicates less than 3% of ex offenders progressed in to employment.
 - *This bullet point alone indicates that change is required to make the process of applying for and securing employment much more straightforward and easy to understand for all of those with criminal convictions, rather than having different rules and rehabilitation/disclosure periods for everything and an even greater distinction between community and custodial disposals.*

Currently a number of specialist providers support individuals with offending backgrounds to complete “letters of disclosure” to enable them to apply for jobs in the correct way, indeed it is an offence in itself to withhold this information. Would individuals who have written such letters have to do these again to reflect the changes to legislation once it comes in to force, and if so who would fund this provision? (Every individual would require support to ensure their information was correct for the purposes of employment, training and volunteering).

QUESTION 1a

If you have answered yes, should the scope be;

48 months ☒ **longer than 48 months** ☐ **shorter than 48 months** ☐

Comment

Although the increase in scope is to be welcomed, the increase from 30 months to 48 months actually reinforces the distinction between short term prisoners (STP) and long term prisoners (LTP) as set out in the Prisoners and Criminal Proceedings (Scotland) Act 1993, which may not be useful and indeed may be counterproductive, further stigmatising those with convictions serving custodial sentences.

Ultimately rehabilitation should be an option for all but the most serious violent offenders, and as such changes to legislation should reflect this, allowing people to move on from their offences and integrate successfully back in to their communities. Scotland should be bolder than its counterparts in England and Wales with “The Act” offering protection and rehabilitation to **all individuals with a criminal history** (even those serving a life sentence or being on life license subject to review and sustained

⁴ What Works to Reduce Reoffending: A Summary of the Evidence. Justice Analytical Services, Scottish Government 2015 <http://www.gov.scot/Resource/0047/00476574.pdf>

evidence of desistance). Surely if we believe the systems we have in place are robust (e.g. Judicial decision making and review; management of people with a criminal record by Scottish Prison Service, Local Authorities, Parole Board etc) we would have faith that those completing their sentences, whether custodial or community, are in fact rehabilitated on completion of said sentence.

There are also now much more robust controls in place to monitor compliance and support employers within existing mechanisms (e.g. Police (Scotland) Act 1997, Protecting Vulnerable Groups (Scotland) Act 2007 and Multi Agency Public Protection Arrangement - MAPPA), none of which was available in 1974. Furthermore support services provided through The Reducing Reoffending Change Fund (with Shine and New Routes both providing national coverage) are now well established, helping people to reduce the chaos in their lives and move forward more constructively, and in effect be more ready and equipped to sustain successful employment.

It is also important to note that the exclusions and exemptions⁵ amendments to The Act will remain in place, offering continued protection to employers and professions working with our most vulnerable groups and subsequently the most serious offenders.

A three pronged approach is required with more focus on ***the reasons behind the increases in sentences length*** and whether this is in fact related to increased seriousness of offending or simply “sentence inflation”⁶, changes to “The Act” alone may not be enough.

Much more work is required with employers to ensure the Rehabilitation of Offenders Act is used in the way it should be, only when relevant to the employment offered and not as a tool to debar the employment of those with a criminal history; training on disclosure for employers should be mandatory and support offered in effective risk assessment. Changes to recruitment and application processes would further support this, with conviction questions only raised once an individual is actually offered employment rather than being part of earlier recruitment processes.

The current system often means that those people with offending backgrounds **deselect themselves** from the process, assuming they will fail at the first hurdle. Leaving the question until further on in the process may encourage those with convictions to apply with more confidence. Recruit with Conviction have endorsed Business in the Community’s “Ban the Box” campaign⁷ stating that “The criminal record tick box on a job application form has absolutely no value without context”.

Ongoing work is required with those leaving prison **and** completing community sentences on the impact of their offending and its subsequent impact on their future employment, training, learning and volunteering options. All prisoners should be liberated with basic knowledge of both this and the Act, ideally with an **up to date**

⁵ The Rehabilitation of Offenders Act 1974 (Exclusions and Exemptions) (Scotland) Order 2013, as amended

⁶ See page 9 of the consultation paper, Breaking the Circle, 2002

⁷ According to Recruit with Conviction “Asking people to disclose too early can lead force them in to the back economy and crime” <http://recruitwithconviction.org.uk/campaigns/ban-the-box/>

letter of disclosure; the same provision should be made for those on community sentences. At the present time, individuals can apply for a list of their convictions through Subject Access, however there is a cost attached to this, if we want to encourage people to disclose they should be able to access their personal information free of charge for the purposes of employment. This would empower individuals to have more confidence when applying for training or employment and provide them with the assurance that they would be considered on an equal footing.

QUESTION 2

Do you agree that the length of the rehabilitation period should be determined by whether an individual gets a custodial sentence, a non-custodial sentences or an alternative to prosecution?

Yes ☐ No ☒

Comment

We agree that Alternatives to Prosecution (AtP) should be dealt with differently, however whether a sentence is custodial or non custodial does not ***always*** reflect the seriousness of the offence committed, with inconsistencies of sentencing across the country. Offences committed in one part of Scotland can be dealt with very differently in another part of Scotland, indeed this can be the case even within courts, depending on the Sheriff hearing the case.

Furthermore, the distinction between community sentences and custodial sentences may be detrimental to more vulnerable groups, for example female offenders and those with mental health issues, for whom custodial sentences at times seem to be used to access a degree of respite and fast and effective access to services. With no robust ‘community offer’ (i.e. a supported, holistic care package based in the community) available to sheriffs at this time prison may seem like the only option. Until such time that equity of provision is available, or presumption against short sentences is extended to 12 months these vulnerable groups could be negatively impacted upon.

It is important to remember that community sentences are given as an *alternative to custody* not as a soft option; therefore the distinction between these groups in regard to rehabilitation periods further underlines the supposed seriousness and implied risk of those receiving and returning from custodial sentences, making their reintegration even more difficult and ultimately their risk of reoffending even greater.

2.1.4 of the consultation guidance states “**custodial sentences will be used for the most serious type of criminal activity or for example breaches of community orders**” therefore the breach of the order will attract a longer rehabilitation period which may in fact ***not*** reflect the seriousness of the original offence. In cases of breach there may be an argument that the rehabilitation period follows the ***original community sentence***, as it is clear from the consultation paper that the

rehabilitation period is a ***consequence of the offence and not a punishment***; in effect the rehabilitation period is being inflated in cases of breach which then surely makes it become a “punishment” in its own right.

This section goes on to say “the court may consider the only option available to it is to hand out a custodial sentence to a person **who chooses** not to comply with a previous sentence and as such, needs a more severe punishment or that it is considered that society needs ‘relief’ (protection) from the person’s prolific offending behaviour”, it should be noted that ‘relief’ and ‘protection’ are not the same thing with this wording indicating that the offender is high risk. Many of those breaching orders do so not because they **choose** to but rather because of the ongoing chaos in their lives due to many different factors, not all of which are within their individual control.

QUESTION 3

Do you agree with the proposal that no AtPs should be self-disclosed by a person in circumstances when a basic disclosure check is requested?

Yes ☒ No ☐

Comment

QUESTION 4

Do you agree with all the proposals to reduce the time periods for disclosing non-custodial sentences as set out in Table A?

Yes ☒ No ☐ Some but not others ☐

Comment

All time periods for disclosing **all** sentences should be reduced. Financial penalties continue to attract a fairly long rehabilitation/disclosure period of 12 months in the new proposals which seems excessive, particularly when this applies to the largest single group of offenders⁸, the data also shows that both reconviction rates and the average number of reconvictions per offender are lower for those receiving a monetary disposal.

QUESTION 4a

⁸ 14,804 people received a monetary disposal (2012/13 cohort) compared to 9,511 CPO and 7,436 Custodial. The Reconviction Rate for those receiving a monetary disposal is 23 compared to 43.3 for custodial and 32.1 CPO. Average number of reconvictions per offender was 0.38 monetary disposal, 0.87 custodial and 0.55 CPO <http://www.gov.scot/Publications/2015/03/9783/downloads>

If no, do you think all the rehabilitation periods should be shorter or longer than proposed?

Shorter ☒ Longer ☐

Comment

See comment above at Question 4

QUESTION 4b

If shorter, what lengths of time would you like to see?

Comment

See comment above at Question 4

QUESTION 4c

If longer, what lengths of time would you like to see?

Comment

QUESTION 4d

If some but not others, what sentences are you referring to and what lengths of time would you like to see?

Comment

See comments at Question 4

QUESTION 4e

Do you think it is still appropriate for the rehabilitation periods to be halved when the person committed an offence under the age of 18?

Yes ☒ No ☐

Comment

Ideally all young people under 18 should be dealt with through expansion of the Children's Hearing System which better considers and reflects different developmental stages of young people, assessing their actions and behaviours in a more holistic way. In some cases there may be an argument to extend this further to those under 21, as until that time individuals are still deemed to be young offenders.

In their 2014 paper⁹ Lightowler et al recommended an expansion to the whole systems approach (WSA), stating “Essentially the extension of the WSA to older young people up to 21 or beyond is being actively advocated in some quarters as reflected in the discussion paper *Youth Justice in Scotland: Meeting the Challenge* (McClafferty, 2014)”. This would have a significant impact on rehabilitation/disclosure periods for those between the ages of 18 and 21 in Scotland, and ultimately their future as contributing members of society.

Keeping young people out of the justice system altogether for as long as possible should be the aim in order to reduce negative labelling and the subsequent stigma which then follows them throughout their adult life, adversely affecting not only employment opportunities but access to further/higher education, volunteering, housing, financial services etc.

QUESTION 4f

If no, please provide details below.

Comment

QUESTION 4g

Do you have any other comments/views in relation to the proposed rehabilitation periods for non-custodial sentences?

Comment

See response to Question 2

QUESTION 5

Do you agree with all the proposal that the rehabilitation periods for custodial sentences should be reduced as set out in Table B?

Yes ☒ No ☐ Some but not others ☐

Comment

Whilst we agree that the rehabilitation periods for custodial sentences should be reduced, it is still confusing and difficult for people to work out without specialist advice and support. Does there really need to be a distinction between sentences of over 12 months and up to 30 months/over 30 months and up to 48 months? Individuals serving these sentences are all short term prisoners by definition,

⁹ Lightowler C. Orr D. Vaswani N “Youth Justice in Scotland: Fixed in the past or fit for the future?” CYCJ September 2014 <http://www.cycj.org.uk/wp-content/uploads/2014/09/Youth-Justice-in-Scotland.pdf>

therefore length of sentence plus 6 years would appear excessive, further adding to the complicated nature of disclosure. As it states throughout this consultation paper, the rehabilitation period is a **consequence** of the offence, not a **punishment**.

It would be interesting to know how the rehabilitation periods were decided upon and what evidence base was used to propose **four** different rehabilitation/disclosure periods for those returning from custody. A single rehabilitation/disclosure period applied consistently to all those completing custodial sentences would be much more straightforward and easy to understand for all involved. As stated above, it is the **sentence itself which is the punishment**, the rehabilitation/disclosure period is merely the consequence.

At 2.1.17 of the consultation paper it states “Evidence tends to show that if someone is going to reoffend, they will be more likely to do this **shortly after committing their previous offence rather than waiting years before committing further offences**” surely this further supports implementation of a single rehabilitation/disclosure period plus length of sentence and calls in to question the lengths being proposed in the consultation.

QUESTION 5a

If no, do you think all the rehabilitation periods should be shorter or longer than proposed?

Shorter ☒ Longer ☐

Comment

See above comments at Question 5

QUESTION 5b

If shorter, what lengths of time would you like to see?

Comment

Being conservative, sentences of over 30 months and up to 48 months should carry the same rehabilitation period as those over 12 months and up to 30 months i.e length of sentence plus 4 years. This would reduce the rehabilitation period from a minimum of 8 1/2 years to 6 1/2 years, and the maximum from 10 years to 8 years. This would appear to be more proportionate and less confusing, whilst still having a significant impact on the life of the individual.

If Scotland wanted to be more radical in their approach, **all** custodial sentences could carry the minimum rehabilitation period of length of sentence plus 2 years as stated in the response to question 5. This would reduce the disclosure period for

those serving sentences of 48 months from a maximum of 10 years to a maximum of 6 years.

Benefits of the Proposed Approach¹⁰ (1.14, page 2 of the consultation paper) states “It will also create a more proportionate disclosure system and one which reflects current sentencing trends in Scotland while still ensuring people with a relevant interest will be aware of a person’s **relatively recent** criminal past”. It could be argued that the proposed changes go much further than an individual’s “recent past” and are therefore disproportionate in nature and fail to strike the effective balance between public protection and enabling those with people with convictions “to enter the workforce and make a positive economic and personal contribution to society”. It also seems unduly harsh and disproportionate for those serving sentences of over 48 months to always have to disclose. This in effect becomes a lifelong restriction and impacts on many areas of their lives, not only employment. Point 3.11 of the consultation paper suggests review of criminal convictions for those serving sentences of over 48 months by “an independent body” stating “Such a review process could provide some hope to those outwith the scope of the 1974 Act that at some point they will not have to disclose their previous convictions”. This point may well be worthy of further consideration moving forward and indeed offer hope to those individuals completing longer sentences that eventually they can put their past firmly behind them. Without this hope for the future the disclosure/rehabilitation period becomes simply a further punishment rather than a consequence.

QUESTION 5c

If longer, what lengths of time would you like to see?

Comment

QUESTION 5d

If some & not others, what sentences are you referring to and what lengths of time would you like to see?

Comment

See comments at Question 5b

QUESTION 5e

Do you think it is still appropriate for the rehabilitation periods to be halved when the person committed an offence under the age of 18?

¹⁰ Rehabilitation of Offenders Act 1974: Consultation Paper May 2015

Yes ☒ No ☐

Comment

This could be taken further to include those under 21. This would provide equity of protection for **all young offenders**. At the present time Scotland still operates with two distinctive justice systems for young people, which means that the disposals given and subsequent rehabilitation periods may be very different for young people committing very similar offences.

An Audit Scotland report stated “The context and operational procedures of the two systems are so different that moving from the Children’s Hearings system into adult justice poses particular problems for some young people. At present, there are concerns regarding the maturity of 16 and 17-year-olds, and their consequent readiness for the adult justice system. This area is currently under review by the Scottish Executive, with a view to increasing the number of this age group dealt with by the Reporter”.¹¹ This was in 2001, yet the situation for some young people is still problematic.

The success of the whole systems approach for young people in Scotland clearly demonstrates the positive impact of dealing with young people differently, acting earlier and providing supportive interventions rather than purely punitive ones. Encouragingly advancing the Whole Systems Approach is one of the priority themes for 2015-2020¹² announced in the recent Youth Justice Strategy for Scotland. The strategy acknowledges that whilst it focuses on under 18’s, many aspects of youth justice now extend to under 21’s depending on the local authority area involved. It goes on to say “WSA is not being formally extended to age 21 at this stage, but as part of Community Planning arrangements local partners should consider the most suitable arrangements for young people involved in offending. A joined up approach involving children’s, youth and criminal justice services is particularly important”. It is therefore even more important to extend the rehabilitation/disclosure rules for young people under 21 to ensure the legislation applies equally to all young people between the ages of 18 and 21 and create greater consistency.

QUESTION 5f

If no, please provide details below.

Comment

¹¹ Audit Scotland Report on Youth Justice in Scotland June 2001

¹² Youth Justice Strategy for Scotland 2015-2020

“Preventing Offending: Getting it right for children and young people”. The Scottish Government June 2015 <http://www.gov.scot/Publications/2015/06/2244>

QUESTION 5g

Do you have any other comments/views in relation to the rehabilitation periods for custodial sentences? For example, do you think there should be more distinct sentence ranges within which distinct rehabilitation periods operate?

Comment

Point 3.4 to 3.6 of the consultation paper talks about reducing complexity, with 3.6 stating that it may be necessary to repeal the 1974 Act and “put in place a much simpler, modern piece of legislation”. Perhaps rather than making minor (yet still complex and time consuming) changes to the rehabilitation/disclosure periods as proposed, consideration should be given to alternatively developing this simpler, modern piece of legislation as a matter of immediate priority. This would be more consistent with the Scottish Government’s overall Justice Strategy and in particular the Reducing Reoffending Programme.

Accessing information regarding criminal histories can be inconsistent depending on where the offence was committed. A Subject Access form offers the option of checking through Scottish Criminal Records or the Police National Computer, both may bring up slightly different results and not everyone realises they have the option to tick both boxes at no additional cost. There has also been a rise in foreign nationals coming to in to the country and gaining employment, often with no criminal history available, therefore there is no equality of access to this information across the UK or indeed Scotland.

There remains an issue around disclosure/rehabilitation periods for summary offences being extended if an individual commits an indictable offence. This means that any **previously unspent** convictions, as well as any **future summary offences**, are dragged through to the rehabilitation period of the indictable offence, which may be much longer, indeed in some cases for life. Therefore for some people disclosing offences which are several years old becomes a reality, employment becomes even less likely and reoffending becomes even more likely. In the example shown below, all offences would link to the longest rehabilitation period of June 2020 due to offence number 3 being indictable.

Offence	Court	Disposal	Date	Current Rehab Period	Normal Spent Date
Theft	Summary	Fine	Feb 2007	5 years	Feb 2012
Misuse of Drugs	Summary	CPO	April 2008	5 years	April 2013
Assault	Indictable	1 year custodial	June 2010	10 years	June 2020
Theft	Summary	CPO	Nov 2011	5 years	Nov 2016

Do unspent summary offences really require to be disclosed in this way using this “drag through effect”? Or should all summary offences naturally be spent at the end of their own disclosure/rehabilitation period giving people a chance to move forward with their lives without a huge list of convictions?

More research is required in to the benefits of disclosing a criminal history and whether this actually helps or hinders desistance. In addition we would be interested to see any evidence that the prospect of *future* disclosure actually deters offending in the first place.

End of Questionnaire