GOVERNMENT RESPONSE TO THE JUSTICE COMMITTEE’S REPORT ON THE DISCLOSURE OF YOUTH CRIMINAL RECORDS


I want to thank the Committee for their thorough and insightful report into this important issue. I welcome the core principles detailed in the Report – that young people who offend should be treated proportionately and that the system should allow ex-offenders to be rehabilitated, while also ensuring the public are adequately protected.

Regrettably we are not able to consider all of the Committee’s recommendations at this time. As you are aware, the Government is defending aspects of the current disclosure regime and its compatibility with Article 8 of the ECHR in P and Others v Secretaries of State for Justice and the Home Department. The Court of Appeal granted the Secretaries of State permission to appeal, and a hearing before the Supreme Court is expected in June 2018. We believe that it is appropriate to consider the Committee’s recommendations regarding the disclosure regime in conjunction with an authoritative judgment from the Supreme Court on the requirements of article 8 in this context.

Everyone involved in the youth justice system must have regard to its principal statutory aim of preventing offending by children and young persons under 18 years, as set out in the Crime and Disorder Act, and I am fully aware of that aim. There have been significant successes in recent years: between the peak of youth offending in 2007 and 2016, cautions and convictions given to under-18s decreased by 82%, and the under-18 custodial population fell by nearly 70% between 2006/07 and 2016/17. As at November 2017 this stood at 912 young people.

The young people who end up in the youth justice system are often the same young people who face multiple disadvantages early on in life. We know that Black, Asian and Minority Ethnic (BAME) individuals are over-represented in the criminal justice system, and we have ambitious plans to tackle this. When the Prime Minister took office, she announced her intention to tackle structural injustices in all parts of society, and commissioned the Rt Hon David Lammy MP to review the reasons for disproportionality in the criminal justice system. We have outlined actions we will take to change this in our response to the Lammy Review which was published by my predecessor on 19 December 2017.

The Government agrees that a criminal record should not be an automatic barrier to employment or education, and that insurers should act fairly regarding the issue of spent convictions. My department, in
collaboration with the Cabinet Office, will be launching a proactive campaign to increase the number of ex-offenders working in the Civil Service called ‘Going Forward into Employment’. We are also taking action to ensure that insurance providers are acting fairly, and updating guidance for ex-offenders on gov.uk to ensure that it is clear, consistent and easily accessible.

The Prime Minister has made tackling injustices one of her primary aims, and the Ministry of Justice will work to create the best possible conditions for young people who have committed an offence to reintegrate back into society.

The Committee’s report is reflective of a long-running debate on how the disclosure regime should balance the objectives of securing public safety while promoting offender rehabilitation and respecting an individual’s right to privacy. I wish to reiterate that we are committed to a disclosure system that strikes the right balance between safeguarding and rehabilitation, and that we will further consider these recommendations once ongoing litigation has concluded.

Yours sincerely,

RT HON DAVID GAUKE MP