

President: General The Lord David Ramsbotham GCB CBE
Vice-President: Judge John Samuels QC
Chair: Linda Pizani-Williams



UNLOCK

A: 35a High Street, Snodland
Kent, ME6 5AG
T: 01634 247350
F: 01634 247351
E: enquiries@unlock.org.uk
W: www.unlock.org.uk

22 April 2013

Lord Goodlad
Chairman
Secondary Legislation Scrutiny Committee
House of Lords
London
SW1A 0PQ

Dear Lord Goodlad,

Re: The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013

I am writing in relation to the above Order, in advance of the Committee's consideration of it.

Unlock broadly welcomes this Statutory Instrument. Given the powers of the Committee, we would encourage it to support this Order. Given the response we have received through our helpline since the Order was tabled, it is clear that many people with convictions will benefit from the proposals, which would see some people with cautions, as well as some people with a single conviction, benefit from a filtering mechanism after a certain period of time.

However, we feel that the Government could have gone further with its proposals. Many of Unlock's clients find themselves outside of scope of these proposals, and will continue to experience disproportionate difficulties in accessing employment, thereby preventing them from reaching their potential. As such, we would like to put the following matters on record in relation to the Order:

1. The mechanism is limited to one conviction only. This fails to recognise how two identical cases may end up in court, one as one conviction only, one as multiple 'charges'. One 'sentencing event' would seem to be a more sensible threshold.
2. Such a 'one conviction' limit ignores the reality of the majority of petty offending committed by people, particularly when they are young, where they get dealt with by way of a small number of minor convictions. The example of Bob Ashford, prospective PCC candidate, is a perfect example of this discrepancy.
3. The list of 'specified offences' (i.e. those exempt) includes some minor offences which are exempt from filtering which, given the level of disposal, should benefit from it, e.g. affray.
4. Given custodial sentences are exempt from filtering, this leaves people with suspended prison sentences outside of scope, despite having received a 'community sentence' in practice. This will lead to confusion amongst people with convictions and employers alike. It also fails to recognise the discernable differences of the individual case which led to the court giving what is essentially a 'community sentence'.

I am happy to discuss this matter in more detail with members of the Committee if they so wish.

Yours sincerely,

Christopher Stacey LLB LLM | Director (Services)

Patrons: Kate Adie OBE, Dr Phil Bayliss, Dr Sylvia Casale, Dr Deborah Cheney, Professor Andrew Coyle, Dexter Dias QC, Matthew Hyde, Edward Garnier QC MP, Baroness Helena Kennedy QC, Flo Krause – Barrister of Law, Dr Shadd Maruna, Anne Piggott OBE, Jill Stevens

Charity Number: 1079046 Company Number: 3791535



the guardian
Charity Awards
2011
Winner