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The Youth Courts Committee received a very good response to its recent discussion paper on the Disclosure of Criminal Records. With these comments and the comments received from Branches in response to the question in the Green Paper 'Breaking the Cycle' on the Rehabilitation of Offenders Act 1974, we have been able to put together this policy position.

The Magistrates' Association believes that the following changes to the Rehabilitation of Offenders Act 1974 would best deliver the balance of rehabilitation and public protection:

- A much simpler and fairer method of criminal record disclosure is required.
- The decision whether or not to disclose details of a criminal record should be fair, unambiguous, and proportionate.
- The length of time for which an offence should be disclosed should depend upon the seriousness of the offence and the age of the offender.

The Youth Courts Committee is concerned about the impact of criminalizing young people and the long-term effect this can have on their life opportunities. It cannot be right for a young person who committed a minor offence several years earlier to find themselves precluded from pursuing an occupation in nursing, teaching, or other exempted occupations, without the matter having been given detailed consideration regarding their suitability. The current system is very indiscriminate — institutions and organizations involved in such occupations are merely provided with a list of previous offences, from which they must determine their own thresholds.

We believe that if the Government intends to bring about a rehabilitation revolution, this is an area of work that requires attention and we are therefore pleased to see it covered in the Green Paper. We feel that the time parameters under the Rehabilitation of Offenders Act (ROA) are about right. However we urge the government to review the adverse effect that introducing the Criminal Records Bureau, the Bichard report, and the management of police information have had on complicating the effects of the ROA and extending its reach, thus affecting the future life opportunities of young people and adult offenders. We acknowledge that the introduction of the Independent Safeguarding Agency (ISA) should go some way in redressing the presumption of exemption that currently exists, and we suggest that the following could further improve the situation.

Currently it is permissible for any person to have an enhanced CRB check, for any occupation, if the inquirer pays the necessary fee. We suggest that this practice should stop forthwith and that only those roles requiring ISA registration should be cleared for enhanced disclosure. This would balance the need for records to be maintained (allowing police and the courts to have access to a person's full offending history), whilst at the same time protecting the public from unsuitable persons entering into sensitive occupations. It would also protect the individual's right to have their offending history considered fully exempt in line with the Rehabilitation of Offenders Act. It would reduce bureaucracy for police forces, who currently have to facilitate such requests by searching their own databases for records of contact with these people.

Consideration should also be given to the ISA supplying guidance to academic institutions regarding admission policies for courses that lead to exempted occupations. This would standardise the entrance restrictions that appear to be arbitrarily imposed at the present time.

**Key recommendations:**

- A much simpler and fairer method of criminal record disclosure is required.
- The decision whether or not to disclose details of a criminal record should be fair, unambiguous, and proportionate.
- The length of time for which an offence should be disclosed should depend upon the seriousness of the offence and the age of the offender.