Enabling former prisoners



Christopher Stacey is a director of UNLOCK (the charity 'for people with convictions'). He argues for more reforms, based partly on research in other countries

In March last year reforms to the Rehabilitation of Offenders Act (ROA) made changes to the criminal record disclosure laws that Unlock had long campaigned for. These have helped many thousands of people in moving on with their lives, particularly when applying for jobs and for things like insurance. But we said at the time that the reforms didn't go far enough. Every day I still come across people with criminal convictions who are finding that they're being held back because of their criminal record, even though it bears no relevance to what it is they're trying to do. So I decided to look abroad for guidance.

Europe

A travelling fellowship from the Winston Churchill Memorial Trust supported my travel to France, Spain and Sweden. I looked at how they deal with criminal records, particularly in disclosing them for employment purposes. The research resulted in a report, Rehabilitation & Desistance vs Disclosure, published at the end of April. It looks at two main issues: who has access to criminal records (and how they use them), and what systems protect or expunge records to minimise the collateral consequences.

In the UK, anybody sentenced to more than four years can never have their conviction become spent under the ROA. This is regardless of what they go on to achieve in their lives. The most important common principle of the countries I visited was that nobody was beyond the pale in the eyes of the law. As a result, one Unlock recommendation is that the UK should introduce measures that allow all people with convictions to be potentially regarded as legally rehabilitated, and therefore not have to disclose their record to employers.

I also found greater faith and confidence that people rehabilitate, and thus little need for them to have to disclose their record. There were much more progressive expungement policies which allow people with convictions to be protected from the potential prejudice and stigma that they might otherwise face. Added to this was the fact that the majority of employers in these countries didn't use criminal record checks, recognising the shortfalls of them as a recruitment tool.

Government changes

There are further recommendations for the UK, particularly targeted at how government make criminal records available. For example:

- a general prohibition against criminal record checks for recruitment. Exceptions would be granted on a case-by-case basis, where it was deemed both lawful and necessary
- individuals being able to obtain a copy of what they might have to reveal to a future employer
- research needed into the effectiveness of criminal record checks and what value they provide to employers that use them
- establishing an ultimate form of rehabilitation which applies for all types of disclosures.

Employer changes

A particularly important, and relatively straightforward recommendation is for employers. Those that currently ask about previous convictions (and a significant number do) rely on questions on their application forms. Very often, this tick-box leads to applications simply being put in the bin And a significant proportion of people with convictions never apply for jobs, due to their perception of how their disclosure would be received.

Employers should look to Ban the Box (a campaign that Unlock supports, which is led by Business in the Community). And employers should consider asking for details of criminal record only when they can foresee hiring an individual.

I'd encourage those that are interested to get in touch to help us work towards a fairer and more inclusive approach to people with criminal records.

Reflections from an AMIMB workshop

AMIMB staged in May the first in what aims to be a series of workshops. Birmingham's Fircroft College was the venue for a fascinating range of presentations on mental health and learning disability in prisons. You had to be there really, but these useful notes are based on material from one of the speakers, Professor Geoff Shepherd of the Centre for Mental Health. They include some questions for IMBs to ask.

- Mental health In-reach teams (MHIRTs) are very under-resourced. A prison population of 1,000 men is likely to generate about twice as many cases as are cared for by a community mental health team. But, flying in the face of the principle of equivalence, the average MHRT is less than half the size of the average community team.

Detection of mental health issues, specifically suicidal ideas among arriving prisoners – either from the courts of from another prison – is poor. This is mainly because most screening is by healthcare staff with little or no mental health training. The MHIRT simply do not have the time to sit in on screening (even if this would help).

IMB check *During reception screening do staff routinely ask about prisoner's current mood and whether they ever think about harming themselves? Are they asked if they have had contact with mental health services? Are prisoner escort records (PER) routinely available so that mental health issues might be identified?*

- Detection of mental illness among prisoners on the wings is also very limited. Half of referrals go to incompletely trained healthcare staff and 20% to untrained wing staff. There is strong evidence that wing staff training is much more effective done in situ, though it's more resource intensive.

IMB check *If reception or induction screening suggests previous mental illness and\or suicidal ideas, are prisoners routinely referred to the MHIRT?*

- MHIRT input into ACCT (suicide monitoring) procedures is often very limited. If this is not possible then healthcare staff, prison officers, Samaritans etc could be given some specific training. They should be able to make a contribution to at least ensuring that the ACCT is part of a treatment/management process, not a disciplinary or security procedure.

IMB check *Is there an agreement between Lis-*