

Rehabilitation of Offenders Act 1974 – Consultation Paper

Appendix B

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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

Unlock – for people with convictions

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Stacey

Forename

Christopher

2. Postal Address

Maidstone Community Support Centre

39-48 Marsham Street

Maidstone

Kent

Postcode ME2 1BT

Phone 01622 230705

Email

christopher.stacey@unlock.org.uk

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).

Rehabilitation of Offenders Act 1974 – Consultation Paper

(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

In our response to an earlier consultation, in 2013 we took the view that the Act required major overhaul (Q3). This remains our position.

We welcome these proposals, which makes important changes to the rehabilitation periods, bringing the law broadly in line with the position in England & Wales, but we remain of the view that further reform to the fundamental operations of the Act is required.

We refer to the issues we raised in our 2013 response as ones that also warrant attention.

QUESTION 1a

If you have answered yes, should the scope be;

48 months longer than 48 months shorter than 48 months

Comment

The logic applied in the consultation document to why 48 months is an appropriate cut-off is not one that we agree with. For example, the fact that licence conditions are applied to those sentenced to over 48 months is, in part, to support measures to prevent re-offending. The purpose of the Act is not to prevent re-offending.

We believe that the UK Government should go further in the scope of the Act, and we propose that the Scottish Government should do likewise. The fact there it is an 'indefinite' period for sentences of over 48 months is disproportionate in our view.

We understand from the consultation that there is an intention to consult further, and wider, in the future, with a view to looking at more fundamental principles and the operation of the Act. We would welcome this.

Rehabilitation of Offenders Act 1974 – Consultation Paper

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

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

We understand these proposals to be broadly in line with the UK Governments reforms implemented in 2014. We welcome the suggestion that compensation orders become spent after 12 months, as the current operation of the ROA in England & Wales (“once it is paid in full”) is unworkable in practice.

However, with court orders, it is important to understand and clarify the operation in practice those orders that are either ‘indefinite’ or have no end date, as this can create substantial unfairness in individual situations.

Rehabilitation of Offenders Act 1974 – Consultation Paper

QUESTION 4a

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

Shorter Longer

Comment

QUESTION 4b

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

Comment

QUESTION 4c

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

Comment

Rehabilitation of Offenders Act 1974 – Consultation Paper

QUESTION 4d

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

Comment

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

QUESTION 4f

If no, please provide details below.

Comment

Rehabilitation of Offenders Act 1974 – Consultation Paper

QUESTION 4g

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

Comment

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

It is unclear how the operation of sentences for young people currently operate, or how they would be treated by these proposals.

An unfortunate outcome of the UK Government reforms were that the definition of 'prison' was broadened to include youth custodial sentences, leading to harsher treatment (even though the periods were halved for under 18's). This would be an outcome to avoid.

QUESTION 5a

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

Shorter Longer

Comment

Rehabilitation of Offenders Act 1974 – Consultation Paper

QUESTION 5b

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

Comment

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

Rehabilitation of Offenders Act 1974 – Consultation Paper

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?

Yes No

Comment

QUESTION 5f

If no, please provide details below.

Comment

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

We believe that there should be a rehabilitation period for sentences over 48 months. This may not be automatic after a specific period of time, but we believe it would send an important signal of potential rehabilitation and redemption.

End of Questionnaire