

Facilitating 'hope' for people with criminal records

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Disclosure of Criminal Record Information England and Wales

DBS Checks

	PND DATA	PNC DATA		SPELT CONVICTIONS AND CAUTIONS	UNSPENT CONVICTIONS AND CAUTIONS	ACCESS TO BARRED LISTS
BASIC		X			X	
STANDARD		X		X	X	
ENHANCED	X	X		X	X	X

(Table created using information from UNLOCK, 2018)

ROA [1974] Rehabilitation Lengths (adults) – Recent Changes 2020

Sentence - Adult (18+) when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 7 years	(2)
	More than 6 months and less than (or equal to) 30 months	10 years	Sentence + 4 years	(3)
	Less than (or equal to) 6 months	7 years	Sentence + 2 years	(4)
Sentence of detention (over 6 months but not exceeding 30 months)		7 years	As prison sentences	(5)
Sentence of detention (6 months or under)		5 years	As prison sentences	
Removal from Her Majesty's Service		7 years	1 year	(6)
Service detention		5 years	1 year	(7)
Community order		5 years	12 months	(10)
Fine		5 years	1 year	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years / 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Caution, warning, reprimand		None	None	(14)

Filtering

Disposal	Age when given/sentenced	How long since given/sentenced
Caution for a specified offence*	18 or over	Any time
Caution for non-specified offence	18 or over	Less than 6 years
Conviction for a specified offence*	Any age	Any time
Conviction resulting in prison sentence	Any age	Any time
Conviction for non-specified offence	Any age	Less than 11 years
	Under 18	Less than 5.5 years

Unlock (2022)

Unlock (2022)



Collateral Consequences of a Criminal Record

Structural barriers

- Employment (House of Commons, 2016; Working Chance, 2022)
- Higher Education (Brooks, 2021)
- Travel and immigration status
- Insurance (home/car)
- Housing (e.g. private letting)
- Air bnb?
- Dog walking?
- Denial of full citizenship (Henley, 2018; Stark, 2022)

Stigma and identity

- ‘Criminal’ identity
- Multiple layers of stigma (gender, ethnicity, substances...)
- Victim compensation (Bradford-Clarke et al., 2022)

The current state of affairs of criminal records systems resembles more a disorganized, consumer-based digital web of haphazard effects that do not neatly map onto information nor punishment functions.

Corda and Lageson, 2020: 256

Paul

“I mean, hopefully probation is different. Hopefully they *actually recognise* the value of interactions with the police from both sides...I'd hope that their ethos would back up my claims a bit you know, you want people to change so, you know, here I am! I've changed, give me a job sorta' thing [laughs]”

“...like I say, there's nothin' I can do about it at the moment. I just need t' apply for jobs and hope that half of them don't care about it, n' go from there really... I've just gotta' hope it doesn't prevent me from doing what I want *too badly* you know?”

Yasmeen

“I never thought that I would be able to get these opportunities with my record, you know, with that thing on my record, and obviously the [volunteer placement] completely dashed my hopes so I thought [...] I'll never be able to get anywhere.”

Rachel

“I spent ages like trolling the forums like, seeing who else had done it and who else had managed to get in, but I was finding that there were these people who were like, fifty years old who had got like, a minor possession charge and not been able to get in, and I thought well, there's absolutely no hope for me then”

Ben

I understand where they're coming from, I've got that empathy, I can show compassion towards them erm, and ultimately, I know sometimes it's just a case of sticking with them. Sticking with that person so they can build up their self-esteem, or they can have the confidence to go and do things and [...] it's also for them to relate to me, and to have hope or faith in themselves to go on and break the cycle that they're in.

How might we facilitate hope for PWCs?

What is hope?

‘...hope is fueled by the perception of successful *agency* related goals...the perceived availability of successful *pathways* related goals (Snyder et al., 1991 cited in Atherton et al., 2022:228)’

Hope as part of ‘autonomy, control and choice (ibid. pp. 222)

Hope ‘is crucial for human drive, striving, and, importantly, coping with present circumstances (Atherton et al., 2022: 223)

...and criminal records?

We should not encourage PWCs to be ‘more hopeful’. Rather, returning to the earlier discussion of hope, those ‘pathways’ need to be accessible, and people need to be able to exercise ‘autonomy, control and choice’ (Atherton et al., 2022)

Avenues:

- Policy makers (e.g. POA, Filtering, CR Regime)
- Gatekeepers and non-discriminatory practice (e.g. UCAS, employers, universities...)