

A second chance

My criminal record is spent today. Many other ex-offenders deserve the same opportunity



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Today, I become an officially rehabilitated ex-prisoner. Ten years ago, I was standing in the dock of the Old Bailey pleading guilty to charges of perjury for which I received an 18-month sentence. Many Guardian readers will remember the case, but few will know that under the [Rehabilitation of Offenders Act 1974](#) I am now entitled "to be treated for all purposes in law as a person who has not been convicted or sentenced". But what does this mean in practical terms to any ex-offender? And why has the act fallen into abeyance?

Rehabilitating offenders needs a legislative framework. Thirty five years ago the minority Labour government led by Harold Wilson accepted this principle. With the support of liberal and conservative MPs (including yours truly). The act was enacted in 1974. It broke new ground at the time but looks antiquated now. The classes of offender who can have their convictions "spent" are too limited and the periods after which rehabilitation can be earned are too long. The current government recognised an overhaul of the law was needed. [A report in 2002](#) made sound proposals for reforming the Rehabilitation of Offenders Act. They would have substantially increased employment opportunities for ex-offenders without increasing risks in areas such as national security, child protection, and positions of trust, all of which can be covered by exceptions. Unfortunately, these reforms have never been implemented.

The failure to reform the act has contributed to our stubbornly high national rates of reoffending. I know from my work with ex-prisoners that many of them feel intensely frustrated by their frequent failure even to be interviewed for job vacancies. Most ex-cons believe they never stand a chance once they reveal that they have a criminal record. This is required by law for all job applications until a conviction is spent under the act's 10-year rehabilitation period. But some convictions can never be spent, because the act applies only to those who have received a sentence of less than two and a half years.

Such an arbitrary cut-off period is irrational in today's world of ever-lengthening sentences. It permanently excludes many thousands of non-reoffending former prisoners from legal rehabilitation. How much fairer it would have been to implement recommendations that all convictions could ultimately be spent and that the qualification timetable would be the length of the original sentence plus a variable buffer period.

I cannot pretend my life will be hugely changed by being officially rehabilitated. As a self-employed writer, I have not had to run the gauntlet of jobcentre applications. Even so, there may be some advantages. Some years ago I was surprised to receive an order from the Charity Commission to resign from the boards of a prison charity, an international human rights charity, and my local parochial church council. Perhaps I will be reinstated to these voluntary positions if the commission can be persuaded by the ROA that charity should begin in their own offices.

I may even receive some relief from the tabloids. Under the act it is defamatory to report a spent conviction if done maliciously. I shall not be rushing to instruct Messrs Sue Grabbit and Runne for breaches of this law, not least because I so often speak and write from the perspective of an ex-offender. Yet I hope that fair editors will think about their obligations under the act towards all ex-offenders before regurgitating, pejorative labels such as "disgraced ex-jailbird". Personal instances aside, there are innumerable examples of how the ROA has become an act more honoured in the breach than the observance by employers, institutions and even by the government itself. The widespread neglect of the ROA does create an immense opportunity for any government willing to give offender rehabilitation the priority it deserves in our criminal justice system.

If as a society we are seriously interested in offering offenders a fresh start and employment opportunities in their local communities then we need to go further than the cautious modifications of act recommended in 2002. We should look at what has been accomplished on the other side of the Atlantic. Two years ago, Congress produced the innovative and community-focused Second Chance Act 2007. Introduced by an all-party group headed by the then Senator Joe Biden, the stated purposes of this law are "to break the cycle of recidivism ... to assist offenders re-entering the community to establish a self-sustaining and law abiding life ... and to provide job placement services to facilitate re-entry into the community".

The Second Chance Act's successful emphasis on the importance of rehabilitation schemes tailored to fit local communities has been echoed by recent specialist reports in the UK, such as the Howard League's paper on Localism (2008); The Conservative Party's Prisons With a Purpose (2008); and the Centre for Social Justice's Locked Up Potential (2009). The findings of the House of Commons justice select committee, expected shortly, are likely to go in the same direction. But all this activity is movement without action until a government produces its own legislation to reform and build on the Rehabilitation of Offenders Act. A much wider audience than former offenders will be watching this space.

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