



**NIACRO'S RESPONSE TO THE COMMITTEE FOR
FINANCE AND PERSONNEL CIVIL SERVICE
(SPECIAL ADVISERS) BILL**

DATE: 31/10/2012

CRU Ref: 2012/69

NIACRO Ref:HFJ25485

Ms. Kathy O' Hanlon
Assistant Assembly Clerk
Committee for Finance and Personnel
Room 252
Parliament Buildings
Stormont
Belfast
BT4 3XX

31st October 2012

Dear Ms. O' Hanlon

I enclose NIACRO's response to the Committee for Finance and Personnel Civil Service (Special Advisers) Bill.

NIACRO, the Northern Ireland Association for the Care and Resettlement of Offenders, is a voluntary organisation, working for over 40 years to reduce crime and its impact on people and communities. NIACRO provides services for and works with children and young people; with adults in the community and with people in prison and their families, whilst working to influence others and apply all of our resources effectively.

NIACRO receives funding from, and works in partnership with, a range of statutory departments and agencies in Northern Ireland, including criminal justice, health, social services, housing and others.

We appreciate the opportunity to respond to this consultation and are keen to engage further if that would be helpful.

If you require any further information, please do not hesitate to contact us.

We look forward to receiving the final policy document.

Yours faithfully

Olwen Lyner

Chief Executive

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NIACRO welcomes the opportunity to comment upon the draft Civil Service (Special Advisers) Bill, which raises important issues about rehabilitation of people with previous convictions, particularly those related to the conflict in Northern Ireland.

We continue to advocate for a review of the rehabilitation of offenders legislation which, at present, does little to protect anyone with any type of conviction. Evidence from our work demonstrates clearly that discrimination exists in both organisational practices and wider society. Employment is critical to reducing re-offending; therefore it is important that people with a conviction are given fair treatment when trying to find a job.

We do not believe that anyone should be completely prohibited from holding any position simply by virtue of having a criminal conviction.

The Rehabilitation of Offenders legislation (1978 and 1979 Orders) already sets out a matrix of those convictions which are disclosable, as well as providing guidance on the circumstances under which convictions should be considered spent. Any new legislation which was not compatible with this would require careful consideration under Section 8 of the Justice (Northern Ireland) Act 2004 by the Attorney General.

Furthermore, NIACRO believes that the resettlement of people convicted of conflict related offences, and their return to full civic life (including employment), is a essential for any society emerging from conflict.

In March 2007, the Office of the First Minister and deputy First Minister produced guidelines for employers entitled 'Recruiting people with conflict-related convictions'. The parties to this guidance (OFMDFM, the Irish Congress of Trade Unions, the Confederation of British Industry and a representative group of ex-prisoners) recommended the following:

- the onus of proof is on the employer to show material relevance;
- the conviction must be manifestly incompatible with the position in question;
- the seriousness of the offence is not in and of itself enough to make a conviction materially relevant; and
- it will only be in very exceptional circumstances that a conviction will be relevant.

NIACRO reiterates that the proposal within the Bill to set any such threshold for disqualification would not be in line with rehabilitation periods for custodial sentences detailed in the Rehabilitation of Offenders (NI) Order 1978, and is unlikely to be considered legislatively competent by the Attorney General.

Furthermore, we oppose the retrospective extension of any such legislation to those already in post, as this would clearly breach the common law principle of opposing ex post facto laws.

In general, we would support increased transparency and accountability throughout the public sector. NIACRO is opposed to the automatic extension of legislation from any other jurisdiction without appropriate consideration of the local issues by the Northern Ireland Assembly, so local policy proposals would need to be developed.

NIACRO argues that as well as the barriers which exist for people represented in the Section 75 groupings, this legislation would present an additional barrier for people with criminal records to contend with.

We appreciate the opportunity to comment on this matter and would be happy to provide further information if that would be helpful. We look forward to meeting with the Committee in due course to discuss this response further.