### **Memorandum for Executive Council**

#### **SUBJECT**

The Rehabilitation of Offenders Act (Application) Order 2019

Memorandum by the Chairman of the Social and Community

Development Committee

### **ADVICE SOUGHT**

- 1. Executive Council is asked to consider and advise on the attached Policy (Annex A) on updating rehabilitation periods under the Rehabilitation of Offenders Act 1974.
- 2. Executive Council is asked to consider and advise Rehabilitation Offenders whether the of (Application) Order 2019 (Annex B) (made under section 5(b) of the English Law Application Ordinance 2005) should be approved. Section 6 of the English Law Application Ordinance 2005 provides the procedure for the enactment of an Order made under section 5 of the Ordinance and pursuant thereto, the Order will be published in the Gazette before being laid before the Legislative Council at the next formal meeting of the Legislative Council to be held in December 2019. The Order will come into force when it has been ratified by a resolution of the Legislative Council and will thereafter be updated to reflect such ratification.

# BACKGROUND & CONSIDERATIONS

- 3. The Rehabilitation of Offenders Act 1974 applies to St Helena through the English Law (Application) Ordinance 2005. This means it applies to St Helena as it did in England on 1 January 2006.
- 4. Since that date rehabilitation periods have been shortened in England and Wales. This in effect means that convictions become spent quicker and are therefore not disclosable in most criminal records checks from an earlier date. Rehabilitation periods in St Helena are to be brought up to date through this order with those in England and Wales.
- 5. The Policy for updating Rehabilitation periods (Annex A) details the important changes in rehabilitation periods.

## FINANCIAL IMPLICATIONS

6. There are no financial implications resulting from this decision.

## ECONOMIC IMPLICATIONS

7. Whilst this is a procedural change criminal convictions will become spent in shorter timeframes, thus supporting persons with convictions to get back into employment.

## CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES PUBLIC / SOCIAL IMPACT

8. N/A

# 9. The revision of the application of the Rehabilitation of Offenders Act 1974 as applied on St Helena would permit convicted persons to be considered to be rehabilitated within a shorter period of time and negate the length of time in which certain convictions are required to remain on a person's criminal record.

# ENVIRONMENTAL IMPACT

10. This is a procedural change and therefore there are no environmental implications.

## PREVIOUS CONSULTATION / COMMITTEE INPUT

11. Both the policy informing the Order and the Order were reviewed and approved by the Social Community Development Committee at its meeting held on 7<sup>th</sup> November 2019.

## PUBLIC REACTION

12. It is anticipated that the introduction of the proposed revision to the Rehabilitation of Offenders Act 1974 will be welcomed by the public.

### **PUBLICITY**

13. ExCo's decision will be covered in the media briefing following the meeting. The Order will also be published via the normal channels as part of the legislative process before the formal Legislative Council meeting in December 2019.

## SUPPORT TO STRATEGIC OBJECTIVES

14. This paper supports the National Goal "Altogether Wealthier" and Strategic Objective 3.1 Ensure sustainable economic development by presenting an alternative way of dealing with offences and thereby removing one such perceived obstacle to personal development and potential employment.

LINK TO SUSTAINABLE ECONOMIC DEVELOMENT PLAN GOALS

# 15. This paper supports SEDP Goal 8 Develop, Maintain and Attract a Skilled Workforce

AAG

OPEN /CLOSED AGENDA ITEM

Corporate Support Corporate Services 14 November 2019 Open