



Credit: James Daly

'Fair, humane reasonable'

MP says he believes in second, third and fourth chances



Elliot Tyler

It's an early summer morning and, as I switch on my laptop, I observe the peaceful environment in which I am seated. The only noise I can hear is a sparrow's song and the chime of a clock, which serve as a further reminder that it is time for my video call to begin.

I'm speaking with James Daly, the Conservative Member of Parliament for Bury North since 2019. I begin by congratulating Mr Daly on his successful election campaign and am reminded that it's yesterday's news. The MP may wonder why I chose to interview him, of all people, and I explain that his legal background makes him the perfect candidate for my first interview on criminal records and the Rehabilitation of Offenders Act. He has come across this particular piece of legislation "every day for a long time," having practised criminal law as a solicitor based in Greater Manchester. I inquire as to whether he has ever taken on the role of prosecution lawyer, to which he replies, "No, only defence."

James Daly knows more about the law than I do, so I do not patronise him by describing the Act. For the benefit of readers however, the Rehabilitation of Offenders Act received royal assent in 1974 and was thoroughly improved in 2014 by the then-Justice Secretary Kenneth Clarke. The ROA, as it is commonly referred to, is intended to encourage personal change, making life easier for those who have served a sentence but have since been living a law-abiding life. It is unlawful for an employer to refuse to recruit a person on the basis of a 'spent' conviction.

I ask Mr Daly if the definition of 'criminal' should apply to reformed characters. "That's a question for a churchman," he replies. "But I believe in redemption." A discussion on the matter leads to Mr Daly sharing his opinion that a criminal act from one's youth will not always define them. "There are some jobs, sensitive, caring professions, where an employer needs the facts," he says. "But I trust our police to carry out fair and reasonable DBS checks where the background of the individual, and the nature of the job in question, is thoroughly considered." As a follow-up, I

question whether, in his view, there are crimes that must stay on an individual's record forever. "A person who has committed a horrible sexual offence must disclose this if they wish to be, say, a primary school teacher."

Critics of disclosure suggest the process can massively hinder a person's chances of gaining meaningful employment. Mr Daly takes a contrasting view, and, when I ask him, he shares his reasons. "Information is never a bad thing, and it's up to the employer to make an informed decision, taking into account the person's circumstances and rehabilitation." Nonetheless, he then adds that some employers may not be broad-minded enough for this, describing the current regime of disclosure as, "not perfect, but acceptable."

The Rt. Hon. Lord Ramsbotham's Criminal Records Bill is currently progressing through the House of Lords, following a previous attempt to make it law in 2017. If passed, the Bill will amend the Rehabilitation of Offenders Act, allowing more sentences to become 'spent' and reducing the time period for this to happen. James Daly did not receive an opportunity to voice an opinion during that 2017 debate, but I ask how he might have voted. "The Bill is before my time, so I haven't read it," he says. "But I have spent my whole life trying to give people second, third and fourth chances, and I believe in the power of change." He continues, "In principle I support it, however, I do have personal experience of people who have withheld information about offences and then committed further crimes."

My final question relates to politics, and whether he believes his personal opinion is consistent throughout the party's 365 MPs. The party's 2019 manifesto pledged 'tougher sentencing for criminals,' but, disappointingly, did not elaborate beyond that. "I couldn't make a judgemental viewpoint on political organisations, for a wide variety of reasons," he explains. "We all want a justice system that is fair, humane, reasonable, and gives every opportunity to support rehabilitation, and to avoid further offences."

I thank Mr Daly for his time, on behalf of both myself and our readers.

Elliot Tyler is an undergraduate student at Portsmouth University.

'Doing everything we can'

Patience of people in prison has helped to keep COVID-19 largely in check, says Prisons and Probation boss



Jo Farrar

we don't want all the hard work in recent months to be wasted by making changes too quickly and bringing coronavirus back into our prisons.

Each prison is likely to do things a little differently, but every prison has the same goals: to keep everyone who lives and works there safe, to keep the prison secure, to be able to run as many of our normal activities as and when we can, with the aim of helping people progress through their sentence as they need to.

“ We have to be prepared to reintroduce restrictions if there are local outbreaks in your prisons or a regional lockdown. ”

Prisons are high-risk areas for infections like coronavirus because there are a number of people in the same space. It is the same in care homes and in schools, which is why so far only a small number of children have been able to go back to school. I know that seeing things happen differently in the community is frustrating and I don't want people to be restricted for any longer than they really need to. We will ease restrictions when we can.

I know the most important thing for many of you is being able to see your families again. That's why we are working really closely with the public health authorities to see how we can do this safely. At the moment, there are only a small number of

visits happening because the risk to the health of you and your family is still too high in most prisons.

Just this morning I was really pleased to read an Inside Time website article on the visits that have taken place so far, with heart-warming quotes from family members who have been able to see their loved ones again. I understand that waiting for this moment must be incredibly difficult, but we are working hard to reopen visits in more prisons as soon as we can - there are several due to begin in the next week or two. I hope that by running visits in some prisons, we can show we are making progress - even if it might be slower than you would like it to be. We are also working really hard to get video-visits introduced to more prisons.

I want to assure you that we are doing everything we possibly can so that over the coming weeks and months we are able to cautiously and carefully ease restrictions on our regimes. But I do want to be honest and say that we have to be prepared to reintroduce some restrictions if there are local outbreaks in your prisons or a regional lockdown. That may be hard when we have started to feel we are on our way out of this, but we will always try to explain the decisions being made, what is happening and why.

I want to thank you for your support so far. I have been inspired by some of the stories I have heard about your care and compassion for others at a time which has been very hard on you all.

Jo Farrar is Chief Executive of HM Prison & Probation Service



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