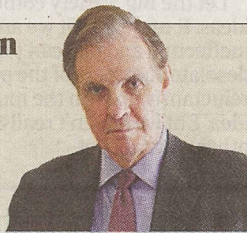


# Raking up the past gives protection to no one

CRB checks are ensnaring many former offenders who are entitled to have a clean record

**Jonathan Aitken**



I am now an officially rehabilitated offender. The required ten years have elapsed and my conviction counts as “spent”. That is the term brought in by the Rehabilitation of Offenders Act, 1974, and it means that for certain offences, after a specified time, the slate is wiped clean and a former offender has a clean record.

But this is now being undermined by the system of Criminal Records Bureau (CRB) checks. From my work with charities, I understand the irritation over the surging number of CRB checks and the increasing frustration over barriers to employment for former offenders. These problems are the focus of a campaign, Change the Record, launched today by Nacro, the crime reduction charity, to reform the Rehabilitation of Offenders Act.

In the past eight years more than 19 million checks on individuals have been made by the CRB after the introduction of rules meant to protect children and vulnerable adults. But the legal machinery to implement this has grown into a bureaucratic monster that issues 4 million disclosure certificates a

year. Its tentacles reach hundreds and thousands of honourable volunteers who have to submit to repetitive checks that are often both offensive and ludicrous. More than 11 per cent of these are unlawful under the Act, yet there is no protection for individuals with spent offences who are refused employment or sacked from their jobs.

There is widespread resentment at the increasing intrusiveness of CRB activity. Last weekend I visited Lyme Regis in Dorset. After a summer drinks party, the town’s MP, Oliver Letwin, was holding a Q&A session with constituents. One of the first questioners asked when the Government would stop the nonsense of making a popular teacher submit to her seventh CRB check. Mr Letwin revealed that he is fighting the case of a headmistress undergoing her 26th check. Then a lay minister (formerly a naval officer) who used to give the Eucharist in old peoples’ homes said that he had stopped in protest at being required to pay £64 for a CRB check.

A woman from a church choir complained that she and all her fellow singers had had to undergo checks because one 13-year-old boy had joined them at Sunday services. And a dentist had been denied access to Portland Young Offenders Institution, where 120 inmates are on his waiting list because he is waiting for his CRB check, even though he works at four other prisons that have already had him cleared by the CRB.

Nacro wants to curb this culture of excessive checking while upholding the principle that children, vulnerable adults and employers should be protected. It is also fighting the corner of people whose spent offences are exhumed by CRB checks and who suffer the humiliation of being rejected by their employers, such as Denis Leadbeater, 62, of Staveley. For nine years he has been a volunteer driver for the East Midlands Ambulance Service. Then a CRB check found a couple of

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criminal convictions (meter tampering and burglary) for which he received a suspended sentence and probation in the 1970s. Although a rehabilitated offender, he was dismissed. “These offences happened nearly 40 years ago,” he says. “I’m an honest man who can’t get away from my past. I really enjoyed giving up my time to drive patients. Now I’m worried that I’ll never be able to do volunteering again.”

Reform of the Act would help to draw sensible boundaries around necessary CRB checking. But society does not need protection from many of the 74 professions and positions that are now exempt from it. Calls to the Nacro helpline in recent months show

that local authority and other employers deem all the following to be checkable: dog wardens, firemen, rent collectors, ticket inspectors, environmental health officers, carpenters, plasterers, electricians, plumbers, dustmen, busmen, train drivers and car park attendants.

We need to bring common sense into CRB checking, but also to reform the Act in line with the recommendations of a 2003 Home Office review. At present a conviction can only be spent if the offender received a sentence of 30 months or less. Such an arbitrary period is irrational in today’s world of steadily lengthening sentences, and permanently excludes thousands of reformed offenders from rehabilitation.

Under the Home Office proposals, fines would have to be disclosed for one year; short prison sentences for two; and longer ones for four. Such a reform would bring many law-abiding ex-offenders back into employment. That would be good for David Cameron’s “Big Society”, good for reducing reoffending and good for the Government’s rehabilitation revolution.

**OpEd Live, from 1pm**  
Jonathan Aitken puts the case for letting ex-offenders wipe the slate clean  
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