



## Disclosure (Scotland) Bill

### Submission from Staf (on behalf of the young people involved in Youth Just Us)

Thank you for giving us the opportunity to pass on the views of the young people of Youth Just Us as part of your Stage 1 consideration of the Disclosure (Scotland) Bill.

We believe that it is important that the voice of young people with experience of the justice and care systems is considered when scrutinising new legislation that will have a direct impact of their lives.

As such, our Youth Justice Voices project – facilitated in partnership with the Centre for Youth and Criminal Justice – seeks to amplify the voice of care-experienced young people within the justice system to influence change.

In its first year the group has already begun to influence decision-makers. On 2 September 2019 members of Youth Just Us met with the Minister for Children and Young Maree Todd MSP and Scottish Government officials to discuss the Disclosure (Scotland) Bill.

To aid the Education and Skills Committee's consideration of the Bill we have summarised the views of the young people at this meeting below.

### Summary of Youth Just Us views on Disclosure (Scotland) Bill

#### **General comments on disclosure and the Bill**

There is a negative impact on young people from having to explain many times to different employers and organisations what happened around offence that occurred when they were children or young adults and which they are trying to move on from.

Providing address history can be difficult for care-experienced people when apply for disclosure. A simpler process for young people with care-experience should be considered.

While Scottish Ministers and Disclosure Scotland are both Corporate Parents, Corporate Parenting is not mentioned on the face of the Bill. This should be revisited.

#### **Childhood convictions**

One young person had been previously told by services that their childhood convictions could be disclosed after they turned 16.

The young people believe that the provision ensuring that unspent convictions accrued between the age of 12 and 18 will not be automatically included for Level 1 disclosures is fairer than the current system.

For one young person who had some knowledge of self- and state-disclosure, it wasn't clear to them when information needed to be disclosed or was disclosable and when they were eligible to get that removed from the lists. The different legislation guiding this is complicated, meaning young people often self-disclose to be on the safe side.



It is important that the context and circumstances on which offending behaviour occurred is taken into account, including care-experience, when decisions about disclosure are made.

### **Removable convictions**

The young people agreed that it would be easier and less stressful to access an administrative removal process, rather than having to pay legal fees to apply to the Sheriff. While some young people had received information with disclosures telling them they had a right to apply to the Sheriff, they hadn't accessed this right.

There was surprise that all aggravators are not on List A offences (which replace Schedule 8A of the 1997 Act). The young people were supportive of these aggravators, particularly relating to disability, being on the same list but had no opinion on whether this was List A or List B.

### **Training and guidance**

Skills Development Scotland staff should know about disclosure and understand how to explain it to people looking to get into work. Skills Development Scotland and back-to-work schemes should be working with partnerships like Scotland Works For You and Release Scotland, to help people find employers who are willing to take on people with a conviction history. It is difficult to stay motivated when applying to employers who have a blanket ban.

All public bodies should have clear recruitment policies for people with convictions. Disclosure Scotland's Code of Practice should also include a duty not to take a blanket ban approach to employing people with convictions and a requirement to attend training on how to consider convictions.

Guidance should be in available different formats, including video tutorials. Written guidance should be succinct and clear. As well as providing factual information, Disclosure Scotland's website should take a more positive approach and should include "success stories" of people moving on from past behaviour and getting work.

Finally, it needs to be made clear in schools, and by the children's hearing system and courts, how their conviction and sentencing or grounds will impact their employment prospects as adults. As people often become aware of the existence of criminal record checks at the point of applying for a job, it would be helpful if there was better general awareness of disclosure.

***If the Committee requires any further information, please contact Liam Furby, Staf Policy and Communications Manager, at [liam@staf.scot](mailto:liam@staf.scot) or 0141 465 7513.***