

Ulster Bank Group

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The Rt Hon David Trimble MP MLA
and Mr Seamus Mallon MP MLA
Office of the First and Deputy First Minister
Stormont
Belfast 4

21 November 2000

Dear *First and Deputy First Minister*,

I was asked during the Summer to chair a small group to share ideas on the matter of ex-prisoners and employment and the group progressively widened out to those (business, trade union and ex-prisoner interests) listed in the attachment to the enclosed letter.

I hope you will be able to consider favourably our suggestion of a meeting. I shall be happy to receive any correspondence here at Ulster Bank.

With kind regards,

Yours sincerely

George

Sir George Quigley
Chairman

** copy to Ian Walters **

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The Rt Hon David Trimble MP MLA and
Mr Seamus Mallon MP MLA
Office of the First and Deputy First Minister
Stormont
Belfast 4

20 November 2000

Dear Mr Trimble and Mr Mallon

1. Business and other relevant interests and representatives of politically motivated ex-prisoners (hereafter referred to simply as 'ex-prisoners') have held three meetings over the last four months to discuss impediments to the absorption of such ex-prisoners into the labour force and how these might be removed. A list of those who have been involved in one or more of these meetings (some, like myself, in a personal capacity) is attached, together with the names of those who have not been able to attend but have expressed support. I was invited to chair these meetings and to sign this letter to you on behalf of all involved.
2. It is difficult to obtain the appropriate statistics but it is believed that as many as 30,000 may have been through the judicial system in Northern Ireland for reasons connected with the Troubles. When account is taken of the immediate and extended families, it is clear that, whatever the precise number, there is a significant proportion of the NI population (including many children) whose future depends on the job prospects of ex-prisoners.
3. There are certain geographical locations where the incidence of ex-prisoners is particularly high and there is a widely held view that ex-prisoners are disproportionately represented in the long-term unemployed.
4. The Group is generally agreed that the inability of ex-prisoners to become insiders to the labour market process is destabilising and, as we all know, a job is a key element in the promotion of social inclusion. Ex-prisoners who remain long-term unemployed will inevitably suffer from economic and social pressures and there is a grave danger that a proportion of them will, over time, succumb to the temptations of crime, including involvement in the growing drugs culture.
5. There is also the very important point that, as the pace of economic activity accelerates in Northern Ireland (and it shows every sign of doing so), no potential labour supply should be left

untapped. Those currently employed in security-related occupations, who are no longer required in the security sector, clearly represent another significant resource whose potential should also be recognised and we understand that training and reskilling programmes are planned in this context.

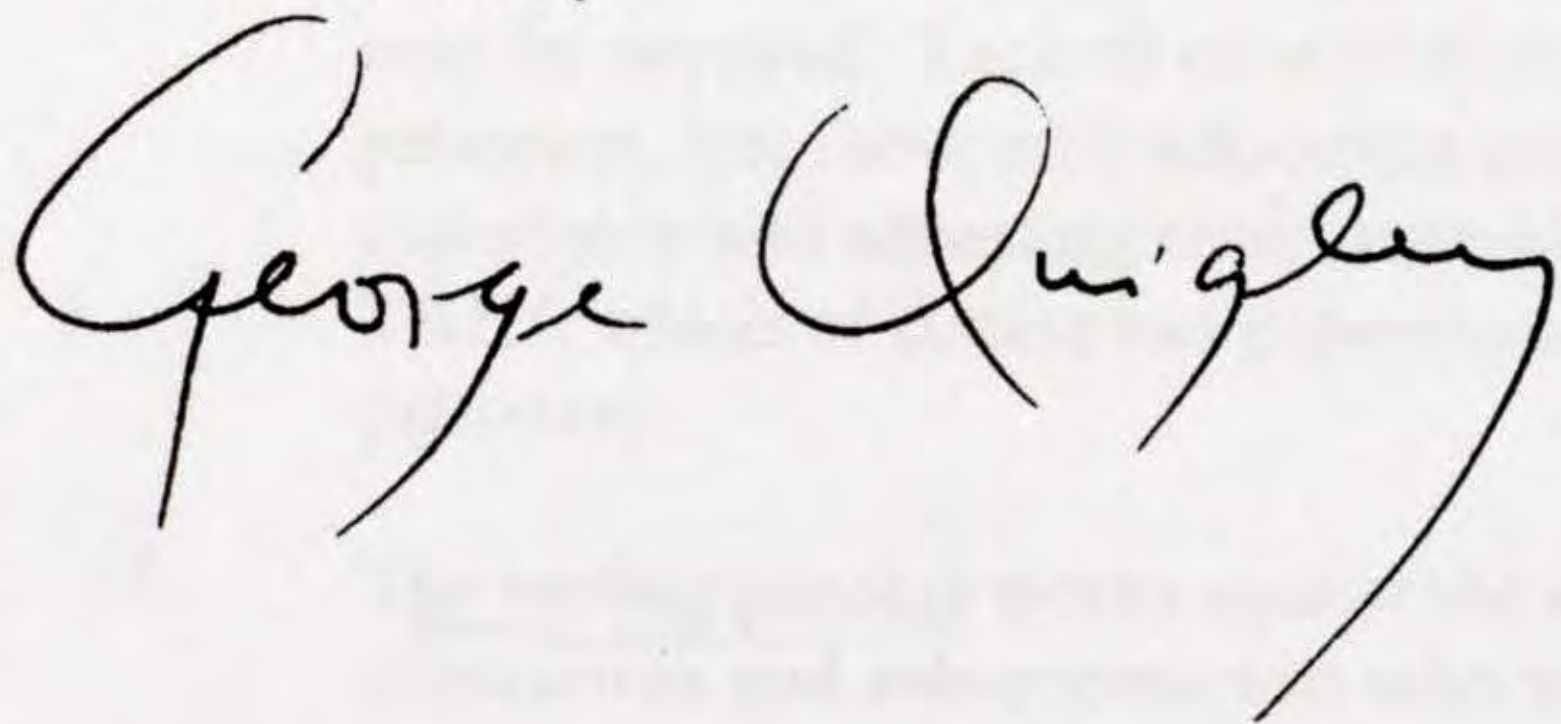
6. We have identified a number of impediments to the employment of ex-prisoners which are set out (along with some other considerations) in 'A' attached.
7. The Group feels that the fundamental issue is whether ex-prisoner status per se should indefinitely prejudice ex-prisoners' ability to obtain a job, make a fresh start and re-establish themselves. An idea emerging from discussion within the Group is that Equality legislation should preclude any automatic presumption that an ex-prisoner should not be considered for employment or fail to obtain employment by reason only of his or her status as an ex-prisoner. Relatives of ex-prisoners are being debarred from employment, which sits oddly in the context of new Human Rights legislation.
8. Whilst this letter is concerned with politically motivated ex-prisoners, its object is not to obtain special privileges for this group but, rather, to facilitate the re-integration into the labour market of a group which can be a valuable labour supply in an increasingly tight labour market. It may well be that any programme for politically motivated ex-prisoners should be considered for extension to other categories of ex-prisoner.
9. We feel that, as an ad hoc voluntary group, we have taken the issue as far as we can. and that, if real progress is to be made, the issue needs to be placed firmly on the public policy agenda. If the difficulties can be shown to be less than we understand them to be or if this letter reflects a misunderstanding of any aspect of the situation which can be corrected, that in itself would constitute progress, although it would not remove the need for action on such impediments as remained.
10. There are probably a number of initiatives required. Some legislative change may be necessary. Business may have to consider a voluntary code of practice either apart from or in the context of Equality legislation. There is probably a need for the dissemination of best practice, based on existing success stories. There may have to be dedicated education and training arrangements which incorporate clear targets for making inroads into the needs of ex-prisoners.
11. Above all, however, we feel that there is a need for co-ordinated and comprehensive action on a variety of fronts if effective results are to be secured on a reasonable timescale. For this to happen strong political support would be required from yourselves and the Secretary of State, accompanied by full backing from the relevant Departments and Agencies. To translate that support into results would call for a programme which achieved a prominent and recognised place on the public agenda. We believe that only Government can give it such a place. Hence this approach to you. We are also writing in similar terms to the Secretary of State, since the responsibilities straddle transferred and reserved issues.

12. The present Administration has been very successful at national level in setting up Task Forces to tease out the elements involved in the solution to a variety of issues. We therefore urge Government now to consider the establishment of a Task Force on the topic discussed in this letter. The kind of approach which such a Task Force might take is sketched out in paras 10 and 11 above, which make no claim, however, to be exhaustive.
13. An advantage of the Task Force technique is that it would automatically bring the issue into sharp focus and create a formal (properly equipped) resource to which all interested parties could relate, thereby avoiding frustration and wasteful fragmentation and diffusion of effort. We believe that its outcome should help to produce a shared purpose and provide a framework within which all who have a part to play in delivering the solution could work to common objectives.
14. We believe that action of the kind we suggest would be fully compatible with the attention given in the Good Friday Agreement to the provision of support for ex-prisoners, although the need which we address in this letter is not of course limited to those released under the terms of the Agreement.
15. There are ex-prisoner groups (some including business etc interests) which are already doing valuable work. It was their perception that they could make only limited progress whilst the issues identified in this letter remain unresolved that led to the coming together of our ad hoc group. Whilst concerting their efforts through the group, they are, of course, continuing with their work, separately and independently. A number of them could bring considerable experience to the work of the Task Force.
16. There may be a North/South dimension to the project but, other than identifying one or two relevant points in 'A' attached, we have not explored this aspect. We understand that there may be some 4000 politically motivated ex-prisoners in the Republic.

We look forward to your response. Our group would welcome the opportunity to meet you to discuss these matters.

With best wishes,

Yours sincerely

A handwritten signature in black ink, reading "George Quigley". The signature is written in a cursive, flowing style. The first name "George" is written in a larger, more prominent script, and "Quigley" follows in a similar but slightly smaller script. The signature is positioned below the typed name "Yours sincerely".

Impediments etc

1. In the course of our discussions within the Group and with others we have identified a number of impediments to the employment of ex-prisoners.
2. It is still common practice for application forms to enquire about previous criminal convictions, although some companies have now abandoned this except, for example, where contact with children is involved and there is a relevant conviction. Employers may be concerned that there is a security risk and that ex-prisoners may prove to be unsatisfactory and unable to cope with work disciplines, although the incidence of re-offending is minimal and there are excellent examples of ex-prisoners turning out to be amongst a company's best employees. Ex-prisoners can also experience difficulty in obtaining finance and insurance in start-up situations.
3. It is very much left to the discretion of each employer to place a value judgment on the relevance of an applicant's criminal record to the post applied for. This has led to inconsistency in the way that ex-offenders are treated, not only by different organisations but often by different interview panels within an organisation.
4. We recognise that employers have a legitimate concern and responsibility to care for their customers and employees. However, a criminal record should not automatically bar a person from obtaining a job except where the conviction is seen to be manifestly incompatible with the post in question.
5. There may be worries about ex-prisoners re-offending but research by the Home Office Research and Planning Unit shows that ex-prisoners who find employment are less likely to re-offend. Recidivism appears to be of the order of 1-2%.
6. There are also public policy issues. The education of many ex-prisoners stopped at age 14 and they have missed out on training opportunities. It is not known (because trainees are not obliged to disclose if they have spent time in prison) how many have been involved in New Deal, Job Skills and Bridge to Employment schemes but there is a feeling within the Group that many are still falling through the net and that a more proactive specially tailored approach may be required. Lack of education and skill is, of course, by no means typical of all ex-prisoners, but those with education and skills still encounter major barriers in gaining work experience and accessing entry to employment. We have benefitted from advice from the T&EA which of course has experience of providing employment and training services to ex-prisoners.
7. The vetting process works against the employment of ex-prisoners in the public sector and by contractors and sub-contractors who work for this sector. It is also felt that the vetting process can impact unfairly on the families of ex-prisoners.

8. We also believe that ex-prisoners are unable to access compensation for bomb damage to their business and that there can be circumstances in which HGV and PSV Licenses are denied to them.
 9. * The provisions of the Rehabilitation of Offenders Order (NI 1978) are relevant in the context of access to employment. The Order sets out the opportunity for most criminal records to become 'spent' after a specific period has passed except in the case of re-offending. The implication of this is that many ex-offenders do not have to declare criminal convictions when applying for jobs, but only after lengthy rehabilitation periods have been completed.
 10. * However, this legislation only covers sentences of up to 2½ years. which means that the vast majority of politically motivated ex-prisoners will have to declare their convictions indefinitely. This places them at a severe disadvantage in terms of accessing the labour market and is a substantial factor in blocking the social inclusion of many ex-prisoners through employment.
 11. * Under the Rehabilitation of Offenders Exemptions Order (NI 1979) certain types of employment are classed as exempt, meaning that all convictions must be declared, including those that would otherwise be considered as 'spent'. Work that would be covered under this exemptions rule would include professions regulated by law and posts involving work with children or vulnerable adults.
 12. Many posts in Northern Ireland, however, are classed as exempt using the classification of 'national security', including all civil service positions. In the light of political developments and particularly taking into consideration the implementation of equality schemes within all public sector bodies (as a result of the Northern Ireland Act 1998) the process of security vetting relating to these posts is in need of urgent review.
 13. * Taken together, the provisions of the Rehabilitation of Offenders Order and the Rehabilitation of Offenders Exemptions Order create a severe impediment to politically motivated ex-prisoners accessing many areas of employment.
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14. There are also North/South issues which require examination, eg
 - there are acute labour shortages in the Republic which could be eased by tapping the labour resource represented by ex-prisoners. Some sectors such as construction and hospitality have consistently shown a significant level of cross-border mobility, while companies like Xerox are actively recruiting in Northern Ireland for labour for their plant in Dundalk. Legislation and practices in the Republic may also require review.
 - It has been pointed out to us that US immigration laws might well prevent an employee recruited in either part of Ireland from undergoing training in the US with the parent American company, if the prohibition on entry to the US of people with convictions was rigidly enforced. The issue may also arise in other countries

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MEMORANDUM E (02) 43

FROM: FIRST MINISTER DEPUTY FIRST MINISTER

TO: EXECUTIVE

EX-PRISONERS - EMPLOYMENT AND EMPLOYABILITY

Issue

- (i) Both the devolved administration and the NIO have been pressed by a group chaired by Sir George Quigley for a co-ordinated approach to issues relating to employment and employability of politically motivated ex-prisoners;
- (ii) The Belfast Agreement includes a commitment by Governments to facilitate the re-integration of prisoners into the community including "assistance directed towards availing of employment opportunities".
- (iii) The Programme for Government at paragraph 2.7 includes a commitment to considering what more might be done to help ex-prisoners overcome barriers to re-integration.

Background

1. In November 2000, Sir George Quigley wrote to us seeking a meeting to discuss a range of perceived impediments to the employment of politically motivated ex-prisoners, and the establishment of a task force to address these matters. Sir George was writing on behalf of a group comprising business, trade union, politically motivated ex-prisoner interests both (Loyalist and Republican) and NIACRO. We agreed that as an initial first step, officials from OFMDFM and other relevant Departments should meet Sir George's group to explore the matter further.

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Recommendation

2. The meeting took place on 29 March 2001. On 8 May 2001 the group met Adam Ingram. Subsequently, Mr Ingram wrote to us indicating that he is not adverse to a co-ordinated approach on this matter across the two administrations.
3. Issues raised by the group centre on perceived barriers to employment and employability of politically motivated ex-prisoners including access to compensation in the event of damage to property, access to HGV and PSV licences, access to employment in the public and private sectors arising from criminal convictions and security vetting and training needs. Policies relating to these matters are cross-cutting both within the devolved administration and the NIO, which has responsibility for legislation on rehabilitation of offenders.

Mark Durkan
Deputy First Minister
4. The Belfast Agreement includes a commitment by Governments to "continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or re-skilling, and further education".

First Minister
5. On the suggestion of the Department for Employment and Learning the Programme for Government includes a specific reference to ex-prisoners (at paragraph 2.7).
6. It is recognised that, while distinct considerations apply, there may also be a commonality in issues affecting qualifying prisoners (as specified by the Agreement) and all other ex-prisoners.

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Recommendation

7. In our view a co-ordinated approach to policy development on this matter would be beneficial to all concerned. Accordingly, the Executive is invited to:

- (i) Agree in principle to the establishment of an inter-departmental group, (with DEL taking lead responsibility) (the Group) to co-ordinate work of departments aimed at overcoming obstacles to employment and employability of ex-prisoners, including qualifying ex-prisoners; and
- (ii) Agree the attached terms of reference and proposed composition of the Group. (See Annex A).

David Trimble
First Minister

Mark Durkan
Deputy First Minister

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**INTER-DEPARTMENTAL GROUP ON EMPLOYMENT AND
EMPLOYABILITY OF EX-PRISONERS**

Composition and Terms of Reference

- I. The group will be chaired by a senior official from DEL
- II. Membership of the Group will include – DEL, DE, DETI, DOE, DSD, DHSSPS, DFP, OFMDFM and NIO.
- III. The Group will engage with a co-ordinating group comprised of representatives from ex-prisoner groups, the CBI, NIC/ICTU and NIACRO and
- IV. The Group's **terms of reference** will be as follows:

Having regard to Governments' commitments in the Belfast Agreement to continue to recognise the importance of measures to facilitate the re-integration of prisoners into the community

- To explore the obstacles to employment faced by ex-prisoners, including qualifying ex-prisoners and how these obstacles might be overcome; and
- To make recommendations for consideration by Ministers by [date nine months from date of Executive decision] on how current approaches to employment and employability might be improved and what new initiatives might be taken by Government departments within the devolved administration, the NIO, employers and trade unions;