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Reform Criminal Record Checks and Help People Move On

Peter protected a pregnant woman from being attacked when he was a teenager. The judge praised his actions in court, but he still got a criminal record. He's a happy family man now, but employers won't hire him because of his record, and he struggles to provide for his family. Maureen pushed someone who was harassing her sister and was fined for actual bodily harm. She found work as a dinner lady and moved on with her life. But decades later, a new boss saw her 35 year old conviction and fired her, saying she was too much of a risk. *Peter and Maureen are Not Alone.*

1 in 6 people in the UK have a criminal record: At the moment, thousands of people are forced to reveal very old and/or minor offences to employers, keeping them trapped in the past and unable to find work or progress in their careers. Criminal record checks are sometimes necessary, but in many cases they prevent people who committed minor offences years ago from finding work and moving on. No one should have to face discrimination for decades when they have already been punished.

Can we build a fairer system? We're calling for all political parties to support a review of the criminal records system, with the aim of making it fairer and more proportionate. If nothing changes, people who've worked hard to turn their lives around will continue to be punished for decades. This isn't justice. 13,786 people have signed 'Fair Checks' petition.

Public Inquiry Ordered Into Pat Finucane's Murder 35 Years On

Patrick Finucane was a human rights lawyer. On 12 February 1989 he was brutally murdered in his home in North Belfast by the loyalist paramilitary group, the Ulster Defence Association in front of his wife, Geraldine, who was wounded, and his three children, one of whom is now the Honourable Member for Belfast North. From that day onwards, Mrs Finucane and her family have campaigned tirelessly in search of answers about the killing of their loved one. In 1990 an inquest was opened and closed on the same day with an open verdict. Subsequently, a number of investigations and reviews were conducted.

In 2001, following the collapse of power sharing, the UK and Irish governments agreed at Weston Park to establish public inquiries into a number of Troubles-related cases, if recommended by an international judge.Judge Peter Cory was appointed to conduct a review of each case and in 2004 he recommended that the UK Government hold public inquiries into four deaths: those of Rosemary Nelson, Robert Hamill, Billy Wright, and Patrick Finucane. Judge Cory also recommended that the Irish Government establish a tribunal of inquiry into the deaths of former RUC officers Bob Buchanan and Harry Breen.

Inquiries were promptly established in all of these cases, with one exception - the death of Mr Finucane. Meanwhile, in 2003 the third investigation by Sir John Stevens into alleged collusion between the security forces and Loyalist paramilitaries had concluded that there had been state collusion in Mr Finucane's killing. That investigation was followed by the conviction, in 2004, of one of those responsible, Ken Barrett. With criminal proceedings concluded, the then Northern Ireland Secretary, Paul Murphy, made a statement to Parliament setting out the Government's commitment to establish an inquiry. But despite a number of attempts, the Government was unable to reach agreement with the Finucane family on arrangements for one.

In 2011, the coalition government decided against an inquiry. Instead, a review of what had happened – led by Sir Desmond de Silva QC – was established. Sir Desmond concluded that he was left "in no doubt that agents of the State were involved in carrying out serious violations of human rights up to and including murder." The publication of his findings in 2012 led the then-Prime Minister, David Cameron, to make an unprecedented apology from this despatch box to the Finucane family on behalf of the British Government, citing the "shocking levels of State collusion" in this case. In 2019, the Supreme Court found that all the previous investigations had been insufficient to enable the State to discharge its obligations under Article 2 of the European Convention on Human Rights. The Court identified a number of deficiencies in the State's compliance with Article 2. In particular, Sir Desmond's review did not have the power to compel the attendance of witnesses; those who met Sir Desmond were not subject to testing as to the accuracy of their evidence; and a potentially critical witness was excused from attendance. In November 2020 the then Secretary of State for Northern Ireland announced that he would not be establishing a public inquiry at that time, pending the outcome of continuing investigations, but that decision was quashed by the Northern Ireland High Court in December 2022. Mr Speaker, this Government takes its human rights obligations - and its responsibilities to victims and survivors of the Troubles - extremely seriously. And the plain fact is that two decades on, the commitment made by the Government – first in the agreement with the Irish Government, and then to this House - to establish an inquiry into the death of Mr Finucane remains unfulfilled.

It is for this exceptional reason that I have decided to establish an independent inquiry into the death of Patrick Finucane under the 2005 Inquiries Act. I have, of course, met Mrs Finucane and her family. First on 25 July to hear their views, and again yesterday, to inform them of my decision. Mrs Finucane asked the Government to set up a public inquiry under the 2005 Act and - as I have just told the House - the Government has now agreed to do that, in line with both the 2019 Supreme Court ruling and the Court of Appeal judgement in July this year. In making this decision, I have, as is required, considered the likely costs and impact on the public finances. It is the Government's expectation that the inquiry will - while doing everything that is required to discharge the State's human rights obligations - avoid unnecessary costs given all the previous reviews and investigations, and the large amount of information and material that is already in the public domain. Indeed, in the most recent High Court proceedings, the Judge suggested that an inquiry could "build on the significant investigative foundations which are already in place".

Mr Speaker, as part of my decision-making process, I did also consider whether to refer this case to the Independent Commission for Reconciliation and Information Recovery. The Commission has powers comparable to those provided by the Inquiries Act to compel witnesses and to secure the disclosure of relevant documents by state bodies - powers identified by the Supreme Court as being crucial for the Government to discharge its human rights obligations. The Commission was found in separate proceedings in February this year by the High Court to be sufficiently independent and capable of conducting Article 2 compliant investigations, and while I am committed to considering measures to further strengthen the Commission, I have every confidence in its ability, under the leadership of Sir Declan Morgan, to find answers for survivors and families. However, given the unique circumstances of this case, and the solemn commitment made by the Government in 2001 and again in 2004, the only appropriate way forward is to establish a public inquiry.

Mr Speaker, many of us in this House remember the savage brutality of the Troubles - a truly terrible time in our history - and we must never forget that most of the deaths and injuries were the responsibility of paramilitaries, including the Ulster Defence Association, the Provisional IRA, and others, and we should also - always - pay tribute to the work during that time of the Armed Forces, police and security services, the vast majority of whom served with distinction and honour, and so many of whom sacrificed their lives in protecting others. It is very hard for any of us to understand fully the trauma of those who lost loved ones - sons and daughters, spouses and partners, fathers and mothers - and what they have been through, and there is of course nothing that any of us can do to bring them back or to erase the deep pain that was caused. But what we can do is to seek transparency to help provide answers to families, and to work together for a better future for Northern Ireland which has made so much progress since these terrible events. I hope that this inquiry will – finally - provide the information that the Finucane family has sought for so long. The Government will seek to appoint a Chair of the Inquiry and establish its Terms of Reference as soon as possible, and I will update the House further.

A New Legal Team and a Public Inquiry: Where is the Lucy Letby Case Now?

Since reporting restrictions were lifted following the trial, and re-trial, of Lucy Letby, concerns, doubts and speculation as to her guilt have emerged. Letby remains behind bars at HMP Bronzefield, a women's prison in Surrey, and has had all her applications to appeal her convictions rejected.

Despite this, experts from various fields, lawyers, commentators, journalists and politicians have expressed their doubts over her guilt, and in some cases their disbelief at the weakness of the case against her. Many others remain convinced of Letby's guilt but are concerned about the safety of a prosecution that relied heavily on arguments that have since been found to be inaccurate or misleading. While it is true that those coming forward now to question Letby's conviction were not present at the trial, many people close to the case (including the expert witness for the defence, who was not actually called to give evidence) have sounded the alarm. Lucy Letby herself maintains her innocence. Her convictions make her one of the most prolific child murderers in history. We look now at the case so far. Could Letby be the victim of one of the gravest miscarriages of justice in British history? Are those questioning her guilt ill-informed? Or worse, are they weaving conspiracy theories about a harrowing but ultimately closed case?

Creeping Concerns: Dr Phil Hammond, who writes the MD column for Private Eye and was one of the first mainstream journalists to dig deeper into the Letby case, recently posted on X about the enormous shift that has taken place over the last few months. While until very recently anyone expressing concerns over the case was dismissed as being a conspiracy theorist, the dial has now turned the opposite way. Those insisting there was nothing to be concerned about during the trial and Letby is irrefutably a child-killer could now be perceived as the more dogmatic.

The idea that the conviction is not safe has emerged from a journalistic unravelling, starting with the publication of an article in the New Yorker in May. At first readers in the UK were not able to access the article without using a VPN, as it was geo-blocked on account of the UK's reporting restrictions on ongoing cases – ostensibly in place to avoid prejudicing the jury. In this case, a retrial, the jury was already aware of Letby and her convictions. The reporting restrictions therefore seemed unlikely to influence the case. The New Yorker article meticulously examined the case over the course of 13,000 words. The Conservative MP David Davis spoke in the House of Commons a few days later and called on the Lord Chancellor to lift a court order blocking the article on the grounds that the ban offended 'open justice'. He has since gone on to take up the mantle of the Letby case in other ways, appearing on Good Morning Britain on 2 September to discuss his concerns.

Journalists Pull at Loose Threads: Following the publication of the New Yorker article, and the lifting of restrictions, there was a flurry of coverage in the UK press – one that has transformed into something of a sustained campaign leading into the forthcoming Thirwall Inquiry into events at the Countess of Chester Hospital Articles in the Guardian, the Telegraph and the Independent on Sunday, podcasts by the Times, and commentaries by well-known columnists have built up a picture of a potential wrongful conviction. Reporting on the Justice Gap, including an interview with a leading statistical expert, has also raised doubts about the case.

British-born statistician Richard Gill, emeritus professor of mathematical statistics at the University of Leiden in the Netherlands, spoke to the Justice Gap while the reporting restrictions were still in place, saying: 'I think that the trial was unfair, the police investigation was unfair and, I also say, I'm certain Lucy Letby is innocent – as certain as you can be about these things.' Gill campaigned on behalf of a nurse in the Netherlands, Lucia De Berk, who was also convicted of murder on the basis of statistical evidence. Her conviction was eventually overturned and became known as one of the biggest miscarriages of justice in the country's history.

He told the Justice Gap: 'I have seen how these cases arise out of nothing. You can completely understand everything on the basis of the innocence hypothesis. In other words, this is what happens when things go wrong. There is a calamity and a scandal in an NHS maternity unit or neonatal unit every year. There is a serial killer nurse in England maybe once in 50 years. The probability that this is just another NHS scandal is enormous. Every single piece of evidence only makes me more certain of that.'

Another academic, John O'Quigley, has criticised the prosecutions use of statistics which appear to show that for every suspicious death that occurred at the Countess of Chester Hospital, Letby was on shift. A table showing collapses and deaths of babies charted against which nurses were on shift appeared damning, as Letby was supposedly the only nurse present for every incident. He said: 'According to the prosecution, it is clear evidence; it's nothing of the sort and any statistician – a first year undergraduate in statistics – could show that's nonsense. You really don't need a sophisticated understanding of statistics to see that it is a complete crock.' Asked if he was convinced of Letby's innocence he said: 'I cannot be certain that she's innocent. I can be certain that she did not get a fair trial.'

Dr Phil Hammond has written a series of articles on the Letby case for Private Eye. With regards to the statistical evidence, he has reported there were 'at least' 35 deaths or non-fatal collapses during the period in question that 'should have been included in the table for it to be considered statistically robust.' In a piece written in July he asked: 'Why did babies collapse when Letby was not on duty? She was convicted of seven murders, but there were 10 other deaths that she wasn't on duty for.' A recent article in the Guardian pulled at another thread, that of Letby's handwritten notes which were presented by the prosecution as a confession. It has now been revealed that Letby was advised to write down her feelings by an Occupation Health specialist within the Countess of Chester Hospital. When taken as a cathartic, therapeutic way of processing an extremely traumatic situation, the picture painted is entirely different.

Appealing the Convictions/ So What Now? It was revealed last week that Letby has instructed a new defence team ahead of her application to the CCRC. Her new barrister, Mark MacDonald KC told the BBC's File on 4: 'I knew almost from the start, following this trial, that there is a strong case that she is innocent.' 'The fact is juries get it wrong. And yes, so do the Court of Appeal, history teaches us that.' Many who are unsure about Letby's innocence question the morality or usefulness of commenting on her case in the public eye – often referencing how painful it must be for the parents of the babies who died to see their killer being championed. This is valid yet betrays a misunderstanding of the UK's system for dealing with miscarriages of justice. Letby's requests to appeal her convictions have been

rejected. The only option now available to her is to make an application to the Criminal Cases review Commission (CCRC), the beleaguered watchdog established to resolve miscarriages of justice. Miscarriages of justice are rarely uncovered without a sustained media or political campaign.

For the CCRC to review any, or all, of the convictions against Letby would be extremely complex work, likely taking many years. For the body to agree to look into a case there has to be new evidence that was not presented to the jury at the initial trial (you cannot simply argue that the jury got it wrong). The commissioners then refer the case back to the Court of Appeal, which could find that no miscarriage of justice has in fact taken place

Public Inquiry: In the meantime, the Thirlwall Inquiry into what happened at the Countess of Chester Hospital has began, when it will begin hearing oral evidence. In her opening statement published on the inquiry website the chair, Lady Justice Thirlwall, referred to the case of Beverly Allitt who murdered babies on a hospital ward in Grantham in the 1990s. She said: 'Everyone was determined that it would not happen again. It has happened again. This is utterly unacceptable.'

EDM 160: The Legal Dragnet Joint Enterprise Report

That this House welcomes the publication of The Legal Dragnet, by Nisha Waller and the Centre for Crime and Justice Studies, which highlights the risk posed by ambiguous legislation on joint enterprise and makes a case for creating a safer framework for prosecution;

- further welcomes the stated ambition of the Government, while in opposition, to reform the law on joint enterprise;

- notes the Lord Chancellor's acknowledgment that joint enterprise is an issue of concern to Members of this House;

- notes with alarm Crown Prosecution Service data that Black people are disproportionately prosecuted under joint enterprise;

- further notes with alarm that this new report highlights how there has been no discernible impact on the number of joint enterprise prosecutions since the 2016 Supreme Court ruling that the law had been wrongly implemented for more than 30 years;

- agrees with the report that the scope of joint enterprise should be narrowed to create a safer framework for prosecution and greater consistency and fairness in outcomes;

- further agrees that alongside legal reform, wider work must be done to challenge racialised and overzealous police and prosecution practices with respect to joint enterprise;

- calls on the Government to request a Law Commission review of joint enterprise, with a view to narrowing the scope of current legislation and providing a safer framework for prosecution and sentencing.

'Spycops' Campaigners Call to Lift 'Arbitrary' Deadlines

Samantha Dulieu, Justice Gap: For more than four decades, Britain's police ran a covert operation spying on thousands of citizens. The public had no inkling of this secret operation, and only a small number of even the most senior police officers were aware of it. The police sent 140 undercover officers to spy on more than 1,000 political groups. They helped to compile confidential files on the political activities of activists within these groups. Bob Lambert, one of the key figures in the surveillance, has admitted that "… we were part of a 'black operation', that absolutely no one knew about and only the police had actually agreed that this was all okay." The secrecy enveloping this operation has been slowly but steadily crumbling. In recent years, more and more details of the work of the undercover officers have been exposed, thanks mainly to

the detective work of activists who were infiltrated and journalists.

Campaigners due to give evidence at the Spycops Inquiry have called on the Home Secretary to extend the current time limit for the hearings. Women deceived into long-term relationships with undercover officers, family justice campaigners and other victims of 'spycops' delivered a letter to the Home Secretary, Yvette Cooper, on Monday asking her to lift the arbitrary December 2026 end date imposed by her predecessors. They said this time limit is 'plunging the inquiry into crisis just as it is beginning to uncover the truth.'

Claimants and campaigners from groups including Police Spies Out of Lives, the Blacklist Support Group and the Campaign Opposing Police Surveillance said that the current timescales were causing 'chaos and unfairness'. They have requested a meeting with the Home Secretary, saying: 'This meeting is needed because the non-police, non-state core participants are concerned that the inquiry is at crisis point, and that the result of this is that a significant burden is being placed on many of those who have already suffered significantly at the hands of the state.'

Theresa May, then Home Secretary, announced the inquiry in March 2015 following revelations about the infiltration of the Stephen Lawrence campaign, with the aim to review undercover policing practices going back 50 years. As well as spying on family justice campaigns, undercover police officers have also been found to have deceived women into sexual relationships, with some even having children, and using deceased children's identities without the knowledge of the families. The next batch of hearings are due to start on 30 September, and will be looking at the, now disbanded Special Demonstration Squad (SDS) and its actions from 1983 to 1992. The SDS ran from 1968 to 2008 and was deployed to infiltrate political and activist groups, with the intention of gathering intelligence to assist in public order policing. An interim report from the inquiry, published last year, found the SDS undercover unit was 'unjustified and undemocratic'. The chair of the inquiry, Sir John Mitting said that the 'principal, stated purpose' of the SDS was to 'assist uniformed police to control public order in London'. 'Long-term deployments into left-wing and anarchist groups did make a real contribution to achieving this end, even though this was or could have been achieved to a significant extent by other, less intrusive, means,' he wrote. 'The question is whether or not the end justified the means set out above. I have come to the firm conclusion that, for a unit of a police force, it did not; and that had the use of these means been publicly known at the time, the SDS would have been brought to a rapid end.'

Jessica from Police Spies Out of Lives said this week: 'There were massive delays at the start of this investigation. They spent nine years and over £82 million mainly on undercover officers' applications for anonymity and State applications for secrecy and that process is still ongoing. Now the victims in this Inquiry are being squeezed up against arbitrary deadlines. Witnesses are not being given time to view the files before being asked to give evidence and that is causing real distress. The disparity in time given to us and to the state is completely unfair.'

Imprisonment for Public Protection: Changes to Licence

Statement made by Shabana Mahmood Secretary of State for Justice' - It is right that Imprisonment for Public Protection (IPP) sentences were abolished. We worked constructively in opposition to progress IPP reforms in the Victims and Prisoners Act 2024, which represent sensible changes to help rehabilitated offenders serving the IPP sentence on licence in the community to move on from their sentence in a safe and sustainable way. That is why I wish to inform the House of my intention to bring into force the IPP measures in the Act. Section 66 amends sections 31, 31A and 32 of the Crime (Sentences) Act 1997 which provide for the termination of licence for those serving sentences of Imprisonment or Detention for Public

Protection (DPP) and setting their licence conditions. Section 67 requires the Secretary of State to prepare and publish an annual report about the steps taken to support the rehabilitation of IPP and DPP offenders and their progress towards release from prison or licence termination and lay the report before Parliament. I am clear that in commencing these reforms, public protection must come first. To ensure HM Prison & Probation Service can effectively manage these changes, the measures will be commenced in a phased approach starting on 1 November 2024, and with all measures commenced by 1 February 2025.

Phase 1 will commence on 1 November 2024 when sections 66 and 67 will come into force. This includes measures to: * include a statutory presumption that the IPP licence will be terminated by the Parole Board at the end of the qualifying period. In practice, this will mean strong justification on public protection grounds would be needed not to terminate the licence; introduce a provision where an IPP licence will terminate automatically in cases where the Parole Board has not terminated the licence at the end of the qualifying period and where the offender has spent a further two continuous years on licence in the community (i.e. they have not been recalled to prison in that time); *create a new power for the Secretary of State to release a recalled IPP offender – without the need for a release decision by the Parole Board – following a process known as Risk Assessed Recall Review (RARR); *allow the Secretary of State to determine that for the purposes of the two-year automatic licence termination period, the prisoner's licence is treated as having remained in force as if it had not been revoked, where it is in the interests of justice to do so. This means that for an IPP or DPP offender released by the Parole Board or the Secretary of State, the Secretary of State can disapply the impact of the recall on the two-year automatic period which will not reset upon the prisoner's re-release from prison; and *require the Secretary of State to lay an annual report before Parliament about the steps taken to progress those serving IPP sentences towards a safe release.

From 1 Nov 2024, the qualifying period will be 2 years for DPP offenders 3 years for IPP offenders for the purpose of the automatic licence termination but remain 10 years for other purposes. Phase 2 will commence 1 Feb 2025 where the qualifying period for all other purposes, including when the Secretary of State must refer a DPP or IPP licence to the Parole Board for consideration of licence termination, will be 2 and 3 years respectively. I want to make progress towards a safe and sustainable release for those serving the IPP sentence, but not in a way that impacts public protection. Commencing these measures is the first step in doing so. I will continue to monitor progress in this area, and the Government plans to consult expert organisations to ensure the right course of action is taken to support those serving IPP sentences.

Prison Reform Trust View: Timetable for IPP Licence Reforms

Commenting on the announcement of the planned timetable for the introduction of IPP licence reforms by the government, Pia Sinha, chief executive of the Prison Reform Trust said "The announcement is a welcome first step towards correcting the lingering injustice of the discredited IPP sentence more than 12 years since it was abolished. It was the coalition government who abolished the IPP sentence; the last government which brought these reforms into law; and the new government who are thankfully bringing them into effect. Continued cross-party support will be vital to deliver the necessary further reforms for those 1,200 people still trapped in prison, and who have never been released. Only then will the stain of the IPP sentence finally be eradicated." To help those serving IPPs, and their family and friends, the Howard League, together with Dr Laura Janes, the Prison Reform Trust and Prisoners' Advice Service, have prepared a practical 'how-to' guide on IPP licence termination. The guide, published in August, was prepared ahead of this announcement. We are working to quickly update and re-publish this guide.

Training For Prisoners While Still in Prison For Job Placements on Release.

The prison education curriculum enables prisoners to gain the skills they need to get employment on release. In addition to English, maths and vocational training we offer bespoke, local training via the Dynamic Purchasing System. We are developing other training through our Future Skills Programme in a variety of sectors, such as construction and hospitality with employers guaranteeing interviews to prisoners on completion of the course. Prisoners may also undertake other work placements during their sentence which prepares them for work on release. Some are within the prison setting e.g. prison kitchens, but prisoners in open prisons may also go out to work in a variety of sectors under Release on Temporary Licence conditions. We also work with the Department for Education who fund a 'skills bootcamp' to deliver training in skills needed to work in the rail industry alongside continuing to develop the opportunities for serving prisoners to undertake apprenticeships.

Prison Education delivered by HMPPS is underpinned by the Apprenticeships, Skills, Children and Learning Act 2009, the Prison Rules 1999 and the Prison Education and Libraries Framework. The delivery of apprenticeships to prisoners is governed by the Apprenticeships (Miscellaneous Provisions) Regulations 2017. All aspects of education, skills and work are inspected by Ofsted alongside HMIP.

Dianova and Others v. Russia - Support for Prisoner on Hunger Strike

Applicants, Olga Dianova, Anastasiya Sheveleva, Leonid Mikhaylov, Roman Roslovtsev, and Valeriya Zenyakina, are five Russian nationals who live in Yekaterinburg, Moscow and Novomoskovsk. The case concerns a hunger strike by Ms Dianova in Yekaterinburg in protest against the treatment of a prisoner in correctional colony IK-63 in Ivdel (Sverdlovsk Region). It also concerns the other four applicants' making a satirical film about Russian President Vladimir Putin in Vorobyovy Gory Park in Moscow and their subsequent arrest. Administrative-offence proceedings were taken against all the applicants. Relying on Articles 10 (freedom of expression), 11 (freedom of assembly and association), 5 (right to liberty and security), 6 (right to a fair trial) and 13 (right to an effective remedy) of the European Convention on Human Rights, the applicants complain, in particular, of the police actions to end the hunger strike and the filmmaking, and the subsequent administrative-offence proceedings.Violations of Article 11 / Article 10 / Violation of Articles 5 § 1 and 6 § 1

Crown Court Quashes Man's Conviction Due To Procedure Breach

A man's conviction for failure to provide a specimen of breath has been quashed by the Crown Court following a referral by the Criminal Cases Review Commission (CCRC). Mr GF was convicted in July 2023 after failing to comply with a roadside preliminary breath test – he repeatedly refused to provide a specimen, claiming he did not believe a police officer was a real officer – and failing to provide a specimen at the police station. Mr GF applied to the CCRC in September 2023, based on his mental health and his autism being a 'reasonable excuse' and a defence to the charge. Police have since accepted they should have called an appropriate adult to the police station for the drink drive procedure. A review by the CCRC found there to be a real possibility the Crown Court would exclude the evidence of the drink drive procedure under s78 Police and Criminal and Evidence Act 1984 (PACE), based on the failure to secure the attendance of an appropriate adult. The CCRC was also satisfied that there was no real possibility that a guilty plea in the Magistrates' Court by Mr GF, who is not being identified because of his vulnerability, would be considered as evidence of a confession. The CCRC referred the conviction in July 2024 and the Crown Court quashed it in August 2024.