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1 September 1999

FILE: 269/98

MR HAIRE, NIPS
MR STEVENSON, VLU
MRS ROGERS, REL
MR WEBB, SPOB
MR ARBUTHNOT, T&EA
MRS BAILIE, SSA
MR McKINTYRE, NIHE
MR MARTIN, DOE
MR O'NEILL, DHSS
MR HUNTER, DFP
MR SAYERS, LEDU
MR GODFREY, CCRU

10/9

**REINTEGRATION OF EX-PRISONERS: FOLLOW UP FROM MR INGRAM'S
MEETING WITH ASSEMBLY REPRESENTATIVES ON WEDNESDAY 11 AUGUST
1999**

Most, if not all, will have seen Noel Marsden's note of Mr Ingram's meeting with Assembly representatives on reintegration which was held on Wednesday 11 August. I have attached a copy at Annex A for ease of reference.

2. As Mr Marsden reported, the meeting was on the whole constructive, with participants displaying a greater pragmatism and sense of the realities of life than was the case back in March. None of the parties had been sufficiently engaged to suggest items for discussion in advance of the meeting and for that reason both the agenda and the discussions which followed were far from structured. However, the Minister's request that parties should put their own views and proposals on paper should help to ensure that future meetings take a more structured and sensible format.

3. However, a number of points did emerge from the meeting, not least those set out in the list provided by EPIC of areas where they believed ex-prisoners to be suffering discrimination. I have attached a copy of this at Annex B.

4. The comprehensive briefing provided by your various agencies in the past on reintegration issues should make it relatively easy to respond to the points made, both within the meeting and in EPIC's paper. I have identified three specific issues raised within the meeting.

5. On housing Mr Snodden alleged that there were difficulties in providing housing for ex-prisoners. I must say that does not tie in with the information that we and NIHE have been given. Be that as it may, I think I am clear that public housing is allocated to ex-prisoners on exactly the same basis as any other citizen. Being an ex-prisoner does not in itself affect the issue one way or the other; it is individual circumstances which rule (so that, for example, someone who is homeless will have a higher priority than someone who is in rented accommodation). Obviously if someone specifically requests to be housed in an area where there is a waiting list, it may take longer to house them than it otherwise would.

6. Similarly, with Mr Snodden's point about the social fund, my understanding is that ex-prisoners access the social fund in exactly the same way as any other citizen, and that the rules which govern their applications are the same for everyone. Mr Snodden also suggested that allocation of funding could be unfair, since different districts would have to restrict social fund loans according to local demand. My understanding here is that social fund districts were given a provisional budget at the beginning of the year based on likely demand (estimated by a variety of factors including the numbers of clients and their personal circumstances). Staff in the Social Security Agency are monitoring the levels of demand across Northern Ireland, and budgets will be revisited and redistributed if that is warranted.

7. Finally Mr Snodden referred to National Insurance contributions, and in particular to difficulties experienced by David Irvine who apparently wanted to make voluntary National Insurance contributions for some or all of the years for which he had been in prison, and was told that it would not be possible for him to do so. I have set out my

understanding of the general rules governing granting of National Insurance credits and purchasing of contributions in Annex C, but I suggest that DHSS may wish to do a bit of background research. While it would obviously be wrong for officials to discuss Mr Irvine's case with anyone other than him, it would be helpful to know whether or not he has made a formal request. If you need further information to do this, please let me know.

8. I think we also need to provide a line to take on the issues raised in EPIC's list, not least because Michael McGimpsey has asked for a meeting with Brian White to discuss the list. I have therefore attached at Annex C a first stab at lines to take on each of the issues raised. (I have attempted to allocate ownership of each of the points, but please forgive me if I have got it wrong!) I would be grateful if you could confirm the accuracy or otherwise of my suggested lines to take, and amend and add to them where necessary.

9. No date has yet been set for the meeting with Michael McGimpsey, but I think it would be helpful to be prepared early and for that reason I would be grateful for comments as soon as possible - especially if I have got it wrong! As always, I am quite happy to take these over the 'phone if that is helpful.

Rachel Miller

RACHEL MILLER

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FROM: DPS/Mr Ingram
16 August 1999

cc PS/Secretary of State (B&L) - O
PS/Mr Ingram (B&L) - O
PS/Mr Howarth (B&L) - O
PS/Mr McFall (DENI,DED&L) - O
PS/Lord Dubs (DOE,DANI&L) - O
PS/PUS (B&L) - O
Mr Daniell - O
Mr McCusker - O
Mr Kelly (B&L) - O
Mr McGuckin - O
Ms Scholefield - O
Mrs Collins - O
Mr Haire - O
Mr Stevenson - O
Ms Miller - O
Mr Arbuthnot, T&EA
Mr McIntyre, NIHE
Mr Hunter, DFP
Mr O'Neill, DHSS
Mr Hanna, DFP
Mrs Bailie, SSA
Mr Conway, NIHE

Mr White - O

MR INGRAM'S MEETING WITH ASSEMBLY REPRESENTATIVES ON REINTEGRATION: WEDNESDAY 11 AUGUST

The Minister was grateful for your note of 9 August 1999 in which you provided briefing for his meeting with the Assembly representatives on 11 August.

2. In attendance:

Mr Michael McGimpsey, UUP	Minister
Mr Martin Snodden, EPIC/PUP	Mr B White
Mrs Eileen Bell, Alliance	Mrs C Collins
Ms Carmel Hanna, SDLP	Mrs R Miller
Ms Jane Morris, Women's Coalition	Mr N Marsden
Ms Barbara McCabe, Women's Coalition	

3. Apologies were received from Mr Gerry Kelly, Sinn Fein. Denis Watson (UUAP) did not attend.

Summary

4. The Minister reminded those present that since the last meeting a paper and verbal briefing from officials had been given to those parties who had wanted it. He

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also reminded the parties that we had not received a position paper from them, and suggested that this would be useful.

5. Time constraints (caused by party representatives arriving late, time out to view the solar Eclipse and another meeting the Minister had to rush to immediately afterwards) meant that only a small part of the agenda was actually touched on. Discussion focused on training and housing needs for ex-prisoners, and on EPIC's list, provided by Mr Snodden, of areas where they believed ex-prisoners to be suffering discrimination. These included criminal injuries and criminal compensation claims, and national insurance credits.

Detail

6. The Minister mentioned that following the last meeting he understood that the parties had received a paper from officials summarising the Government's actions to date and that those who wanted it had also received a verbal briefing as well. He pointed out that access to officials for prisoners welfare groups continued and that concerns about housing needs, employment needs, etc. were continuing to be addressed by the relevant agencies.

7. Mr Ingram went on to emphasise that the Good Friday Agreement was not an amnesty for paramilitary prisoners and those released under the scheme could not expect to be treated more favourably than any other category of ex-prisoner. He also commented that parties' have not to date produced papers giving their views on reintegration, and said that this would be helpful. He said that he was grateful to the Women's Coalition, Alliance Party and PUP for suggesting issues for an agenda for this meeting and proposed working down the agenda and discussing each item in turn.

8. The first item on the agenda 'preparing for release' was tabled by the Women's Coalition. Barbara McCabe said that while the government paper had set out measures which were being taken before prisoners were released, the Women's Coalition were concerned that the wider social issues post-release had not been given proper consideration. For example, there was work to reintegrate ex-prisoners into the family as well as into wider society, possibly using counselling. Eileen Bell agreed that to be meaningful the reintegration process had to include wider social issues as well as housing employment opportunities, etc. The Minister said that the pre-release access needs of prisoners had by and large been met. Government policy was that prisoners should have equal but not preferential treatment to other members of the public. Were ex-prisoners to be treated on a priority basis there would be a huge adverse reaction from

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the public. He emphasised his belief that the statutory agencies were delivering well in the circumstances.

9. Barbara McCabe asked if ex-prisoners were given priority for housing. She wondered what happened if a prisoner was released and no house was available for them. Mr Snodden confirmed that in that case an ex-prisoners would be homeless. He said that some housing problems occur when people want to return to particular areas but houses are not available there. The Minister said that this would be the case with any individual, not just ex-prisoners. He asked how the needs of ex-prisoners differed from others. Mr Snodden explained that greater financial support was necessary where ex-prisoners had to set up a home. He agreed that ex-prisoners could access the social fund but said that allocation of funding could be unfair since it was budget driven, and thus different social fund areas would have to refuse or restrict funding according to local demand. The Minister reiterated that this applied to any individual in that position and not just to ex-prisoners. Was Mr Snodden suggesting that ex-prisoners in general be given additional support and if so, where was the equity in that? Ms Morrice intervened to say that housing policy with regard to single people in general needed to be better addressed. Mr Ingram replied that this came down to resource allocation; if more money was spent on this area, spending elsewhere in the Northern Ireland Block would have to be reduced. He emphasised that policy for social security, housing and other social issues was a UK wide issue - indeed each housing authority determined its own policy regarding housing needs.

10. Mr Snodden agreed that it was a national issue but offered the view that Northern Ireland was unique within the UK in that it was coming out of a conflict situation. He argued that in South Africa and Nicaragua, post conflict, there was a huge increase in criminal activity by ex-prisoners and suggested that there was a possibility of this happening in Northern Ireland. Additional resource allocation for ex-prisoners would therefore not only help individuals but the peace process as well. He reiterated that there was a case for additional funding for ex-prisoners and their families for basic necessities like an extra bed at home or clothing. Mr Snodden emphasised that he did not think that this should apply to ex-prisoners alone. He believed that there should be special treatment for people who have special needs and ex-prisoners, in his view, just happened to fit into that category. Ms Hanna pointed out that the Housing Executive do have criteria for homeless people but it was difficult for any individual to fulfil that criteria.

11. Mrs Bell suggested some sort of inter-agency liaison to look at this problem. The Minister said that the relevant agencies have been giving people access to proper advice and no criticism could be made in this area; they do deliver. If anything therefore the group present

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were arguing for an uplifting of the general standard of social provision Mr Snodden replied he was simply highlighting that housing needs are a barrier to re-integration. Mr Ingram said that he had registered Mr Snodden's views and would pass them on. [The Minister would like a draft letter to send to the parties prior to the next meeting. As well as reminding them about the position paper this should incorporate a paragraph asking for their views in writing on the perceived problems with housing policy. On receipt of this, the Minister would then intend to write to Lord Dubs outlining these concerns.]

12. Ms McCabe asked if pre-release training facilities could be improved. The Minister replied that as far as he knew this area was operating fairly successfully. Necessary resources had been made available and the T&EA were definitely delivering. Mrs Collins emphasised that there was a sensible training package in the pre-release phase, but for some areas (welding was one example) training had to happen outside prison where proper facilities were available. Ms McCabe wondered if there would be opposition to day release training outside prison. Mrs Collins explained that logistically this would be difficult. There would be very security problems in bringing groups of prisoners in and out of the prison on a day to day basis. Also there might be opposition in the wider community to such a scheme, particularly if prisoners took up training places which would otherwise have gone to others. Mr Snodden opined that the pre-release scheme actually stalled the final re-integration of prisoners into the community. He believed it would be better if there were opportunities for prisoners to re-integrate themselves gradually outside the prison. Mrs Bell said that this happens in other countries.

13. The Minister asked Mr McGimpsey what the view of the UUP would be on what had been discussed so far. Mr McGimpsey said that preparation for release was not a unique problem: it had happened before and the processes were already in place. The difference, and potential difficulty at the moment was the great number of prisoners being released over a short timescale. He said that it was it was the job of the prisoners welfare organisations to argue the prisoners' case, just as he would argue the case on behalf of his own constituents. However he was clear that everyone had to be treated equally. Mr Snodden emphasised that he was outlining the difficulties ex-prisoners have in the hope that the UUP and other parties can take that on board, as opposed to challenging or targeting ex-prisoners as has sometimes been the case. The PUP wanted all parties to understand the problem.

14. At this point Mr Snodden gave a list of barriers to re-integration which had been prepared by EPIC. Amongst other things the list included denial of criminal injury and criminal compensation claims, denial of old age pension and denial of access to PSV licences. The paper called for an amnesty to be processed immediately by the Assembly when it took over the

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functions of Government and for Government resources to be made available to alleviate the problems of re-integration. With regard to the denial of old age pension he claimed that David Ervine was one of the people affected by this. Apparently Mr Ervine had asked if he could pay extra national insurance stamps to enable him to claim a pension, but was refused.

15. The Minister replied that the Bloomfield report had made recommendations with regard to criminal injuries claims and was now out for consultation. Criminal compensation claims would also be considered in light of the report. As regards national insurance contribution he emphasised that the rules were applied to all, not just for ex-prisoners, and other groups, those who had work abroad for example, could be similarly penalised for a shortage of contributions. Mr McGimpsey opined that ex-prisoners should be eligible for criminal injury and compensation claims and old age pension, and believed that these areas should be considered further. Mr Snodden said that it was all about creating a level playing field which he did not believe existed at present. The Minister said that it was possible that the issue of national insurance contributions and ex-prisoners generally was being examined on a UK-wide basis. **[I should be grateful for further advice].**

16. In conclusion the Minister said it would be helpful if the parties could provide a position paper before a further meeting (probably in late September/early October). Ms McCabe asked if relevant statistics would be available. The Minister promised that we would pass on any relevant information we had. **[Mrs Collins to action]**

17. All in all a more positive meeting than that held in March. Although rather unfocussed, the parties did show a willingness to discuss the issues and there appeared to be a degree of pragmatism, particularly welcome from the UUP and PUP.

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NM/REINTEGRATION/BB



EPIC

EPIC

Brief on Issues Affecting Loyalist Ex-Prisoners

Institutional Discrimination:

- a) Criminal Injuries claims denial
- b) Criminal Compensation claims denial
- c) Denial of old age pension for Ex-Prisoners
- d) Denial of family members for careers in security forces.
- e) Denial of incapacity benefit.

Citizenship rights denied:

- i) To stand in elections immediately on release.
- ii) For loans from banks and government agencies.
- iii) For insurance.
- iv) For international travel.
- v) For accessing PSV licence.
- vi) To adoption of children.
- vii) For partners to register as child minders.

Employment rights denial:

- x) Political convictions declaration enforced
- y) Fair employment legislation partial discrimination.
- z) For employment in the civil service.

In light of the above discrimination and social exclusion practices we would ask that:

An amnesty should be processed immediately the Assembly takes over the functions of government.

Governmental resources should be made available to alleviate the problems of re-integration and add to the philosophy of peace and reconciliation.

LINES TO TAKE ON EPIC'S LIST OF ISSUES AFFECTING LOYALIST EX-PRISONERS

(duplicating their numbering system)

a) Criminal Injuries Claims Denial (NIO)

b) Criminal Compensation Claims Denial (NIO)

- Sir Kenneth Bloomfield's Review of the Criminal Injuries Scheme has recently been published and the Government is currently considering his recommendations carefully.
- Provisions for the Criminal Damage Scheme are the same as those for Criminal Injuries and therefore any future changes to the latter might well be reflected by changes to the Injuries Scheme.

c) Denial of old age pension for ex-prisoners (DHSS)

e) Denial of incapacity benefit (DHSS)

- Unlike Income Support, which is paid on a basis of assessment of individual need, the State Pension and Incapacity Benefits are contribution-based payments i.e. entitlement to either depends on an individual having paid or been credited with the requisite number of national insurance contributions. It is possible therefore, particularly if they have spent extended periods in prison, that some ex-prisoners' benefits may be affected by their contribution record.
- Under certain circumstances individuals may make voluntary (Class 3) contributions to cover time spent in prison. Individuals wishing to make such contributions should contact their local DHSS office to make an application. It must be stressed that there is no absolute right to make such contributions: applications will be assessed and cases considered on their individual merits.
- However it will not always be in the individual's best interest to make such contributions, perhaps because the loss in contributions may make no substantial difference to their pension or because they may be better off investing funds in a private pension provision. Individuals may therefore wish to seek independent financial advice.
- It would be difficult for the Government simply to credit ex-prisoners or groups of ex-prisoners with missing national insurance contributions, since this would favour them above other groups. There are currently no plans to re-examine the national insurance contribution or credits position of ex-prisoners generally.

d) Denial of careers in the security forces for family members (SPOB?)

- Those applying to join the security forces are, like many other individuals entering Government employ, subject to checks upon their character and background.
- However each case is judged upon its individual merit and having a relative with the criminal record does not automatically preclude an individual from a career in the security forces.

i) To stand in elections immediately on release (REL)

- At the moment there does seem to be something of an anomaly here, in that ex-prisoners can stand in national and assembly elections immediately on release, but not in local elections. This is something to which consideration could (should?) be given.

ii) Loans from banks (N/A) and government agencies (LEDU)

- Ex-prisoners are as entitled as anyone else to seek assistance from LEDU to set up a small business. The decision to provide assistance is taken on the same grounds as for all applicants: i.e. that the business case is viable.
- Where individuals have difficulty in securing funding from banks, local enterprise agencies can provide a source of funding as long as a viable business case is demonstrated.
- Banks and other private agencies providing loans set their own terms and conditions for lending.

iii) Insurance (N/A)

- Commercial insurance agencies set their own terms and conditions for the provision of insurance.

iv) International Travel (N/A)

- It is for individual Governments to decide what restrictions they wish to place on individuals seeking entry to their jurisdiction.

v) Accessing PSV Licences (DOE)

- It would be difficult to relax the current rules for granting a PSV licence for one group, and not for others, and a general relaxation of the rules would go against the more general policy to improve safety of mini-cabs, etc.
- Current procedures allow those refused a licence to appeal to the courts, who will consider the circumstances of their conviction in making a decision.

vi) Adoption of Children (DHSS)

- A criminal record, unless it is a conviction for the abuse of children, does not automatically preclude someone from adoption.
- Applications are considered on their individual merits, and a number of factors are taken into consideration (including age, fitness, and other factors designed to ensure the best possible home for an adopted child).
- Applications from ex-prisoners (with the exception of those convicted of abusing children) will be considered in the same way and on the same criteria as those from any other member of the public.

vii) Partners registering as child minders (DHSS)

- Applications are judged on their individual merits and will be considered in the same way and on the same criteria as those from any other member of the public. When any individual applies to become a registered child minder, checks are carried out on every member of the household who is over the age of 10.
- A criminal conviction would not in itself preclude an individual or their partner from becoming a registered child minder, unless the conviction was for an offence relating to the abuse of children.

x) Political convictions declaration enforced (NIO)

- The Government is unwilling simply to remove criminal records for ex-offenders, and believes it could not justify treating different categories of offenders differently.
- However the Government does not believe that a record should in itself be a bar to employment and is willing to explore ways of making it clearer that ex-offenders should be given the same opportunities as other prospective employees.
- The Good Friday did not provide an amnesty for those convicted of terrorist offences, but early release. Convictions for terrorism therefore remain part of an individual's criminal record.

y) Fair employment Legislation Partial Discrimination (NIO)

- Clause 71 of the Northern Ireland Act places a statutory obligation on public authorities, in carrying out their functions, to have due regard to the need to promote equality of opportunity in terms of those categories identified in the old PAFT Guidelines.

- Ex-prisoners are not a specific PAFT group and have not been made such in the NI Settlement Act (PAFT groups relate to religion, political opinion, gender, race, disability, marital status, dependants and sexual orientations).
- However prisoners released under the Belfast Agreement would, like any other prisoner, as individuals, be covered by one or more of the existing PAFT categories.

z) Employment in the Civil Service (DFP)

- The Civil Service is an equal opportunities employer and recruits its staff on the principle of merit in fair and open competition. Any ex-prisoners seeking employment in the Northern Ireland Civil Service must therefore compete with other candidates on equal terms.
- Procedures for vetting applications to the non-industrial civil service are based on national guidelines set out by the Prime Minister in 1994. Each application is considered on its merits and that a criminal conviction, or the conviction of a family member, would not automatically bar an individual from gaining employment.
- Under the same policy, contractors' employees who need access to certain sensitive Government sites are also subject to security vetting. However there are many Government offices where there are no security vetting requirements for such employees.
- Applications for most posts in the industrial civil service are not subject either to a criminal record or to a counter terrorist security check.