Legal Aid, Sentencing and Punishment of Offenders Bill

Reform of the Rehabilitation of Offenders Act

Equality Impact Assessment

February 2012
Contents

Introduction 2
Equality Duties 3
Evidence Sources 4
Consultation and Engagement 5
Summary 6
Background 11
Aims and outcomes for the policy 14
Methodology 17
Analysis 18
Mitigation and Justification 24
Monitoring 26
Annex A – Evidence 27
Introduction

This Equality Impact Assessment (EIA) relates to amendments to the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Bill for proposals relating to reform of the Rehabilitation of Offenders Act 1974 (ROA). The proposals are to be tabled as amendments to the LASPO Bill at Lords Committee Stage.

This EIA is intended as a companion document to the impact assessment (IA).
Equality Duties

Under the Equality Act 2010 section 149, when exercising its functions, Ministers and the Department are under a legal duty to have ‘due regard’ to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act 2010;
- Advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and
- Foster good relations between different groups.

Paying ‘due regard’ needs to be considered against the nine “protected characteristics” under the Equality Act – namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

MoJ has a legal duty to investigate how policy proposals are likely to impact on the protected characteristics and where a potential disadvantageous effect is identified how that is either mitigated or justified by reference to the objectives of the policy. MoJ also has a legal duty to advance equality of opportunity in the design and delivery of its policies and practices. MoJ records its fulfilment of its duties by completing an Equality Impact Assessment (EIA).
Evidence Sources

We have used evidence from a range of official statistics and research.

Data on court disposals are from the Court Proceedings Database. This holds information on defendants proceeded against, found guilty and sentenced for criminal offences in England and Wales. It includes information on the age of the defendant, their gender, ethnicity, the police force area and court where proceedings took place as well as the offence and statute for the offence. Information on gender reassignment, disability, pregnancy and maternity, sexual orientation, religion or belief or marriage and civil partnership for criminal offences may be held by the courts on individual case files. However, all courts would need to be contacted to confirm whether this information is collected and, if so, whether comparable across courts. It has not been possible to do this for this Equality Impact Assessment because of the cost and resource implications associated.

Data on sentenced prison receptions by religion are based on further analysis of Offender Management Caseload Statistics.

Data on reconvictions by age and sex are based on further analysis of the 2000 Reconviction Cohort.

Data on mental and physical health, and marital status, of adult offenders in custody are from the Surveying Prisoner Crime Reduction prisoner survey. This was a longitudinal cohort study in 2005/6 of 1,435 newly sentenced adult prisoners, sentenced to less than 4 years in custody, in England and Wales.

We have also reviewed the report ‘Offenders on probation’ Home Office Research Study 167 by George Mair and Chris May (1997).

We note that there is a lack of research or statistical evidence relating to a number of protected characteristics. As part of a wider programme of work, MoJ is looking at how best (and most appropriately) the data gaps that exist might be filled, taking into account cost considerations.

The following assessments only explore equality impacts arising from the policy proposals in relation to the groups affected by the proposals. They are not intended to provide an assessment of the wider factors at play which may explain observed differentials in the distribution of protected characteristics at each stage of the criminal justice system. Such an analysis would consider the extent to which factors other than equality characteristics (such as offence type and offending history) might contribute to the over- or under-representation of particular groups. Two MoJ statistics publications provide some of this more detailed analysis: “Statistics on Race and the Criminal Justice System” and “Statistics on Women and the Criminal Justice System”.

Consultation and Engagement

The Green Paper, ‘Breaking the Cycle: effective punishment, rehabilitation and sentencing of offenders’, outlined proposals to reform the Rehabilitation of Offenders Act 1974. During the consultation period, following publication of the Green Paper, a series of discussions were held with a wide range of stakeholders including two that were specifically focused on equality issues. A Women’s Workshop was held to address women’s policy issues raised by the Green Paper. Over 60 delegates attended and included representation from Criminal Justice System professionals, academics and volunteers. An Equalities Engagement event was also held to improve our understanding of the likely equality impacts of all the Green Paper proposals and, where necessary, how they could be proportionately modified or mitigated. This event was attended by over 50 delegates representing all of the protected groups. In addition to the 1,200 responses received from the written consultation, an equality questionnaire seeking views on possible impacts of all the Green Paper proposals and any additional evidence that might be available was sent to 240 stakeholders. Seven responses were received and these, along with the 1,200 responses to the consultation, were reviewed.
Summary

The primary purpose of the ROA is to support the effective rehabilitation of ex-offenders who have stayed on the right side of the law by supporting routes into employment, whilst maintaining an appropriate balance towards public protection. As the ROA is currently drafted it fails to achieve this balance. Several studies have highlighted the association between employment and reduced levels of re-offending, in fact, research has shown that being in employment is associated with a lower risk of re-offending. Details of previous convictions are a strong motivating factor for employers withdrawing offers of employment – that is, ‘unspent’ criminal convictions could be an impediment to employment for ex-offenders. There is also a perception among offenders that criminal records are a barrier to finding work – of those who did not have any paid employment in the 4 weeks before custody, 16.2 per cent listed previous criminal records as a barrier to getting work/ looking for work.

The government considers that the ROA should be reformed so that the criminal records disclosure scheme more effectively assists ex-offenders to obtain work, whilst maintaining the necessary safeguards for sensitive areas of employment and proceedings. Part of this is reaching clarity and consistency in ROA policy so that it can be better understood and applied.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (“the Exceptions Order”) will continue to operate so that sensitive areas of employment and proceedings will continue to be able to rely on all conviction information (spent and unspent) when determining the suitability of individuals to carry out these particular roles. We believe that these reforms will go further to achieve the aims of the ROA and fit with the wider MoJ policy of reducing re-offending and getting ex-offenders into work.

These amendments seek to achieve a more proportionate and relevant balance towards improving the employment prospects of reformed offenders who have put their criminal lives behind them, whilst maintaining public protection, part of which is through the continued operation of the Exceptions Order.

We have considered the impact of the proposals against the statutory obligations under the Equality Act 2010 which are set out below. We have also considered any potential impact in respect of the decision to create an exemption for certain immigration and nationality functions. Due to limitations

---

3 CRB disclosure applicant research 2010
in the available evidence we are unable to identify the potential for any differential impact in relation to victims.

Direct discrimination

The proposals to reform the ROA apply to all offenders within scope of the Act. There is therefore no direct discrimination within the meaning of the 2010 Act.

Under the current system, the majority of rehabilitation periods are halved for persons under the age of 18 at the point of conviction. This recognises the particular difficulties experienced by young people seeking employment and further education placements. It also takes into account the fact that a period of time clear from offending at a younger age, during the peak age of reoffending, is more significant than the same period of time at a later age. We believe that desistance from reoffending following conviction at a young age is therefore a good indicator that the young person has learned his or her lesson and the risk of reoffending is low. These amendments maintain this distinction and the changes to rehabilitation periods will continue to be halved for persons who are under the age of 18 at the point of conviction, with one exception: it will be necessary to have a buffer period of 18 months for custodial sentences of 6 months or less, in order to maintain the requisite balance in the hierarchy of sentences, in particular between short custodial sentences and community orders/Youth Rehabilitation Orders.

The immigration and nationality exemption does not create direct discrimination within the meaning of the 2010 Act. Any effect that may be caused to a person is due to their immigration status rather than one of the nine “protected characteristics” under the Equality Act.

Indirect discrimination

Although the proposals will apply equally to those who share a protected characteristic and those who do not, we have in this analysis identified how those who share a certain characteristic may be more likely to be given certain disposals and longer custodial sentence lengths in particular sentences over 4 years, and may be negatively impacted by the proposals.

- Offenders sentenced to sentences greater than 4 years: We have identified potential differential effects in respect of age, race, religion and sex. The government believes that these reforms will achieve a more proportionate and relevant balance towards improving the employment prospects of reformed offenders who have put their criminal lives behind them. It is still important to maintain public protection and therefore we believe that keeping out of scope offenders who have been sentenced to over 4 years in custody is proportionate to achieving this aim. The government believes that excluding sentences of over 4 years is a sensible policy considering the seriousness of an offence which attracts such a sentence. An offender who has been convicted of an offence that attracts a sentence of over 4 years should continue to reveal it to
Reform of the Rehabilitation of Offenders Act: Equality Impact Assessment

prospective employers to ensure that employers and the public are properly protected.

There are also a number of situations where the proposals will mean rehabilitation periods could increase for offenders:

- **Offenders sentenced to YROs and DTOs and those who commit further summary only offences within an existing rehabilitation period:** We have identified potential differential effects in respect of age, race and sex. The government believes such a policy is justified and proportionate. These proposals change the rehabilitation periods to start from the date of conviction to the end of the sentence. The total rehabilitation period will correspond better with the seriousness of an offence. YROs and DTOs are likely to be given for relatively serious offences that we believe potential employers and providers of training courses might need or expect to be aware of in order to maintain the right balance towards public protection. Sentences of DTOs are a type of custody for young people. These amendments therefore bring the rehabilitation periods in respect of DTOs in line with the rehabilitation period for other types of custodial sentence. The potential disadvantage to these individuals is offset by the benefits to society caused by having better and more evidence based rehabilitation periods and employers being aware of relevant convictions. The final change with a potentially negative impact relates to a provision that means offenders will in future have to disclose an offence that would otherwise be regarded as spent where a second, summary offence has been committed during the rehabilitation period of the first offence. This amendment brings the situation for subsequent summary offences in line with the current position where there is a subsequent either way or indictable offence. The aim is to bring consistency to what has been historically a confusing provision. It is not uncommon currently for offenders to fail to disclose offences they should have disclosed and disclose offences they need not have done because the current provisions are so complex. The government also believes it is right that offenders who have committed further offences within an existing rehabilitation period should not benefit from the protection of the ROA until they can demonstrate that they have put their criminal behaviour behind them fully, no matter how serious the subsequent offending is.

- **Those individuals with a criminal history who are in a position where they need to apply to enter and/or remain in the UK via the UKBA:** We are aware that there could be potential differential effects most likely in respect of race but we are limited on exactly which groups within this protected characteristic would be affected due to limitations to data available. UKBA’s core functions are about establishing the entitlement of foreign nationals to enter and remain in the UK. Good character of such individuals is a key issue in this decision making process. UKBA needs the wider picture of a person’s behaviour to enable them to make the fundamental decision about whether to grant them permission to stay in the UK. The changes to the rehabilitation periods are such that UKBA will
no longer be able to take information into account that it needs to in order to make such an assessment. Because of this, and the government's commitment to securing and protecting our borders and deporting foreign national offenders upon completion of their sentence, the government believes that this exemption is necessary.

Discrimination arising from disability and duty to make reasonable adjustments

We don’t think the proposals will result in less favourable treatment of disabled people in consequence of their disability either directly or indirectly or place them at a substantial disadvantage.

Harassment and victimisation

We do not consider there to be a risk of harassment or victimisation within the meaning of the Equality Act as a result of these proposals.

Advancing equality of opportunity

We have identified that young people aged 12-14 subject to DTOs and YROs may be subject to longer rehabilitation periods than is currently the case, which could impact on their ability to obtain work and training. As stated above, YROs and DTOs are likely to be given for relatively serious offences that we believe potential employers and providers of training courses might need or expect to be aware of in order to maintain the right balance towards public protection. The potential disadvantage to these individuals is offset by the benefits to society caused by having better and more evidence based rehabilitation periods and employers being aware of relevant convictions.

The proposal to increase the scope of the Act so that sentences of up to and including 4 years in custody can become spent, instead of the current situation of sentences of up to and including 30 months, means that the potential differential impacts identified in relation to age, race, religion and sex may be less than the differential impacts arising from the current arrangements. We expect that this change will assist in the advancing of equality of opportunities for a number of ex-offenders.

We have identified below that more males, older people and people from the Black ethnic group are likely to receive custodial sentences in excess of 4 years and accordingly their convictions will never become spent. This is likely to impact on their opportunities to obtain work and training because of the need to disclose such convictions. As stated above, the government believes that these reforms will achieve a more proportionate and relevant balance towards improving the employment prospects of reformed offenders who have put their criminal lives behind them. It is still important to maintain public protection and therefore we believe that keeping out of scope offenders who have been sentenced to over 4 years in custody is proportionate to achieving this aim. The government believes that excluding sentences of over 4 years is a sensible policy considering the seriousness of an offence which attracts
such a sentence. An offender who has been convicted of an offence that attracts a sentence of over 4 years should continue to reveal it to prospective employers to ensure that employers and the public are properly protected. 

*Fostering good relations*

We have considered this objective but do not think it is of particular relevance to the proposals.

*Conclusion*

Having paid due regard to the potential differential impacts identified in the ‘analysis’ section below, the government is satisfied that it is right to reform the ROA as is proposed.
Background

The ROA seeks to find a balance between public protection and the resettlement of offenders. The ROA enables ex-offenders, who have not committed further proven offences, not to disclose their previous cautions and convictions after certain periods of time have passed. After these specified time periods (“rehabilitation periods”), all cautions and convictions (except those resulting in prison sentences of over 30 months) are regarded as ‘spent’. Once a caution or conviction is spent it no longer has to be revealed or admitted in most circumstances. These rehabilitation periods are:

- For custodial sentences of up to and including 6 months, the conviction will not become spent until 7 years after the offender was convicted;
- For custodial sentences of between 6 and up to and including 30 months, the conviction will not become spent until 10 years after the offender was convicted;
- For fines and community orders, the conviction will not become spent until 5 years after the offender was convicted;
- For conditional discharges, the conviction will not become spent for the period of the order, or a minimum of 12 months (whichever is longer) after the offender was convicted; and
- For absolute discharges, the conviction will not become spent until 6 months after the offender was convicted.

For those individuals aged under 18 when convicted, the relevant rehabilitation periods are half of those specified above.

The law was extended in 2008 to cover simple cautions, reprimands and warnings (which become spent immediately) and conditional cautions (which become spent after 3 months).

Once a caution or conviction has become spent under the Act, the ex-offender does not have to reveal it or admit its existence in most circumstances. There are some exceptions, but unless the individual is told that one of these applies and are asked for more details of all their cautions or convictions, spent cautions and convictions need not be disclosed when filling in a form, or at a job interview. An employer cannot refuse to employ someone (or dismiss someone) because he or she has a spent caution or conviction unless an exception applies.
The exceptions where an ex-offender may have to declare spent cautions and convictions are listed in the Exceptions Order. These exceptions include, but are not limited to:

- Those working with children and other vulnerable groups, such as teachers and social workers;
- Those working in professions associated with the justice system, such as solicitor, police, court clerk, probation officer, prison officer and traffic warden;
- Doctors, dentists, chemists, nurses or Paramedics;
- Accountants;
- Veterinarians;
- Managers of unit trusts;
- Anyone applying to work as an officer of the Crown;
- Employees of the RSPCA or SSPCA whose duties extend to the humane killing of animals;
- Any employment or other work normally carried out in bail hostels or probation hostels;
- Certain officials and employees from government and public authorities with access to sensitive or personal information or official databases about children or vulnerable adults;
- Any office or employment concerned with providing health services which would normally enable access to recipients of those health services;
- Officers and other persons who execute various court orders;
- Anyone who as part of their occupation occupies premises where explosives are kept under a police certificate;
- Contractors who carry out various kinds of work in tribunal and court buildings;
- Certain company directorships, such as those for banks, building societies and insurance companies; and
- Certain civil service positions are excluded from the act, such as employment with the Civil Aviation Authority and the UK Atomic Energy Authority.
Aside from these professions, the law also exempts organisations if the question is asked:

- by or on behalf of the Football Association, the Football League or Premier League to assess someone’s suitability to work as, or supervise or manage, a steward at football matches;

- by the Financial Services Authority and certain other bodies involved in finance, when asked to assess the suitability of a person to hold a particular status in the financial and monetary sectors; and

- to assess a person’s suitability to adopt children, or a particular child, or a question about anyone over the age of 18 living with such a person.

There are also a number of proceedings before a "judicial authority" (widely defined) that are excluded from the Act, and where spent cautions and convictions can be disclosed. These include applications for adoption or fostering, and for firearms certificates. Applicants to university courses are required to declare their criminal records on their UCAS forms. Students applying to do law, medicine, teaching, nursing and social work (or similar trades) may be barred if they have a conviction, even if it is spent.

The Exceptions Order can be amended through secondary legislation by way of an affirmative order.
Aims and outcomes for the policy

This option involves increasing the scope of the Act so that sentences of up to and including 4 years in custody can become spent after a period of time; sentences of over 4 years in custody can never become spent. The rehabilitation periods would now commence when the sentence ends (including any period spent by the offender on license), rather than from the date that the offender is convicted. The rehabilitation periods would be changed as follows:

- Custodial sentences over 0 months and up to and including 6 months, the conviction would not become spent until 2 years after the end of the sentence;
- Custodial sentences of over 6 months and up to and including 30 months, the conviction would not become spent until 4 years after the end of the sentence;
- Custodial sentences of over 30 months and up to and including 4 years, the conviction would not become spent until 7 years after the end of the sentence;
- Community order, the conviction would not become spent until 1 year after the end of the order;
- Fines, the conviction would not become spent until 1 year from the point of imposition; and
- An absolute discharge will become spent immediately.

As under the current ROA, these rehabilitation periods would be halved for offenders who are under the age of 18 at the point of conviction with one exception (to ensure that the total rehabilitation period for short custodial sentences is appropriate and proportionate when compared to youth rehabilitation orders), that custodial sentences over 0 months and up to and including 6 months in custody would not become spent until 18 months after the end of the sentence for offenders who are under 18 at the point of conviction.

All extended determinate sentences, regardless of length, will be excluded from the scope of ROA so that these convictions can never become spent.

These periods will apply equally to the corresponding military offences, which are included in the relevant definitions of sentences to be rehabilitated. Specifically, for sentences of service detention, the conviction would not become spent until 12 months from the date of conviction; for removal from Her Majesty’s Service, the conviction would not become spent until 12 months from the date of conviction.
However there are three situations where the proposals will mean rehabilitation periods would increase. The cases where a period will be extended are:

**Youth rehabilitation orders ("YRO’s")**: Currently these become spent after one year or when the order ceases to be in force (whichever is later); under proposed amendments they become spent 6 months from when the order ceases to be in force. Where an order of longer than 6 months is imposed, the rehabilitation period will be longer than the previous minimum of one year and all those with orders that expire after 6 months or longer will have an additional 6 months added to their rehabilitation period. Thus, for example the rehabilitation period will change as follows:

- 3 month YRO: now 12 months, under LASPO 9 months;
- 1 year YRO: now 12 months, under LASPO 18 months; and
- 3 year YRO: now 36 months, under LASPO 42 months.

*NB: As stated above, the YRO will become spent 6 months after the order ceases to be in force. We have provided the examples above as illustrative comparisons of the rehabilitation period before and after these reforms, based on the length of rehabilitation period from the point of conviction.*

**Detention and training orders ("DTOs") for 12 to 14 year olds**: These can be a maximum of 24 months. Currently these become spent one year after the Order ceases to have effect; under proposed amendments DTOs will be treated in the same way as other custodial sentences, so that DTOs of less than 6 months will become spent 18 months after the end of the sentence and for DTOs over 6 months it will be 2 years after the end of the sentence. Thus for example the rehabilitation period will change as follows:

- 3 month DTO: Now 15 months, under LASPO 21 months;
- 6 month DTO: Now 18 months under LASPO 24 months;
- 18 month DTO: Now 2 ½ years, under LASPO 3 ½ years; and
- 2 year DTO: Now 3 years, under LASPO 4 years.

*NB: As stated above, the DTO will become spent 18 months after the sentence (for DTOs of less than 6 months) or 2 years after the end of the sentence (for DTOs of greater than 6 months). We have provided the examples above as illustrative comparisons of the rehabilitation period before and after these reforms, based on the length of rehabilitation period from the point of conviction.*

**Repeat offenders**: The same rule would be applied to summary offences that is applied to triable either-way and indictable only offences when committed in
an existing rehabilitation period. This will ensure consistency in the way that offenders who commit further offences within existing rehabilitation periods are treated.

All changes will be retrospective so that offenders who have committed offences in the past will be subject to the new rehabilitation periods.

The reforms to rehabilitation periods for offenders will only apply to offenders in England & Wales.

UKBA

The clause relating to UKBA will exempt them entirely from the operation of the ROA so that they can rely on all conviction information (spent and unspent) when making immigration and nationality decisions.
Methodology

In analysing the potential equalities impacts of these proposals, we have considered the impact on offenders by comparing the distribution of disposals, and custodial sentence lengths, by protected characteristics, and where there are differences we have noted that the evidence we have available suggests the potential for a differential impact.

We have also examined consultation feedback provided as part of the ‘Breaking the Cycle’ Green Paper consultation.
Analysis

Impact on victims

The proposals would extend the scope of the Act to include all custodial sentences up to and including 4 years in custody. When an employer makes an employment offer, the key problem for the employer is one of asymmetric information – i.e. they cannot be sure of whether a potential candidate has a criminal record. The availability of information on a job candidate’s criminal convictions mitigates this risk for those employers that can make use of criminal records checks. This proposal potentially reduces the time during which unspent convictions have to be disclosed to certain employers. This means that there is a risk to an employer of hiring someone who subsequently re-offends. This could expose some employers/individuals involved in activities where the offender works to a greater, indirect risk of harm through their re-offending.

This risk is minimal as the Exceptions Order ensures that there are safeguards in place so that for activities where there is a particular opportunity for harm, or where there are particularly sensitive groups involved and so the harm itself is potentially greater, an ex-offender cannot conceal their conviction. This risk is also considered minimal as for example, the probability of an ex-offender re-offending for the first time after 36 months is little different from the probability of first time re-offending after 48 months.

Information is not available on the protected characteristics of victims of those offenders sentenced to greater than 30 months to less than or equal to 4 years (i.e. covering those sentences where the scope of the Act is being extended to). We are therefore unable to identify any differential impacts in relation to victims.

Impact on offenders

Ex-offenders who have served custodial sentences of 4 years or less and who do not go on to re-offend would benefit from having their conviction ‘spent’ and after a reduced amount of time. This should reduce the barriers to employment that many ex-offenders currently face. Research has indicated that employment is positively associated with reduced levels of re-offending. To the extent that these reforms reduce unemployment among this group of ex-offenders, re-offending may also be reduced.

We have not quantified the number of ex-offenders who will now have a shorter rehabilitation period. Any estimate would be subject to considerable uncertainty as there are a large number of interactions to consider; these are the rate, frequency and severity of re-offending; and the outcome if the offender is convicted. Any estimate would also be difficult to quantify as it is
complicated by the switch from calculating the length of the rehabilitation period from date of conviction to the date of release.

We believe that these proposals amount to a proportionate means to reform the ROA to achieve the legitimate aim of supporting the rehabilitation into employment of reformed offenders who have stayed on the right side of the law, whilst maintaining an appropriate balance towards public protection. Sentences of over 4 years will follow particularly serious offending behaviour, in which case we believe it is right for employers to be aware of an individual’s convictions.

The rehabilitation periods are currently very long. These time periods fail to recognise that a large proportion of offenders who are reconvicted are reconvicted in the first year of release from custody. Data on reconviction rates over time based on offenders in the Ministry of Justice 2000 Reconviction Cohort show that after a three-month follow up period, 19.9 per cent of offenders have been reconvicted compared to 43.0 per cent in one year and 74.0 per cent within 9 years. Over half of those offenders reconvicted within the nine years follow up period are convicted within the first year.5

Further analysis of data from the 2000 Reconviction Cohort by age (see Table 1 in Annex A) suggest that a higher proportion of those in the younger age groups (18-20 and 21-24) are reconvicted compared to all age groups. As for all age groups, over half of offenders in each age group reconvicted within nine years follow up were convicted in the first year. The only exception was for the 35+ group where it was just below half.

Table 2 shows reconviction rates based on the 2000 Reconviction Cohort by gender. A higher proportion of men than women are reconvicted at one year and nine year follow-up. As for all offenders, over half of men and women reconvicted within the nine year follow up period are convicted within the first year.

Data on reconviction over time are not available for young offenders or by ethnicity based on the 2000 Reconviction Cohort and it is therefore not possible to draw conclusions about the differential impact of these characteristics.

**Potential Age Impacts**

The decision to increase rehabilitation periods for certain sentences.

Table 3 (Annex A) shows the distribution of disposals for indictable offences by age group. Proportionately more offenders aged under 18 and 18-20 receive non custodial sentences. This suggests that younger offenders may be more likely than older offenders to receive the shorter rehabilitation periods under the proposals.

---

For those aged 12 to 14 and sentenced to DTOs or YROs, the rehabilitation periods will be increased compared to the current situation. For all other offenders, rehabilitation periods will be decreased or there will be no change.

The decision to extend the ROA to custodial sentences up to 4 years

Table 4 (Annex A) shows the distribution of sentence lengths for immediate custodial sentences for indictable offences by age group. Older offenders are more likely to be given sentences of longer than 4 years; these sentences can never become spent under the proposals.

Therefore there is the potential for the proposals to have a differential impact in relation to age. The proposal to increase the scope of the Act so that sentences of up to and including 4 years in custody can become spent, instead of the current situation of sentences of up to and including 30 months, means that the differential impact of the proposals may be less than the differential impact arising from the current arrangements.

Potential Disability Impacts

Due to limitations in the available evidence we are unable to identify the potential for any differential impact, as no comprehensive statistical evidence is available on whether persons sentenced have a disability.

The 1997 Home Office Research Study ‘Offenders on Probation’ found that, whilst the definitions of disability used in the probation and general population surveys were not identical ‘it is clear that a larger proportion of those on probation than in the general population as a whole considered themselves to be affected by long-term illness. In addition, nearly five per cent of probationers said they were registered as disabled, compared with less than three per cent of the population as a whole (a statistically significant difference)”\(^6\).

Data from the Surveying Prisoner Crime Reduction prisoner survey suggests that around a third of prisoners aged 18 and over serving custodial sentences of less than 4 years classified themselves as having a ‘longstanding illness, disability, or infirmity of any kind’\(^7\) compared to around a fifth of the general population of adults aged 16 and over, so there would be a positive impact for the disabled in this respect arising from this proposal.

---

\(^6\) ‘Offenders on probation’ Home Office Research Study 167 by George Mair and Chris May (1997)


The data is from the Surveying Prisoner Crime Reduction prisoner survey and the exact question asked was: “Can I check, did you have any longstanding illness, disability, or infirmity of any kind just before you came into custody? By longstanding I mean anything that has troubled you over a period of time or that is likely to affect you over a period of time. Please remember that your answer is treated in the strictest confidence and that none of this information will be passed to anyone in the prison or to any government agency that can identify you as an individual.”

20
Potential Gender Reassignment Impacts

Due to limitations in the available evidence, we are unable to identify the potential for any differential impact, as no comprehensive statistical evidence is available on persons sentenced by gender reassignment.

Potential Marriage and Civil Partnership Impacts

Due to limitations in the available evidence we are unable to identify the potential for any differential impact, as no comprehensive statistical evidence is available by marital status for persons sentenced.

Data from the Surveying Prisoner Crime Reduction prisoner survey suggests that 8 per cent of offenders sentenced to custodial sentences of one month to 4 years are married. This compares to around a half of the general population aged 18 and over.

Potential Pregnancy and Maternity Impacts

Due to limitations in the available evidence we are unable to identify the potential for any differential impact, as no comprehensive statistical evidence is available on persons sentenced by pregnancy and maternity.

Potential Race Impacts

The main issue raised during the consultation in relation to this proposed change concerned Black and Minority Ethnic (BME) groups and the point that they are currently more likely to be excluded from the ROA as a higher proportion get custodial sentences of greater than 30 months.

The decision to increase rehabilitation periods for certain sentences.

Table 5 (Annex A) shows the distribution of disposals made for indictable offences by ethnic group. Offenders from the White ethnic group have the highest proportions receiving non custodial sentences. This suggests that offenders from the White ethnic group may be more likely than BME offenders to receive the shorter rehabilitation periods under the proposals.

For those aged 12 to 14 and sentenced to DTOs or YROs, the rehabilitation periods will be increased compared to the current situation. For all other offenders rehabilitation periods will be decreased or there will be no change.

The decision to extend the ROA to custodial sentences up to 4 years

Table 6 (Annex A) shows the distribution of sentence lengths for immediate custodial sentences for indictable offences by ethnic group. Offenders from the Black ethnic group are more likely to be given sentences of longer than 4 years; these sentences can never become spent under the proposals.

---

Therefore there is the potential for the proposals to have a differential impact in relation to race. The proposal to increase the scope of the Act so that sentences of up to and including 4 years in custody can become spent, instead of the current situation of sentences of up to and including 30 months, means that the differential impact from the proposals may be less than the differential impact arising from the current arrangements.

**Potential Religion or Belief Impacts**

Table 7 (Annex A) shows the distribution of immediate custodial sentenced prison receptions by religion. Buddhists, Muslims, Pagans and Rastafarians are more likely to be given sentences of longer than 4 years; these sentences can never become spent under the proposals.

Therefore there is the potential for the proposals to have a differential impact in relation to religion. The proposal to increase the scope of the Act so that sentences of up to and including 4 years in custody can become spent, instead of the current situation of sentences of up to and including 30 months, means that the differential impact from the proposals may be less than the differential impact arising from the current arrangements.

**Potential Sex Impacts**

The decision to increase rehabilitation periods for certain sentences.

Table 8 (Annex A) shows the distribution of disposals made by sex. Females have the highest proportions receiving non custodial sentences (i.e. sentences other than immediate custody and suspended sentences). This suggests that females may be more likely than males to receive shorter rehabilitation periods under the proposals.

For those aged 12 to 14 and sentenced to DTOs or YROs, the rehabilitation periods will be increased compared to the current situation. For all other offenders, rehabilitation periods will be decreased or there will be no change.

The decision to extend the ROA to custodial sentences up to 4 years

Table 9 (Annex A) shows the distribution of sentence lengths for immediate custodial sentences by sex. Males are more likely to be given sentences of longer than 4 years; these sentences can never become spent under the proposals.

Therefore there is the potential for the proposals to have a differential impact in relation to sex. The proposal to increase the scope of the Act so that sentences of up to and including 4 years in custody can become spent, instead of the current situation of sentences of up to and including 30 months, means that the differential impact from the proposals may be less than the differential impact arising from the current arrangements.
Potential Sexual Orientation Impacts

Due to limitations in the available evidence, we are unable to identify the potential for any differential impact, as no comprehensive statistical evidence is available on persons sentenced by sexual orientation.

Impact on UKBA applicants

UKBA currently use only information relating to an applicant’s unspent convictions in their immigration and nationality decision-making processes. These reforms exempt UKBA from the ROA enabling them to operate wholly outside the Act and take into account information relating to an applicant’s spent and unspent convictions. The following groups of individuals subject to an immigration or nationality decision may therefore be affected:

a. Those seeking to enter the UK (for example as a student or to work)
b. Those seeking to remain in the UK (extending or switching their current leave)
c. Those seeking British citizenship
d. Individuals being considered for deportation
e. Individuals whose leave may be revoked

Immigration and nationality decisions that are not in the favour of the person they are made in relation to can be for a variety of reasons; each case is assessed by UKBA against a wide range of criteria.

Due to limitations in the available evidence we are therefore unable to identify the potential for differential impact. We cannot quantify the impact that the UKBA exemption would have on different groups as this depends on a number of variables. These are the proportion of these individuals who have a previous criminal conviction; how UKBA intends to assess the decisions of individuals with previous criminal convictions; and whether these individuals would have been otherwise refused for reasons not relating to previous criminal convictions. However, given that the majority of applicants are likely to be from the non White-British ethnic groups we consider that there is the potential for differential impact in relation to race.

Impact on those convicted of military offences

There is currently no accessible data on the protected characteristics of those convicted of military offences. Due to limitations in the available evidence we are therefore unable to rule out any differential impact.

In 2010, 4 people were convicted of military offences and given an immediate custodial sentence of more than 4 years. These sentences can never become spent under the proposals. The potential impact of this will be minimal because of the small numbers involved.
Mitigation and Justification

The government believes that these reforms will achieve a more proportionate and relevant balance towards improving the employment prospects of reformed offenders who have put their criminal lives behind them. It is still important to maintain public protection and therefore we believe that keeping out of scope offenders who have been sentenced to over 4 years in custody is proportionate to achieving this aim. The government believes that excluding sentences of over 4 years is a sensible policy considering the seriousness of an offence which attracts such a sentence. An offender who has been convicted of an offence that attracts a sentence of over 4 years should continue to reveal it to prospective employers to ensure that employers and the public are properly protected.

Whilst this policy will mean that some offenders will remain outside the scope of the ROA, the number will be fewer than those who are currently outside the scope of the ROA. The benefits that are bestowed on ex-offenders by virtue of the ROA are therefore being extended to a larger group of people.

In respect of those offenders who may face longer rehabilitation periods under the proposals – offenders sentenced to YROs and DTOs and those who commit further summary offences within an existing rehabilitation period – the government believes such a policy is justified and proportionate. These proposals change the rehabilitation periods to start from the date of conviction to the end of the sentence. The total rehabilitation period will correspond better with the seriousness of an offence. YROs and DTOs are likely to be given for relatively serious offences that we believe potential employers and providers of training courses might need or expect to be aware of in order to maintain the right balance towards public protection. Sentences of DTOs are a type of custody for young people. These amendments therefore bring the rehabilitation periods in respect of DTOs in line with the rehabilitation period for other types of custodial sentence. The potential disadvantage to these individuals is offset by the benefits to society caused by having better and more evidence based rehabilitation periods and employers being aware of relevant convictions.

The final change with a potentially negative impact relates to a provision that means offenders will in future have to disclose an offence that would otherwise be regarded as spent where a second, summary offence has been committed during the rehabilitation period of the first offence. This amendment brings the situation for subsequent summary offences in line with the current position where there is a subsequent either way or indictable offence. The aim is to bring consistency to what has been historically a confusing provision. It is not uncommon currently for offenders to fail to disclose offences they should have disclosed and disclose offences they need not have done because the current provisions are so complex. The government also believes it is right that offenders who have committed further offences within an existing rehabilitation period should not benefit from the protection of the ROA until
they can demonstrate that they have put their criminal behaviour behind them fully, no matter how serious the subsequent offending is.

These reforms will have the general effect that ex-offenders who have served custodial sentences of 4 years or less and who do not go on to re-offend could benefit from having their conviction 'spent' and after a reduced amount of time. This should reduce the barriers to employment that many ex-offenders currently face. Research has indicated that employment is positively associated with reduced levels of re-offending. To the extent that these reforms reduce unemployment among this group of ex-offenders, re-offending may also be reduced.

UKBA’s core functions are about establishing the entitlement of foreign nationals to enter and remain in the UK. Good character of such individuals is a key issue in this decision making process. UKBA needs the wider picture of a person’s behaviour to enable them to make the fundamental decision about whether to grant them permission to stay in the UK. The changes to the rehabilitation periods are such that UKBA will no longer be able to take information into account that it needs to in order to make such an assessment. Because of this, and the government’s commitment to securing and protecting our borders and deporting foreign national offenders upon completion of their sentence, the government believes that this exemption is necessary.

---

9 Social exclusion unit, reducing re-offending by ex-prisoners, 2002
Monitoring

We, MoD, UKBA will be monitoring the implementation of these reforms for positive, negative and mixed equality effects. Royal Assent is expected in spring 2012, with implementation to follow at a later date. We would require a full year’s data on a number of protected characteristics following implementation on which to base a review.
Annex A – Evidence

Table 1: Reconviction rate for differing follow up periods based on 2000 cohort for Reoffending of adults in England and Wales by age

<table>
<thead>
<tr>
<th>Follow up period</th>
<th>18-20</th>
<th>21-24</th>
<th>25-34</th>
<th>35+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of offenders</td>
<td>Reconviction rate</td>
<td>Number of offenders</td>
<td>Reconviction rate</td>
<td>Number of offenders</td>
</tr>
<tr>
<td>3 month</td>
<td>8,598</td>
<td>27%</td>
<td>8,669</td>
<td>24%</td>
</tr>
<tr>
<td>6 month</td>
<td>8,598</td>
<td>40%</td>
<td>8,669</td>
<td>36%</td>
</tr>
<tr>
<td>9 month</td>
<td>8,598</td>
<td>48%</td>
<td>8,669</td>
<td>44%</td>
</tr>
<tr>
<td>1 Year</td>
<td>8,598</td>
<td>54%</td>
<td>8,669</td>
<td>50%</td>
</tr>
<tr>
<td>2 Year</td>
<td>8,598</td>
<td>66%</td>
<td>8,669</td>
<td>63%</td>
</tr>
<tr>
<td>3 Year</td>
<td>8,598</td>
<td>72%</td>
<td>8,669</td>
<td>70%</td>
</tr>
<tr>
<td>4 Year</td>
<td>8,598</td>
<td>76%</td>
<td>8,669</td>
<td>73%</td>
</tr>
<tr>
<td>5 Year</td>
<td>8,598</td>
<td>78%</td>
<td>8,669</td>
<td>76%</td>
</tr>
<tr>
<td>6 Year</td>
<td>8,598</td>
<td>79%</td>
<td>8,669</td>
<td>77%</td>
</tr>
<tr>
<td>7 Year</td>
<td>8,598</td>
<td>81%</td>
<td>8,669</td>
<td>79%</td>
</tr>
<tr>
<td>8 Year</td>
<td>8,598</td>
<td>82%</td>
<td>8,669</td>
<td>80%</td>
</tr>
<tr>
<td>9 Year</td>
<td>8,598</td>
<td>82%</td>
<td>8,669</td>
<td>81%</td>
</tr>
</tbody>
</table>

Source: Further analysis of 2000 Reconviction Cohort

Table 2: Reconviction rate for differing follow up periods based on 2000 cohort for Reoffending of adults in England and Wales by sex

<table>
<thead>
<tr>
<th>Follow up period</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of offenders</td>
<td>Reconviction rate</td>
<td>Number of offenders</td>
</tr>
<tr>
<td>3 month</td>
<td>37,228</td>
<td>20%</td>
</tr>
<tr>
<td>6 month</td>
<td>37,228</td>
<td>31%</td>
</tr>
<tr>
<td>9 month</td>
<td>37,228</td>
<td>39%</td>
</tr>
<tr>
<td>1 Year</td>
<td>37,228</td>
<td>44%</td>
</tr>
<tr>
<td>2 Year</td>
<td>37,228</td>
<td>56%</td>
</tr>
<tr>
<td>3 Year</td>
<td>37,228</td>
<td>63%</td>
</tr>
<tr>
<td>4 Year</td>
<td>37,228</td>
<td>67%</td>
</tr>
<tr>
<td>5 Year</td>
<td>37,228</td>
<td>70%</td>
</tr>
<tr>
<td>6 Year</td>
<td>37,228</td>
<td>72%</td>
</tr>
<tr>
<td>7 Year</td>
<td>37,228</td>
<td>73%</td>
</tr>
<tr>
<td>8 Year</td>
<td>37,228</td>
<td>75%</td>
</tr>
<tr>
<td>9 Year</td>
<td>37,228</td>
<td>76%</td>
</tr>
</tbody>
</table>

Source: Further analysis of 2000 Reconviction Cohort
### Table 3: Persons sentenced for indictable offences by disposal and age group, 2010

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Under 18</th>
<th>18-20</th>
<th>21-24</th>
<th>25-29</th>
<th>30-39</th>
<th>40-49</th>
<th>50-59</th>
<th>60+</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate custody</td>
<td>9%</td>
<td>23%</td>
<td>26%</td>
<td>28%</td>
<td>27%</td>
<td>24%</td>
<td>24%</td>
<td>26%</td>
<td>24%</td>
</tr>
<tr>
<td>Suspended sentence</td>
<td>0%</td>
<td>9%</td>
<td>12%</td>
<td>11%</td>
<td>11%</td>
<td>12%</td>
<td>13%</td>
<td>15%</td>
<td>10%</td>
</tr>
<tr>
<td>Community sentence</td>
<td>70%</td>
<td>31%</td>
<td>26%</td>
<td>26%</td>
<td>25%</td>
<td>25%</td>
<td>23%</td>
<td>18%</td>
<td>31%</td>
</tr>
<tr>
<td>Fine</td>
<td>4%</td>
<td>19%</td>
<td>21%</td>
<td>19%</td>
<td>17%</td>
<td>19%</td>
<td>19%</td>
<td>21%</td>
<td>17%</td>
</tr>
<tr>
<td>Other</td>
<td>17%</td>
<td>18%</td>
<td>16%</td>
<td>17%</td>
<td>19%</td>
<td>20%</td>
<td>21%</td>
<td>21%</td>
<td>18%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Further analysis of Criminal Justice Statistics 2010

### Table 4: Persons sentenced to immediate custody for indictable offences by age group and sentence length, 2010

<table>
<thead>
<tr>
<th>Sentence Length</th>
<th>12-14</th>
<th>15-17</th>
<th>18-20</th>
<th>21-24</th>
<th>25-29</th>
<th>30-39</th>
<th>40-49</th>
<th>50-59</th>
<th>60+</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 6 months</td>
<td>60%</td>
<td>44%</td>
<td>38%</td>
<td>44%</td>
<td>52%</td>
<td>55%</td>
<td>50%</td>
<td>43%</td>
<td>33%</td>
<td>48%</td>
</tr>
<tr>
<td>Greater than 6 months to less than or equal to 30 months</td>
<td>36%</td>
<td>47%</td>
<td>45%</td>
<td>38%</td>
<td>32%</td>
<td>29%</td>
<td>31%</td>
<td>33%</td>
<td>34%</td>
<td>34%</td>
</tr>
<tr>
<td>30 months to less than or equal to 4 years</td>
<td>2%</td>
<td>6%</td>
<td>10%</td>
<td>10%</td>
<td>9%</td>
<td>9%</td>
<td>9%</td>
<td>10%</td>
<td>12%</td>
<td>9%</td>
</tr>
<tr>
<td>Over 4 years</td>
<td>1%</td>
<td>4%</td>
<td>6%</td>
<td>8%</td>
<td>7%</td>
<td>8%</td>
<td>11%</td>
<td>14%</td>
<td>21%</td>
<td>8%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Further analysis of Criminal Justice Statistics 2010

### Table 5: Persons sentenced for indictable offences by disposal and ethnic group, 2010

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Under 18</th>
<th>18-20</th>
<th>21-24</th>
<th>25-29</th>
<th>30-39</th>
<th>40-49</th>
<th>50-59</th>
<th>60+</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate custody</td>
<td>8%</td>
<td>11%</td>
<td>12%</td>
<td>18%</td>
<td>11%</td>
<td>9%</td>
<td>25%</td>
<td>30%</td>
<td>31%</td>
</tr>
<tr>
<td>Suspended sentence</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>4%</td>
<td>6%</td>
<td>12%</td>
</tr>
<tr>
<td>Community sentence</td>
<td>70%</td>
<td>69%</td>
<td>71%</td>
<td>65%</td>
<td>68%</td>
<td>70%</td>
<td>27%</td>
<td>21%</td>
<td>22%</td>
</tr>
<tr>
<td>Fine</td>
<td>4%</td>
<td>6%</td>
<td>5%</td>
<td>5%</td>
<td>3%</td>
<td>4%</td>
<td>18%</td>
<td>22%</td>
<td>21%</td>
</tr>
<tr>
<td>Other</td>
<td>18%</td>
<td>13%</td>
<td>13%</td>
<td>13%</td>
<td>18%</td>
<td>17%</td>
<td>19%</td>
<td>17%</td>
<td>14%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Further analysis of Criminal Justice Statistics 2010
### Table 6: Persons sentenced to immediate custody for indictable offences by ethnicity and sentence length, 2010

<table>
<thead>
<tr>
<th></th>
<th>White</th>
<th>Black</th>
<th>Asian</th>
<th>Other</th>
<th>Unknown</th>
<th>Total</th>
<th>18 and over</th>
<th>Asian</th>
<th>Other</th>
<th>Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 6 months</td>
<td>46%</td>
<td>41%</td>
<td>39%</td>
<td>21%</td>
<td>49%</td>
<td>46%</td>
<td>51%</td>
<td>41%</td>
<td>37%</td>
<td>35%</td>
<td>48%</td>
</tr>
<tr>
<td>Greater than 6 months to less than or equal to 30 months</td>
<td>46%</td>
<td>46%</td>
<td>49%</td>
<td>59%</td>
<td>43%</td>
<td>46%</td>
<td>33%</td>
<td>34%</td>
<td>42%</td>
<td>45%</td>
<td>45%</td>
</tr>
<tr>
<td>30 months to less than or equal to 4 years</td>
<td>5%</td>
<td>7%</td>
<td>9%</td>
<td>15%</td>
<td>3%</td>
<td>6%</td>
<td>7%</td>
<td>4%</td>
<td>4%</td>
<td>12%</td>
<td>11%</td>
</tr>
<tr>
<td>Over 4 years</td>
<td>3%</td>
<td>7%</td>
<td>3%</td>
<td>5%</td>
<td>5%</td>
<td>4%</td>
<td>7%</td>
<td>4%</td>
<td>8%</td>
<td>14%</td>
<td>11%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Further analysis of Criminal Justice Statistics 2010

### Table 7: Immediate custodial prison receptions by sentence length and religion, 2008

<table>
<thead>
<tr>
<th></th>
<th>Less than or equal to 6 months</th>
<th>Greater than 6 months to 30 months</th>
<th>Greater than 30 months to less than or equal to 4 years</th>
<th>Greater than 4 years</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anglican</td>
<td>54%</td>
<td>29%</td>
<td>8%</td>
<td>9%</td>
<td>100%</td>
</tr>
<tr>
<td>Free Church</td>
<td>42%</td>
<td>37%</td>
<td>7%</td>
<td>8%</td>
<td>100%</td>
</tr>
<tr>
<td>Roman Catholic</td>
<td>57%</td>
<td>33%</td>
<td>6%</td>
<td>6%</td>
<td>100%</td>
</tr>
<tr>
<td>Other Christian</td>
<td>43%</td>
<td>34%</td>
<td>9%</td>
<td>13%</td>
<td>100%</td>
</tr>
<tr>
<td>Muslim</td>
<td>46%</td>
<td>38%</td>
<td>6%</td>
<td>11%</td>
<td>100%</td>
</tr>
<tr>
<td>Hindu</td>
<td>56%</td>
<td>31%</td>
<td>6%</td>
<td>7%</td>
<td>100%</td>
</tr>
<tr>
<td>Sikh</td>
<td>32%</td>
<td>44%</td>
<td>10%</td>
<td>14%</td>
<td>100%</td>
</tr>
<tr>
<td>Buddhist</td>
<td>50%</td>
<td>32%</td>
<td>10%</td>
<td>8%</td>
<td>100%</td>
</tr>
<tr>
<td>Jewish</td>
<td>53%</td>
<td>30%</td>
<td>10%</td>
<td>6%</td>
<td>100%</td>
</tr>
<tr>
<td>Mormons</td>
<td>42%</td>
<td>34%</td>
<td>11%</td>
<td>13%</td>
<td>100%</td>
</tr>
<tr>
<td>Pagan</td>
<td>49%</td>
<td>27%</td>
<td>10%</td>
<td>14%</td>
<td>100%</td>
</tr>
<tr>
<td>Rastafarians</td>
<td>50%</td>
<td>33%</td>
<td>8%</td>
<td>8%</td>
<td>100%</td>
</tr>
<tr>
<td>Other non-recognised</td>
<td>60%</td>
<td>28%</td>
<td>6%</td>
<td>5%</td>
<td>100%</td>
</tr>
<tr>
<td>All Others</td>
<td>55%</td>
<td>28%</td>
<td>7%</td>
<td>9%</td>
<td>100%</td>
</tr>
<tr>
<td>Total</td>
<td>56%</td>
<td>29%</td>
<td>7%</td>
<td>8%</td>
<td>100%</td>
</tr>
</tbody>
</table>


### Table 8: Persons sentenced for all offences by disposal and sex, 2010

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Under 18</th>
<th>Male</th>
<th>Unstated</th>
<th>Total</th>
<th>Female</th>
<th>Male</th>
<th>Unstated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate custody</td>
<td>2%</td>
<td>6%</td>
<td>5%</td>
<td>6%</td>
<td>6%</td>
<td>3%</td>
<td>9%</td>
<td>1%</td>
<td>8%</td>
</tr>
<tr>
<td>Suspended sentence</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>2%</td>
<td>4%</td>
<td>0%</td>
<td>4%</td>
</tr>
<tr>
<td>Community sentence</td>
<td>73%</td>
<td>63%</td>
<td>46%</td>
<td>65%</td>
<td>69%</td>
<td>8%</td>
<td>12%</td>
<td>2%</td>
<td>11%</td>
</tr>
<tr>
<td>Fine</td>
<td>5%</td>
<td>9%</td>
<td>30%</td>
<td>5%</td>
<td>39%</td>
<td>79%</td>
<td>64%</td>
<td>33%</td>
<td>65%</td>
</tr>
<tr>
<td>Other</td>
<td>20%</td>
<td>21%</td>
<td>19%</td>
<td>21%</td>
<td>4%</td>
<td>9%</td>
<td>9%</td>
<td>4%</td>
<td>9%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>
Table 9: Persons sentenced to immediate custody for all offences by sex and sentence length, 2010

<table>
<thead>
<tr>
<th></th>
<th>Under 18</th>
<th></th>
<th>Total</th>
<th>18 and over</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>Unstated</td>
<td>Male</td>
<td>Unstated</td>
<td>Total</td>
</tr>
<tr>
<td>Less than or equal to 6 months</td>
<td>62%</td>
<td>50%</td>
<td>81%</td>
<td>69%</td>
<td>57%</td>
<td>100%</td>
</tr>
<tr>
<td>Greater than 6 months to less than or equal to 30 months</td>
<td>36%</td>
<td>41%</td>
<td>19%</td>
<td>41%</td>
<td>23%</td>
<td>0%</td>
</tr>
<tr>
<td>30 months to less than or equal to 4 years</td>
<td>1%</td>
<td>5%</td>
<td>0%</td>
<td>5%</td>
<td>8%</td>
<td>0%</td>
</tr>
<tr>
<td>Over 4 years</td>
<td>1%</td>
<td>4%</td>
<td>0%</td>
<td>3%</td>
<td>7%</td>
<td>0%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Further analysis of Criminal Justice Statistics 2010