

Translating Lived Criminal Justice Experience into Policy Innovation: Countering the Stigma of a Criminal Record Through a Strengths-Based Disclosure Model

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Summary: This article is based on the lived experience of one of the authors (Damien) of overcoming the challenges of living with a criminal record and using it to set up the Spéire Nua project ('New Horizon'). The authors describe the context of currently ongoing and welcome policy developments and briefly outline some well-documented harms resulting from criminal record disclosure requirements. They then explore Damien's reflections on how he experienced set-backs and hurdles when attempting to move on in his life with a criminal conviction, showing how criminal record disclosures can counter reintegrative aims. The article continues by outlining how Damien harnessed these challenging experiences in setting up the Spéire Nua project. The authors discuss Spéire Nua's foundational elements, including a positive disclosure model, peer mentoring and its empowerment approach to social rehabilitation. The article concludes that Damien and Spéire Nua's efforts to innovate in the area of criminal record disclosure, collaborating with other actors in civil society, academia and state bodies, represents a valuable example of lived-experience policy entrepreneurship.

Keywords: Criminal record disclosures, prison, Garda vetting, reintegration, resettlement, lived-experience policy entrepreneurship, strengths-based disclosure, desistance.

Introduction and overview

This article is based on the lived experience of one of the authors (Damien) of not only overcoming the challenges of living with a criminal record, but also using it to set up an innovative model which supports others to avoid some of the challenging 'pains of desistance' he experienced (Nugent and Schinkel, 2016). By setting up the Spéire Nua ('New Horizon') project, Damien has

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developed an assessment, practice and validation model for persons with criminal convictions, which aims to counterbalance the current requirements of Garda Vetting Criminal Conviction Disclosure (CCD) in the Republic of Ireland. Spéire Nua's model is based on the assertion that positive changes should be formally captured and validated, as the current model of CCD does nothing to report on the positive changes made in an individual's life after finding themselves in conflict with the law. The Spéire Nua model is innovative and remarkable in that it is an example of proposed policy innovation, resulting directly from lived-experience policy entrepreneurship, which is rather different from most policy initiatives, which tend to emerge in elite circles (Frisch Aviram, Cohen and Beerli, 2020). In the context of the stigma attached to criminal convictions in Ireland (and elsewhere), restrictive spent-convictions legislation, as well as high recidivism rates (O'Donnell, 2020), the Spéire Nua model foresees that persons with criminal convictions are, after participating in a voluntary 7 Pillar Programme, supported by peer mentors and issued with a 'Certificate of Commitment to Change', which they can use alongside criminal record disclosure requirements. The Certificate is meant to act as an instrument of *positive disclosure*, and a 'kind of passport', which can contribute to the 'legal de-labelling in which the status of the (once-degraded) citizen is elevated and restored' (McNeill, 2018, p. 17).

We currently see quite a bit of movement in the Irish policy and practice landscape in terms of research and policymaking initiatives that want to address some of the challenges that unnecessarily and disproportionately burden and stigmatise persons with criminal convictions. However, Spéire Nua's origins in lived-experience 'policy entrepreneurship' (Kingdon, 1984) make it particularly worthwhile for consideration. In this article, we will firstly consider why and how the process of criminal record disclosures can run counter to any rehabilitative goals, drawing on research literature as well as Damien's personal experiences of navigating life with a criminal record. Damien's generous sharing of his own experiences is important, as it provides the reader with first-hand insights into the emotional impacts of criminal record disclosure. We will then tease out in some more detail, why deficit-based criminal record disclosures are problematic for those subject to them. Next, we will describe in more detail the main features of, and tools used by, the Spéire Nua project and how they are implemented. The final section of this article will provide some reflections on how Spéire Nua can be best understood in the complex landscape of social reintegration and rehabilitation.

When reading this article, the reader will note that some sections are written in Damien's voice while others use third person. We have intentionally left it this way as the article is the result of our (Damien and Katharina's) conversations – verbal and written – on how best to explain to others the development of the Spéire Nua model of positive disclosure.

Criminal record disclosure as an experience of denied recognition

Most readers will probably be aware that Ireland was the last country in the European Union to provide a legislative framework for spent convictions, which happened in 2016. Readers will probably also be familiar with the many critiques of the Criminal Justice Spent Convictions and Certain Disclosures Act, 2016, which was so narrowly designed that its rehabilitative potential was entirely missed (Irish Penal Reform Trust, 2019) and, as one of the authors has argued elsewhere, 'smacked of class-based arrogance' (Kiely and Swirak, 2021, p. 145). On the plus side, we can, at the time of writing, observe some potentially positive developments, such as the ongoing revision of the Criminal Justice (Spent Convictions and Certain Disclosures) Act, 2016 (ibid., p. 146; Houses of the Oireachtas, 2018), and the consideration of introducing discrimination on the basis of a criminal record in revised equality legislation (Irish Human Rights and Equality Commission (IHREC), 2020) established under the Irish Human Rights and Equality Commission Act, 2014 (the 'IHREC Act, 2014'. We can also observe some mobilisation on the matter in various parts of civil society (National University of Ireland Maynooth and Irish Penal Reform Trust (IPRT), 2020; Dublin City University and Maynooth University, 2022), aimed at rectifying the widely acknowledged challenges of holding a criminal record.

The international research literature on the impact of criminal record disclosures has developed a variety of terms, all of which highlight how the harms of a criminal conviction often extend beyond the lifetime of a sentence. These different terminologies all point to the punitive effects of having to disclose a criminal record and are described amongst others as: 'collateral consequence of punishment' (Yee, 2017), 'double penalty' (Silva, 2010), 'invisible punishment' (Travis, 2002), 'civil death' (Jones, 2015), or 'double jeopardy' (Pinard, 2013, p. 988), to name a few. Historically, criminal record disclosure requirements have been introduced to keep track of criminal convictions, and contemporary debates focus on the necessity of achieving the balance between parsimonious justice (Travis and Western, 2023),

criminal justice involving a person's right to privacy, and 'second chance' (McIntyre and O'Donnell, 2017) after a criminal conviction, while also ensuring public safety (Swirak and Forde, 2020, pp 23, 26). Research on the challenging experiences of availing of educational opportunities and accessing the labour market and other services (such as GPs or social housing) with a criminal record is rife with examples of outright discrimination, subtler processes of stigmatisation and anticipatory self-exclusion (Uggen, 2000; Ricciardelli and Mooney, 2018).

It is in this context that Damien's setting-up of Spéire Nua, based on his lived experience of trying to navigate his way through the education and employment system with a criminal record, is particularly meaningful and encouraging. Damien's sharing of his story of spending time in prison and the challenges of 'making it' on the outside with a criminal record is important as it puts into perspective how much hope is denied, effort unacknowledged and disappointment is hidden in the current system of criminal records disclosure. Like many others with experience of the criminal justice system in Ireland, Damien's early life was characterised by hardship, as Damien describes here.

Damien's story

Living alone at the age of 14, and sole carer for my younger brother, I very quickly got sucked into the lifestyle of drugs and criminal behaviour as an escape from the many burdens of premature responsibilities (Hart and Healy, 2018; Weaver and Weaver, 2013). When I received a prison sentence, truth be told, I could not wait to get to prison to escape my mangled mess of a life, an experience I share with many others who have been failed by other support systems and who see prison as the last hope to escape addiction, mental health problems, homelessness and associated challenges (Comfort, 2012). The way into prison, the part between capture and sentencing, was a horrible existence: the not knowing, the deeper addiction, the mistrust amongst my peers, the loss of family members, the loss of a home and then the courts. I accepted getting caught, I held my hands up and I took it firmly on the chin. No one else got in trouble, not even the person that set me up. When you get caught, you have to own it and bring no one down with you.

Having weighed up the limited options that were available to me once sentenced, I decided I was going to make the most of my time in prison. I rationalised that I would be able to use that time to become educated, job-ready, to get healthy, to reflect and to plan for a better future. I knew

about the education unit and work training opportunities in there and I was going to use them to improve my chances for when I got out. Upon reflection, one could say that while I experienced my prison sentence as punishment, I was also firmly set on using the space, time and opportunities provided for 'rehabilitation' while in prison. This is important to highlight, as readers might be better able to relate to the disappointment felt when opportunities are difficult to access with a criminal record.

I assumed that if I avoided trouble, kept my head down and worked hard on myself, I would hit the ground running on my release. In hindsight, I was probably quite naïve in that assumption. I had the idea that I would walk out of prison to pursue a career of my own choosing. I walked out of prison believing that my punishment was over. I assumed that I could close that chapter of my life when the prison door closed behind me.

However, despite the high level of education, which included third-level business management and administration skills, amongst other qualifications I got while in prison, none of it mattered when I got out. Leaving prison with the price of a bus ticket and one night's B&B, I had to start my life from scratch. I know from my own experience that, despite some of the best intentions of the criminal justice system and its partners, such as, for example, integrated sentence management and release planning, the lack of resources and other systemic challenges meant that my experience of release 'into the void', was not unique and is experienced by many others too (De Giorgi, 2017; Nugent and Schinkel, 2016).

But far beyond the immediate experience of leaving prison, I left with a label that, to this day, can be really difficult to disentangle myself from, something I share in common with many others (Honeywell, 2021; Honeywell, 2023). The constant rejections I experienced, because of things I could not change, meant that I was slowly but surely gravitating back to the label of 'offender' and playing it out too. The financial hardships and lack of opportunity led back to further law-breaking to try and escape the poverty that unsuccessful job searching created (Shapland *et al.*, 2016). The lack of housing (Carey *et al.*, 2022), difficulties in finding employment (Hlavka, Wheelock and Cossyleon, 2015) and the inability to achieve status or respect in a legitimate way (Giordano *et al.*, 2002; Healy, 2010; Healy, 2012) slowly ebbed away at all progress made and led me back to the very life I was trying to leave.

It is very important to highlight here these experiences and feelings of disappointment and, as a result, the necessity for extraordinary amounts of resilience for people with criminal convictions (Honeywell, 2021; Honeywell,

2023). Being faced with constant rejection, disappointments and set-backs resulted in diminished ambition, and in the first year after getting out, I, like many others (see recidivism rates – CSO, 2022; O'Donnell, 2020), found myself right back where I had started. I wanted to prove to the people that mattered to me that I had changed and that I was going to rebuild my life, but too many barriers were put in my way. What I had to offer, I felt, was not enough. I was fresh out and no one was willing to take a chance on me.

Social psychology tells us that human beings want to 'matter' and social-harm literature reminds us that this 'inner' feeling of mattering is connected to structural factors, which affect people's 'position or status in the social world and political economy' (Billingham and Irwin-Rogers, 2021, p. 1227). Similarly, others acknowledge that human beings want to 'flourish' (Nugent and Schinkel, 2016) and to be 'recognised' (Weaver, 2016; Gadd, 2006).

Damien's description here is an example where the inner desire to 'matter' is structurally inhibited by the lack of opportunities he felt he was accorded because of his criminal record. It is not difficult to see how these obstacles in the way of opportunities to 'matter' and to be 'recognised' are entirely counter to the rehabilitative goals of penal policy. In fact, naming it 'tertiary desistance', McNeill (2016) reminds us that recognition by others that one has changed is crucial for long-term change. Everybody wants to love, be loved and belong, and not belonging can lead to feelings of being displaced to the fringes of mainstream society.

Deficit-based criminal record disclosures as a form of miscommunication

We now look more specifically at the experience and perception of criminal record disclosure and explore in more detail how its deficit- and risk-based focus might satisfy concerns for 'community safety' (Swirak and Forde, 2020, pp 29, 36, 51) yet not serve much purpose for the person required to disclose their criminal record.

As part of the disclosure process in the Republic of Ireland, a person is often asked to give information on their background. For example, when applying for a house, a job or to volunteer, when applying for further education, when applying for insurances, professional licences, to start a business, or in emigration. It should be noted that this process is a very blunt one, as it is, for example, not clear how addiction and poverty-related drug use, long in the

past and redeemed through punishment, bear any significant risk to the employer or others interested in CCD.

We hear repeatedly from those with lived experience of a criminal record that the requirements of disclosure are perceived as real impediments to securing any of these routes to progression (Irish Penal Reform Trust (IPRT), 2020; Gallagher and O'Halloran, 2020). Many job advertisements use the phrase 'Garda vetting will apply to the role'. These words alone could easily discourage people with convictions from applying, leading to them deselecting themselves from the outset, regardless of whether or not they have the required skill set.

From my (Damien's) experience, when people with convictions see statements like that, they don't bother applying even though they have the skills. Good intentions by employers, educational institutions or others are not good enough, as going through the process itself can feel like a 'degradation ceremony' (Garfinkel, 1956). Having to tell someone you do not know the very worst things about you, in a situation where you are trying to convince them to provide you with an opportunity, is a really uncomfortable situation to be in.

In interview situations, questions about criminal background are often left to the very end of the encounter, leaving a last, negative, impression with the interviewer. Even if employers are not dissuaded by previous criminal convictions, the expectation that the response to the question will be discouraging can act as a barrier for job applicants with a criminal record. The most challenging part is knowing that the person receiving the vetting disclosure will most likely not have been provided with any training on how to interpret a criminal conviction disclosure.

When I (Damien) reflect back on the impact of criminal record disclosures in my life, I realise that this was when the real punishment began. Anytime I put my best foot forward, I had to disclose my past to people that I didn't even know. When you are looking for opportunity, you want to share the very best things about yourself, about what you bring – your competencies, abilities, ambition, drive and determination.

The problem is that vetting feels disabling for the vetting subject, rather than enabling. One is reminded every single time of the 'indelible stain' (Earle, 2016) of a criminal record and the reduced status of being a 'post-carceral denizen' (McNeill, 2021; Arnal and McNeill, 2023). For those previously entrenched in a life of crime or addiction and living in disadvantaged circumstances, desistance requires a tremendous amount of self-belief; it is made

highly difficult, if not impossible, if opportunities and resources are limited and those around the person believe they will fail (Nugent and Schinkel, 2016; Honeywell, 2021; Gålhander, 2020).

A new beginning

As is the case for many others, any opportunity I got in training, education and work was where vetting was not required, but I had to look really hard for those opportunities. Most people give up. Thankfully I got a break, and today I work for a Local Development Company called Galway Rural Development who actively champion Spéire Nua. I also teach community youth work with EQUAL Ireland, and I am a board director at Amicitia (Latin for friendship), a social enterprise that offers incubation space in its Sustainable Development Goals Lab in Athenry, Co. Galway, for new social innovations to grow.

It was in Amicitia that a key partnership was struck to set up Spéire Nua, which will be explained in further detail below. In my early months and years after prison, while trying to gain a foothold in society, it would have been very easy for me to assume that none of this would be possible. The reality is that people with convictions have to be quite entrepreneurial and create their own opportunities, as access to the job market is fraught with disappointment and rejection, and in its current format, vetting disclosures severely stifle personal and professional growth.

In this sense, criminal record disclosure is a form of miscommunication between the state and the person with a criminal conviction and

... serves as a barrier to reciprocal communication between ex-arrestees and a legal system that represents them in ways that they may want to contest. This 'wrongful representation' is a collateral effect of having a criminal record that impedes the ability of ex-arrestees to manage or repair their relationship with the state that has punished them.

(Myrick, 2013, p.75)

The critical literature on 're-habilitation' (which itself questions the usefulness of the term) (Arnal and McNeill, 2023) reminds us that 'we need to desist from the prevailing narrow focus in much discussion of re/habilitation on change *within* individuals' and that the role of the state 'may be secondary, but it is still key: it must underwrite and support the process, enabling civil society to play its part' (Burke *et al.* 2019, in Arnal and McNeill, 2023, p. 3).

From this perspective, the state, while formally punishing individuals and issuing them with a criminal record, does not take sufficient responsibility for removing the long-lasting effects of this punishment.

Having looked at the challenges of living with a criminal record, we now turn to the Spéire Nua model of strengths-based disclosure, which Damien has developed and is championing based on his first-hand experience with criminal record disclosures and how they can reduce the likelihood of people getting the opportunity to flourish. Spéire Nua is built on the premise that society needs to focus on the positive aspects of the individual's life at present, rather than their past. As part of its operating model, Spéire Nua combines several elements, including 'recognition of prior learning' (RPL), peer mentoring and social enterprise; it will now be explained in further detail.

Developing Spéire Nua – a strengths-based disclosure model

When I (Damien) eventually undertook a master's degree in Cooperatives and Social Enterprise at University College Cork, I did so recognising that employment opportunities were more available in the third sector for people with convictions, due to the work of Siobhán Cafferty, Pobal and Social Enterprise Project Manager for the Criminal Justice Sector (*Working to Change: Social Enterprise and Employment Strategy 2021–2023*).

While studying there, I was asked to do a course in 'Recognition of Prior Learning' (RPL) mentoring and facilitation with EQUAL Ireland and Athlone Institute of Technology (AIT), now part of Technical University of Shannon (TUS). RPL looks at your experiential and unaccredited learning and, if this matches the outcomes of taught courses, your experiences are validated and certified academically. RPL is an evidence-based continuous assessment model, a process by which individuals can have their prior learning and experience recognised and applied towards further education or employment opportunities (Werquin, 2010).

When I saw how it worked, I recognised straightaway that something similar had to be developed for disclosure and that RPL could be a useful tool for *positive disclosure*, allowing people to show not only what they have achieved *since* their conviction, but more importantly also allowing them to highlight the skills and experience they have gained *through* their past experiences. *Positive disclosure* refers to the process of disclosing a criminal conviction in a way that emphasises the individual's growth, learning, and rehabilitation, rather than simply focusing on the negative aspects of the

conviction. By using RPL, individuals can show how their past experiences have shaped them into who they are today and how they can contribute positively to their chosen field or industry.

The Spéire Nua model of positive disclosure is based on four key principles. Firstly, an emphasis is placed on the person's strengths, skills and positive qualities. This involves identifying a person's unique talents, interests and passions, and emphasising their potential for growth and development. Secondly, the model must be delivered in a safe and supportive environment. Disclosure can be a difficult and emotional process, and it is important to create an emotionally safe and supportive environment that encourages open and honest communication. Thirdly, the positive disclosure model encourages self-reflection and self-awareness, asking the person to reflect on their experiences, learning, values and beliefs, and to develop a greater awareness of their strengths and weaknesses. This involves using tools such as self-assessment questionnaires, reflective journaling or mindfulness practices to help develop greater self-awareness. Finally and crucially, the positive disclosure process fosters a collaborative and empowering approach, with the person actively involved in the process.

Peer mentoring

In order to deliver the Spéire Nua model of positive disclosure, a peer-mentoring model has been devised, where peer mentors – mentors who themselves have criminal justice experience – will, together with mentees, develop a 'portfolio of commitment to change' that builds on their strengths and addresses their challenges. Spéire Nua has developed a 7 Pillar Programme that guides this mentoring process and supports individuals on their pathway to change. These seven pillars include interpersonal trust, education empowerment, health and wellbeing, inspiration and motivation, self-direction, resilience and reflection. Under each of these pillars, mentees have the opportunity to document and record the efforts they have undertaken, and which otherwise go completely unnoticed by the current deficit-based criminal record disclosure process. The pillars aim to provide a structure and process for the peer mentors and mentees to establish goals, develop capacities and support ongoing development and change.

Peer mentoring is crucial in the Spéire Nua model, as it involves a voluntary and egalitarian relationship, based on 'engagement, encouragement and trust' (Aitken, 2014, p. 11). Peer mentors' experience of criminal

justice involvement means that they can act as role models, because of 'a constructed point of connection'. This means that previous experiences or similar past histories make the mentor appear more 'credible' in terms of advice and support and, subsequently, someone whose positive behaviour can be emulated' (Buck 2016, p. 4). Peer mentoring services have been positively evaluated in various criminal justice settings (Buck, 2018; Sells *et al.*, 2020) from which both peer mentors and peer mentees benefit. Both mentees and mentors report a range of beneficial outcomes, such as physical and emotional wellbeing (see also Jalain and Grossi, 2020) and a sense of pride through making 'a legitimate contribution to the world' (Devilly *et al.* 2005, p. 231).

The Spéire Nua peer-mentoring process includes a voluntary commitment by the mentee prior to the commencement of the programme. In an ongoing, two-way relationship, mentees are actively supported to make progress across the seven pillars of the Spéire Nua model, with a view to recording all the positive changes taking place in a person's life. The focus of the mentoring involvement is on reflection, with an emphasis on the impact of past experiences on the individual, the changes and the learnings that have occurred since then, and how that learning can be applied in the future.

Soft skills developed by mentees, both formally and informally, are identified and documented. Information on interests and hobbies are explored to identify instances of leadership, teamwork, networking and confidence-building activities, developing 'approach goals' rather than 'avoidance goals'. Risk factors are also addressed, and steps are taken to ensure that they do not affect the desistance process. In cases where addiction issues are present, reports are sought with explicit signed permission from mentees. Academic achievements and new skills developed since the offending incident are documented and included in the portfolio. Plans for the future are also documented, along with goal-setting and accountability practices, initiated to ensure that these plans become a reality.

Contact is made with arresting officers or local Garda stations to explore the possibility of restorative practices with the mentee's signed consent. In addition to the portfolio-building process, the programme includes an internship component, which provides mentees with hands-on experience in a variety of different areas. This helps to develop new skills that can be used in their future careers. Employment pathways are also developed, and it is encouraging to see large organisations now using the words 'having a criminal conviction does not prevent you from applying', so that people are not deselecting themselves from industries in which they know they could thrive.

As a final step, it is envisaged and hoped that the Spéire Nua portfolio will be presented to the Garda Síochána and the arresting officer for validation, embracing restorative justice practices, and that a signed 'Certificate of Commitment to Change' will be issued by the courts and, through Spéire Nua, with key signatories such as businesses in the community, giving an industry-standard recognition certificate, much like the Safepass for construction. Such a document, providing confidence to the awardee to pursue a career of their own choosing and assurance to the person offering an opportunity to a person with convictions, would be a positive asset.

Overall, the Spéire Nua strengths-based model of disclosure is interested in a person as a whole, beyond their past mistakes. The model focuses on a person's strengths, provides a safe and supportive environment, encourages self-reflection and self-awareness, and fosters a collaborative and empowering approach. By emphasising the person's strengths and potential, the involvement in the peer-mentoring process will help individuals develop a greater confidence, resilience, and a sense of purpose, which can help both mentees and mentors to achieve their goals and live a fulfilling life as fully participating members of society.

Positive rehabilitation, de-labelling and lived-experience policy entrepreneurship

Spéire Nua adopts an empowerment approach to social rehabilitation and focuses on people's strengths and their possible futures, rather than their deficits, for which they have already paid their dues through the criminal justice system (Burnett and Maruna, 2006). By capturing what people are doing right and attaching value to it, Spéire Nua offers an opportunity for people to build up 'redemption narratives' (Maruna, 2001), including an ownership of agency and regaining control over their life and destiny. The Spéire Nua Certificate of Commitment to Change therefore has the potential to support desistance processes.

In the absence of a formal de-labelling process in the Irish Courts system, and a very limited impact of the spent convictions legislation so far (Kiely and Swirak, 2021), the Spéire Nua model offers a strengths-based avenue, allowing persons with criminal convictions to demonstrate the positive changes they have made in their lives and to see them documented and valued. Spéire Nua provides a vehicle through which to capture and formally acknowledge the steps that people take out of a life of crime, to document and recognise it and, most importantly, to assign value to it. Currently, there

are no mechanisms in place that provide positive disclosure models or this type of service.

Spéire Nua does not guarantee the future behaviour of the person. It captures where a person is at in life today and validates what they are doing right today. Nobody can guarantee rehabilitation, and the only way to measure it is if the person never breaks the law again. Only after their death can we finally say with certainty that the person was rehabilitated. But then it will be too late. They will have struggled right throughout their lives because of the secondary punishment of living with convictions: reliving those times in their lives that they would do anything to move on from; those things that they would love to take back; those things that filled them with shame; those things that they could never change, no matter how much they wanted to.

The Certificate can also be understood as an additional communication device that formally acknowledges achievements since the time of the crime, capturing all of the steps that people have taken out of a life of crime. From this perspective, the Certificate can serve as a counterpart to the current miscommunication between the state and the person with a criminal conviction and could potentially counterbalance some of the negative effects of the collateral consequence of a criminal record. The Certificate could also provide an important, positive and future-oriented focal point for the wider community in supporting a person's desistance process.

Formal validation through the Certificate of a Commitment to Change can also help to break down the stigma associated with being an 'ex-offender'. By acknowledging the efforts of those who are committed to change, society can help to change the narrative around ex-offenders and reduce the negative stereotypes that often surround them.

Overall, the formal validation of a commitment to change by a person with convictions is an important step in promoting rehabilitation, reducing recidivism, and building a more inclusive and accepting society. Validating someone's commitment to change can also offer a powerful incentive to cease a life of crime. By acknowledging and accepting a person's efforts to change, we can help to build self-esteem, promote a sense of belonging and connection, and reduce the risk of recidivism:

... if someone is flourishing in the personal sense but they are still legally and socially regarded as an 'offender', then it is very likely that their flourishing will be undermined (see Nugent and Schinkel, 2016), and their re/integration hindered as a consequence.

(Arnal and McNeill, 2023, p. 18)

De-labelling can have positive effects on a person's mental health and overall wellbeing. When individuals are constantly reminded of their past mistakes, it can lead to feelings of shame, guilt and hopelessness. Removing these labels can help individuals to see themselves in a more positive light, which can improve their self-esteem and confidence. De-labelling is one of the most important steps we can take to provide people with the confidence to pursue a career of their own choosing. By facilitating a more enabling disclosure process than the current disabling disclosure model, we can reduce the punitive barriers and utilise more effectively people's desire to change, thus reducing recidivism and making communities safer places in which to live.

Finally, it is not to be underestimated that the Spéire Nua project has been developed on Damien's lived experience of navigating life with a criminal record and experiencing both successes and frustrations. Damien strongly asserts that all punishments should have an end date. His development of Spéire Nua is, however, also noteworthy as it is more than an advocacy project, more than a personal engagement for a matter close to his heart, but he is actually suggesting a significant shift in how we do criminal record disclosure. Damien is doing this not through academia as, for example, convict criminologists do, but rather through devising a policy and practice model, anchored in civil society and in local communities.

Taken seriously, the Spéire Nua model has potential benefits in changing how government bodies could organise criminal record disclosure. It is a model of how, through a collaboration with civil society organisations, we could find more encouraging and inclusive ways to engage with people with criminal records. In the policymaking literature, 'policy entrepreneurs', are described as actors who 'invest resources – time, energy, expertise, or money' to affect policy change (Frisch Aviram *et al.*, 2020, p. 614), who '(i) exhibit social acuity, (ii) define problems, (iii) build teams, and (iv) lead by example' (Ibid.) Through Damien's efforts to innovate in the area of criminal record disclosure, collaborating with other actors in civil society, academia and state bodies, he offers an interesting example of lived-experience policy entrepreneurship, rather than, as in most cases, elite-based policy entrepreneurship (Frisch Aviram *et al.*, 2020, p. 615).

At the time of writing, Spéire Nua is growing from strength to strength. The development of the model has been seed-funded by Social Entrepreneurs Ireland, supported through Kickstart, a Department of Justice and Probation Service funding initiative, administered by Pobal with ongoing business advice and support from Social Impact Ireland and continuous professional

development with Galway Rural Development. It has been further funded in 2023 by Rethink Ireland and has developed key partnerships, including with the Turnaround Project in Northern Ireland, to form an all-island collaborative.

Conclusion

In this article, we have introduced Spéire Nua's model of *positive disclosure*, with a view to helping the idea to circulate amongst those working in the field of reintegration, post-release support and other relevant fields in the Republic of Ireland and beyond. We have shown how the risk-based and deficit-based model of criminal record disclosure operating in Ireland negatively impacts on people in multiple ways, and we have argued that we need to think about possible alternatives. Importantly, the Spéire Nua model of 'positive rehabilitation' does not make one-sided demands on persons who have had experiences with the criminal justice system, but it offers a peer support network through its mentoring programme.

Spéire Nua is located in civil society, influenced by the idea of social entrepreneurship, and interested in supporting individuals in turning their lives around, as 'everybody wins when somebody turns their life around'. However, it is also suggesting a much deeper systematic change in how we think about and practise criminal record disclosures in the Republic of Ireland and beyond, by accompanying the process with a strengths-based model of positive disclosure, supported by state agencies, civil society and people's social networks.

Arnall and McNeill remind us that

... even if people *do not change*, even if we think that people *will not change*, even if we are not able to *observe that change*, the punishing polity still holds the duty to restore those who have been punished. Ultimately, this is a matter of social and criminal justice as much as of crime reduction.

(Arnall and McNeill, 2023, p. 19)

As such, Spéire Nua offers us an avenue to how the 'punishing polity' could take responsibility for its role in ensuring effective social and criminal justice.

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