

Introduction

Well done!

You have completed your Community Service Order and this leaflet explains what happens next.

I have completed my Community Service hours – what happens now?

The Probation Service will discharge (close) the Order and will notify the Island Police, who will update their records.

The Police will update your criminal record on the Criminal Records Computer system, to confirm the Community Service Order has been completed.

Do I need to do anything?

No. The Probation Service makes all the arrangements for the discharge of your Community Service Order.

If the Probation Service discharges the Community Service order does this mean that the conviction is deleted from my record?

No. The conviction remains on your criminal record.

Does the Probation Service destroy its records once the Order is completed?

In line with the Principles as set out in the Data Protection (Bailiwick of Guernsey) Law 2001 records are kept for 5 years and destroyed. In some circumstances such as offences against children or of a sexual nature, records are not destroyed. All records are kept securely and are only used for reference in the event of further offence.

What is a “spent” conviction?

The Bailiwick has a Rehabilitation of Offenders Law. The general rule is after a period of time has elapsed since a person’s last conviction, and provided that another offence has not been committed, the conviction becomes “spent”. This means that you do not have to reveal the conviction or admit its existence, although there are some exceptions.

In general, a spent conviction does not need to be disclosed when applying for employment and non-disclosure of a spent conviction cannot be used as grounds for dismissal. There are certain jobs and voluntary posts, mainly to do with children and vulnerable people, where convictions must be disclosed, regardless of when they were committed.

The following notes are a basic guide to the law, if you have any specific questions then you should refer to the States of Guernsey website,

www.gov.gg/ccm/navigation/home-department/data-protection-commissioner/rehabilitation/

or telephone the Data Protection office on 742074

How long is the period of time before the Community Service Order becomes spent?

For an adult it is five years from the date of conviction.

For a person who was under eighteen years of age at the time of conviction, the period is reduced to 2 ½ years from the date of conviction.

What happens if I commit another offence before the rehabilitation period has passed?

Generally, this will mean that neither conviction will become spent until after the rehabilitation period for the last conviction is over.

If I was returned to Court for breaching my Community Service Order but the Order was allowed to continue (either with or without extra hours or a fine), does this count as another offence?

No.

What happens if someone discloses my conviction after it has been spent?

Unauthorised disclosure of a spent conviction by a third party is a criminal offence.

When do I have to declare my conviction?

You may be requested to provide what is known as a “Police Disclosure” in certain circumstances, such as:

- to a prospective employer.
- to a current employer.
- to a voluntary organisation in relation to voluntary work.
- to a States Committee in relation to employment or the issue of a Housing Licence.
- to a regulatory body in support of a licence to practice or to undertake certain types of business activities.

There are three types of disclosure:

- Basic Disclosure.
- Standard Disclosure.
- Enhanced Disclosure.

A **Basic Disclosure** will contain details only of unspent convictions held in police records.

Any employer may request a potential or existing employee to provide a Basic Disclosure.

A **Standard Disclosure** will contain details of spent and unspent convictions and cautions.

An employer may only request a potential or existing employee to provide a Standard Disclosure in support of employment or work in relation to certain types of occupations.

An **Enhanced Disclosure** will include any non-conviction information, such as intelligence and can only be obtained in respect of a restricted number of occupations.

Will the Probation Service contact me in the future?

It is very unlikely that the Probation Service would need to contact you after your Community Service Order has been discharged. If we did contact you the reasons for doing so would be clearly explained at the time and your co-operation would be on a voluntary basis.

Do I need to declare convictions on applications for travel visas?

Each country will have its own rules when making an application for a travel visa. The application form will normally explain what information is required and provide contact details if you have any queries.

Can I ask for a reference?

The Probation Service will give references in certain circumstances, for example to a prospective employer. If you think you may need a reference please contact the Community Service Team to discuss the matter.

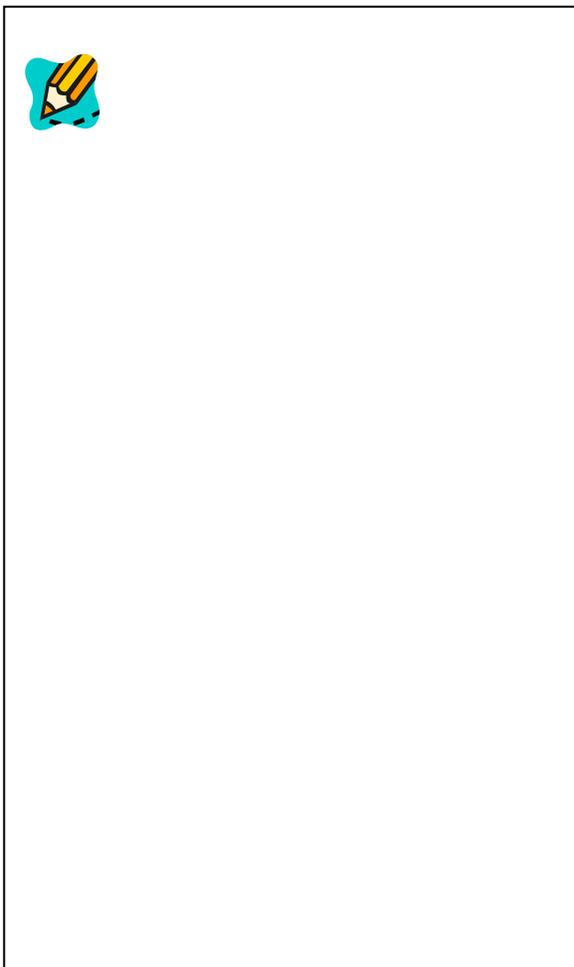
Will the Community Service Order be taken into consideration if I re-offend in the future, even if the conviction is spent?

The Court takes all previous convictions into consideration before passing sentence for an offence.

What if I have any questions?

If you have any questions then please contact the Community Service team who will try to help you.

This space is for your notes:



GUERNSEY PROBATION SERVICE

COMMUNITY SERVICE

INFORMATION LEAFLET

What you need to know when you have completed your Community Service Order

**Contact:
The Community Service Team**

**Guernsey Probation Service
The Market Buildings
Fountain Street
St Peter Port
Guernsey
GY1 1BX**

**Tel: (01481) 724337
Fax: (01481) 710545
Email: probation@gov.gg**