

Rehabilitation of Offenders and Disclosures For Employment Purposes

The Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 provides for the rehabilitation of people who have been convicted of a crime. It means that after a certain amount of time, dependant on the sentence and providing no other offences have been committed, a conviction will become “spent”. Such a conviction should no longer appear on criminal records checks for employment purposes and does not have to be disclosed.

This table lists in broad terms the timescales involved. Further convictions may alter the “clear period”. Sentences of over 30 months imprisonment will never become spent.

| Sentence | Clear Period | |
|-----------------------------|--------------|----------|
| | Adult | Juvenile |
| 6 – 30 months imprisonment | 10 yrs | 5 yrs |
| Up to 6 months imprisonment | 7 yrs | 3.5 yrs |
| Fine, community service | 5 yrs | 2.5 yrs |
| Probation, bind over | 1 yr * | 1 yr * |
| Caution | 6 mths | 6 mths |

* if length of probation order or bind over is longer than 1 year the conviction will not become spent until the end of the sentence

Under the Rehabilitation of Offenders legislation and the associated Code of Practice spent convictions will not usually affect a person’s suitability for employment and need not be mentioned at any point in the recruitment process.

There are jobs that may attract a higher level of vetting and for which spent convictions will be required to be disclosed. These tend to be occupations where a conviction could indicate a need for risk management or elimination by the employer (for example child care) or where a higher degree of integrity is expected (for example law enforcement).

What is a Basic Disclosure?

A Basic Disclosure is a copy of all unspent convictions and cautions recorded on the Police National Computer and local police systems. You may be asked to apply for one by an employer/prospective employer or other party.

How to Obtain a Basic Disclosure

You apply for a Basic Disclosure in person at the Disclosure & Vetting Service Counter (for address see front of leaflet) between 8.45am and 4.00pm, Monday to Friday.

You will be given a form to complete. The form asks for details such as your name, previous name, address, and place and date of birth.

A member of the Disclosure & Vetting staff will attend to accept your form. You will be required to provide a form of photographic identification. The following lists the types of identification accepted.

- Passport
- Guernsey/UK Driving Licence (bearing a computerised photograph)
- EU National ID Card
- UK Citizen Card

A Basic Disclosure costs £20. It will be necessary to pay this at the time of application. This can be in the form of cash, cheque or credit/debit card. Cheques should be made payable to “The States of Guernsey”.

Your form will be checked to ensure it is completed correctly, your identification will be copied and you will receive a receipt for the payment.

Your Basic Disclosure will be produced and sent to the address given on the form within 4 weeks. You can then pass the disclosure onto whoever you wish to.

Is Data Incorrect

Care will be taken to ensure that all data included on a Basic Disclosure relates to you. To assist this process it is important that you give as much information as you can when applying for a disclosure, especially relating to other names you use or may have used in the past for example, any maiden name or previous married name.

If you believe that the disclosure you have received is incorrect or that the information is not your own please contact the disclosure staff (contact details on the back of this form).

Efforts will be made to ensure that any error is corrected or that further explanation is given as to why the data is on your disclosure.

For more information about your data protection rights and how we manage your information, please refer to the fair Processing Notice for Guernsey Police which can be found at www.guernsey.police.uk

Other Disclosure Types

Further advice regarding other Disclosure types, guidance can be obtained from the Disclosure & Vetting Unit
Email: Disclosures@guernsey.pnn.police.uk

The Right Type of Disclosure

A Basic Disclosure is the right disclosure for most jobs within the Bailiwick. It provides details of convictions and/or cautions that are either relatively recent or of a serious nature and is suitable for most employment related criminal record checks.

However, there are some jobs (whether paid or voluntary) that require a higher level of disclosure. These tend to be jobs focused around the caring for or contact with children and vulnerable adults.

Alternatively, contact the Disclosure & Vetting Unit of Guernsey Police to discuss whether a higher level of disclosure would be appropriate.



GUERNSEY POLICE DISCLOSURE and VETTING UNIT

BASIC DISCLOSURE

CONTACT

Disclosure & Vetting Unit
c/o Guernsey Border Agency
New Jetty
White Rock
St Peter Port
Guernsey
GY1 2LL
Telephone – 01481 741462

Opening hours :- 8.45AM – 4.00PM

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