What is a "review"?

This is the term used either when the Community Service Team have decided or you have asked for your case to be returned to Court to re-consider your Community Service Order.

Why would the Court be asked to review an Order?

If either you or the Community Service Team considers there has been a significant change in your circumstances since the Order was made and this is *unavoidably* affecting your ability to report for Community Service.

What does it mean?

The Court will consider the change in your circumstances and decide whether the Order should continue and, if so, on what terms.

Have I failed to comply with the Order? (also known as "breach")

No.

Are Community Service Orders often reviewed?

No. It is quite rare because there must be a significant change in your circumstances which is also *unavoidably* affecting your ability to undertake Community Service.

How do I ask for a review of the Order?

You must have a serious reason for requesting a review of the Order. You should first discuss the matter with the Community Service Team who will advise you.

If the Community Service Team agrees your case should be returned to Court for review they will make the necessary arrangements on your behalf.

If the Community Service Team does not agree you have a good enough reason to request a review of the Order you can still ask that your case is returned to Court.

Can I stop the review?

If you requested your case was returned to Court for review, you can request that the application is withdrawn. You must have a good reason to do so.

Can I continue to report for Community Service?

This will depend on your circumstances and will be agreed with the Community Service Team.

If you are given reporting instructions you must attend. If you do not your absence will be recorded as unacceptable and you may be considered in breach of the Order. The Court will be advised if you fail to report as instructed.

If it is decided you should not report for Community Service this will not count against you.

If you also see a Probation Officer you must continue to report for your Probation appointments, unless your Probation Officer tells you not to.

Is the Order still in place even if I am not reporting for Community Service?

Yes. The Order remains in force until the Court cancels it.

You must still notify the Community Service Team of any change of address and attend any appointments you are given.

What happens next?

You will be notified of the date when your case will be heard. You must attend Court on this date for the hearing.

Should I take legal advice?

Yes. It is very important that you take legal advice without delay. This will give your advocate time to prepare for your Court appearance.

If you wish to seek legal advice and assistance under the Green Form Scheme you should contact the advocate who previously represented you. If you did not previously have an advocate, or wish to change, you should contact a legal aid advocate of your choice.

The advocate will calculate whether you qualify financially for the Green Form Scheme and advise you how to proceed.

Because the Green Form Scheme is not always a free service, your Advocate will need to clarify whether you qualify for free advice and assistance. You should take copies of your pay slips or benefit payments with you when you go to meet your advocate so he can advise you if you qualify for free advice and if not how much you might be expected to pay.

Do not wait until your Court appearance to seek legal advice and assistance.

Does the Community Service Team write a report for the Court?

Yes. A report is prepared explaining to the Court why the application for a review has been made and the progress of the Order up to the date of your Court appearance. The report will normally say whether the Community Service Team recommends that the Order continues or not.

When you see your advocate you should ask that they contact the Community Service Team to confirm they are representing you. Your advocate will normally be given a copy of the report before your Court appearance.

If you decide not to see an advocate then you are still allowed to read the report. You should contact the Community Service Team during the week before your Court appearance for an appointment to read the report.

Will the report be changed if I ask?

No. It is up to you or your advocate to explain to the Court if you do not agree with the report.

What will happen in Court?

The Court will have read the report and may ask you questions. The Court will decide whether the Order should continue and if so on what terms.

The Court may decide to:

- Extend the length of the Order and give you more time to complete your Community Service.
- Cancel the Order.
- Cancel the Order and re-sentence you for the original offence. In rare cases this could mean you are sent to prison or youth detention instead of completing your Community Service.

What happens if I do not attend Court for the hearing or leave the Island?

Failing to attend Court is a serious matter. The Court will normally order your arrest, although it may allow a bail option. When you appear you will have to explain to the Court why you did not attend on your hearing date. The Court may decide to punish you for not having attended Court.

If you also fail to maintain contact with the Community Service Team or do not report for Community Service appointments then you may be returned to Court for breaching the terms of the Order.

What if I have any other questions?

The Community Service Team will try to answer any questions you may have. Please contact the Team if you need any help.

This space is for your notes:

GUERNSEY PROBATION SERVICE

COMMUNITY SERVICE

REVIEW INFORMATION LEAFLET

Information about your Community Service Order

A REVIEW BY THE COURT

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