

## Dementia



### What is dementia?

Dementia is an umbrella term for a range of progressive conditions that affect the brain. Each type of dementia stops a person's brain cells (neurones) working properly in specific areas, affecting their ability to remember, think and speak.

There are over 200 different types of dementia. Alzheimer's disease is the most common, followed by vascular dementia. Different types of dementia cause damage to different parts of the brain, and therefore, have different symptoms. Each person is unique and will experience dementia in their own way.

People often associate dementia with memory loss, but while this is the case for some, there are many other symptoms, including:

- Problems with concentration.
- Difficulty following a 'train of thought'.
- Difficulty following conversations.
- Problems with word-finding.
- Difficulties making decisions and judgements.
- Difficulties with eating, drinking and swallowing.
- Changes in personality or behaviour; becoming withdrawn.
- Difficulties with visual perception and spatial awareness.
- Literacy and numeracy difficulties.
- Problems with perception, orientation and movement.

The speed at which dementia progresses will depend on the individual person and what type of dementia they have.

### Impact in legal proceedings

As memory loss is a common symptom of dementia, an issue that can arise in terms of court is that an individual may not remember facts about an event and this could impact on their ability to plead, give instructions and give evidence.

Other difficulties could include:

- Difficulty understanding court proceedings and processes.
- Difficulty retaining information presented in court hearings.
- Difficulty following legal arguments and the thrust of evidence.
- Increased irritability, anxiety and emotional dysregulation.
- Difficulty concentrating in court.
- Difficulty reading court documents due to impaired literacy.
- Communication difficulties.
- Lack of mental capacity.

### Dementia & capacity

It is important to remember that the difficulties associated with dementia can affect an individual's capacity in legal proceedings.

The Mental Capacity Act (2005) states that an individual is *"unable to make a decision for [them]selves if [they] are unable to understand the information relevant to the decision, to retain that information, to use or weigh that information as part of the process of making the decision, or to communicate [their] decision"*.

# Tips & strategies

These tips may assist in both conferences and hearings. It is important to keep in mind that no two people with dementia are the same.

Adjustments and strategies should be implemented in a person-centered way.



**Ask about any strategies** your client finds helpful. For example, if they use a phone app to remember appointments, or use voice-to-text apps to support reading difficulties. Encourage and enable your client to put any helpful strategies into practice in conferences and at court. For example, any specific, practical steps could be raised at a [Ground Rules Hearing](#) to empower your client to make use of these tools during proceedings.



**Speak clearly and slowly**, using short sentences.



**Allow regular rest breaks**, particularly if your client appears to be fatigued or experiencing emotional dysregulation.



**Use lists and visual resources** to show different steps in proceedings or conference topics, to remind your client of the current court stage or subject at hand.



**Check your client's understanding frequently.** They may not always be aware when they have not retained or not understood important points. Read a [guide to checking understanding here](#).



**Allow extra time for your client to respond**, ensuring they do not feel pressurised during this time.



**Regularly recap information.** Do not expect your client to retain key points, even when these are repeated.



**Provide a simple written note** (or voice note, if your client has low literacy but can use a smartphone) after conferences and hearings to help them retain key information. Learn how to produce [easy read documents here](#).



**Arrange a familiarisation visit to the courtroom.** Use this opportunity to explain who sits where, what their roles are, what the hearing process is, and how your client can seek support, if needed.



**Seat your client close to family or friends**, if possible.



**Be conscious of the effects of fatigue**, which can impact attention, emotional regulation and cognitive abilities. If your client experiences increased fatigue at specific times of day, request that the court accommodates this. For example, the court could implement shorter court days, or schedule your client's evidence in the morning.

## Facts & statistics

**1 million**

people in the UK are expected to have dementia by 2025 ([Wittenberg et al, 2019](#))

**36%**

of people with dementia facing criminal proceedings were unfit to stand trial (in a limited study) ([Doron et al, 2017](#)).

## Further reading

### From the Communicourt blog

- [Dementia, capacity & the courts](#)

### From The Access Brief

- [How to create visual aids](#)
- [How to create easy read documents](#)
- [How to check understanding](#)
- [How to support literacy difficulties](#)
- [Intermediary assessments](#)
- [How can an intermediary assist at trial?](#)



If you, your client or their family members would like support with any aspect of dementia, the free

Dementia UK Helpline provides access to a dementia specialist Admiral Nurse on 0800 888 6678 (Mon-Fri: 9am-9pm, Sat-Sun: 9am-5pm) or via [helpline@dementiauk.org](mailto:helpline@dementiauk.org).

*"People with dementia often struggle in unusual, unfamiliar or stressful situations. Court procedures can often be complicated and hard to follow. In addition, people with dementia and their carers can feel lost or excluded from communications. It is essential that conditions are as relaxed and stress-free as possible in a court setting."*

*"People with dementia should be afforded extra time in communication to process information. Oral or written communications need to be delivered at a pace that the person can cope with. It may well need to be offered in bite-sized chunks that are easier to comprehend".*

**Paul Edwards**, Director of Clinical Services - Dementia UK

## Intermediary services

If you are concerned about your client's ability to communicate effectively and participate in legal proceedings, Communicourt can help.

We will assess your client to understand their communication needs and how these might affect them in court. Your client does not need to have a diagnosis. Our reports will identify any particular communication issues and make bespoke recommendations to help you and your client throughout proceedings.

If intermediary assistance is recommended, one of our highly trained intermediaries can be there throughout proceedings to facilitate those recommendations.

**Intermediaries are mostly funded by HMCTS, with no charges or payments required by legal representatives.**

### How to book an intermediary

- 1 Refer online.** Refer your client for an assessment through [our online portal](#) (5 minutes).
- 2 Funding.** We send a quote for you to send to Legal Aid / HMCTS to approve (24 hours).
- 3 Book assessment.** Once funding is approved, please let us know. We will schedule an assessment (2-6 weeks).
- 4 Assessment will** take up to 3 hours and can be conducted in person or remotely. You will then receive a report (7 days).
- 5 Book dates** for hearings or conferences. We will send you booking forms to be signed by the court. Once signed, we will book the intermediary.