

Depression



What is depression?

Depression is a low mood disorder. It affects your ability to do everyday things, feel pleasure or take interest in activities that you normally enjoy.

Every person who experiences depression is different. Your client's presentation may vary considerably depending on their background, age, ethnicity, gender and other factors.

It's also important to remember that not every individual experiencing depression will have a formal diagnosis. It can affect individuals of all ages from children to elderly individuals. Your client may experience some of the following symptoms:

- Low mood, feeling sad
- Having less energy to do certain things
- Loss of interest or pleasure in activities they used to enjoy
- Loss of concentration
- Changes in sleep (this may typically include difficulty sleeping but in less typical cases some may sleep more than usual)
- Increased fatigue (or, in less typical cases, increased agitation)
- Appetite changes (commonly loss of appetite, though some may eat more than usual)
- Feeling guilty or worthless

- Feeling less positive about themselves (poor self-esteem)
- Feeling hopeless
- Thoughts about hurting themselves or ending their life
- Irritability (this is a particularly common presentation in children and young people).

There are different types of depression which can affect people and their communication in various ways, including recurrent depressive disorder, dysthymia (long term mild depression) and post-natal depression (among others).

Facts & statistics

3% of people in the UK have a diagnosis of depression (*Mind, 2022*)

50% of interviewed defendants had a lifetime history of depression (*Brown et al, 2022*)

5% of randomly sampled attendees at magistrate courts had depression (*Shaw et al, 2003*)

Sources

www.mind.org.uk, *Mental Health Facts & Statistics*, Accessed: September 2022.

Brown, P. et al (2022). *Prevalence of mental disorders in defendants at criminal court*.

Shaw, J. et al (2003) *A screening questionnaire for the detection of serious mental illness in the criminal justice system*,

Effects of depression in legal proceedings

In conferences and in court, someone experiencing symptoms of depression may have:

- Difficulty concentrating and maintaining their attention for prolonged periods of time.
- Difficulty regulating their emotions. Your client may be more easily overwhelmed by emotions or may find it more difficult to cope in stressful situations (they may become tearful or agitated).
- Difficulty expressing their emotions to others.
- Difficulty with their memory and retaining information from conversations.
- Difficulty making decisions.
- Lack of engagement or loss of interest.
- A negatively biased thinking style (more likely to notice or remember negative things).

Strategies to assist a court user who has depression



Encourage your client to take breaks to re-regulate their emotions, if they become emotionally dysregulated. A code word or break card could be used, to allow your client to easily communicate when they need a break or time alone.



Your client may have strategies they have learned to manage their emotions. Ask about these, accommodate them and encourage your client to use them. Emotional management strategies will typically be explored during an [intermediary assessment](#) and recommendations may be incorporated into an intermediary report or made at a [Ground Rules Hearing](#).



Offer pens, paper, fidget objects or colouring books, which your client can use to help manage their emotions during more challenging discussions.



Tell your client in advance what they should expect from a meeting, phone call or hearing. A resource such as a timetable of what will be discussed could help prepare them.



Regularly recap key points from discussions and hearings to assist your client to retain the information.



Provide simple written notes which record key information from each meeting or hearing day, if your client has the required level of literacy. If they have difficulties with literacy, strategies like sending voice note recaps may be helpful.



Allow extra time for your client to process and respond to questions, both in conferences and during any evidence they may give. They may experience reduced attention or difficulties with decision-making.



Use visual aids (such as flow charts, mind maps or pros and cons lists) to display key information which impacts decision making. Tools of this nature can help your client hold important details in mind and ensure all aspects are taken into consideration (not only negatives). Learn more about [using visual aids here](#).



Arrange for an appropriate supportive person to attend meetings and/or hearings with your client. This may be a trusted friend or family member not involved in proceedings. Request permission from the court for this supportive individual to attend hearings and (if possible) sit with your client.

Further reading

- The Advocate's Gateway - [Toolkit 12: Planning to question someone with a suspected \(or diagnosed\) mental health disorder](#)
- ANDY - [Resources for young people with mental health difficulties](#)
- Dr Shirley Reynolds - [Free online training & resources for professionals](#) working with adults with mental health difficulties
- Mind – [The courts and mental health](#) (for defendants)
- Amaya Rees – "[How depression affects my ability to communicate](#)": *Insight into the impact of depression on communication through the author's lived experience.*
- Keller et al., 2019 – [Paying attention to attention in depression](#)

From The Access Brief

- [Supporting emotional regulation](#)
- [Intermediary assessments](#)

With thanks to Professor Stella Chan

This resource was created in collaboration with Professor Stella Chan (*Charlie Waller Chair in Evidence-based Psychological Treatment, University of Reading*).



Her work has a particular focus on mental health in young people, an area which requires specific consideration: *"Young people's own self-reports are not always consistent with the observers' reports (e.g. by parents or teachers). Where possible it is important to speak to the individuals themselves in addition to people who support them (e.g. parents or carers). There are many resources available for young people"*.

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.