

Does my client need an intermediary?



It's not always easy for legal professionals to identify when an intermediary assessment is required for their client. In some cases, mental health, engagement and other factors can complicate the picture. In other instances, a client may have a diagnosis which can affect communication but may feel this condition is well managed.

The truth is that there is no exact 'checklist' or rule of thumb which can be applied when you suspect your client could have a communication difficulty. This is why [intermediary assessments](#) can be very helpful.

By exploring all key communication domains, these assessments will identify areas of relative strength and difficulty, providing a clear communication profile for your client. If you are not sure whether to request an intermediary assessment, it may be helpful to consider the following points.

Communication difficulty indicators

Although there is no 'one size fits all' guide to identifying communication needs, the following presentations may indicate that your client requires intermediary assessment:

- They often agree when asked if they understand but cannot explain information back to you when asked to do so.
- They frequently misunderstand or forget information.

- They struggle to maintain attention, often losing focus, becoming fidgety, physically restless or easily distracted.
- They regularly digress from the topic of conversation to discuss unrelated subjects.
- They often give "yes", "no" or non-verbal answers which do not demonstrate clear understanding of (or engagement with) the conversation.

The role of diagnosis

It is important to be aware that a client who reports a diagnosis of a learning disability, a learning difficulty, Attention Deficit Hyperactivity Disorder (ADHD), autism, stroke, Traumatic Brain Injury (TBI), schizophrenia, Post-Traumatic Stress Disorder (PTSD), anxiety - or other conditions - may have communication needs.

However, in some cases, individuals with formal diagnoses may not have communication needs which require intermediary assistance. For example, they may use medication or have learned strategies to effectively manage communication difficulties.

It may help to consider the following points:

- A client with a communication-related diagnosis may have learned masking strategies. Their difficulties may be more marked than they appear.
- Asking your client how their diagnosis affects them in their everyday life may offer insight.

- Asking your client about their experiences in conferences and court hearings may also help inform this decision.
- Remember that your client may not feel comfortable discussing or disclosing their diagnosis, symptoms or communication difficulties, or may lack insight into their needs.
- A client who does not have diagnoses may also have communication difficulties.
- If you are uncertain about a client's communication needs, an intermediary assessment can provide detailed information about their communication profile.

Further reading

- The Advocate's Gateway - [Toolkit 10: Identifying vulnerability in witnesses and parties and making adjustments](#)

From The Access Brief

- [Intermediary assessments](#)
- [How can an intermediary assist at trial?](#)
- [ADHD in legal proceedings](#)
- [Developmental Language Disorder \(DLD\) in legal proceedings](#)
- [PTSD in legal proceedings](#)
- [Autism in legal proceedings](#)
- [Brain injury in legal proceedings](#)
- [Learning disability in legal proceedings](#)
- [Schizophrenia in legal proceedings](#)
- [Anxiety in legal proceedings](#)
- [Stroke and legal proceedings](#)
- [Dementia and legal proceedings](#)

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.