

## Epilepsy



### What is epilepsy?

Epilepsy is a common health condition which can cause seizures, resulting from bursts of electrical activity in the brain.

Seizures can vary from person to person. A person with epilepsy may collapse, stiffen up and become tense; have 'absences' where they stare blankly and appear unresponsive; have fits where they jerk and shake, or experience unusual bodily sensations like tingling limbs or phantom smells.

Some (but not all) people will lose consciousness when they have a seizure. These bursts of electrical activity can have a temporary impact on how the brain works, triggering symptoms in addition to the seizure itself.

These symptoms may affect areas of the brain involved in understanding, organisation, communication and other cognitive skills. The symptoms may be temporary, affecting the individual for a limited period of time after the seizure. In rare cases, prolonged seizures can cause permanent damage to areas of the brain.

### Epilepsy & communication

Every individual with epilepsy is different and may experience different effects as a result of seizures. However, when communication skills *are* affected, your client may have difficulty with:

- **Attention** – They may find it hard to pay attention, listen or engage in an activity.

- **Comprehension** – They may have difficulty understanding what someone is saying, and/or struggle to understand environmental cues or routines.
- **Expression** – They may find it challenging to communicate. This could be due to slurred speech, difficulties with 'finding the words' they need to express themselves, unclear syntax (spoken grammar) or social communication difficulties (following typical communication 'rules').

It's also important to consider the possible impact of epilepsy medication upon your client's attention and communication skills during court proceedings. A number of common medications can cause drowsiness, a lack of energy, lightheadedness and fatigue

### Facts & statistics

**1%** of people in the UK have epilepsy

**66%** of working age people with epilepsy are unemployed. The disability employment gap disproportionately affects those with the condition.

**60** different types of epileptic seizure have been identified. An individual may experience more than one type.

#### Source

Epilepsy Action [Website] <https://www.epilepsy.org.uk/>  
Accessed: September 2022

# Tips for legal professionals



**Learn about your client's epilepsy.** How does epilepsy affect them? Do they have seizures? What type of seizures do they have? Do they know of any triggers? What is their concentration like? What medication do they take and when? Are there any side effects?



**Consider the environment.** Will your client be affected by the lighting or other triggers? If they fall when they have seizures, are they near any hard surfaces? Are they near an exit so they can leave quickly, if necessary? Can a quiet conference room with adjustable lighting be booked at court to aid their recovery?



**Implement emergency breaks,** if your client reports or shows signs of an imminent seizure. A tool such as a 'break card' may help them to self-advocate.



**Discuss with the court measures to be taken in the event your client has a seizure.** For example, some clients will be unable to meaningfully participate for the remainder of the day due to cognitive effects.



**Request shorter court days** for clients who experience fatigue and/or difficulties with maintaining attention due to the condition or their medication.



**Consider the timing of your client's evidence.** They may, for example, experience increased fatigue after taking their medication first thing in the morning.



**Monitor their presentation.** If your client has seizures which manifest as a 'blank stare', it may be challenging to detect.



**Provide a simple written note** of topics and key points from meetings and hearings, in case anything was missed.



## Further reading

- [Cognitive–Linguistic Functions in Adults With Epilepsy: Preliminary Electrophysiological and Behavioral Findings](#) (Dutta et al, 2020)
- [Memory, executive function and language function are similarly impaired in both temporal and extra temporal refractory epilepsy—A prospective study](#) (Rai et al, 2015)
- [Psychosocial difficulties in people with epilepsy: A systematic review of literature from 2005 until 2010](#) (Quintas et al, 2012)

## From Communicourt

- [“Being a Me with Epilepsy”](#) - Communicourt intermediary Florence Roberts-Bowman on her personal experience of epilepsy, with reflections on the possible impacts of epilepsy on court users.
- [Epilepsy and how it affects communication](#) (Communicourt blog)
- [Supporting attention difficulties](#)
- [Intermediary assessments](#)
- [How can an intermediary assist at trial?](#)

## Signposting

If you, your client or their family members would like support with any aspect of epilepsy, there are many organisations which provide information and assistance, including:

- [Epilepsy Action](#)  
Also offer a helpful [short video on providing seizure first aid](#).  
Helpline: 0808 800 5050
- [Epilepsy Society](#)  
Helpline: 01494 601 400
- [Young Epilepsy](#)  
For children and young people with epilepsy.

## 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.