

Pre-sentence Interviews & communication difficulties



What is a pre-sentencing interview?

A pre-sentencing interview (or probation interview) is a convicted person's opportunity to provide important information to the court ahead of their sentencing hearing.

Their ability to understand questions and provide clear narratives may affect the recommendations of their pre-sentence report and, ultimately, the sentence the judge passes.

At this stage, the convicted person will need to meet with an (often) unfamiliar probation officer and provide lots of information about themselves, including details of their past, their current lifestyle, the factors which contributed to their crime, their feelings about what happened and other important sentencing considerations.

Possible communication difficulties

Every individual with a communication difficulty is different, with a unique profile of communication strengths and needs. Some common difficulties at this stage may include:

- **Difficulty understanding different question types**, including long questions, questions with multiple parts and questions containing negatives. They may be suggestible and, therefore, more likely to erroneously agree to tag questions and interrogative statements.

- **Difficulty discussing abstract concepts**, such as how victims may have felt, or how others may have been affected.
- **Difficulty providing a clear account**. They may struggle to provide detailed and coherent information about their background, or events surrounding the crime.
- **Difficulty maintaining attention or managing emotions**. These issues may prevent them from engaging with important discussions and questions. These presentations may be negatively perceived.

Communication tips

The strategies required to support an individual with communication needs during a pre-sentence interview will vary considerably depending on their communication profile. An intermediary assessment will provide insight into the person's strengths and difficulties and make bespoke recommendations to support them at all stages of proceedings.

The following general tips may be of assistance:

- **Use simple vocabulary and short sentences**. Imagine speaking in bullet points.
- **Do not assume understanding**. If a legal term or more complicated vocabulary is used, provide a simple explanation and check understanding with a comprehension question like, "What is remorse?". Learn more about [checking understanding here](#).

- **Use direct, single-matter questions.** Start each question with a question word (e.g., why, where, who, how, did). Ask about one thing at a time (e.g., “Did you call her?”, “Did you text her?” instead of, “Did you call and text her?”).
- **Incorporate interactive tasks.** For example, if discussing a series of events, draw each stage on a post-it note and work with the individual to put them in order to establish a clear sequence.
- **Use visual resources to explain abstract concepts.** For example, simple stick people with thought bubbles can be used to help the individual reflect on the thoughts and feelings of others affected by their crime. Learn more about [using visual aids here](#).
- **Consider requesting an intermediary** to assist. An intermediary can be booked to attend probation interviews at the judge’s request.

Intermediaries at pre-sentence interviews

If the pre-sentence interview takes place on the same day as a verdict is reached, the intermediary can be asked to remain to assist (no additional booking needs to be made).

An intermediary can also be booked to attend a separate pre-sentencing interview on a future date (subject to judicial approval and completion of a further booking form).

The intermediary role at this stage is purely to facilitate communication between the probation officer and the person with communication needs, not to discuss any legal matters. The intermediary cannot give the individual advice about what they should say or how they should behave during their interview. They cannot discuss the case or possible sentencing outcomes without counsel present.

Whilst probation officers will have experience in interviewing individuals with communication needs, they are not communication specialists. An intermediary can work to facilitate communication, allowing the probation officer to focus on their role.

Providing the intermediary report to the probation officer prior to the interview may also assist.

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.