

Sentencing & communication difficulties



Whether sentencing takes place immediately after a verdict or at a separate sentencing hearing, defendants with communication needs are likely to face a number of difficulties which impede their understanding of important information.

Every client with a communication difficulty is different, with a unique profile of communication strengths and needs. Some common difficulties include:

- **Difficulty understanding court terminology** used at this stage of proceedings such as “mitigating”, “aggravating”, “consecutive” and “concurrent”.
- **Difficulty understanding abstract concepts**, such as how factors like “intent” and “culpability” can impact their sentence.
- **Difficulty understanding time concepts** e.g., the length of a sentence and how much of that sentence will be custodial.
- **Difficulty maintaining attention or managing emotions**. These issues may prevent your client from engaging with important information which arises during the hearing.
- **Difficulty providing their advocate with clear information** about possible mitigating factors.

Each of the possible difficulties above may result in issues such as mitigations not being addressed, increased emotional dysregulation during hearings

and conferences, poor understanding of the sentencing process, poor understanding of the outcome and poor understanding of any conditions or orders placed upon your client - which can result in non-compliance.

Communication tips

The strategies you implement to support a client with communication needs during a sentencing hearing will vary considerably depending on their communication profile. An [intermediary assessment](#) will provide insight into your client's strengths and difficulties and make bespoke recommendations to support them at all stages of proceedings.

The following are general communication strategies which may be of assistance:

- **Use simple vocabulary and short sentences**. Imagine speaking in bullet points.
- **Do not assume understanding**. If you are using a legal term or more complicated vocabulary, provide a simple explanation and check understanding with a comprehension question like, “What is mitigation?”. Learn more about [how to check understanding here](#).
- **Provide simple written information** your client can review following the hearing (if they are able to read). This will assist them to retain key points. Our [guide to preparing easy read documents](#) may assist when preparing this resource.

- **Draw simple timelines** to show the length of the sentence and the time your client will serve.
- **Use visual resources** to explain abstract concepts. For example, stick people with thought bubbles can be used to discuss the concept of “*intent*”. Learn more about [using visual aids here](#).
- **Incorporate interactive tasks**. For example, work with your client to make a two-column list of aggravating and mitigating factors to explain what the judge must consider.

Intermediaries at sentencing hearings

If sentencing takes place on the same day as a verdict is reached, the intermediary assisting your client can be asked to remain to assist at this stage of proceedings (no additional booking needs to be made).

An intermediary can also be booked to attend a separate sentencing hearing. In some cases, a judge may also approve the attendance of an intermediary at probation interviews for pre-sentence reports.

- If your client has been assisted by an intermediary for the duration of their trial but sentencing has been adjourned for a later date, the court will need to issue a new booking form in order for an intermediary to attend the sentencing hearing.
- Communicourt endeavour to maintain intermediary consistency, however, there is not a guarantee that the same intermediary that attended for trial will be available for sentencing. We have a robust handover process and all of our intermediaries are skilled at building rapport quickly.
- An intermediary can also be requested to attend a pre-sentencing interview with the probation service.

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.