

Intermediary assistance throughout a trial



When are intermediaries approved for a full trial?

An intermediary may be approved to assist throughout a full trial when a defendant has communication difficulties or differences which will prevent them from following the thrust of evidence and from meaningfully participating in proceedings.

When can an intermediary assist?

An intermediary can assist at all stages of proceedings including:

Conferences



These may take place at court or on a separate occasion at a solicitors' office, at prison or remotely. If allocated to a whole trial, the intermediary will assist during any conferences which take place during the court day.

Intermediaries can also be booked to assist at standalone conferences. At pre-trial conferences, your client may be required to understand complex legal advice and give clear instructions on how they would like to proceed. The intermediary can assist with simplification, visual aids, comprehension checking and

implementing strategies to ensure your client has understood the possible outcomes of their decision.

At conferences held during a trial, the intermediary can check and support your client's understanding of matters which arise during proceedings and assist with other important discussions (such as whether to give evidence).

Ground Rules Hearings



An intermediary can present the findings of the intermediary report to the court and make recommendations to accommodate your client's

communication difficulties. They can answer any questions arising and support the court to implement adaptations that will support your client's participation.

During the trial



An intermediary can assist your client to follow proceedings and understand the case against them as the trial progresses.

This may include assisting them to follow and understand opening and closing speeches, oral evidence (including from expert witnesses), legal directions given to the jury and legal arguments.

Intermediary strategies will vary depending on each case and each defendant's individual communication needs. The intermediary may:

- Explain unfamiliar vocabulary and legal concepts using simple verbal explanations and visual aids.
- Summarise evidence in real-time in simple terms.
- Note comments made by your client to share with their legal team.
- Make simple notes to recap in conferences (or for the defendant to take away at the end of each court day).
- Assist your client to follow documents referred to in court.
- Monitor your client's attention, emotional management and understanding, appraising the court of any difficulties and advising on measures to support participation.
- Assist your client to give their best evidence.

During evidence



An intermediary may provide recommendations and advice regarding question style to all advocates in advance of your client's evidence.

An intermediary can also monitor questions as they are put to your client, to ensure the questions can be easily understood and that your client is able to give their best evidence.

At this stage, the intermediary will monitor your client's presentation, providing advice to the court to support their participation, as required.

If questions in advance are approved by the court, the intermediary may review proposed questions, providing feedback and suggestions to counsel, in advance of the defendant's evidence.

Sentencing hearings



At this stage in proceedings, an intermediary can assist your client to understand the sentence which is being imposed and any 'rules' which may apply (e.g. the terms of a non-molestation order).

They may use strategies including creating easy-read versions of important documents, like a Sexual Harm Prevention Order, to help ensure your client understands the steps they must take and rules they must follow.

Pre-sentencing interviews



If permitted to do so, an intermediary can assist during probation interviews conducted to inform a pre-sentencing report. The intermediary can assist the

probation officer to communicate effectively with your client. They can also assist your client to understand the purpose of the interview, to understand questions asked of them and to provide a clear response, minimising the risk of miscommunication.





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.

Further reading

- The Advocate's Gateway - [Toolkit 16: Intermediaries step-by-step](#)
- Judicial College - [Equal Treatment Bench Book](#)
- [Youth Justice and Criminal Evidence Act 1999](#)

From The Access Brief

- [Ground Rules Hearings](#)
- [Legal Conferences](#)
- [Giving Evidence](#)
- [Sentencing Hearings](#)
- [Pre-Sentence Interviews](#)
- [Questions in Advance](#)

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.