

Intermediary assessments



What is an intermediary assessment?

An intermediary assessment is requested when concerns arise regarding an individual's ability to instruct their lawyers, understand and participate in court proceedings and communicate effectively during hearings (including during any evidence they may give). These concerns may be raised in a psychology report, or by a court user's legal team.

The assessment comprises a number of tasks, designed to explore a wide range of communication areas, including your client's attention, auditory working memory capacity, receptive vocabulary, understanding of verbal information, literacy and ability to express themselves.

Once the assessment is complete, the intermediary will provide an intermediary report to the court within five working days.

What is in an intermediary report?

An intermediary report will typically include:

- **A recommendation regarding intermediary allocation.** *Please note, Communicourt does not recommend an intermediary in all cases. Your client's difficulties may be too severe for an intermediary to meaningfully improve their access to proceedings. Alternatively, they may have communication strengths which mitigate their communication needs, particularly with court adaptations (which will be detailed).*

- **A summary** of your client's communication profile.
- **Recommendations to support their communication** at all stages of proceedings, if required (including in cases in which an intermediary is not recommended but some adaptations the Court can implement will support more effective participation).
- **Detailed findings** exploring each area of communication.

Does my client need an intermediary assessment?

It can be challenging to ascertain whether your client requires an intermediary assessment. In some cases, difficulties interacting with a client may not be related to an underlying communication need. In other situations, an individual with a communication need may be adept at masking their difficulties.

An intermediary assessment may be requested because an individual has a diagnosed learning disability, learning difficulty, neurodiverse condition or mental health condition. However, a formal diagnosis does not always mean an intermediary is required to assist. Equally, an individual without a formal diagnosis may present with considerable communication difficulties and require intermediary assistance.

Indications that your client may have a communication need include under-informative responses, unclear instructions, poor focus,

frequent miscommunication, poor retention of information, low literacy and difficulties with emotional regulation. Learn more about identifying the [signs of possible communication need here](#).

Arranging an intermediary assessment

Before an assessment can be booked, the court must approve funding for the assessment to take place. Once this funding has been confirmed, an assessment will be booked at the next available opportunity.

Conducting assessments in person ensures that the assessor gains the greatest possible insight into your client's communication profile. However, remote assessments can be arranged, where circumstances require this.

In person assessments must take place in a professional setting with a member of staff on-site. Suitable locations include a solicitor's office, Local Authority office, barrister's chambers, mother and baby unit, secure unit or prison.

Preparing your client

It can be very helpful to provide information about the assessment to your client in advance. It may assist to show them this [simple explainer video](#) or [flyer](#). We recommend sharing the following practical information:

- The assessment will last around 2 hours. But it can be longer or shorter.
- You can ask for a break or ask to stop at any time.
- You do not need to talk about your case.
- Taking part in the assessment is your choice. You can say yes or no.
- The intermediary assessment will not affect your case in any way. It is only to make sure you have the right support at court.

Further reading

- Criminal Procedure Rules 2020- Section 18.28: [Content of the Intermediary's Report](#)

From The Access Brief

- [Does my client need an intermediary?](#)
- [How can an intermediary assist at trial?](#)
- [Ground Rules Hearings](#)
- [Expert witnesses & intermediaries: key differences](#)
- [Intermediary assistance during evidence](#)
- [Working with clients who have an Official Solicitor](#)

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.

Intermediaries are mostly funded by HMCTS, with no charges or payments required by legal representatives.