

## The roles of intermediaries and advocates



### What is an advocate?

Not to be confused with a legal representative (e.g., a barrister or solicitor advocate), advocates provide extra support to people across a wide variety of settings. Their work can range from helping a client to access relevant information (e.g. about housing or health), to contacting other services or professionals on the individual's behalf and accompanying them to meetings and appointments.

Advocates may specialise in a particular sector or situation. They may also work with a particular group of people (for example people with a learning disability), supporting individuals across several areas of life.

### Overlapping roles

There are similarities between the intermediary and advocate roles when supporting an individual at court. Both professionals:

- Facilitate an individual's participation in legal cases.
- Are not legally trained or able to give legal advice.
- Are not able to offer personal opinion on a case.

However, there are also some important differences between these roles:

- **Impartiality** - Intermediaries are impartial and their duty is to the court. An advocate's duty is to their client.
- **Familiarity and rapport** - Intermediaries only work with clients during the intermediary assessment, at hearings and in legal meetings. Advocates will often have a longer term working relationship with their clients, assisting them in a variety of situations and settings.
- **Areas of expertise** - Intermediaries have a knowledge of court processes, vocabulary and concepts. They are communication specialists with experience supporting people with a wide range of communication difficulties in this specific setting. Advocates, by contrast, often have established relationships with the people they assist. They commonly have experience of supporting the individual emotionally and are familiar with their signs of emotional dysregulation.
- **In legal conferences** - Intermediaries work to ensure that your client understands all advice or information provided by their legal representative. They also assist individuals to communicate clearly with their legal team. An intermediary will provide verbal explanations of legal concepts and break down information into simpler pieces. Advocates may have a longer-term working relationship with an individual. They may remind the person of points or questions they wished to raise, that

have been discussed outside of court. They may also tell the legal representative information that their client has asked them to share.

- **During hearings and evidence** - An intermediary can raise recommendations set out in the intermediary report with the judge at a [Ground Rules Hearing](#). They will work to implement strategies which support your client's understanding, attention and participation at all stages of a trial or hearing, including their evidence. The intermediary will monitor the effectiveness of strategies, providing updates and further recommendations to the court.

Advocates can offer reassurance and emotional support during proceedings and may redirect questions about court to the intermediary and may fulfil other helpful roles, such as taking notes for their client. Advocates do not assist during a client's evidence.

- **Outside of court and conferences** - Intermediaries work solely within the courts and related meetings e.g. a client's meeting with their solicitor. They cannot assist outside of this remit, as this would impact the intermediary's impartiality. Advocates can assist outside of court to help someone to participate in proceedings. This may include providing help with transport, assisting the individual to purchase food and helping them to contact relevant people (or contacting them on their behalf).

## Working together

It is important that advocates and intermediaries understand each other's roles when supporting someone together in court. They should work effectively and without causing confusion. Some tips to aid this include:

- Discussing the boundaries of each role, e.g. neither can give legal advice, advocates cannot address the court and intermediaries cannot assist outside of court.

- Agreeing how to explain the different roles to the client, for example by using a simple verbal explanation and/or visual aid.

## 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.

### 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.**