

Intermediary assistance during evidence



Giving evidence is often one of the most crucial stages in your client's case. At this point, their understanding of questions and their ability to provide clear answers is of paramount importance. Unclear responses or misinterpreted questions can result in their evidence appearing contradictory, evasive or unreliable to a magistrate, judge or jury.

The assistance of an intermediary during your client's evidence can help ensure that questions and answers are communicated clearly, miscommunication is minimised, and your client is supported to give their best evidence.

Preparing for evidence

A [Ground Rules Hearing](#) is an important part of ensuring your client is enabled to give their best evidence. It is recommended that a Ground Rules Hearing takes place even in cases where an intermediary is not approved.

During the Ground Rules Hearing, the intermediary (if approved) can provide recommendations that will assist your client during their evidence. They will present a rationale for these recommendations with reference to the intermediary report and any observations they have made of your client when working with them.

Recommendations made at this stage may include:

- **Special measures** (e.g. the use of screens, pre-recorded evidence, video live-link etc).
- **Advice regarding question style**

- **Provision of [questions in advance](#)** by all advocates for review by the judge and/or intermediary.
- **Frequency and management of breaks** during your client's evidence.
- **Measures to assist when documents are referred to** (for clients with literacy or attention difficulties etc).
- **Use of resources** such as anxiety rating scales, break cards, visual timelines, fidget objects to suetc.
- **Any specific adaptations required by your client** (for example, how they will communicate if they have difficulty doing so verbally).

A familiarisation visit to the location from which your client will give evidence can help them to gain a better understanding of the evidence-giving process, and help them feel more at ease (supporting emotional regulation).

The intermediary can introduce your client to the setting and the evidence-giving process. They can explain and practice giving the oath or affirmation and review the 'rules' of giving evidence (e.g. say if you don't know the answer, say if you don't understand the question).

Your client can practice standing in the witness box (or other evidence-giving location) and answering neutral questions from their counsel (e.g., "What did you have for breakfast?") with the assistance of the intermediary.

During evidence

Breaks can help ensure your client is best able to attend to, process, understand and respond to questions, without losing focus or becoming overloaded.

Monitoring attention and emotional regulation is an important aspect of the intermediary role at this stage. During your client's evidence, the intermediary will monitor their presentation and notify the court when a break is required, to ensure they are best able to attend to, process and respond to questions throughout.

There may be occasions when an urgent unscheduled break is required, for example, if the service user is having difficulty regulating their emotions. Having observed your client over the course of the proceedings (or gained insight from the case notes of previous intermediaries) the intermediary can identify signs of difficulty and raise them as necessary.

Monitoring questions as these are put to your client is an essential aspect of the intermediary role during evidence. The intermediary will listen carefully to the questions and intervene when a question is linguistically too complex for your client to reliably understand. If required, the intermediary can suggest simplifications or provide supplementary explanations to your client, to ensure they understand questions clearly.

Written documents, maps and other materials can pose difficulties during your client's evidence. The intermediary can assist them to navigate the bundle and advise the court regarding strategies to ensure your client has understood the evidence which they are being questioned about.

Visual aids such as simplified timelines and calendars can assist your client if they have difficulty discussing times and dates, for example. These resources can help your client provide clearer responses during their evidence. The intermediary can develop resources to be approved by all parties and the judge in advance of their use during evidence.

Additional strategies, such as using 'break' and 'I don't understand' cards, can also be implemented by the intermediary to assist your client.

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.