

# Pre-sentence reports and communication difficulties



## COMMUNICATION DIFFICULTIES & PRE-SENTENCE INTERVIEWS

A pre-sentencing interview (or probation interview) is a convicted person's opportunity to provide important information to the court ahead of their sentencing hearing. Their ability to understand questions and provide clear narratives may affect the recommendations of their pre-sentence report and, ultimately, the sentence the judge passes.

At this stage, the convicted person will need to meet with an (often) unfamiliar probation officer and provide lots of information about themselves, their past, their current lifestyle, the factors which contributed to their crime, their feelings about what happened and other important sentencing considerations

Every individual with a communication difficulty is different, with a unique profile of communication strengths and needs. Some common difficulties at this stage may include:

- **Difficulty understanding different question types**, including long questions, questions with multiple parts and questions containing negatives. They may be suggestible and therefore more likely to erroneously agree to tag questions and interrogative statements
- **Difficulty discussing abstract concepts**, such as how victims may have felt, or others may have been affected
- **Difficulty providing a clear account**. They may struggle to provide detailed and coherent information about their background or events surrounding the crime
- **Difficulty maintaining attention or managing emotions**. These issues may prevent them from engaging with important discussions and questions

## COMMUNICATION TIPS FOR PRE-SENTENCE INTERVIEWS

The strategies required to support an individual with communication needs during a pre-sentence interview will vary considerably depending on their communication profile. An [intermediary assessment](#) will provide insight into the person's strengths and difficulties and make bespoke recommendations to support them at all stages of proceedings. The following general tips may be of assistance:

- **Use simple vocabulary and short sentences**. Imagine speaking in bullet points
- **Use direct, single-matter questions**. Start each question with a question word (e.g. *why, where, who, how, did*). Ask about one thing at a time (e.g. *"Did you call her?"*, *"Did you text her?"* instead of, *"Did you call and text her?"*)
- **Do not assume understanding**. If a legal term or more complicated vocabulary is used, provide a simple explanation and check understanding with a comprehension question like, *"What is remorse?"*. [Learn more about checking understanding here](#)
- **Incorporate interactive tasks**. For example, if discussing a series of events, draw each stage on a post-it note and work with the individual to put them in order to establish a clear sequence
- **Use visual resources** to explain abstract concepts. For example, simple stick people with thought bubbles can be used to help the individual reflect on the thoughts and feelings of others affected by their crime
- **Consider allocating an intermediary** to assist. An intermediary can be booked to attend probation interviews at the judge's request.

Communicourt is the largest Managed and Approved Service Provider of intermediaries for defendants and respondents, in criminal and family courts. We passionately believe that everyone has a right to a fair trial.

**Communicourt**  
communication matters in the courts

## How we can help you



### INTERMEDIARIES AT PRE-SENTENCE INTERVIEWS

If the pre-sentence interview takes place on the same day as a verdict is reached, the intermediary can be asked to remain to assist (no additional booking needs to be made). An intermediary can also be booked to attend a separate pre-sentencing interview on a future date (subject to judicial approval and completion of a further booking form).

The intermediary role at this stage is purely to facilitate communication between the probation officer and the person with communication needs, not to discuss any legal matters.

The intermediary cannot give the individual advice about what they should say or how they should behave during their interview. They cannot discuss the case or possible sentencing outcomes without counsel present.

Although probation officers will have experience in interviewing individuals with communication needs, they are not communication specialists. An intermediary can work to facilitate communication, allowing the probation officer to focus on their role. Providing the intermediary report to the probation officer prior to the interview may assist.

### REQUESTING AN INTERMEDIARY ASSESSMENT

Before an intermediary can be approved to assist your client at any stage of proceedings, an intermediary assessment must be conducted.

An intermediary assessment can provide professionals and the court with more insight into your client's communication strengths and difficulties, and how these may impact them at all stages of proceedings, including their pre-sentencing interview.

We compile comprehensive communication reports which identify issues and make bespoke recommendations to help you and your client, even in cases where an intermediary is *not* recommended.

If an intermediary is recommended, one of our highly trained intermediaries can attend proceedings to facilitate those recommendations, meaning you can focus on your job.

Our experience means we can recommend solutions that make a tangible difference and support the justice system in getting a fair result.

### HOW TO GET SUPPORT



#### BOOK ONLINE

Refer your client for an assessment through our online booking system [communicourt.co.uk](http://communicourt.co.uk)

5 minutes

#### FUNDING

We will send you a quote that you need to send to HMCTS and Legal Aid for them to approve funding

24 Hours

#### BOOK THE ASSESSMENT

Once you have funding in place, please let us know. We will then arrange an assessment

4-6 weeks

#### ASSESSMENT

The 3 hour assessment can be carried out in person or remotely. You will then receive a report

7 days

#### BOOK COURT DATES

We will send booking forms which must be signed by the court. Once received we will then book your intermediary

Throughout the trial