

How to check understanding



What is comprehension checking?

“Do you understand?” and “Does that make sense?” are questions which are asked very frequently in legal conferences. When working with clients who have communication difficulties, the problem with questions of this type is twofold:

- **Your client may agree without understanding** because they feel embarrassed about not understanding, struggle to seek support when they need it or simply wish to leave the meeting. They may feel uncomfortable with unfamiliar legal professionals or find it difficult to express an alternative view.
- **Your client may not realise that they do not understand.** For example, they may lack insight into their difficulties, they may have misunderstood, or they may have lost focus and missed some of the information provided to them.

Comprehension checking means going beyond the surface to directly explore your client’s understanding; moving from “Do you understand?” to “What do you understand?”.

How to check understanding

Direct, specific comprehension questions are one of the most effective methods of checking understanding and retention of information.

For example, after an explanation of a Special Guardianship Order, ask: “*What is a Special Guardianship Order?*”, rather than, “*Do you understand the SGO?*”. In criminal proceedings, swap questions like, “*Have you understood the Lucas Direction stuff?*” to “*So, what is the Lucas Direction all about?*”.

This ensures the individual expresses what they have understood, so that their understanding can be checked and, where necessary, further explanation can be provided.

Troubleshooting comprehension checking

Although direct comprehension questions are a simple and often highly effective approach to checking understanding, in some cases, it can be challenging to implement.

Some clients may feel patronised or ‘put on the spot’ by this strategy. In these cases, it may help to:

- **Explain why you are using the strategy:** “*It’s really important that your legal team gives you all the information you need to make decisions. This is to check we have explained everything properly*”.
- **Ask for your client’s opinion** to open up the conversation, in order to assess their understanding more organically: “*What did you think about X?*”.

- **Use a more informal, conversational approach** after building rapport: *“So, what was all that about?”*.
- **Feign ignorance**, to allow your client to ‘fill in the blanks’: *“What did the judge say about X again? I missed it”*.

Other clients may have expressive difficulties which make it challenging for them to put their true understanding using into words.

In these cases, it may help to:

- **Ask more specific questions:** *“What did the doctor say about X?”*, *“What does that mean?”*, *“Why is that important?”*.
- **Give multiple options**, including a distractor item: *“Does consecutive mean: one after the other, at the same time, or no prison time?”*.
- **Use visual aids** to support their expression (e.g., if discussing court roles, use a plan of a courtroom to allow them to point to different areas and professionals). Read our [visual aids ‘how to’](#) here.

Don’t assume understanding

Just as legal professionals should never assume “yes” means that an individual with a communication difficulty has understood, there are other presentations which we should not assume demonstrate understanding. These include:

- Nodding during explanations.
- Making sounds of engagement during explanations, (e.g., *“Mhmm”*).
- Echoing parts of the explanation (e.g., repeating the final clause: *“Yeah, like the social worker said”*).

Checking understanding takes more time than assuming understanding but helps ensure that individuals with communication needs have the

information required to fully understand proceedings.

This can help them to make more informed decisions, give clearer instructions and feel more confident engaging with proceedings (among many other advantages).

Intermediary services

If you are concerned about your client’s ability to communicate effectively and participate in legal proceedings, Communicourt can help.

If intermediary assistance is recommended and approved by the judge (following an [intermediary assessment](#)), an intermediary can attend conferences and hearings to assist your client.

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.