

Anxiety



What is anxiety?

Anxiety disorder is a mild to severe feeling of unease, worry or stress that is constant and interferes with everyday life. Anxiety feels different for everyone. It can cause both psychological and physical symptoms. Anxiety often co-occurs with other mental health conditions. It can affect individuals of all ages, from children to elderly people.

There are many different types of anxiety. These conditions are often interlinked and can co-occur. Some types of anxiety include:

- **General Anxiety Disorder (GAD)**, the most common type of anxiety.
- **Phobia**, triggered by a specific stimuli, like being in a crowded place.
- **Panic disorder**, in which the individual experiences panic attacks.
- **Social anxiety disorder**
- **Health anxiety**

It's important to remember that anxiety is different from fear. There are many situations in which most people would feel worried, nervous, on edge or afraid. When people have an anxiety disorder, these feelings are much more intense (often disproportionate to the situation) and may last for longer and are less manageable.

It's also important to be aware that not every

client who has an anxiety disorder will have a diagnosis. There are many reasons why an individual may not have a diagnosis, including a range of socioeconomic and cultural factors.

Effects of anxiety during legal proceedings

Every person with anxiety is different. Your client's presentation may vary considerably depending on their background, age, ethnicity, gender or the type of anxiety they have. They may experience some of the following:

- Difficulties with concentrating and focusing
- Difficulty 'taking in' information
- Restlessness, increased body movements, fidgeting
- Worrying about anxiety, e.g. fearing having a panic attack.
- Rumination – constant, repetitive thoughts about something.
- Physical symptoms, such as chest palpitations, headaches, nausea.
- Heightened anxiety, which may seem disproportionate to the situation
- Emotional dysregulation, which may present in varied ways, from tearfulness to irritability.

Strategies to assist a court user who has anxiety



Create an action plan about what the individual would like to do if they experience heightened anxiety or have a panic attack. It may be helpful to raise this plan with the court, so that the correct process can be followed, and your client feels empowered to follow the plan, if needed (e.g., the judge could overtly grant permission for your client to leave the room without requesting a break).



Be clear about what is expected to take place each day. This can be explained verbally and/or with a visual court timetable.



Conduct a familiarisation visit to the courtroom. The roles of court professionals and who will sit where can be explained so your client knows what to expect.



Take frequent breaks to assist your client to regulate their emotions.



Use an anxiety scale to monitor their presentation and help indicate when a break may be required.



Repeat key information and provide simple written notes to help with processing and retention. A simple 'court diary' may assist.



Explore what they can do in breaks to help them manage their anxiety. This will be different for each client. Common strategies include going outside, colouring, breathing exercises or listening to music.



Adapt the court environment and formalities. The following measures may assist: Informal introductions to court professionals outside of the courtroom, use of first names during proceedings, removal of wigs and gowns (in criminal proceedings), adjustments to seating positions (e.g., seating a defendant outside of the dock or seating all participants on the same level – without use of the judge's bench).

Recommendations that may assist during evidence



Permit the individual to give evidence from an alternative location, where their anxiety may be better managed, for example, from behind a screen or via video-link. Giving evidence in a traditional courtroom setting can be particularly challenging for people with anxiety.



Arrange a familiarisation visit to the witness box (or alternative location). They can practice answering neutral questions, practice the oath or affirmation and revisit the 'rules' of giving evidence.



Pool questions to be asked by one advocate to reduce the amount of time that the individual is required to give evidence (*this recommendation is more frequently implemented in family courts*).



Take more frequent breaks to support with emotional regulation during evidence. Anxiety is likely to be particularly heightened during this part of proceedings.



Ask short, direct, simple questions to ensure the individual is best able to understand and answer clearly. Avoid an adversarial tone.

Intermediary assistance for court users with anxiety

An intermediary can work with your client to identify strategies which help to reduce and alleviate the impact of their anxiety disorder upon their communication and their understanding during proceedings.

It is important to note that intermediaries are communication specialists, their role is not to provide emotional or mental health support. However, in some cases, anxiety can have a significant impact upon communication. An intermediary can make recommendations and facilitate strategies to support in this area.

Further reading

- The Advocate's Gateway - [Toolkit 12: Planning to question someone with a suspected \(or diagnosed\) mental health disorder](#)
- ANDY - [Resources for young people with mental health difficulties](#)
- Dr Shirley Reynolds - [Free online training & resources for professionals working with adults with mental health difficulties](#)
- Mind – [The courts and mental health](#) (for defendants)
- MindWell – [How to help someone having a panic attack](#)
- 5-4-3-2-1 Method - [Mindfulness grounding technique](#)
- 5 Finger Breathing – [A grounding exercise](#)

From The Access Brief

- [Supporting emotional regulation](#)
- [Intermediary assessments](#)

Facts & statistics

6% of UK adults have a diagnosis of Generalised Anxiety Disorder (GAD) (*Mind, 2022*)

49% of people in prison reported being at risk of anxiety or depression (*Her Majesty's Prison & Probation Service, 2017*)

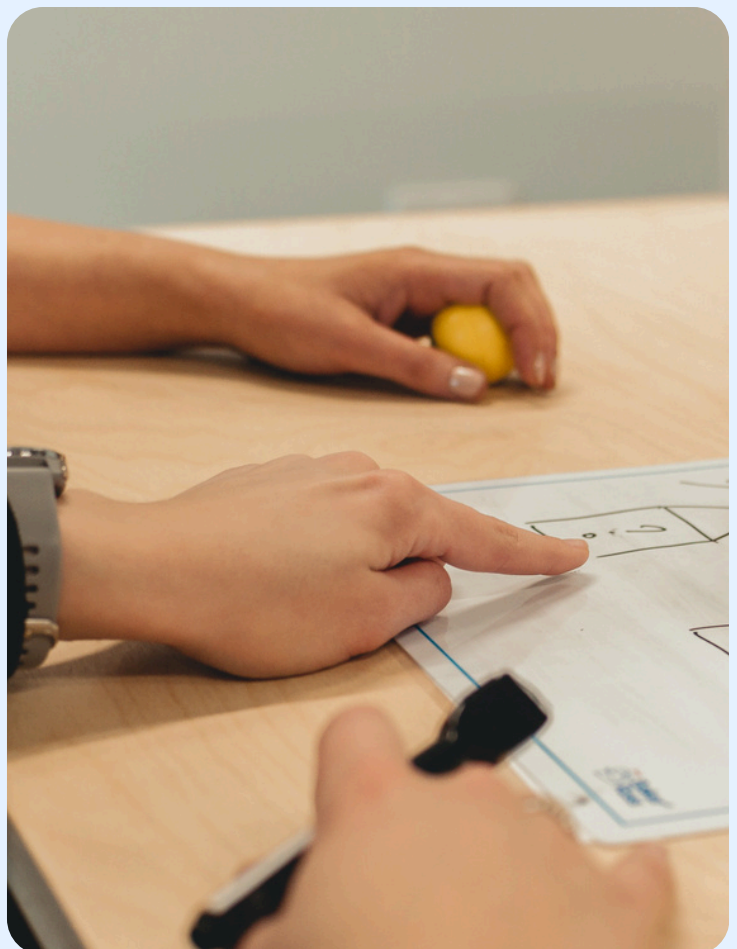
68% of women with mental health problems and 57% of men are parents (*Royal College of Psychiatrists, 2016*)

Sources

www.mind.org.uk, *Mental Health Facts & Statistics*, Accessed: September 2022.

Her Majesty's Prison & Probation Service, NHS England and Public Health England (2017) *Mental health in prisons HC 42 SESSION 2017–2019*. London: National Audit Office.

Royal College of Psychiatrists (2016) *Parental mental illness: The impact on children and adolescents. Information for parents, carers and anyone who works with young people*. Accessed: September 2022



With thanks to Professor Stella Chan

This resource was created in collaboration with Professor Stella Chan (Charlie Waller Chair in Evidence-based Psychological Treatment, School of Psychology & Clinical Language Sciences, University of Reading).



Her work has a particular focus on mental health in young people, an area which requires specific consideration:

“Young people's own self-reports are not always consistent with the observers' reports (e.g. by parents or teachers). Where possible it is important to speak to the individuals themselves in addition to people who support them (e.g. parents or carers). There are many resources available for young people”.

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.