

The Registered Intermediary's court report

The report for the court is used in two main ways:

- it will be taken into consideration by the prosecution, defence and the court when the application for examination of a witness/defendant through an intermediary is made.
- it will advise the prosecution, defence and the judge about how best to communicate with the witness/defendant at the trial.

Registered Intermediary duties while at court

These include:

- will not discuss any aspect of the case with the witness/defendant.
- will not alter the questions put but will suggest an alternative form of question, if required, to facilitate understanding.
- will not examine or cross-examine the witness/defendant.
- will communicate the witness's/defendant's reply to questions as given to the court as accurately as possible, however irrelevant or illogical it appears.
- will not interpret answers.

- will not protect the witness/defendant from distressing questions.
- will not change the substance of the evidence.
- will not act for the prosecution or defence.
- the Registered Intermediary is responsible to the court and is an officer of the court.

The legislation

The Registered Intermediaries Scheme operates in all courts sitting across Northern Ireland.

The relevant provisions relating to the examination of a vulnerable person through an intermediary are Articles 17 and 21BA of the Criminal Evidence (NI) Order 1999.

Further information

For further information on Registered Intermediaries, please contact the Intermediaries Schemes Secretariat:

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Registered Intermediaries

assisting vulnerable witnesses and defendants with communication difficulties in the criminal justice system

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What are Registered Intermediaries?

Registered Intermediaries are professionals with specialist skills in communication. They can come from backgrounds such as speech & language therapy and social work.

They have been recruited and selected by the Department of Justice and have successfully completed accredited training (Masters level).

The Registered Intermediaries:

- are subject to a Code of Practice and a Code of Ethics.
- have a Procedural Guidance Manual to follow.
- are subject to a complaints procedure.

Who is eligible for Registered Intermediary assistance?

A person who has a significant communication difficulty may need the assistance of a Registered Intermediary during the criminal justice process if their communication deficits would diminish the quality of their evidence (in the case of witnesses) or mean that they would be unable to participate effectively in proceedings as a witness giving oral evidence (in the case of defendants). The person's communication difficulties could arise due, for example, to a learning disability, social communication difficulty (e.g. autism), mental health issue, neurological disorder or a physical disability, or by virtue of their young age.

Principles of Registered Intermediary practice

The following are some principles which apply to Registered Intermediary practice:

- the Registered Intermediary is impartial, neutral, objective and transparent in what they do. Their paramount duty is to the court.
- the Registered Intermediary will not take on a case where they assess that the witness/defendant does not require their assistance to communicate.
- the Registered Intermediary does not express an opinion on the truth or the reliability of what the witness/defendant has said.
- the Registered Intermediary does not express or offer an opinion as to whether the defendant is guilty or not guilty.

Function of the Registered Intermediary

The function of the Registered Intermediary is to facilitate communication during the police investigation and at trial between the vulnerable witness/defendant and others in the criminal justice process, such as police officers and advocates.

What does the Registered Intermediary do?

- conducts an assessment of the vulnerable witness's/defendant's communication abilities and needs.
- provides the investigating police officer with a preliminary report to enable planning for the interview.
- is present at the interview in order to advise and assist with communication.
- writes a report for court about the communication needs of the witness/defendant.
- is involved in a Ground Rules Hearing with the trial judge and advocates to discuss and agree the recommendations in their court report.
- assists with communication when the witness/defendant is giving evidence.

The Registered Intermediary's assessment

The Registered Intermediary will:

- evaluate the abilities and needs of the witness/defendant, including whether they have the ability to communicate their evidence during a police interview and at court.

- evaluate whether they have the necessary skills to act as a Registered Intermediary for that witness/defendant.
- ascertain if the witness/defendant needs a Registered Intermediary.
- consider if the witness/defendant would be able to give evidence at all even with their assistance.

The Registered Intermediary assessment may include:

- mode of communication (verbal, visual, activity)
- extent of vocabulary (verbal/sign/symbol)
- attention span (including concentration)
- abstract/concrete words
- likely response to open/closed questions
- maximum number of key words in a question
- compliance and suggestibility
- temporal concepts (before/after/last)
- spatial concepts (in/on/over/under/in front/behind)
- narrative/sequencing