

Using intermediaries in care proceedings to ensure the effective participation of vulnerable clients.

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Triangle is an independent organisation enabling children and young people (up to age 30) to communicate about important things, especially in legal proceedings.
Our vision is to reposition children and young people in society as competent communicators and active agents in their own lives.
In the last 20 years we have worked with over 10,000 children and young people across the UK, through intermediary, advocacy, consultancy, specialist support, interviewing and expert opinion services.

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In summer 1997 Ruth and Mary set up an organisation that could do things differently and

in December 1997 Triangle was created, with Ruth, Mary, Marcus and Mike as directors.

Triangle was initially set up with three areas of work – (the triangle!) Nationwide training, expert opinion and consultancy and local support work with children and young people within their communities.

Triangle has always been an independent organisation; not part of any government department, charity or voluntary agency.

In 2000 triangle rented the Knoll Business Centre as its first office. Main triangle work was nationwide training and consultancy and support work and expert opinion

Triangle evolved to what work was required and in 2007 Ruth trained as an intermediary. Triangle moved to Hunns Mere Way in Brighton in 2008.

In 2013 triangle built links with Teesside University and recruiting and training intermediaries

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An intermediary, put very simply
facilitates communication
between
a witness, defendant or party
and
others in the justice process

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An intermediary, put not so simply
facilitates **two way** communication
between
a witness: a **prosecution witness or a defense witness or the defendant as a witness or a party**
or a defendant **throughout the trial/hearing**
and
others in the justice process: **police, legal teams, witness service, and/or the court**

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Intermediaries facilitate communication in criminal and family proceedings

<p>Tell me like I'm 14 Intermediaries help young people explain things to the police and the courts. We will get to know you and see how you do your thinking and how you use your words. We will tell the police and the court the best way to ask you things. We can sit with you and help when you talk to the police or the court. Our job is to make sure everybody understands each other.</p>	<p>Tell me like I'm 4 Intermediaries help children explain important things. We will do playing and drawing and jobs to get to know you. We will help when you talk to other people like the police. We will come with you if you go to court. Our job is to make sure everybody understands.</p>
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Rv Cokesix Lubemba, R v JP [2014]

- **Key concepts:** Advocates must adapt to the witness; Ground Rules Hearings required; time limit can be put on child's evidence; children can be questioned
- 'Advocate must adapt to the witness, not the other way round.

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Use of Intermediaries in Family Courts

- Follow same basic procedure to Criminal Court;**
- Meets vulnerable person and assesses communication needs
 - Writes report for Court about how best to communicate with the vulnerable person
 - Attends Ground Rules Hearing to discuss and agree approach
 - Can check advocate's planned questions in advance of cross-examination if required
 - Facilitates communication with vulnerable person throughout proceedings and during cross examination

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- The intermediary process is quite different for family and criminal work, but every case starts with an assessment of the vulnerable person's communication needs and abilities. This is not just an assessment of receptive and expressive communication (how someone understands and conveys information) but also looks at how we may need to assist with managing their emotional state in court. Assessments are usually carried out at a solicitor's office, although during the pandemic, we have had to adapt the way we work and we have successfully assessed using various video platforms. (KC, Triangle Intermediary)

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The Process

- If the assessment is done at very short notice, we may be required to go straight into a trial or hearing and give verbal recommendations. We would usually be provided with some background information but this varies widely, it may be a psychological report or it may be a complete court bundle.
- We will then write a report for the court, setting out our recommendations for communication in court and legal meetings. This will include the need for breaks, type and length of questions, things to be avoided, and will take into account any medical diagnosis and how that may affect communication.

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One size doesn't fit all

- Each intermediary report is person centered.
- Although all intermediaries complete an in-depth training and development programme, we are individual practitioners.
- Important to adapt our way of working to each individual vulnerable person.
- What works with one person does not always work with another.

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What works well?

- Working as an intermediary in the family courts is a very different experience from working in the criminal courts and, as a result, often requires a different skill set. There could be merit in having dedicated FI only intermediaries because of this. (FQ, Triangle Intermediary)
- Because of the length of these cases, it is even more important to ensure continuity of intermediary where possible as the vulnerable person often experiences changes in counsel and social workers during proceedings.

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What works well?

- Establishing good rapport with the vulnerable person is essential.
- Likely to be lengthy proceedings so a good rapport is key to this relationship.
- Important to ask at assessment whether that person feels they would be able to work with you.

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What works well?

- Communication is also key. Not just between intermediary and vulnerable person but essential counsel are involved.
- If taking over a case, it is essential that time is spent building rapport.
- This can vary a lot from being kept fully informed in discussions to being pretty much ignored.
- Seeing a positive relationship between professionals gives the vulnerable person confidence. (JM, Triangle Intermediary).

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Adapting to COVID-19

- Remote Hearings – a lot of varying feedback from colleagues.
- In some instances, can be beneficial to vulnerable person.
- Access to technology issues were a regular occurrence in the beginning as we all know.
- At times assumptions made about a vulnerable person's access and proficiency with technology.
- Short hearings where issues are clearly defined and intermediary has already met client can be ok.

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Adapting to COVID-19

- However, best practice is to be present in the same location to monitor understanding and emotional state.
- Hearings where the vulnerable person and intermediary are in separate locations undermines our value. (JM, Triangle Intermediary).
- Above point echoed recently by a judge at Canterbury.
- Large % of communication is non-verbal – important to be able to see each other.



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Adapting to COVID-10

- Difficulties have arisen when previous hearings over the last 2 years have been remote.
- Now vulnerable clients being asked to attend in person and don't understand why when they have previously attended remotely from solicitor's office/chambers/LA offices with their intermediary. (JW, Triangle Intermediary)
- FFH hearing all remote including giving evidence but FH to be in person.



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What could be improved?

- GRH should always include the intermediary whether in criminal or family proceedings.
- Doesn't happen as often as it should.
- Not always an issue until a rule is broken or intervention is required.
- Can be seen as "being difficult".
- Flexible approach to Ground Rules.
- Situations may arise that had not been accounted for.
- May need to re-visit.



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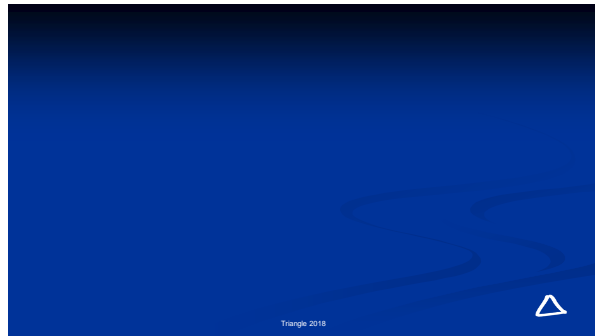
What could be improved?

- Helpful to consider availability of intermediary when setting future court dates as well as counsel and other professionals.
- Allow intermediary to review questions prior to cross exam.
- Again, doesn't always happen.
- Bear in mind recommendations in report.
- Adequate notice to review Q's. 500+ the night before xx!!

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Triangle 2018



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