

## Registered Intermediaries in Court

- Section 14 of the Criminal Evidence Act 1992, as amended sets out the law on when an intermediary can be applied for to be used in court. An application can be made to use an intermediary:
  - for a victim of any offence, where the victim is under 18
  - for a victim of any offence, where the victim is over 18 but has a communication challenge
  - for a witness who is under 18, where they are to give evidence in a trial of a relevant offence.
- Registered Intermediaries are professionals with specialised skills in communication. They have professional backgrounds such as speech and language therapy, social work, clinical psychology and occupational therapy.
- The role of an intermediary is to assist vulnerable witnesses with communication difficulties to communicate with those in the justice system more effectively, which may be on account of a disability, age or other factor as determined by the Court.
- The need for an intermediary may become apparent at any time from the first report of an offence, requested by the Office of the DPP, and through the Criminal justice process. At any point throughout a criminal investigation or court proceedings, where a potential communication challenge has been identified, an assessment as to whether an intermediary is needed or not may be conducted.
- Eligible professionals can apply to join the Register of Court Intermediaries and must provide proof of training and professional indemnity cover. All information is available on <https://www.courts.ie/organisation-information/registered-intermediaries-register>
- Once a vulnerable individual has been identified as having a communication challenges, the registered intermediary conducts an assessment of the individual's communication abilities and needs.
- The registered intermediary will write a report for either the Office of the DPP or the court, depending on when the report is requested, advising on the most effective and appropriate communication method to use in regard to the vulnerable individual's communication needs.
- The report is confidential and is intended only for the parties and the court involved in the case. The report is a free standing document for advice only. It is not evidence in the case and is not given to the jury.

- For work done on the preparation and writing of the assessment report when sought by the prosecution **prior to any court appearance (pre-trial hearing)** , an intermediary should submit an invoice to the Office of the Director of Public Prosecutions for reports commissioned by that office.
- Once approved by the **Presiding Judge** and appointed for use in Court once the case is before the court, the Courts Service will be responsible for payment of the Registered Intermediary. All travel must be approved in advance with the office manager that the court hearing is taking place. **Courts service will only accept invoices** in the format at Appendix 3 'Sample Invoice and Breakdown' aligned to Appendix 2 'Fees Payable Registered Intermediaries'
  - **N.B.** For work done in **Dublin and the Central Criminal Court (regardless of location)**, invoices must be sent to the Criminal Courts of Justice, Parkgate Street, Dublin to [ccjsupportservices@courts.ie](mailto:ccjsupportservices@courts.ie) . For all **other court work** invoices must be sent to the local court office where proceedings took place, a list of offices and office managers is published on the Courts Website
- It is not the responsibility of a registered intermediary to determine whether the witness is medically and/or psychologically fit enough to give evidence.
- It is not the responsibility of the registered intermediary to determine whether the benefits of giving evidence outweigh any potential adverse impact that it might have on the witness.
- The presence of a registered intermediary during the court proceedings seeks to ensure the questions put to a witness are appropriate to his or her age and communication needs.
- The registered intermediary is not an advocate for the witness, victim or defendant, and has a neutral role in the process.
- The registered intermediary is not an expert witness.
- A registered intermediary is an officer of the court, is independent in their role and does not act for either the defence or prosecution. They are impartial, neutral, objective and transparent in all that they do.
- Registered intermediaries are not direct employees of The Courts Service, the Department of Justice or any of the Criminal Justice agencies and work on a self-employed basis.
- The Registered Intermediaries Register is maintained by the Courts Service in consultation with the Department of Justice. The intermediaries on the Register may be used **in Court on the appointment and approval of the Presiding Judge only once a case is before the Court.**