

The Advocate's Gateway

CONTENTS

1.	Introduction	1
2.	Youth Justice	2
3.	Effective Participation: General Principles	9
4.	Effective Participation: A Fair Trial	9
5.	Effective Participation: Fitness to Plead	9
6.	Effective Participation: Abuse of Process	9
7.	Effective Participation: Post-Conviction	9
8.	Special Measures for Defendants	9
9.	Questioning	9
10.	Acknowledgements	9

The Advocate's Gateway is the owner or the licensee of all copy-right in this document. All rights reserved. You may read, print one copy, or download this document for your own personal use. You may not make commercial use of this document, adapt, or copy it without our permission. Every effort has been made to acknowledge and obtain permission to use any content that may be the material of third parties. We will be glad to rectify any omissions at the earliest opportunity. Use of this Toolkit is subject to our terms of use.

The Advocate's Gateway toolkits aim to support the early identification of vulnerability in witnesses and defendants and the making of reasonable adjustments so that the justice system is fair. Effective communication is essential in the legal process. The handling and questioning of vulnerable witnesses and defendants are specialist skills.

These toolkits draw on the expertise of a wide range of professionals and represent best practice guidance; they are not legal advice and should not be construed as such.

1. INTRODUCTION

All children and young people (those under 18) require special consideration by virtue of their age and developmental immaturity. Teenagers are at particular risk of miscommunication because of their reluctance to ask for clarification and adults' expectation of their ability to understand.

Particular care is needed where a young person has mental health problems, learning or other disabilities or speech and language difficulties. These issues are not always identifiable at an early stage.

A report by the **Prison Reform Trust** (Talbot, 2010) identified that for young people in the Youth Justice system:

- over 60 per cent have speech, language and communication needs;
- around 50 per cent have poor or very poor communication skills;
- around 40 per cent have mental health problems, most commonly conduct disorders, emotional disorders and attention disorders;
- around 60 per cent have a mild or moderate or borderline learning disability;
- around 43 per cent of 14-year-olds in custody have attention deficit hyperactivity disorder (ADHD);
- children who are or who have been looked after by the local authority are overrepresented in the criminal justice system;
- children in custody are often particularly vulnerable
- abuse, neglect and deprivation may impair intellectual and emotional functioning and delay physical development. Developmental immaturity affects children's capacity for decision-making. Many young defendants suffer from delayed brain development and impaired reasoning ability and may not be fully able to comprehend the seriousness or longer-term consequences of their criminal behaviour or the impact upon the victim (Vizard 2009).

Many young defendants have literacy problems, which may be associated with difficulty in understanding, processing and retaining information, and in organising an appropriate response to questions. They may be unable express themselves in order to give a coherent and accurate account and may be

unable to read their police interviews, the Oath and/or court orders. (For signs of communication needs, see *Sentence Trouble* by the Communication Trust).

The Judicial College has published guidance on dealing with youth defendants in the Youth Court (**Youth Court Bench Book**, updated to May 2023) and in the Crown Court (Youth Defendants in the Crown Court, updated to October 2023). They gather in one place everything relating to youth defendants that a Youth Court judge and a Crown Court judge needs to know. The Youth Defendants in the Crown Court guidance in particular takes account of the new Criminal Practice Direction that was published in 2023, the decision of the Court of Appeal (Criminal Division) in *R v ZA* [2023] EWCA Crim 596 on the proper approach to sentencing young defendants, and the contents of The Advocate's Gateway.

The Criminal Procedures Rules require the court to make the necessary adjustments to facilitate the participation of the defendant:

'In order to prepare for the trial, the court must take every reasonable step ... to facilitate the participation of any person, including the defendant.'

Criminal Procedure Rules (CrimPR) 2020, rule 3.8(3))

"Facilitating the participation of any person includes giving directions for the appropriate treatment and questioning of a witness or the defendant, especially where the court directs that such questioning is to be conducted through an intermediary."

CrimPR 2020, rule 3.8(6)

Many young people in the youth justice system have poor understanding and/or comprehension and may struggle to understand language in court if suitable adjustments are not made. Advocates should take care to avoid using legal words and phrases (offence, comply, alleged, appearing in court, remanded in custody) and everyday words used in a legal context (appear, bail, sentence) which may not be understood and may be misinterpreted:

'Much of the language used in court is highly formal and laden with jargon. As a result it is inaccessible to lay court users, and particularly children who appear in court as defendants or witnesses.'

Wigzell et al 2015

Even children who have a wide vocabulary and good speech may have poor understanding and their communication needs can be missed.

2. YOUTH JUSTICE

There is a clear principle in statute and domestic and European case law that defendants aged under 18 should be tried in the Youth Court. That is because the Youth Court is best designed to meet the specific needs of children and young persons.

There are exceptions to this principle. Some offences must be sent to the Crown Court (section 51A(2) **Crime and Disorder Act 1998**), for example. This applies to cases where the young person is charged jointly with an adult whose case is sent to the Crown Court for trial, (ii) is charged with homicide, (iii) is aged 16 or over and is charged with a firearms offence subject to a mandatory minimum sentence of three years, (iv) is charged with a 'grave crime' such that it ought to be possible to sentence him to two years' custody or more upon conviction, (v) is charged with a specified terrorism offence, or (vi) would meet the criteria for being a 'dangerous offender'.

At all times the court dealing with a youth defendant must have regard to the following factors:

- the principal aim of the youth justice system is to prevent offending by children and young persons: see section 37(1) **Crime and Disorder Act 1998** and the **Sentencing Council's Definitive Guideline, Sentencing Children and Young People (2017)**); and
- the welfare of the child, as an offender or otherwise: see section 44 **Children and Young Persons Act 1933**). The statutory obligation to have regard to the welfare of a child or young person includes the obligation to secure proper provision for education and training, to remove the child or young person from undesirable surroundings where appropriate, and the need to choose the best option for the child or young person taking account of the circumstances of the offence.

Youth defendant trials must proceed as expeditiously as possible as is consistent with the interests of justice and the fair trial provisions in Article 6 of the European **Convention on Human Rights**.

Reporting restrictions are automatic in the Youth Court (section 49 **Children and Young Persons Act 1933**, as amended by Schedule 2, para 3 **Youth Justice and Criminal Evidence Act 1999** (YJCEA)). In the Crown Court reporting restrictions are not automatic; the court would need to make a specific direction (section 45 **YJCEA 1999**). For more information see the Judicial College's guide to Reporting Restrictions in the Criminal Courts.

3. EFFECTIVE PARTICIPATION:

GENERAL PRINCIPLES

Article 6 **European Convention on Human Rights** guarantees the right to effectively participate in a criminal trial. A young defendant is at risk of not being able to participate effectively because of age and/or limited intellectual ability and it is therefore essential that young defendants are dealt with in a way which takes account of age, level of maturity and intellectual and emotional capacity, and that steps are taken to promote the young defendant's ability to understand and participate (**V v UK** [1999] ECHR 171, (2000) 30 EHRR 121, 30 EHRR 121).

At the police station, representatives should be aware that Code C **Police and Criminal Evidence Act 1984** (PACE) deals with the presence of appropriate adults and interpreters for interviews in custody. The entitlement to an appropriate adult now applies to those up to (and including) 17 years of age. There is no provision in Code C for the presence of an intermediary. Consideration may need to be given to the need for communication support to facilitate the interview process. The purpose of the appropriate adult includes to 'facilitate communication with the person being interviewed' (Code C, para 11.17).

Once court proceedings commence, defence representatives need to be alert to any factors affecting the defendant's ability to participate at all stages and request appropriate adjustments be made. The court will need to be provided with as much information as possible at the earliest stage in order to make case management decisions which do not impair the quality of the defendant's participation. This may include medical/expert/intermediary reports or information from those already involved with the young defendant such as his or her GP, teacher or support worker.

The court must ensure the effective participation of the youth defendant at all stages of the proceedings. Page 13 of the **Youth Court Bench Book** and Chapter 13 of the Youth Defendants in the Crown Court guide sets out the types of steps that can be taken to achieve that end.

Appropriate modifications to traditional language should be made so that the young defendant can follow all that is said throughout the entirety of the proceedings and not just during the trial. Opening and closing speeches, applications, submissions and rulings should all be made in language that the young defendant is capable of understanding.

Modifications to cross-examination should be discussed and agreed in advance of the trial and any limitations on questioning must be clearly defined and followed. If there is an intermediary, questions should be reviewed by the intermediary in advance. See **Toolkit 1** - Ground rules hearings and the fair treatment of vulnerable people in court and **Toolkit 16** - Intermediaries: step by step.

there is currently no statutory provision in force for intermediaries for defendants. Section 104 Coroners **and Justice Act 2009** (not yet implemented) creates a new section 33BA of the **YJCEA 1999** that would permit the examination of a defendant to take place through an intermediary. Currently, a court may use its inherent powers to appoint an intermediary to assist the defendant's communication at trial (either solely when giving evidence or throughout the trial) and, where necessary, in preparation for trial: Youth Defendants in the Crown Court, chapter 13-4.

A ground rules hearing is best practice where there is a young and/or vulnerable defendant with communication needs and/or mental health issues, regardless of whether there is an intermediary. Defence representatives should consider whether the defendant's presence at any pre-trial hearing is necessary and ask for the defendant to be excused if appropriate: Youth Defendants in the Crown Court, chapter 13-5.

It will be usual for a youth in the Youth, Magistrates' or Crown Court to appear in person in order to ensure proper engagement and any application for a live link will be dealt with on a case-by-case basis: see 'Live Link in Criminal Courts Guidance'. It may be in the interests of justice to allow or require a defendant to attend hearings (particularly preliminary hearings) by live link so as to avoid delays and disruption.

As well as the parties' representations, the court will wish to take account of any mental health or other medical assessment before deciding if a live link is in the interests of justice. Pre and post conferences between advocates and defendants may not be able to take place effectively by live link: where such conferences are desirable a live link is less likely to be in the interests of justice.

The advocate's duty is to the young client and it may be necessary to take instructions without the defendant's parent(s) being present.

4. EFFECTIVE PARTICIPATION: A FAIR TRIAL

In **R v ZA** [2023] EWCA Crim 596, the Court of Appeal reminded the Crown Court of the importance of facilitating the effective participation of a youth defendant and the various measures which should be employed to that end.

It is crucial that the court, whether it be Youth Court or Crown Court, adapts its procedures so as to ensure that a youth defendant can comprehend and participate effectively in the trial process.

Court familiarisation

"The court should give consideration to an opportunity for a youth defendant to visit, out of court hours and before the trial/sentencing hearing, the courtroom in which the hearing is to take place so that they can familiarise themselves with it. Any intermediary for that youth defendant should accompany the defendant on a pre-trial visit"

Criminal **Practice Directions (CrimPD) 2023**, para.6.4.2(b).

Prevention of intimidation

"The court must take such measures as are necessary to ensure that the defendant is not exposed to intimidation, vilification or abuse, particular in cases which may attract widespread public or media interest. The assistance of police should be enlisted"

CrimPD 2023, para.6.4.2(i)

Seating arrangements

"The trial should be held in a court room where communication is more readily facilitated. The court should give consideration to affording the youth defendant an opportunity (subject to security arrangements) to sit with family or other supporting adults in a place which permits easy, informal communication with their legal representatives. This is especially important where vulnerability arises by reason of age. The court should ensure that a suitable supporting adult is available throughout the course of the proceedings"

CrimPD 2023, para.6.4.2(d).

In the Youth Court the parties remain seated and the young defendant is referred to by his or her first name or preferred name.

Explaining proceedings

"Directions given at earlier hearings and at ground rules hearings must be followed and kept under review. Requirements for clear, concise and non-legal language apply not just to the questioning of defendants but throughout the trial – including speeches. Effective participation will not be achieved unless the defendant understands what is happening. At the beginning of the proceedings the court should ensure that what is to take place has been explained to a young defendant in terms that they can understand"

Youth Defendants in the Crown Court, paragraph 14-2E.

Timetabling and breaks

"The trial must be conducted according to a timetable which takes account of the defendant's ability to concentrate, any other identified needs and their welfare, as directed by the judge at the PTPH or ground rules hearing"

CrimPD 2023, para.6.4.2(e).

Wigs, gowns and uniforms in the Crown Court

In the Crown Court, the judge should consider whether robes and wigs should be worn, and should take account of the wishes of both a vulnerable defendant and any vulnerable witness. It is generally desirable that those responsible

for the security of a vulnerable defendant who is in custody, especially if he or she is young, should not be in uniform, and that there should be no recognisable police presence in the courtroom save for good reason.

CrimPD 2023, para.6.4.2(h)

Restricting the presence of member of the public

“The court should be prepared to consider restricting attendance by members of the public in the courtroom to a small number, perhaps limited to those with an immediate and direct interest in the outcome. The court should rule on any challenged claim to attend. However, facilitates for reporting the proceedings (subject to any reporting restrictions) must be provided. The court may restrict the number of reporters attending in the courtroom to such number as is judges practicable and desirable. In ruling on any challenged claim to attend in the courtroom for the purposes of reporting, the court should be mindful of the public’s general right to be informed about the administration of justice”

CrimPD 2023, para.6.4.5

5. EFFECTIVE PARTICIPATION:

FITNESS TO PLEAD

Although effective participation has developed separately to the issue of fitness to plead, the two are closely aligned. If a young defendant is not able to effectively participate, by being able to comprehend the charges and be actively engaged and involved in the process, he or she might not be fit to stand trial. However, fitness to plead hearings can only be held in the Crown Court. There is no specific procedure to determine fitness to plead in the Youth Court or Magistrates’ Court.

Section 37 **Mental Health Act 1987** (MHA) and section 11 **PCC(S)A** provide a mechanism for dealing with those who have or may have mental health issues. The court can consider whether the defendant ‘did the act or made the omission’ pursuant to section 37 **MHA**, and may also make an inquiry into the defendant’s physical ‘or mental condition’ before the method of dealing with him or her is determined (section 11 **PCC(S)A**).

This mechanism is available to the Youth Court although the legislation refers only to the Magistrates’ Court (**R (P) v Barking Youth Court** [2002] EWHC 734 (Admin)).

The court can at any time be invited to make an inquiry into any medical or mental condition by obtaining expert/specialist reports and/or information from those professionals who are already involved with the young defendant. The fact-finding hearing can be considered at any stage of the proceedings. Where a criminal trial has commenced and it becomes apparent that the defendant is unable to participate, the trial may be stopped and the court can consider whether to adopt the above mechanism and proceed to a trial of fact or whether proceedings should be stayed (**CPS v P** [2007] EWHC 946 (Admin)).

Section 37 **MHA** allows the Court to conduct a fact-finding hearing and make a finding ‘without convicting him’. The fact-finding hearing is not a criminal trial and the defendant will not participate as if it were one.

If there is a finding that the young defendant did the act (or made the omission) the court can make an order for hospital treatment, or guardianship if the young person is over the age of 16. There is no provision for any other disposal such as an absolute discharge, which is available only in the Crown Court.

The process has limitations: the question of fitness to plead is not specifically addressed by the legislation. The focus is on whether a condition requires treatment. The term ‘mental condition’ is restricted to a ‘mental disorder’ as defined by section 1 **MHA** as ‘any disorder or disability of the mind’ and so many difficulties affecting young defendants such as developmental impairment/immaturity or learning difficulties may not engage the provisions.

The provisions do not apply to non-imprisonable summary offences. The only course open to the court if the provisions are not engaged is to consider whether the young defendant can effectively participate, what steps might be needed to ensure he or she can and, if there are none, whether it is an abuse of process to continue with the trial.

6. EFFECTIVE PARTICIPATION:

ABUSE OF PROCESS

It may be that the youth defendant's difficulties are such that there will be a breach of Article 6 European **Convention on Human Rights** and the court can be invited to make a finding that it would be an abuse of the process of the court to proceed to trial or continue with a trial. Before such a finding is made all practical measures available to enable effective participation must have been exhausted. This should include consideration of whether an intermediary should be appointed for pre-trial hearings/trial preparation/trial process.

A trial is unlikely to be stayed where there is an apparent unfairness but it can be cured by the trial judge adapting the trial process (**R v Cox** [2012] EWCA Crim 549, [2012] 2 Cr App R 6). The court is entitled to commence the trial and keep the position under review.

A stay of the proceedings will be an exceptional course and is not likely to be ordered at the outset of proceedings. A stay at the outset of the proceedings is only likely where the young defendant is so severely impaired that he or she cannot participate and there is no useful purpose to be served by proceeding to the fact-finding stage (**CPS v P** [2007] EWHC 946 (Admin)).

A finding that a defendant is unfit to plead on one occasion will not mean that it is an abuse of process to prosecute that defendant on subsequent occasions. Questions of capacity are essentially of fact to be determined on the basis of the information available at the time and must be considered afresh on each occasion (**CPS v P** [2007] EWHC 946 (Admin)).

7. EFFECTIVE PARTICIPATION:

POST-CONVICTION

In **ZA** [2023] EWCA Crim 596, the Court of Appeal set out the following checklist of matters that will need to be addressed by the lawyers and the court when sentencing youth defendants:

- (1) Court listing should ensure that there is sufficient time for the judge, even if that judge heard the trial and knows the case well, to read and consider all reports and to prepare sentencing remarks in age-appropriate language.
- (2) Consideration should be given to listing separately, and as a priority, the sentence of any child(ren) or young person(s) jointly convicted with adult co-defendants.
- (3) The courtroom should be set up and arranged to ensure that the child or young person to be sentenced is treated appropriately, namely as a vulnerable defendant entitled to proper support. So far as possible the judge should be seated on a level with the child or young person, and the latter should be able to sit near to counsel, with parental or other support seated next to them (see further below).
- (4) Counsel must expect to submit full sentencing notes identifying all relevant Sentencing Council Guidelines, in particular any youth-specific guideline(s), addressing material considerations in an individualistic way for each defendant separately (if more than one young defendant is to be sentenced). Where an individualistic approach is mandated, as it is for a child or young person, a note which addresses all defendants compendiously risks missing important distinctions. These notes should be uploaded well in advance of the sentencing hearing.
- (5) The contents of the Youth Justice Service pre-sentence report and any medical/psychiatric/psychological reports will be key. Courts should consider these reports bearing in mind the general principles at section 1 of the overarching youth guideline, together with any youth-specific offence guideline, carefully working through each.
- (6) In general it will not be helpful to go straight to paragraph 6.46 of the overarching youth guideline without having first directed the court to general principles canvassed earlier in that guideline, as well as to any youth-specific guideline. The stepped approach in the overarching youth guideline and any youth-specific offence guideline should be followed.

Working through the guideline(s) in this way will enable the court to arrive at the most appropriate sentence for the particular child or young person, bearing in mind their individual circumstances together with the dual aims of youth sentencing.

- (7) If the court considers that the offence(s) is(are) so serious as to pass the custody threshold, the court must consider whether a YRO with ISS can be imposed instead. If it cannot, then the court must explain why.

The court has a duty to give reasons for a finding or decision and explain it in ordinary language. This includes the effect of the sentence; non-compliance with orders; the court's power to vary them; and failure to pay any fine.

After conviction, magistrates are encouraged to engage with the young defendant and their parents. Defence representatives and the court must bear in mind that many young people feel discouraged from speaking up and many lack the communication skills to do so. Careful preparation and support is required in order to engage them in this stage of the process and avoid feelings of alienation by using procedures intended to draw them in and help prevent re-offending.

Youth offending teams, community panel members and those involved with restorative justice must be made aware of any difficulties in communicating with the young defendant. Advocates should explain this part of the process and the questions the defendant might be asked so that the defendant can be prepared to respond. This aspect of the process is highly verbally orientated and so the use of drawings and symbols may be of considerable assistance. See: **Toolkit 14** - Using communication aids in the criminal justice system. If an intermediary is appointed, the intermediary may be able to assist in this part of the process.

8. SPECIAL MEASURES FOR DEFENDANTS

A live link direction under section 51 Criminal **Justice Act 2003** can be made for the duration of the trial including the youth defendant's evidence. All that is required is for the court to be satisfied that it is in the interests of justice for the youth defendant to take part in the proceedings

through a live link, taking into account 'Live Link in Criminal Courts Guidance'.

Although limited in the number of statutory special measures available to it to assist a defendant, the court has an inherent power – or perhaps more appropriately defined as a responsibility – to take whatever measures are appropriate and necessary to facilitate the defendant's effective participation in the trial and to ensure that the trial is fair: **CrimPR 2020**, r.3.2(2)(b).

The court is therefore required to make an assessment of the defendant's needs and to adapt the court processes accordingly. Facilitating participation includes enabling the defendant to give their best evidence, to comprehend the proceedings, and to engage fully with their defence. In addition to the adaptations to the court layout and procedure noted above, there would appear to be no reason why the court could not, for example, allow a defendant to give evidence from behind a screen: Youth Defendants in the Crown Court, page 98, para.47.

9. QUESTIONING

Advocates should refer to the toolkits relevant to the specific communication needs of the youth defendant including but not limited to **Toolkit 6** - Planning to question a child or young person and **Toolkit 12** - General principles when questioning witnesses and defendants with mental disorder. In addition, some general considerations are set out below.

The judge is responsible for controlling questioning. Over-rigorous cross-examination of any child witness should be stopped. This includes a young defendant. No court user should be put in a position where they face hostility or ridicule: **CrimPD 2023**, para.6.1.6.

Where limitations on questioning are necessary and appropriate, they must be clearly defined. The judge has a duty to ensure that those limitations are complied with and should provide the jury with an appropriate explanation for them. If an advocate fails to comply with the limitations, the judge should give relevant directions to the jury when this occurs and prevent further questioning that does not comply with the ground rules settled upon in advance: **CrimPD 2023**, para.6.1.7.

It is recognised that accommodating the needs of young and/or otherwise vulnerable people may require a radical departure from traditional cross-examination. The form and extent of appropriate cross-examination will vary from case to case. Where the defendant is young, the court may dispense with normal practice and impose restrictions on the advocate 'putting the case' particularly where there is a risk of a young defendant failing to understand, becoming distressed or acquiescing to leading questions: **CrimPD 2023**, para.6.1.8.

It may be appropriate for the judge to identify apparent inconsistencies to the jury rather than have them put in cross-examination: **CrimPD 2023**, para.6.1.9.

If there are co-defending representatives, which may mean that a youth defendant is subject to cross-examination by more than one advocate, the judge may need to limit the repetition of topics being put to the youth defendant: **CrimPD 2023**, para.6.1.10.

A young defendant may not be able to say if there is a problem with understanding: they may lack the ability to identify when they do not understand and are likely to be reluctant to say they are having a problem. Be alert to non-verbal clues to miscommunication, e.g. puzzled looks, knitted eyebrows, downcast eyes and long pauses. Defence mechanisms, such as shutting down, dissociating, outbursts and laughing are all observed in young defendants. See '**A Question of Practice**' – short training film.

Body language is very important and facial reactions, over-use or avoidance of eye contact should be observed.

The young defendant's understanding should be checked by asking further questions. Encourage the young defendant to use language they are comfortable with by asking 'What word would you use for X?'; do not just ask 'Do you understand?'

Young defendants' difficulties may include lack of maturity, embarrassment or nerves. Silent gaps should not be filled with further questions or remarks.

The most significant factor in effective communication is the ability to tailor questions to the young defendant's needs and abilities enabling him or her to understand the questions and give answers that he or she believes to be correct. This requires considerable skill and is very different from conversation with young people in the family context.

It involves advance preparation as well as the ability to respond flexibly during cross-examination. Where there is an intermediary, questions should be provided and reviewed in advance.

GOOD PRACTICE EXAMPLE

Taking account of the young defendant's needs may mean further adaptation or even abandoning of pre-planned questions:

- speak slowly and allow the young person enough thinking time to give a full answer;
- ask short, simple questions, one idea at a time, following a logical, chronological order;
- use 'what/who/when/where' questions;
- avoid 'why' questions;
- use simple, common, concrete and unambiguous words (the literal meaning);
- use names rather than pronouns such as he/she;
- repeat names, places and objects often;
- signpost the subject and explain when the subject is about to be changed;
- check directly on understanding, using simple words;
- avoid question types which carry a high risk of being misunderstood or producing unreliable answers, such as: leading/'tag' questions which make a statement and then add a short question inviting confirmation; other forms of assertion, including questions in the form of statements, which may not be understood as questions; and questions containing one or more negatives.

10. ACKNOWLEDGEMENTS

The toolkit summarises key points from research and guidance including:

- Association of Chief Police Officers, Guidance on the Safer Detention and Handling of Persons in Police Custody (2nd edition ACPO and National Policing Improvement Agency 2012)
- Criminal Practice Directions 2023
- Criminal Procedure Rules 2020
- Crown Prosecution Service, 'Policy guidance on venue representations'
- Fairclough, S, "It doesn't happen ... and I've never thought it was necessary for it to happen": barriers to vulnerable defendants giving evidence by live link in crown court trials' International Journal of Evidence and Proof, published online 18 October 2016.
- Guidance for HMCTS Staff, Registered and Non Registered Intermediaries for Vulnerable Defendants and Non Vulnerable Defence and Prosecution Witnesses (Her Majesty's Courts and Tribunals Service, 2014)
- Judicial College, Equal Treatment Bench Book (2018) Law Commission, Unfitness to Plead (Law Com No 364 2016)
- Senior Presiding Judge's Protocol, 'Sexual offences in the Youth Court' (2010)
- Sentencing Council, Overarching Principles – Sentencing Children and Young People (2017)
- Talbot, J, Seen and Heard: Supporting Vulnerable Children in the Youth Justice System (Prison Reform Trust 2010)
- Vizard, E, 'How do we know if young defendants are developmentally fit to plead to criminal charges – the Evidence Base in: "1908–2008 The Children Act 100 years on"' (Young Defendants Conference, Michael Sieff Foundation 28 April 2009)
- Wigzell, A, Kirby, A and Jacobson, J, The Youth Proceedings Advocacy Review: Final Report (Cilex, CrimPR, BSB 2015)
- Youth Court Bench Book 2023

FURTHER WORK FROM THE ADVOCATE'S GATEWAY

Visit <https://www.theadvocatesgateway.org/> for further resources published and shared by The Advocate's Gateway, including our internationally recognised Toolkits, case law updates and guidance on intermediaries.

TOOLKIT 1: Ground Rules Hearings

TOOLKIT 1A: Case Management in Criminal Cases

TOOLKIT 2: General Principles from Research, Policy, and Guidance

TOOLKIT 3: Planning to Question Someone with Autism

TOOLKIT 4: Planning to Question Someone with a Learning Disability

TOOLKIT 5: Planning to Question Someone with 'Hidden Disabilities'

TOOLKIT 6: Planning to Question a Child or Young Person

TOOLKIT 7: Additional Factors Concerning Children under Seven

TOOLKIT 8: Effective Participation of Young Defendants

TOOLKIT 9: Planning to Question Someone using a Remote Link

TOOLKIT 10: Identifying Vulnerability in Witnesses

TOOLKIT 11: Planning to Question Someone who is Deaf

TOOLKIT 12: Planning to Question Someone with a Suspected (or Diagnosed) Mental health Disorder

TOOLKIT 13: Vulnerable Witnesses in the Family Courts

TOOLKIT 14: Using Communication Aids

TOOLKIT 15: Witnesses and defendants with autism

TOOLKIT 16: Intermediaries: Step by Step

TOOLKIT 17: Vulnerable Witnesses in the Civil Courts

TOOLKIT 18: Working with traumatised witnesses, defendants and parties

TOOLKIT 19: Supporting Participation in Courts and Tribunals

TOOLKIT 20: Court of Protection