

The Advocate's Gateway

CONTENTS

1.	Introduction	1
2.	General warning	1
3.	Definition , Purpose, and Overview	2
4.	Planning and Guidance	3
5.	Types and Uses of Aids	5
6.	People who may require aids to understand and communicate	16
7.	Postscript	18
8.	Acknowledgements	19

The Advocate's Gateway is the owner or the licensee of all copyright 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

This Toolkit discusses communication aids under section 30 of the **Youth Justice and Criminal Evidence Act (YJCEA) 1999** and covers:

1. communication aids: definition, function, cautions and safeguards;
2. types of communication aids and how they can be used, including:
 - aids and props that can directly enable evidence to be gathered, clarified or tested (expressive language aids);
 - aids and props that can assist with understanding of complex concepts and ideas (receptive language aids)
 - aids and props that support state management and establish communication 'rules';
 - aids that help prepare vulnerable people for interview or court proceedings;
3. people who may require communication aids.

The Toolkit contains information about aids to communication within the justice process and is primarily intended to raise awareness with advocates as well as police officers, social workers, solicitors, guardians and judges.

2. GENERAL WARNING

This Toolkit contains general guidance and is not a replacement for an intermediary's assessment, which will provide advice specific to the individual. An intermediary assessment should be considered if the person is unlikely to be able to recognise when they do not understand something, or to tell the questioner that they have not understood or has some other communication difficulty – even if no intermediary was used at the investigative Interview.

Apart from the linguistic structure of questions, an individual's ability to understand, process information and respond accordingly depends on context, the impact of diagnosed medical conditions on an individual's functioning, the topic being discussed, the speaker's communication style, sensory factors and environmental factors (**Wehmeyer 2008**). Therefore, it is extremely possible that those who do not

normally use aids, may need them at court to participate effectively. Additionally, new communication aids may be needed by those already using aids.

Communication aids should be used carefully, and ideally selected, introduced and managed by an intermediary. If an intermediary not involved, it may be possible to acquire information about a person's communication aid use from their speech and language therapist, and/or parents/carers. However they will not have the same experience and expertise as an intermediary in the use of communication aids within the justice system. Therefore the involvement of an intermediary is likely to be preferable in most circumstances

The communication aids outlined in this toolkit span a broad spectrum, but should not be regarded as exhaustive. The selection of an appropriate aid to support a witness or defendant depends on a careful assessment of the individual's specific needs, circumstances, and communication profile. Crucially, identifying whether a communication need exists—and whether the involvement of an intermediary could be beneficial—is the essential first step in ensuring fair and effective participation.

Some people with communication difficulties will often make use of a combination of approaches, including natural gesture, facial expression, body language, signs, symbols, photos, or electronic aids, as needed. During the giving of evidence, attention should be given to all forms of communication (verbal and non-verbal), to ensure that vital evidence is not missed.

The manner in which communication aids should be used may not always be immediately apparent. It is reasonable to ask an intermediary at a Ground Rules Hearing, how s/he is recommending they are managed.

fall within the umbrella term Alternative and Augmentative Communication (AAC) which is a broad term which encompassing various methods used to help people communicate, particularly those who have difficulty with spoken language or who don't use spoken language at all. It can either supplement (augmentative) or replace (alternative) speech.

Purpose

2. The purpose of a communication aid is to support and facilitate communication, directly or indirectly. Most people benefit from the use of communication aids in some situations.
3. When correctly used, a communication aid may assist with:
 - Gathering, clarifying or testing evidence (expressive language aids, e.g. mannequins, dolls, figures, drawings);
 - Enabling understanding of complex concepts and ideas (receptive language aids, e.g. flow diagrams, diagrams);
 - Managing of a vulnerable person's state (e.g. reducing anxiety, improving focus, using sensory objects, emotions cards etc);
 - Establishing communication 'rules' (e.g. communicating "I don't know", "I don't understand" etc using visuals and pictures);
 - Preparation of a vulnerable person for interview or the court proceedings (e.g. visual timetable, social story etc).
4. In order to achieve best evidence, communication should be accurate, complete and coherent. When appropriately used and combined with appropriate questioning, communication aids can assist with this process. However, inappropriately used, aids can confuse or hinder communication.

3. DEFINITION, PURPOSE AND OVERVIEW

Definition

1. A communication aid is any device or tool other than speech that supplements or at times, replaces spoken language (Drager et al. 2010; RCSLT 2022). Such aids

Overview

There are two primary types of AAC: **unaided AAC** and **aided AAC** (with 'aided' referring specifically to 'equipment' in this context).

Unaided AAC

includes communication methods that do not require additional equipment. They may include signing systems such as British Sign Language, Makaton etc, body 'language' such as gesturing, moving away from something etc, facial expressions to signal emotion, pointing to indicates something, and/or vocalisations.

Aided AAC

includes communication methods that do require additional equipment and may involve **high technology** battery operated devices or **low technology** non-battery-operated devices.

High technology battery operated devices include Voice Output Communication aids that may have a keyboard and generate simulated speech (sometimes referred to as Speech Generating Devices).

Low technology non-battery powered devices include the use of commercially produced or hand drawn pictures, drawing, writing, and/or actual objects

5. This toolkit relates to aided AAC and it is within this context that the term 'communication aids' is used throughout.

4. PLANNING AND GUIDANCE

6. It is important that vulnerable witnesses and defendants are supported to use their usual form of communication when giving evidence both during interview and at trial. Understanding and communication may be further supported and/or adapted with the use of other props and aids. Communication aids should preferably be selected, introduced and managed by an intermediary.

7. Communication aids should only be used after careful planning and the following factors must be considered.

The Communication Aid Factors (Why, When, How?)

1. Why is it necessary to use communication aids in this particular case?

It is vital to be clear about this at the planning stage and to document a clear rationale for using such aids, even where it seems obvious.

The vulnerable person should be enabled to use their existing communication system (e.g. pointing to pictures in a book) or means of communicating, as well as any additional communication strategy or aid that will be useful to them.

During assessment, an intermediary can trial a range of communication aids appropriate to the vulnerable person and the case and will then provide advice to the police and/or court about when and how any aids should be used.

For example, the intermediary may assess:

1. The vulnerable person's symbolic understanding (e.g. Do they understand that a body outline or stick figure represents them or another person?);
2. The vulnerable person's understanding of drawings and diagrams (to represent concepts and ideas);
3. The vulnerable person's literacy skills (e.g. To what level can they read and write?);
4. The vulnerable person's spatial understanding (e.g. Do they understand that a plan represents a 3D space?).

2. When are communication aids to be used?

When communication aids are used has bearing on how (and sometimes if) they are used. They are most commonly utilised:

1. During a police interview;
2. In meetings between a vulnerable defendant and their legal team;
3. In preparation for court proceedings;

The Communication Aid Factors (Why, When, How?)

(cont.)

4. Throughout hearings or the trial for a vulnerable witness or defendant;
5. While the person is giving evidence.

3. How will communication aids be used?

An intermediary—or another qualified professional—should conduct an assessment to determine the most appropriate communication aids for the individual. Based on this report, the intermediary, in collaboration with police officers or relevant court professionals, will coordinate the provision, introduction, and facilitation of these aids.

A clear protocol should be developed and documented to govern the introduction and use of communication aids. Given that each vulnerable individual presents a unique profile of strengths and needs, tailored support is essential. In many cases, effective participation may require the use of multiple aids, strategies, or props.

Where communication aids are used, the vulnerable person should ideally have access to an intermediary or suitably trained professional who understands the specific communication system in use. This ensures consistent support and maximises the individual's ability to participate effectively and give their best evidence

pointing at X" (this may form part of the intermediary role);

- If the vulnerable person uses low-tech and/or high-tech communication aids, it is essential that checks for potential gaps in vocabulary are made prior to testimony;
- If the vulnerable person has idiosyncratic speech sounds or an unusual communication pattern, vocabulary should be established and explained to the court prior to testimony. Importantly, signs for 'yes', 'no', 'don't know' and 'don't understand' should be identified.

9. In addition, the following guidance will assist when using communication aids via camera or live video link or in the witness box.

- The visibility of the communication aid(s) by all (e.g. court professionals, jury) is essential. Consideration should be given to how this can be accomplished (e.g. additional camera, holding aids up to the camera, disseminating copies);
- A table should be set at the appropriate height so that the vulnerable person can use the communication aids;
- When using drawings, maps and writing, ensure that the colour of the pen and paper can be seen clearly on the screen;
- When using figures, ensure that they are visible on the screen (wooden figures are often hard to see when used on a wooden table – check that a suitably coloured tablecloth is used to provide a contrasting background);
- When using an electronic device, such as a Voice Output Communication Aid or computer screen, ensure that the court can see the screen.

Achieving Best Evidence (ABE) guidelines

8. Achieving Best Evidence (ABE) guidelines (**Ministry of Justice 2022**) provide the following guidance on effective use of communication aids:

- Although communication aids can support a person's communication, they should be used with caution and never combined with leading or suggestive questions;
- Communication aids should not prevent the person from gesturing, and these should be given as much weight as spoken language;
- Verbal attention should be drawn to the person's unspoken communication – commenting without offering an interpretation, e.g. "You're

5. TYPES and USES OF COMMUNICATION AIDS

TO ASSIST COMMUNICATION:

Aids and props that enable evidence to be gathered, clarified or tested (expressive language aids)

10. The aids and props described in this section should only be used after assessment (e.g. intermediary assessment) and very careful planning (Marchant 2013, Ministry of Justice 2022, Poole and Dickinson, 2011).
11. The vulnerable person must have a clear understanding of the symbolic nature of the aid. Aids and props should never be used in conjunction with leading or suggestive questioning because of the increased risk of eliciting inaccurate information. Further, props should not be presented as objects of play (Lamb et al., 2011).
12. When used correctly and combined with appropriate, non-leading questioning, these expressive language aids can:
 - enable or support recall of events;
 - scaffold communication;
 - enable vulnerable people to 'show' as well as 'tell', or 'show' instead of 'tell' (Pereira and Aldridge, 2023).

Dolls, Models and Figures

13. Dolls, models and figures can be used to assist communication and/or demonstration of what happened. They can be useful in establishing vocabulary for body parts and actions, without asking the person to demonstrate on their own body.
14. Examples include:
 - 3D figures (e.g. artists mannequins, pipe-cleaner or bendy figures in different colours and sizes), used to show actions and positioning (see Figure 1 opposite);

- Dolls (e.g. rag dolls or plastic dolls with layers of clothing), used to show over/under clothing, body parts, manner and placement of physical contact;
- Scale models and Lego/dolls' house furniture, used to show layout and positioning of people within the setting



Figure 1.
Artists Mannequins

GOOD PRACTICE EXAMPLE

A deaf defendant was able to successfully act out an action scene during his evidence. He used three wooden artist's mannequins (which are multi-jointed) and a miniature bottle. He had initially attempted to describe the incident using sign language but was unable to do so. The use of the figures enabled him to be comprehensive and precise.

GOOD PRACTICE EXAMPLE

In a police interview, an adult witness with a learning disability was able to demonstrate the layout of the room (relevant to the allegations) using dolls' house furniture. She could then use this room layout to show positioning and actions of herself and others within the setting, using gesture in response to simple, open questions (e.g. "Show me where you were") as opposed to complex, closed questions, which she had found challenging.

Drawings

15. Inviting a person to produce a drawing, map or location plan whilst giving evidence can significantly enhance the communication of events. When used in conjunction with spoken language, visual aids can supplement the person's narrative, offering a tangible means to depict a sequence of events and clarify the order in which these events took place. Drawings can be used to represent people, actions, and environments, thus helping to contextualise the testimony more effectively.
16. Research supports the efficacy of drawing techniques in forensic contexts. For instance, children who are encouraged to 'draw what happened', while being asked appropriate and non-leading questions, tend to recall more details without compromising accuracy (Salmon 2001). Similarly, studies have shown that drawing improves recall accuracy when used with autistic children (Mattison et al. 2014). In general, drawing can promote focus, facilitate memory retrieval, and reduce anxiety (Katz and Hershkowitz 2009; Poole and Dickinson 2013).
17. *'Human figure drawings can help vulnerable people to provide clearer information about body parts, but not necessarily about touch-related actions'* (ABE guidelines; Yang et al., 2009). This externalisation on to a drawing is particularly important so as to avoid retraumatising the vulnerable person.

Writing and Typing

18. Some vulnerable people may present with idiosyncratic speech sounds or atypical speech patterns that impede verbal clarity. If so, consideration should be given as to whether written responses - where the person is able to write or phrase that may be difficult to pronounce - could support effective communication (see Figure 2 opposite, an example of a written response).
19. Providing the option to respond in writing (either by handwriting or through a digital device) can also assist vulnerable people whose spoken expression is impacted by high levels of anxiety, selective mutism, or other communication barriers. The appropriate-

ness of this strategy is dependent upon the individual's literacy skills, which can be assessed by an intermediary and discussed at the ground rules hearing.

20. If agreed at the planning stage (e.g. planning meeting or ground rules hearing), the intermediary may facilitate the use of written responses by reading them aloud or showing them to the court.



Figure 2.
Written response

GOOD PRACTICE EXAMPLE

In a case involving an autistic and selectively mute defendant, it was agreed that, during their evidence, the defendant could type their answers onto a laptop and the intermediary would read each answer out, for the record, without intonation. The court used the "chat" function of the CVP link so the typed responses were also visible on screen in court, as they were being typed. This worked well for the defendant, who would otherwise have been unable to give evidence.

GOOD PRACTICE EXAMPLE

Writing and drawing were used when working with an adult witness who had suffered a stroke, which had affected her speech clarity. The intermediary assessed her ability to accurately read and write words and sentences. It was agreed that she could provide handwritten responses where needed while giving evidence. Her words were then read aloud by the intermediary who would also check with the witness that her written response had been correctly understood.

Body Diagrams and Outlines

21. Body diagrams and outlines can assist the vulnerable person to clarify body parts by pointing or marking, without having to indicate on their own body (which can be particularly helpful for cases involving a sexual element). As with all communication aids, it is advised that these aids are used only with non-leading questioning techniques (e.g. "Show me..."), to ensure that best evidence is achieved (**Grous and Wheatcroft, 2020**).
22. Examples include (see **Figure 3** below and opposite):
 - Paper cut-out figures;
 - Body diagrams and maps (male/female, front/back);
 - Neutral body outlines (e.g. gingerbread figures);
 - Child/adult 2D figures with removable magnetic or velcro clothing;
23. Body diagrams and outlines can also be used in conjunction with numbers (e.g. numbered body parts), so that the vulnerable person does not need to refer to body parts by name (see **Figure 4** opposite).

'In a trial of a sexual offence, there is an obvious need for sensitivity in the nature of and way questions are asked of a complainant and/or accused. Judges should not permit advocates to ask the witness to point to a part of the witness's own body. Similarly, photographs of the witness's body should not be shown while the witness is giving evidence. If there is a need for a witness to identify a part of the body then the use of body maps will be appropriate'

Criminal Practice Directions 2020

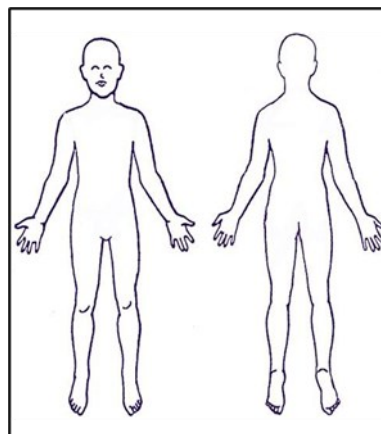
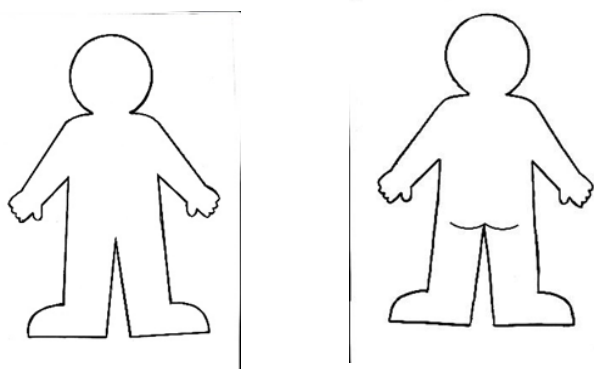


Figure 3.
Body Outlines,
various types

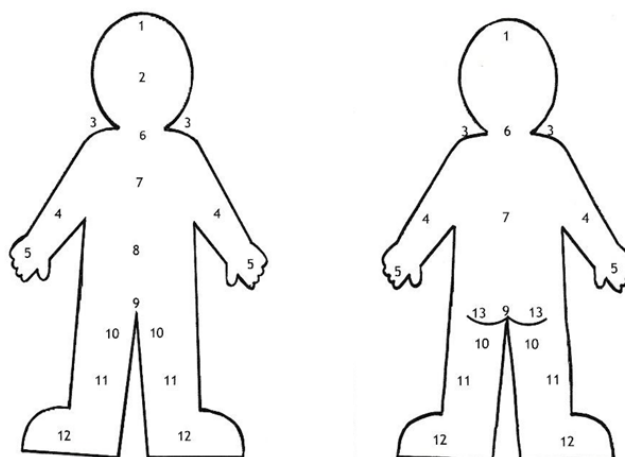


Figure 4. Numbered Paper Cut-Out Figure

Body Diagrams and Outlines

24. Visual timelines, such as those constructed with Post-it notes or similar materials, can be a valuable tool for supporting questions about categories of information, such as event locations, dates and times.
25. They are particularly effective for individuals who experience difficulty with temporal concepts (e.g. sequencing, locating events in time, or organising details chronologically). Visual timelines provide a sense of structure, helping to reduce cognitive overload and minimise disorganised thought patterns.

26. By externalising the sequence of events, visual timelines enable vulnerable individuals to narrate events coherently and establish whether an event took place before or after another. They are especially effective in cases where there were multiple events, or events spanning a long time period (e.g. prolonged abuse, or family cases where the local authority have had long-term involvement) but can also be used in cases where events took place over the course of a single day.
27. In addition to supporting the individual's narration, visual timelines can also assist vulnerable people in tracking and comprehending the unfolding of evidence during proceedings—thereby promoting engagement and procedural understanding.

GOOD PRACTICE EXAMPLE

Where the alleged offence involved several incidents in different locations, the intermediary prepared cards representing locations, each with a photo and symbol.

GOOD PRACTICE EXAMPLE

When working with a witness who described different elements of an offence in a disorganised manner, the intermediary assisted the witness to create line drawings on sticky notes, representing each of the distinct elements. The witness then organised the sticky notes in chronological order and used these to provide a sequential narrative account (see **Figure 5** below).

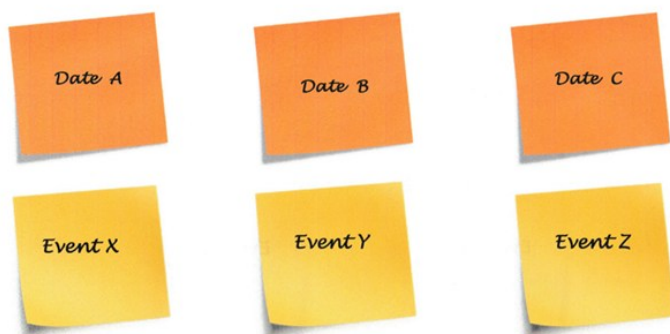


Figure 5. Visual timeline used with a witness

GOOD PRACTICE EXAMPLE

A young defendant became confused during cross-examination when he was questioned about events over two school years. Different colour pens and sticky notes were used to pinpoint and support the verbal questions about 'which' summer holiday, 'which' school year, and 'which' place he had gone to (see **Figure 6** below).



Figure 6. Visual Timeline used with a defendant

GOOD PRACTICE EXAMPLE

A defendant was supported by a timeline which was made using the chronology of events already stated, such as attendance at various primary schools, places of residence, particular friends at certain times, etc. The timeline was produced during the pre-trial meetings and brought to the ground rules hearing. The judge and counsel agreed to its use.

Communication books and charts

28. These aids assist expressive communication. They have symbols in them and the user points to various pictures to convey their message.
29. Spelling is not a necessary skill; the user looks at the symbols or pictures and gains meaning from them without necessarily reading the written word. These symbols are arranged in a structured, set manner in order to enable the user to communicate efficiently.

GOOD PRACTICE EXAMPLE

A person with cerebral palsy was able to report a crime to the police through the use of finger spelling, gestures and using his Blissymbol communication book. He gave evidence in court through the same means with a family member as interpreter and an intermediary.

The court accepted the family member as interpreter because the vulnerable witness used several idiosyncratic gestures and signs that the intermediary may not have picked up on.

In addition he utilised a different communication tool introduced by the intermediary to enable him to request a break, indicate 'yes' and 'no' clearly for the jury, to ask for questions to be rephrased and to ask for questions to be repeated.

1	A	B	C	D	YES	NO
2	E	F	G	H	?	😊
3	I	J	K	L	M	N
4	O	P	Q	R	S	T
5	U	V	W	X	Y	Z
6	7	8	9	0	ⓧ	SPACE

Letter board from AlphaTopics AAC app by Tactus Therapy Solutions Ltd. © 2015 tactustherapy.com

Figure 7. Example of an alphabet board

GOOD PRACTICE EXAMPLE

A woman with severe learning difficulties and marked speech problems was able to give evidence at trial using a combination of approaches. She spoke and signed the first letter of some words using the deaf alphabet, she made use of a few Makaton signs and natural gestures, and she used some Makaton symbols clearly displayed on a board to indicate 'yes', 'no', 'I don't know' and 'I don't understand'. She had A5-size line drawings to help the questioner to signpost to each of the three events referred to in the evidence.

The intermediary was able to point to the picture to help maintain the witness's attention and understanding and was also able to repeat what the witness said to the court when the court was unable to understand.

Talking Mats

- These are specialist communication aids that assist with expressive communication ([Cameron and Murphy 2002](#)).
- They consist of a visual framework that enables vulnerable people to communicate their feelings and views. This framework can consist of a physical or digital space e.g. tablet, laptop etc.
- The talking mat itself has three sets of symbols: the topic, various options and a visual scale to select from. Talking mats should be selected, introduced and managed carefully and under the guidance of a professional who is trained on their use within the criminal justice system. Click [HERE](#) for more details.

Alphabet charts and boards

- These expressive communication devices involve pointing to letters on a board to spell out a word and thereby convey a message (see [Figure 7](#) opposite). The user therefore needs to have a fairly good idea of how words are spelt, otherwise this system may result in miscommunication and frustration.

GOOD PRACTICE EXAMPLE

A complainant was considering the various options for giving evidence. A talking mat was set up with each of the three possible locations for evidence giving: video link, in court with screens and in court no screens. Her opinions and views were sought using picture symbols that represented her possible worries and concerns. She was able to reach her decision in a considered and informed manner using this approach.

Voice Output Communication Aid (VOCA) or Speech Generating Device (SGD)

34. This is a high technology aid that can be used to elicit expressive communication, operated by a computer system.
35. A VOCA/SGD can be operated by hand, through switches or eye-gaze. There is a wide range of VOCAs available that need to be managed by an intermediary who is trained in their use. A combination of high and low technology devices may also be used effectively.
36. It is important to note that just because a vulnerable person might have a VOCA:
 - they may not have or know where all the vocabulary is that they need;
 - they may need to navigate between pages and therefore this process will slow them down;
 - they may not be able to access the equipment reliably due to being in a highly stressful situation;
 - they may have learned language idiosyncratically and therefore their use of sentences may be different to what is the norm.

GOOD PRACTICE EXAMPLE

A teenager gave evidence in court using her VOCA in combination with an alphabet board i.e. a chart on which the letters of the alphabet were printed.

The teenager was extremely familiar with the VOCA she brought to court as it was her primary mode of communication at school and at respite. Prior to giving evidence, the court had granted the intermediary permission to liaise with her speech and language therapist in relation to vocabulary and content on her device.

The barrister asked carefully worded questions and the teenager used her device to answer them. The process took time but all at court were aware that this would be the case and sufficient time was set aside for cross examination.

37. All of the above factors will affect the individual's ability to reliably access the technology. Adaption, if necessary, should be made prior to interview or trial. During questioning, additional time should be given for the person to respond.

TO ASSIST UNDERSTANDING:

Aids and props that assist with understanding of complex concepts and ideas (receptive language aids)

38. Abstract concepts can be difficult to understand when conveyed using speech alone. Many vulnerable people benefit from having such concepts made concrete and visible, enabling better understanding and engagement.
39. Communication aids, such as diagrams, symbols or visual prompts, can provide a durable reference point, remaining present after spoken words have faded.
40. To ensure their impact is positive, the selection, introduction, and management of any aid should be led by an appropriately trained intermediary or other professional. Such professional input ensures that aids are tailored to the individual's specific communication needs and used consistently throughout proceedings. Improvised or ad hoc use risks confusion or distraction and may compromise the quality and coherence of the evidence given.

Drawings

41. A drawing provides a tangible representation of an abstract concept. As Pereira (2024) notes, drawings can quickly and effectively establish common ground, helping vulnerable individuals visualise what is being discussed. Intermediaries can support the non-leading use of a drawing to help the person orient themselves and better grasp the context of the conversation.
42. This visual cue also facilitates joint attention—ensuring both parties are focused on the same object or idea—which is essential for meaningful engagement. Through his shared focus, vulnerable

individuals are more likely to understand what they are being asked, reducing ambiguity and supporting clearer, more informed responses.

GOOD PRACTICE EXAMPLE

A 77-year-old complainant with a learning disability was struggling to understand which of the three allegations the barrister was referring to in cross examination.

The three allegations related to three locations in a single room of the care home he was living in at the time. The intermediary used a simple line drawing of the room including relevant furniture.

The complainant was able to look at each specific location when referred to by the barrister e.g. “the thing that happened by the TV”, “the thing that happened on the sofa” etc.

See **Figure 8** below.

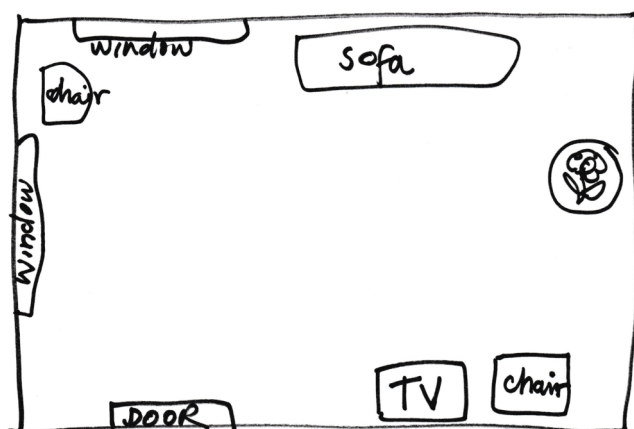


Figure 8. Drawing of room within care home

GOOD PRACTICE EXAMPLE

A respondent in a family court who had some basic literacy skills could not understand the three options available to him when presented using words alone. However, when they were presented to him visually using sticky notes and simple written words, accompanied by spoken language using vocabulary/phrasing he would typically use, he was able to understand and make informed choices.

See **Figure 9** below.



Figure 9. Options presented on sticky note

GOOD PRACTICE EXAMPLE

A defendant struggled to understand the judge's instructions to a jury because it involved conditional elements i.e. concepts such as “if X happens, then Y will also happen” and “if it is not A, then you need to consider B” etc.

An intermediary used a simple flow chart, converting the judge's spoken instructions to a concrete representation that was more accessible to him. She used shapes, arrows and simple words, in a systematic and timely manner, to explain if jury first need to consider attempted murder, but if they did not find him guilty, then serious grievous bodily harm, and if not, then less serious GBH etc.

Diagrams and Flowcharts

43. Drawings such as diagrams and flowcharts are useful in explaining concepts such as options, possibilities, and conditionality (e.g. If you choose X, then Y will happen). Drawings are especially useful in vulnerable people with attention difficulties, those who have difficulties understanding language and those with a learning disability but can even assist typically developing children.

Tables

44. Information presented in a tabular format is often easier to understand than when presented in written text. Content in each cell typically contains key words which can be comparatively easy to recognise and process whereas information contained in free text is more difficult to recognise, identify, decipher and process. Phone call data should ideally be simplified and presented in a simplified table.

Colour and Highlighting

45. Colour is generally very clearly identifiable and can be quickly used to establish common ground, enabling a vulnerable person to understand what a legal professional is referring to. Drawings on different coloured paper can clearly represent different locations, time periods and events. Text that is highlighted can be used to draw attention to words that are relevant.

GOOD PRACTICE EXAMPLE

A male co-defendant with a severe learning disability, together with was accused of rape and sexual assault on 6 children of his extended family over a period of 10+ years.

Orange and yellow sheet of A4 paper were used to clearly represent 2 different allegations: one that occurred in the garage (orange) and another that occurred in the living room (yellow). He was clearly able to understand which of the two events the barrister was referring to in cross examination.

See **Figure 10** below.

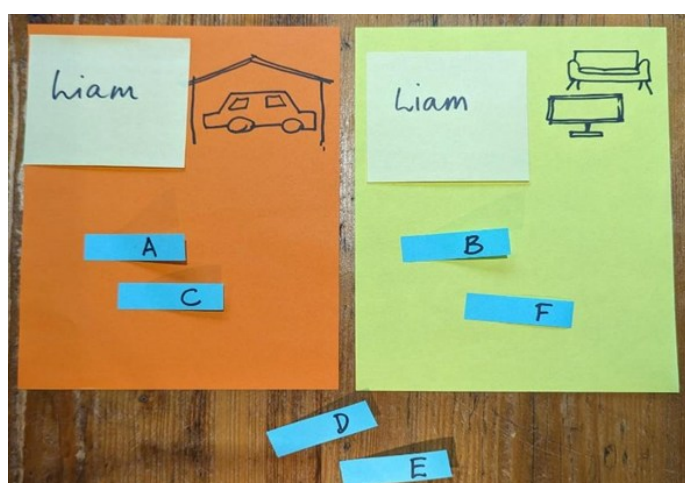


Figure 10. Using colour (orange and yellow) to depict different locations of allegations

TO ASSIST MANAGEMENT OF STATE:

Aids and props that support (emotional, sensory etc) state management and establish communication 'rules'

46. The aids and props outlined in this section play a vital role in supporting emotional regulation and managing anxiety states. They help establish clear communication 'rules', which in turn enable vulnerable individuals to regulate their emotions and participate more effectively in the process.
47. Specifically, these aids can:
- Maintain a sense of calm and emotional stability for the vulnerable person;
 - Sustain attention or gently redirect focus when needed;
 - Reinforce communication norms—for example, those introduced at the outset of an Achieving Best Evidence (ABE) interview, such as "Tell me if you don't know" or "Tell me if you don't understand".
48. When used purposefully and consistently, these tools contribute to a structured communicative environment that supports both emotional safety and procedural fairness.

Communication Cards

49. Communication cards (e.g. prompt, rule, symbol cards) can be used to establish and reinforce communication 'rules.'
50. They can also support emotional regulation by reducing the cognitive load (i.e. the individual need not to retain the information in their memory) and by offering the vulnerable person a sense of agency.
51. For example, the rule, "Tell me if you don't understand" (commonly introduced at the outset of an ABE interview but also relevant when the person is giving evidence) might be introduced and explained using a simple communication card (see **Figure 11** overleaf).

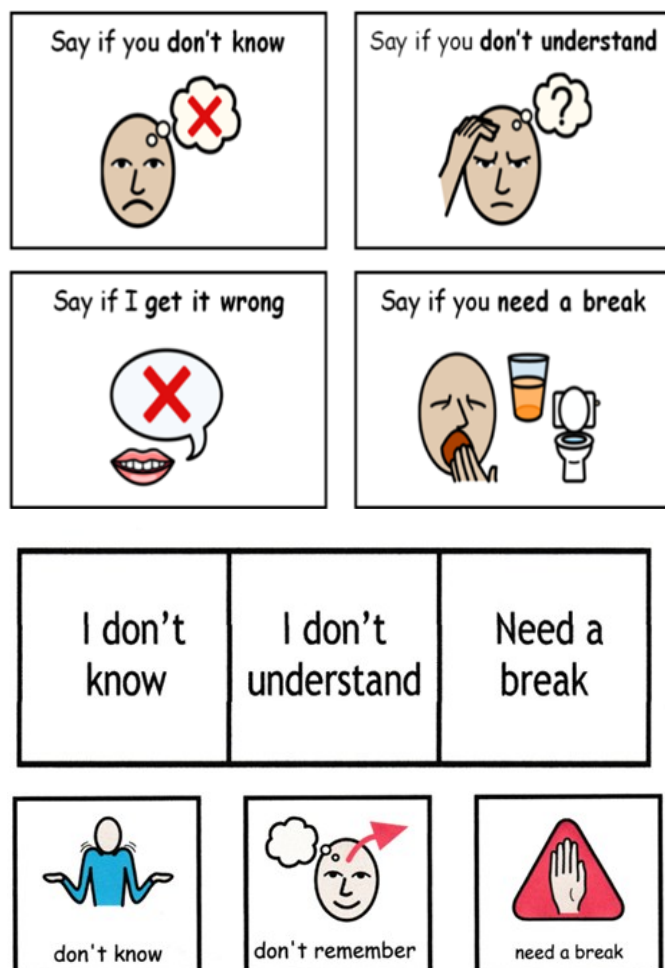


Figure 11. Rule card examples

(Some using Widgit symbols (©Widgit software Ltd))

52. Crucially, the individual can then indicate non-comprehension by pointing to or picking up the card to show they have not understood, thereby bypassing the need for verbal expression.
53. Similarly, cards bearing instructions such as “Tell me if you need a break” or “Stop” can be employed in a similar way throughout the court process. Commercial software may be used where appropriate, but it is essential that the ‘rules’, their phrasing and visual presentation are adapted to the needs of the vulnerable person (Marchant 2013).
54. In some cases, bespoke aids may need to be developed and approved by the court in real time. Intermediaries can advise on such the content of such

cards following assessment (or during the trial should the need arise).

GOOD PRACTICE EXAMPLE

A ‘stop’ card (depicting a line drawing of a ‘stop’ road sign) was used by a semi-literate and highly anxious defendant throughout the trial to indicate when he needed to stop for a break. This was an effective strategy as it provided a non-verbal means for him to show when he needed a break and gave him some autonomy.

GOOD PRACTICE EXAMPLE

During her ABE interview, a four-year-old was introduced to simple communication ‘rules’ with symbols. When she later gave evidence, she had these same cards in front of her to help her remember the ‘rules’ at court. This worked well as the cards were already familiar to her.

Emotional Scales and Charts

55. Emotion scales (and/or thermometers) can be a valuable tool for monitoring anxiety and emotional dysregulation (see Figure 12 overleaf).
56. When left unchecked, dysregulation may escalate into hyperarousal (i.e., a ‘fight or flight’ response) or hypoarousal (i.e., psychological shutdown) which could potential result in a significant disruption to the person’s ability to participate and communicate effectively. It is considered good practice for the scale to be placed in front of the vulnerable person, enabling them to indicate their emotional state at regular intervals.
57. An intermediary can facilitate this process by monitoring the individual’s responses and, where necessary, utilising calming strategies, or signalling the need for a break where the person reaches a certain threshold.

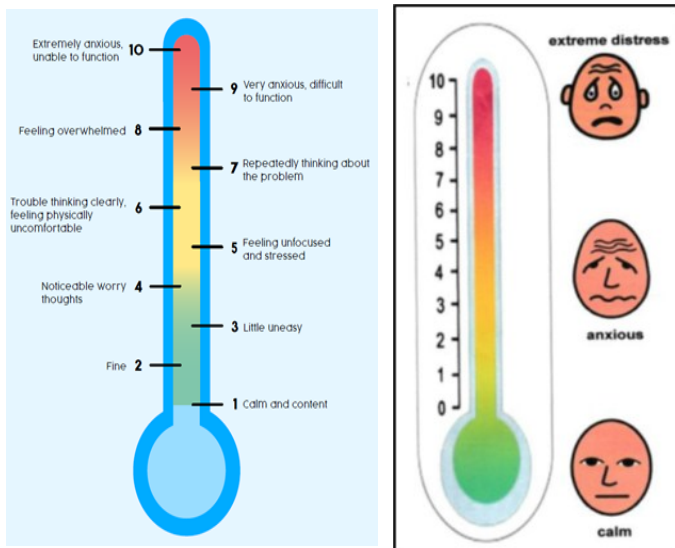


Figure 12. Examples of emotion thermometer
(Left: from Anna Freud: National Centre for Children and Families, 2024, downloadable resources. Right: Using Widgit symbols)



Figure 13. Examples of feelings visuals
(Left: Hazel Health downloadable resources, 2024. Right: Using Widgit symbols)

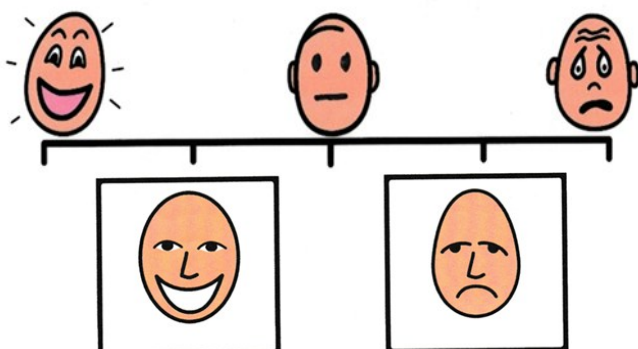
58. Emotional scales should ideally be tailor-made, based on an intermediary's assessment of the vulnerable person. In some cases, the person may already use such a scale in other contexts, which can be adapted for use in legal settings.
59. Emotion (or feelings) charts have a dual purpose of enabling the vulnerable person to identify how they are feeling at any moment in time (so that strategies can be put in place to assist with regulation, as needed) but also to provide the person with the vocabulary to answer questions relating to feelings and emotions (e.g. when giving evidence), where this may be otherwise challenging for them (see **Figure 13** below and opposite).

GOOD PRACTICE EXAMPLE

An autistic defendant was helped by a routine in which he expressed his emotions by using an emotion thermometer.

The words and phrases along the scale were personalised to the defendant (e.g. "relaxed" at the bottom, "rage" at the top).

The intermediary would "check in" with him at regular intervals and he would point to the thermometer to indicate how he was feeling. This simple routine enabled him to externalise his feelings and assisted his emotional containment.



TOOLKIT 14

USING COMMUNICATION AIDS IN THE JUSTICE SYSTEM

Revised—August 2025

GOOD PRACTICE EXAMPLE

During a police interview, an emotion scale was used with the dual purpose of helping the witness show how they were feeling at the time of the events they were describing (on a scale from “0 – calm” to “10 – terrified/frozen”) and how they were feeling in the present moment.

By using this scale, the intermediary was able to pre-empt a rise to the top of the scale (where the person would freeze and become unable to speak or participate further) and ask for a break before the witness's anxiety inhibited communication. The scale also allowed the officer to obtain accurate information relating to the witness's emotional state for the interview purposes.

Sensory Objects

60. Sensory objects that can be ‘fiddled’ with, manipulated or simply held (e.g. Blu Tack, tangle toy, stress ball, cool stone, beaded bracelet) are effective props that can help the vulnerable person to self-regulate and sustain focus during questioning.
61. Such items may be manipulated, held, or simply kept nearby to help the vulnerable person remain grounded in the present moment, whilst also maintaining concentration during a police interview or the court proceedings (see **Figure 14** below).



Figure 14. Sensory Objects

62. To minimise distraction, the object should be quiet, unobtrusive and relatively small in size. As with all supportive aids, personalisation is key; the item must be appropriate to the individual's needs and preferences.
63. Often, the vulnerable person may already use such tools in other settings, and these familiar items could be brought into the legal environment—subject to approval. If not, an intermediary can usually provide an appropriate aid.

TO ASSIST PREPARE A VULNERABLE PERSON FOR INTERVIEW OR COURT

Aids and props that enable a vulnerable person to predict what will happen and when, helping to minimise anxiety.

Visual Timelines

64. A visual timetable (see **Figure 15** below) is a pictorial representation of a series of events in time.
65. Visual timetables can help prepare vulnerable people to anticipate what will happen and when, thus assisting with anxiety/emotional state management.

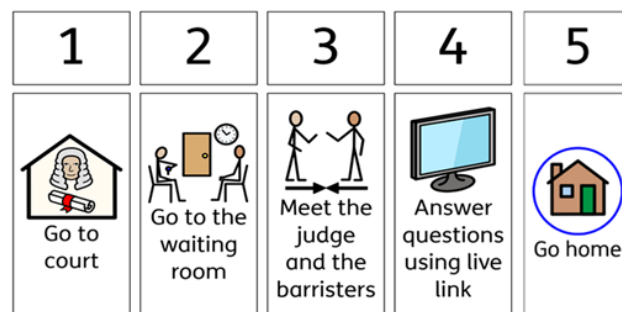



Figure 15. Visual timetable to show order of events in court

GOOD PRACTICE EXAMPLE


An autistic defendant was greatly helped by knowing exactly where he was in the trial. A pictorial and written order of the trial was made with simple explanations of each phase, i.e. jury swearing in - opening speech - evidence in chief - cross-examination etc. He was able to tick off on a side column when each stage had finished. The intermediary liaised with the barristers in order to keep the timetable accurate.

Social Stories

66. Social stories (Gray and Garand 1993) assist a vulnerable person to manage their emotional state by making implied rules more explicit. Social stories are structured in a specific manner and tailored to the individuals' specific needs. They generally need to be written using positive language, should explain what to expect, and indicate what the person will need to do. See Figure 16 below and opposite.




Going to Court




What is Court?

- Court is a place where people talk about something that happened.
- The judge is in charge of the court.
- A judge helps people understand what is true and what is not true.
- The judge makes sure everyone is following the rules and is being fair.



I Will Use a Live Link

- I will not go into the big courtroom.
- I will sit in a quiet room with a TV and camera.
- I will talk to the court through the TV screen.
- People in the courtroom can see me on their screen.



Who Will I Talk To?

- I will talk to a person who asks me questions.
- The questions help the judge understand what happened.
- I can say what I remember.

I Will Have Help

- A grown-up I know will be with me in the room.
- I might have a helper who might help me understand.
- I can ask for a break if I feel tired or upset.

I Can Say If I Don't Know

- I can say "I don't know" if I forget something.
- I can say "I don't understand" if the question is hard.
- That is okay.

Talking about What Happened

- I am brave for answering questions about what happened.
- The judge and other grown-ups want to help keep me safe.
- I will do my best.

Figure 16. Social story about going to court

6. PEOPLE WHO MAY REQUIRE AIDS TO COMMUNICATION

67. It is important to know that each person's form of communication is unique and may be idiosyncratic.
68. All vulnerable persons in a legal context may benefit from the use of a communication aid(s) to enable them to give their best evidence. An intermediary can assist with the selection and use of appropriate aids.
69. If an intermediary is not involved, advice could potentially be obtained from a vulnerable person's Speech and Language Therapist, parents or carers. However it must be emphasised that intermediaries will have more expertise in the effective and accurate use of communication aids within legal proceedings.

TOOLKIT 14

USING COMMUNICATION AIDS IN THE JUSTICE SYSTEM

Revised—August 2025

70. A number of groups of vulnerable people will particularly benefit from the use of communication aids.

Children and Young People

71. Some children, even if they use speech, may be more competent (or simply find it easier) to demonstrate what happened (with dolls, figures, drawings), rather than explain in words (**Marchant 2013**);
72. Communication aids can scaffold (support, provide a framework for) communication. They may enable children to provide clearer accounts, compared with purely verbal approaches (**Marchant 2013**).

Those with a learning disability and/or a developmental disorder

(including autistic people, those with ADHD and other neuroatypical conditions)

73. Vulnerable persons with a learning disability may use speech to communicate everyday niceties and small talk involving routine events, but may be more competent (and find it easier) to demonstrate what happened (with dolls, figures, drawings), rather than explain in words;
74. They may communicate using a total communication approach, i.e., by using a combination of speech, gestures and AAC (e.g. signs, symbols and/or VOCAs)
75. They may use AAC to communicate because they do not have sufficient spoken language to enable them to communicate completely accurately and coherently.
76. Some vulnerable people may use everyday language to express themselves about routine matters but need communication aids to understand complex concepts and vocabulary.

People with a physical disability or progressive neurological condition

77. Such individuals may have limited speech and com-

municate using a combination of speech, gestures and AAC (e.g. signs, symbols, communication boards and charts, and VOCAs);

78. They may not use speech at all to communicate. Instead, communication may be in the form of AAC (e.g. signs, symbols communication boards and charts, and VOCAs).

Vulnerable people with mental health difficulties

79. Many people who experience mental health difficulties can struggle with anxiety.
80. Unstructured and abstract words may need to be physically represented in a concrete form for them to feel calm, prepared, in control, and able to engage with the process.

Those who have experienced trauma

(irrespective of whether they are a complainant or a defendant)

81. Communication aids can be extremely effective when working with this group of vulnerable people, for example by supporting them to communicate what happened without having to say it out loud.

People who are deaf

82. Some deaf and hard of hearing individuals may use a range of aided communication devices in addition to sign systems.
83. Aids can be used in combination with British Sign Language (BLS), Makaton etc

8. POSTSCRIPT

The Advocate's Gateway Toolkits aim to support the 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.

'Advocates must adapt to the witness, not the other way round.'

R v Lubemba; R v JP [2014] EWCA Crim 2064 [45] (Hallett LJ)

The duty to make reasonable adjustments for vulnerable individuals is grounded in the **UN Convention on the Rights of Persons with Disabilities** (UNCPRD) which defines a 'reasonable accommodation' as a '*necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms*' (**Article 2**).

Article 13 of the UNCPRD requires state parties to provide '*age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.*' At a domestic level, these protections are reflected in the duty of criminal courts to take 'every reasonable step to ensure the participation of vulnerable witnesses and defendants' (**Criminal Procedure Rules (CrimPR) 2020**, Rule 1.1(1)) and the 'overriding objective' in civil cases which includes 'ensuring that the parties are on an equal footing and can participate fully in proceedings, and that parties and witnesses can give their best evidence.' (**Civil Procedure Rules (CPR) 1998**, Rule 1.1).

The **Equal Treatment Bench Book** contains extensive reference to reasonable adjustments based on various impairments and disabilities (Appendix B: Disability glossary – impairments and reasonable adjustments).

The handling and questioning of vulnerable witnesses and defendants is a specialist skill. Advocates must ensure that they are suitably trained and that they adhere to their professional conduct rules.

'We confirm, if confirmation is needed, that the principles in Lubemba apply to child defendants as witnesses in the same way as they apply to any other vulnerable witness. We also confirm the importance of training for the profession which was made clear at paragraph 80 of the judgment in R v Rashid (Yahya) (to which we have referred at paragraph 111 above). We would like to emphasise that it is, of course, generally misconduct to take on a case where an advocate is not competent. It would be difficult to conceive of an advocate being competent to act in a case involving young witnesses or defendants unless the advocate had undertaken specific training.'

R v Grant Murray & Anor [2017] EWCA Crim 1228, [226] (Lord Thomas CJ).

The Advocate's Gateway Toolkits draw on the expertise of a wide range of professionals and represent best practice guidance; toolkits are not legal advice and should not be construed as such. Toolkits represent our understanding of the law, procedure and research at the time of writing however readers should consult the most up to date law, procedure and research.

9. ACKNOWLEDGEMENTS

The original toolkit was developed in 2015 for The Advocate's Gateway and was funded by The Advocacy Training Council and the Legal Education Foundation. There were a range of practitioner and academic contributors, and we are grateful for their work.

This amended toolkit was produced gratis by practitioners from The Intermediary Cooperative. We are indebted to them for their contributions and years of experience in the field of vulnerability in legal settings.

The most recent revision was undertaken by:

- Dr Tina Pereira (Registered Intermediary, The Intermediary Co-operative);
- Joanna Campbell (Registered Intermediary, The Intermediary Co-operative);
- Charlie Orrell (Registered Intermediary)

The Advocate's Gateway also wishes to extend its thanks to Professor Jacqueline Wheatcroft, Liverpool John Moores University, for her invaluable feedback on a draft of this Toolkit.

References

The following have been referenced in the drafting of this Toolkit:

- Cameron, L. and Murphy, J. 2002. *Enabling young people with a learning disability to make choices at a time of transition*. *British Journal of Learning Disabilities* 30, pp. 105-112.
- *Criminal Practice Directions 2020*. 3E.6 [2020] EWCA Crim 605. Royal courts of Justice. London.
- Drager, K. D. R., Finke, E. H. and Serpentine, E. C. 2010. *Augmentative and Alternative Communication: An Introduction*. In: Damico, J. et al. eds. *The Handbook of Language and Speech disorders*. Chichester: Wiley Blackell, pp. 410-430.
- Gray, C. and Garand, J. 1993. *Social stories: Improving responses of students with autism with accurate social information*. *Focus on Autistic Behaviour* 8(1), pp. 1-10.
- Katz, C and Hershkowitz, I, 'The effects of drawing on children's accounts of sexual abuse' (2011), *Child Maltreatment* 15(2):171–9.
- Lamb, M E, La Rooy, D J, Malloy, L C and Katz, C, *Children's Testimony: A Handbook of Psychological Research and Forensic Practice* (2011), Wiley, London.
- Marchant, R, 'How young is too young? The evidence of children under 5 in the English Criminal Justice System' (2013), *Child Abuse Review* 22(6): 432–45.
- Mattison, M L, Dando, C J and Ormerod, T C, 'Sketching to remember: episodic free recall task support for child witnesses and victims with autism spectrum disorder' (2014), *Journal of Autism and Developmental Disorders*.
- Ministry of Justice. 2022. *Achieving Best Evidence Criminal Proceedings: Guidance on interviewing victims and witnesses and guidance on using special measures*. London: Ministry of Justice.
- National Autistic Society 2025. 42 Curtain Rd, London EC2A 3NH. www.autism.org.uk/socialstories.
- Pereira, T. 2024. *Establishing common ground using low tech communication aids in intermediary mediated police interviews of witnesses with an ID*. *International Journal for the semiotics of the Law* 37(2), pp. 1-30.
- Pereira, T. and Aldridge, M. 2023. *Show me what happened': Low technology communication aids used in intermediary mediated police investigative interviews with vulnerable witnesses with an intellectual disability*. *International Journal of Evidence and Proof* 27(1), pp. 83-104.
- Poole, D A and Dickinson, J, 'Comfort drawing during investigative interviews: evidence of the safety of a popular practice' (2013), *Child Abuse and Neglect* 38 (2):192–201.
- RCSLT. 2022. *Augmentative and Alternative Communication* [Online]. London: Royal College of Speech and Language Therapists. Available at: <https://www.rcslt.org/members/clinical-guidance/augmentative-and-alternative-communication/augmentative-and-alternative-communication-guidance/> [Accessed: 29-09-22].

TOOLKIT 14

USING COMMUNICATION AIDS IN THE JUSTICE SYSTEM

Revised—August 2025

- *Salmon, K, 'Remembering and reporting by children: the influence of cues and props' (2001), Clinical Psychology Review 21:267–300.*
- *Wehmeyer, M. L., Buntinx, W. H. E., Lachapelle, Y., Luckasson, R. A., Schalock, R. L. and Verdugo, M. A. 2008. The Intellectual Disability Construct and Its Relation to Human Functioning. Intellectual and Developmental Disabilities 46(4), pp. 311-318.*
- *Widgit software Ltd. Warwick CV34 6UD United Kingdom.*

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