

This summary provides an overview of the intermediary scheme in Northern Ireland in 2024. It may not capture all the differences in intermediary work across Northern Ireland, neither does it offer a critique of intermediary schemes' compliance with the UN Convention on the Rights of Persons with Disabilities ([UN Convention on the Rights of Persons with Disabilities](#)). This summary was created for [The Access to Justice Knowledge Hub](#)

Northern Ireland

The Intermediary in the Justice System

Northern Ireland's Registered Intermediary Scheme started in 2013. It is run by the Department of Justice which is also responsible for recruiting and training all intermediaries as well as holding the register of all Registered Intermediaries (RIs) who have successfully completed training. This register also states each RI's specialist areas of expertise. RIs must accept at least one case per month to maintain their registration with the scheme. There are currently approximately 39 RIs in Northern Ireland, most do RI work part-time but 5-6 do RI work full time.

RIs are appointed when a vulnerable person is involved in legal proceedings. In Northern Ireland, children, people with disabilities and mental health issues can be viewed as vulnerable and in need of RI assistance. In the case of children, an RI must be involved if a child is less than 8-years-old. If a child is between 8 – 11 years old, involving an RI is strongly recommended. If a child is 12 – 18 years old, involving an RI should be considered.

In 2013, the Lord Chief Justice made a ruling stating, RIs can assist any vulnerable person, regardless of whether they are a defendant, defence witness, prosecution witness or victim. However, RIs only tend to be involved in Crown/Criminal court, Magistrates Court and Youth Court. It is likely RIs are not generally involved in other jurisdictions such as Family Court, Civil Court, tribunals and so on because of a combination of funding constraints and the relatively small workforce.

The number of RI referrals has steadily increased each year. Referrals come from various sources such as lawyers or the Public Prosecution Service but mostly from the Police Service Northern Ireland (PSNI). When a referral for an RI is received, the Dept of Justice contacts an RI whose expertise matches the needs of the vulnerable person and offers them that piece of work.

The process:

Ideally referrals are received at investigative stage, the RI meets the vulnerable person and carries out an assessment. Then the RI writes a preliminary report (4-5 pages) with recommendations to assist the investigative interview. (It is also possible the RI may decide the person does not require RI assistance.) The RI then receives the interview plan from the police so they can recommend modifications to the interview plan based on their assessment of the person. Then just before the court hearing which could be a considerable time later, the RI reassesses the vulnerable person and writes a more detailed report (20-25 pages) including recommendations for court. Ideally, lawyers send the RI their questions in advance of the hearing so the complexity of the questions can be monitored and modified if necessary. A Ground Rules Hearing can be held 1-2 weeks prior to the trial or in the first couple of days of the trial to decide which accommodations can be used in court. (In the early days of using RIs, Judges used to go through recommendations very carefully before

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accepting them. Now that Judges have had more experience with RIs in their courts they tend to accept all recommendations.)

The Law

The Criminal Evidence Order 1999 <https://www.legislation.gov.uk/nisi/1999/2789/contents> legislates for a range of special measures such as screens, live link rooms, evidence given in private, removal of wigs and gowns etc. Article 17 of the Criminal Evidence Order 1999 provides the legal basis for examination of witnesses through intermediaries and Article 21BA allows for examination of the accused via an intermediary.

In addition, Chapter 2 of the Justice Act 2011 <https://www.legislation.gov.uk/nia/2011/24/contents> legislates for a range of special measures including intermediary assistance for vulnerable and intimidated witnesses.

The Intermediary Role

In Northern Ireland, RIs are appointed to facilitate communication in order that the vulnerable person's evidence is as clear, complete and coherent as possible. RIs are neutral and impartial officers of the court and must not be left alone with a vulnerable person at any time. In addition, an RI cannot assist both the defendant and prosecution witness in the same case, separate RIs must be appointed for each vulnerable person.

RI do not assist the vulnerable person through all stages of the legal process. They are only present to facilitate the giving of evidence at the investigative stage and during the trial (examination, cross examination and or re-examination of the vulnerable person). RIs do not assist vulnerable people in their consultations with lawyers. However, in a small number of high-profile cases, judges have directed RI's to be present throughout the whole trial.

Very clear guidance is provided about what is not within the RIs role. For example, RIs are not investigators or second interviewers or expert witnesses. They do not give an opinion on the truth of the facts. They are not interpreters or supporters for the accused.

The RI's role does not involve assisting a defendant to follow a trial. However, an RI might make a recommendation in their court report stating that a vulnerable defendant may benefit from a suitable person being appointed to assist them to follow the trial e.g., a MindWise Linked-In officer.

Other supports:

- Appropriate Adult Scheme – Appropriate Adults mostly work in custody suites but can work in other contexts too. They are not neutral and impartial. Their role is to support the person and ensure they have a general understanding of what is going on. They also make sure the person is being treated appropriately e.g., are allowed breaks, get something to eat and drink, see their solicitor or the doctor.
- Interpreters

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- Sign language interpreters
- Victim Support
- Therapy dogs
- MindWise Linked-In Officer – MindWise Linked-In officers provide support for defendants with mental health issues and can support the defendant throughout the whole trial.

So, a vulnerable person may benefit from distinct types of assistance at different points in the legal process. It would not be unusual for someone to have support from an Appropriate Adult during the suspect phase of the process and then support from a MindWise Linked-In officer during their trial whilst having an RI whenever evidence needs to be facilitated.

Training

The Department of Justice recruit potential RIs and coordinate the training programme. Most RI recruits have speech and language therapy or social work backgrounds but other professions such as psychology have been considered.

Not everyone passes the training programme and sometimes, recruits decide the RI role and context is not a good fit for them.

Pressing issues and future perspectives

Collaboration – On a positive note, there continues to be increasing opportunities for RIs to be involved in providing training alongside barristers, solicitors and judges. In addition, Queens University in Belfast have started to offer the mandatory Vulnerable Witness Training that has been happening in England and Wales through Inns of Courts College Advocacy <https://www.icca.ac.uk/>.

Useful documentation and references

- Northern Ireland Registered Intermediary Scheme <https://www.justice-ni.gov.uk/ri>
- Practice Direction No. 2/2019 - Case Management in the Crown court including Protocols for Vulnerable Witnesses and Defendants, Northern Ireland. <https://www.judiciaryni.uk/judicial-decisions/practice-direction-no-22019-case-management-crown-court-including-protocols>
- Sir John Gillen's recommendations on the report into the law and procedures in serious sexual offences in Northern Ireland. <https://www.justice-ni.gov.uk/publications/gillen-review-recommendations>
- The Advocates Gateway <https://www.theadvocatesgateway.org/>