



Department of
Justice

An Roinn Dlí agus Cirt
Máinnystrie O tha Laa

Registered Intermediaries in Civil and Family Proceedings

March 2022

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Ministerial Foreword

Enhancing access to justice is a priority for me and in the Civil Justice Modernisation Programme I have committed to improving the accessibility of the civil and family justice system and ensuring it is fair, proportionate and responsive.

Those objectives are no more important than in respect of our more vulnerable citizens and how we support vulnerable court users can go a long way to achieving them. Many good supports are already in place and the introduction of special measures for victims of domestic abuse in the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 will enhance access to justice further still, but I believe we can do more.

Since they were first introduced in 2013, Registered Intermediaries have played a key role in ensuring effective access to justice for witnesses and defendants in the criminal courts. I recognise vulnerable parties in civil and family proceedings might similarly benefit from Intermediaries, which was a key recommendation of the Gillen Review of Civil and Family Justice, but, in reaching decisions we need to be sure any future arrangements generate expected benefits and vulnerable court users are properly supported. To ensure we achieve that I am seeking views on a Registered Intermediary scheme in the civil and family courts and how it could operate to best effect. To also ensure we get arrangements right, and to ensure support is not delayed by policy development, my Department has been providing Intermediaries in civil and family cases on an interim basis since late 2018. That provision will be subject to evaluation to supplement the information emerging from this consultation. Collectively they will help ensure we provide the right support, in the right way, as soon as possible.

Naomi Long, MLA
Minister of Justice

Introduction – Purpose of the Consultation and Call for Views

1. Witnesses in both civil and criminal proceedings have traditionally been expected to give evidence in person before the public forum of the court. This practice, known as the principle of orality, is to ensure the right to fair hearing by allowing evidence to be given openly and properly tested. There has, however, been a departure from the principle of orality in the criminal courts with the introduction of statutory protections, known as special measures. Special measures were introduced in recognition that some witnesses may be deterred from giving evidence, or their best evidence, by fear and intimidation and others, such as children and adults with mental disorders or learning or physical disabilities, may require specific support to give their best evidence.
2. The introduction of special measures has allowed vulnerable witnesses to avail of aids such as screens, giving evidence by video or live link or with the help of a Registered Intermediary but, until recently, statutory special measures were restricted to criminal proceedings. That does not mean vulnerable court users in the civil and family courts have been without support. Measures to help parties in civil courts give their best evidence have been provided through the exercise of the court's inherent jurisdiction and court rules, that includes allowing witness support, dispensing with wigs and gowns and allowing evidence by live link¹. To build on that good practice, and to ensure vulnerable witnesses can better participate in proceedings, special measures were extended to victims of domestic abuse in the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. The provisions of the 2021 Act, which we expect to come into force later this year, should have a significant positive impact on access to justice

¹ The courts already allow witness support in family proceedings — for example, it is not uncommon for volunteers from Women's Aid to accompany witnesses in domestic violence proceedings. The courts' inherent jurisdiction has been extended to permit the use of screens, excluding parties and witnesses from the courtroom and dispensing with the wearing of wigs and gowns. A 2018 Practice Direction governs wigs and gowns in the Family Division and Family Care Centres ([Practice Direction 04-2018 - Wearing of wigs and gowns in the Family Division and Family Care Centres](#)). The Civil Evidence (Northern Ireland) Order 1997 (S.I. 1997 No.2983 (N.I. 21)) allows a court to admit hearsay evidence; Article 6 of the Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005 No.1965 (N.I. 15)) allows the special measures available by virtue of the Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999 No.2789 (N.I. 8)) to be available in proceedings relating to anti-social behaviour orders. The Rules of the Court of Judicature, County Court and Family Proceedings Rules make varying provision for evidence in some proceedings to be given in camera if "publicity may defeat justice", by affidavit in certain circumstances, by statement on oath and by live television link, telephone or other method of direct communication or by deposition. Live television link and other direct methods of giving evidence are also available to witnesses who are required to give evidence in Magistrates' Courts in relation to family law matters.

but the Department believes accessibility and fairness can be enhanced further still and is considering also extending Registered Intermediary support.

3. Registered Intermediaries facilitate communication between a vulnerable person and professionals in the justice system. They advise on the best ways of engaging with a vulnerable person so they understand and can respond to what is being asked. They also monitor communication in interview and at court and will intervene to assist understanding where necessary.
4. Since they were first introduced in 2013, Registered Intermediaries have played a critical role in ensuring the effective participation of vulnerable court users in the criminal courts and the value of extending that support to other court users has been increasingly recognised. That includes recommendations in the Northern Ireland Law Commission Report on Vulnerable Witnesses in Civil Proceedings² and the Review of the Civil and Family Justice System by Sir John Gillen.³ Both Reports suggested Registered Intermediary support be extended to the civil and family courts. Both Reports did, however, also recognise a number of challenges to developing policy in this area, most particularly understanding the scope and nature of need and the consequent resource implications.
5. To address a dearth of evidence on need and the policy implications, the Department has been providing Registered Intermediaries in civil and family proceedings on a case by case basis, subject to the approval of the court and an assessment as to need. Evaluation of that provision will help inform policy decisions but the Department would also like to gather wider views on the extension of Registered Intermediary support and the potential scope and operation of a scheme. This call for views is to that end.
6. To help shape policy the Department would welcome views on the principle of extending Registered Intermediary support and how a scheme might best operate to enhance access to justice. We welcome views from anyone with an interest but those who may in particular be able to help are:
 - those with lived experience of giving evidence or supporting the giving of evidence by a vulnerable person;

² Vulnerable Witnesses in Civil and Family Proceedings, NI 10 (2011):
http://www.nilawcommission.gov.uk/report_vw_july_2011.pdf

³ Review of Civil and Family Justice in Northern Ireland: <https://judiciaryni.uk/publications/review-groups-report-civil-justice>.

- those who have given evidence, or who have supported someone who has given evidence, with the assistance of a Registered Intermediary;
- voluntary and community groups who provide support to our more vulnerable citizens;
- front line professionals in the health and justice system; and
- academics and researchers.

7. The consultation will be open from 23 March for twelve weeks and will close on 14 June 2022. We would encourage you to respond to the consultation using the on-line facility on Citizen Space, accessible via [NIDirect](#). Further information on how to respond is included at the end of the document.

Background

LEGISLATIVE FRAMEWORK GOVERNING REGISTERED INTERMEDIARIES

8. The Statutory framework governing the provision of Registered Intermediaries in Northern Ireland currently only applies to the criminal courts. Intermediaries were introduced as part of a package of supports known as special measures under the Criminal Evidence (Northern Ireland) Order 1999⁴ ('1999 Order') to help vulnerable and intimidated witnesses give their best evidence and to help relieve some of the stresses associated with giving evidence. As well as Registered Intermediary support, special measures include:
- screens to shield vulnerable and intimidated witnesses from defendants;
 - live link facilities to enable vulnerable and intimidated witnesses to give evidence during trials through a televised link to the courtroom, with the witness accommodated either within the court building or in a suitable location outside the court;
 - giving evidence in private through the exclusion of members of the public and the press from cases involving sexual offences or intimidation by someone other than the accused;
 - removal of wigs and gowns by judges and barristers to help witnesses at the Crown Court feel more at ease;
 - video recording of evidence of vulnerable and intimidated witnesses; and
 - supports such as a communicator, interpreter, communication aid or technique to help witnesses give best evidence.
9. Most special measures only apply to prosecution and defence witnesses. They do not extend to defendants and they are subject to the discretion of the court (needs must be carefully balanced against defendant's Article 6 rights).
10. Under the current legislative framework, three groups hold automatic eligibility for special measures⁵:

⁴ S.I. 1999 No.2789 (N.I. 8)

⁵ The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c.2) introduced additional special measures for victims of domestic abuse. A recent consultation on improving the effectiveness of Hate Crime legislation (Consultation on Hate Crime Legislation in Northern Ireland | Department of Justice (justice-ni.gov.uk)) is also exploring the benefits of special measures for victims of hate crime and the Protection of Stalking Bill currently being considered by the Assembly includes provision for special measures for victims of stalking.

- Witnesses under 18 - a witness who is under 18 on the proposed date of contest, is automatically eligible for special measures without further qualification by virtue of Article 4(1) of the 1999 Order;
 - Complainants in Sexual Offences - under Article 5(4) of the 1999 Order, a witness who is the complainant in respect of a sexual offence is automatically eligible for special measures, unless the witness informs the court that they do not wish to be eligible; and
 - Victims of trafficking – who are eligible by virtue of amendments made to the 1999 Order by the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015⁶.
11. In addition to those three groups, witnesses who are in fear or distress in connection with testifying may be granted special measures if the court is satisfied the quality of their evidence is otherwise likely to be diminished (Article 5 of the 1999 Order).
12. Others may also qualify for special measures if the quality of their evidence is likely to be diminished because they:
- are suffering from a mental health disorder as defined by the Mental Health (Northern Ireland) Order 1986⁷;
 - have a significant impairment of intelligence and social functioning; or
 - have a physical disability or are suffering from a physical disorder.
- (Article 4 of the 1999 Order).
13. Most of those who give evidence with the support of a Registered Intermediary fall within the last category or are under 18 but, whether or not a witness is automatically eligible for consideration for special measures, provision is subject to a formal application to the court and the discretion of the Judge who must satisfy themselves that a special measure, or combination of measures, is likely to improve the quality of evidence (taking into account the witness's wishes and the ability of parties to effectively test evidence).

⁶ c.2

⁷ S.I. 1986 No.595 (N.I. 4)

CURRENT REGISTERED INTERMEDIARIES SCHEME

History

14. Following phased pilots in the Crown Courts in 2013 and 2014, the Registered Intermediary Scheme under the 1999 Order was rolled out to all Crown, Magistrates' and Youth courts in Northern Ireland from April 2017. Roll out of the scheme followed a commitment in the Department's first Victim and Witness Strategic Action Plan in 2010-11 to develop supports for particularly vulnerable victims and witnesses. The scope of the scheme was determined with the support of an inter-agency Victim and Witness Steering Group and the Office of the Lord Chief Justice through which engagement the Department decided to extend Intermediary support to vulnerable defendants as well as victims and witnesses to ensure equality of arms⁸.

Role of Registered Intermediaries

15. The role of the Intermediary under the current scheme is to facilitate communication during the police investigation and at trial between people with communication deficits and those working in the justice system. They are communication specialists and are provided to ensure effective participation in proceedings.
16. Registered Intermediaries may be appointed because a person has, for example, a learning disability, a mental health issue, a neurological disorder or a physical disability, or because support is required by virtue of a young age. The need for support at investigative stages will generally be identified by the Police or Public Prosecution Service, but provision will be subject to an assessment of communication needs and abilities by an Intermediary selected by the Intermediaries Scheme Secretariat in the Department of Justice, on the basis of appropriate skills and experience. If, following assessment, an Intermediary concludes support is required, they will provide a report to the Police and, in the case of suspects, the defence solicitor, on the person's communication needs to aid interview.
17. The role of Intermediaries in court is governed by Articles 17 and 21BA of the 1999 Order which provide an application for an Intermediary may be made:
 - where it is considered that their use is likely to improve the quality (completeness, coherence and accuracy) of the evidence given by the witness (Article 17); and

⁸ Achieved by amendment to the 1999 Order by the Justice Act (Northern Ireland) 2011 (c.24).

- where their use will enable the defendant to participate effectively in the proceedings as a witness giving oral evidence in court and ensure a fair trial (Article 21BA⁹).
18. As with all special measures, the need for an Intermediary during proceedings is subject to the approval of the court. An application for a defendant to be cross-examined through a Registered Intermediary must also be made by their solicitor to the Scheme Secretariat who will identify someone with the appropriate skills to assess the vulnerable person's needs and provide a report to the court on how best to communicate with them. The report may reflect on issues such as the extent of the person's vocabulary and attention span, their expressive and receptive communication skills, their ability to understand temporal or spatial concepts and sequencing, and whether they are suggestible or tend to be overly compliant.
 19. The report will be used at 'Ground Rules Hearing' before the trial to allow recommendations to be discussed and allow approach to questioning and other matters to be agreed. The Intermediary will also be present when evidence is being given in court to provide ongoing assistance on how to communicate with the witness or defendant. They will not, however, ask questions or interpret answers. It is not the role of a Registered Intermediary to examine or cross-examine a vulnerable person and they will not answer questions on a vulnerable person's behalf. They will not offer opinions on the truthfulness or reliability of what has been said.
 20. Intermediaries also do not provide wider support during investigations and proceedings. They only attend court and interviews when evidence is being given so they can assess and advise on communication strategies. It is not the role of an Intermediary to ensure a vulnerable person understands proceedings more generally or to assist them to follow a trial, only to ensure they can give their best evidence¹⁰. They are not a supporter or advocate. Intermediaries perform a very different function from Appropriate Adults who can help with a vulnerable person's general understanding and ensure that they are being treated appropriately. Registered Intermediaries are impartial officers of the court and they do not act for either the defence or prosecution.

⁹ Inserted by the Justice (Northern Ireland) Act 2011 (c.24)

¹⁰ This role be fulfilled, as necessary, by another person, such as a carer, social worker or a voluntary sector organisation (such as a MindWise Linked-In officer). A Registered Intermediary may make a recommendation in their court report that the vulnerable person may benefit from a suitable person being appointed to assist them to follow the trial.

21. Intermediaries are also not expert witnesses. The reports they prepare are only to advise how best to communicate with a vulnerable person. Reports are free standing advice. They are not evidence in a case and are for the parties and the court only. Registered Intermediary reports are not shown to a jury.

Who are Registered Intermediaries

22. Registered Intermediaries are professionals with specialist communication skills. Most have a background in psychology, speech and language therapy or social work. Those working in the courts in Northern Ireland¹¹ are recruited by the Department of Justice and they are required to pass the Department's Registered Intermediary accreditation training (Masters level). They are also bound by a Code of Practice and a Code of Ethics and are subject to a complaints procedure and alert to legal professional privilege¹². Taken together, this ensures that Intermediaries have the necessary skills to assist those with communication difficulties to give their evidence.

REGISTERED INTERMEDIARIES IN THE CIVIL AND FAMILY COURTS

23. Although the statutory scheme for the provision of Registered Intermediaries only extends to the criminal courts, there has been growing recognition that support may also benefit parties in civil and family proceedings.
24. The July 2011 Report of the Northern Ireland Law Commission on Vulnerable Witnesses in Civil Proceedings recommended, among a number other matters, that Registered Intermediaries be made available in the civil and family courts following learning from the rollout of the criminal scheme.
25. Sir John Gillen's 2017 Review of Civil and Family Justice also recommended the extension of Registered Intermediary support to parties in civil and family proceedings, with the court given the power to appoint them. Sir John noted the use of Intermediaries in the criminal courts is largely regarded as a positive intervention that has enabled those who would normally struggle to be understood to be interviewed and to give evidence in a way that suits their needs. He suggested Intermediaries might have even more of a role to play in the family courts where the rules of court are somewhat more relaxed and where welfare is the core consideration.

¹¹ There are currently 28 Registered Intermediaries in Northern Ireland. 11 new Intermediaries are currently undergoing training. It is hoped they will be active soon.

¹² Information disclosed or shared in the presence of Intermediaries is treated as confidential and will not be shared without express consent of the relevant party.

26. In making their recommendations the Law Commission and Sir John Gillen did, however, also recognise a number of challenges to the extension of Intermediary support. That includes defining the scope of vulnerability that would necessitate support, the absence of data on how often applications are made to the civil courts for special measures, and how often they are granted, the lack of evidence to estimate uptake and costs and ensuring adequate resourcing given the required skill set. The Reports also noted the logistical challenges that would associate with administering a support scheme in a context where, unlike the criminal sphere, the state is not a player.
27. In light of those challenges, the Gillen Review recommended the extension of Intermediary support to the civil and family courts should begin with a non-statutory pilot scheme in a family court in Belfast to provide evidence on the scope of need, costs and benefits.

REGISTERED INTERMEDIARIES IN OTHER JURISDICTIONS

28. In some jurisdictions proposals to introduce Intermediaries have met with divided opinion and England and Wales is the only other local jurisdiction that provides Intermediaries. There is no comparative scheme in Scotland¹³ or the Republic of Ireland.¹⁴
29. Unlike the current Northern Ireland scheme, the Government funded Intermediary Scheme in England and Wales does not extend to defendants. The Ministry of Justice has traditionally only provided support in criminal cases for witnesses. Those Intermediaries are professionally approved, registered and employed through a scheme managed on behalf of the Ministry of Justice by the National Crime Agency. Provision is arranged and paid by individual customers, typically the Crown Prosecution Service or the police depending on the point in criminal proceedings at which they are engaged.
30. Some defendants in England and Wales have availed of Intermediary support but that has traditionally been procured through independent companies, referred to as Non-Registered Intermediaries. Anecdotal evidence suggests Non-Registered Intermediaries may also have provided support to vulnerable adults in public family

¹³ Intermediaries are not among special measures specifically included in the Vulnerable Witnesses (Scotland) Act 2004, but the legislation allows for Scottish Ministers to make secondary legislation for the creation of additional special measures. The Scottish Government consulted on the use of Registered Intermediaries in as a special measure for vulnerable witnesses in 2007 (www.scotland.gov.uk) and published a response which noted a lack of consensus among consultees (www.scotland.gov.uk).

¹⁴ The use of special measures in criminal proceedings is governed by the Victims Act 2017.

law cases and in employment, mental health and immigration tribunals, inquests and Parole Board hearings but, again, that has operated outside the formal Ministry of Justice scheme. Since November 2017 the Family Procedure Rules 2010¹⁵ have conferred a duty on the courts in England and Wales to consider whether the quality of evidence of a party or witness is likely to be diminished by virtue of their vulnerability, in which circumstances it can direct the provision of one or more special measures, including an Intermediary, but the court cannot direct that public funding be made available for such supports.¹⁶

31. While some of those who working as Non-Registered Intermediaries are also involved the Ministry of Justice Witness Scheme, the two tier system in England and Wales has been subject to criticism because of the risks to vetting and quality that attach to allowing unregistered service providers. To address those concerns, the Ministry of Justice issued a pre-procurement notice in 2020 to try and understand the market's capacity to bid for and provide intermediary services outside its Witness Scheme. That was followed by a tender exercise in 2021¹⁷ for a provider to deliver court appointed intermediary services to defendants in criminal proceedings and to parties to civil and family proceedings and tribunals across England and Wales and tribunals in Scotland. Contracts were awarded early in 2022 with the aim of providing a framework to standardise support and quality through clear guidance, booking processes and set prices to ensure fairness. The service is expected to commence in April 2022 with HMCTS and legal representatives selecting Intermediaries from the approved list of suppliers. The operation of the service may provide lessons from which we can learn.

¹⁵ Practice Direction 3AA of the Family Procedure Rules 2010 - [Family Procedure Rules \(justice.gov.uk\)](https://www.justice.gov.uk/family-procedure-rules).

¹⁶ The England and Wales Domestic Abuse Act 2021 provides that victims of domestic abuse will also be automatically eligible for special measures on the grounds of fear or distress. The Act defines domestic abuse, and victims will be automatically eligible for consideration of special measures whenever it is alleged the behaviour of the accused falls within that definition.

¹⁷ The tender exercise estimated the value of the contract as £20 million over two years.

Issues for Consideration

32. Better support for victims and witnesses has been a key objective of the Justice Minister since her appointment and the Civil Justice Modernisation Programme published in 2021 underscored the Department's commitment to improving accessibility and fairness by exploring the extension of Registered Intermediary support.
33. Although further evidence is required to determine long term options, the Department has been keen to ensure support is available as widely and as soon as possible. A decision was therefore taken to build evidence on need and on operational and resource implications by providing support on a case by case across all proceedings types and all court venues rather than restricting evidence building to a pilot in one court as Sir John Gillen had suggested.
34. Evidence building began in late 2018 with support provided on the same basis as it is to witnesses and defendants in criminal cases. That is, for the giving of evidence in circumstances where it is considered the use of a Registered Intermediary is likely to improve the completeness, coherence and accuracy of evidence given by those whose evidence might otherwise be diminished because of their young age or because they are suffering from a mental health disorder, have a significant impairment of intelligence and social functioning, or have a physical disability or are suffering from a physical disorder.
35. As in the criminal courts, provision under the interim scheme has been subject to the approval of the court, an application to the Department's Intermediaries Scheme and an assessment of need by an Intermediary. The Service has been resourced by the experienced Intermediaries who work in the criminal courts and it is intended support to date be subject to evaluation to ensure any scheme generates expected benefits and properly supports vulnerable court users. The Department does however also recognise the importance of supplementing that evidence with the views of others who may use the service in the future or who may support vulnerable courts users. The Department would therefore be grateful to receive views on the issues below. We would also welcome general information or comments from those who have experience of giving evidence or supporting the giving of evidence by a vulnerable person and those who have given evidence, or who have supported someone giving evidence, with the assistance of an Intermediary. The response templates will provide free text boxes for any such comments or issues you may wish to share.

Scope

36. The Department believes any Registered Intermediary scheme in the civil and family courts should provide support on the same basis as in the criminal courts, that is, as set out under Article 4 of the 1999 Order, for the purpose of giving evidence by those who:

- who are aged under 18 on the date of the hearing;
- are suffering from a mental health disorder as defined by the Mental Health (Northern Ireland) Order 1986;
- have a significant impairment of intelligence and social functioning; or
- have a physical disability or are suffering from a physical disorder.

Q1. Do you agree Registered Intermediary support should be available in the civil and family courts?

Q2. Do you agree any Registered Intermediary support in the civil and family courts should be provided on the same basis as in the criminal courts?

37. The Department also believes that any extension of the Intermediary scheme should safeguard the integrity of the role by limiting support, as in the criminal courts, to circumstances where it will improve the completeness, coherence and accuracy of evidence. The Department believes provision should continue to be based on the giving of evidence rather than the status or role of the evidence giver.

Q3. Do you agree Registered Intermediary support should be restricted to circumstances where it will improve the completeness, coherence and accuracy of evidence given in court?

38. Under the current statutory scheme support is provided to witnesses and defendants in the criminal courts. The Department recognises that vulnerabilities may not be restricted to parties in the civil and family courts. Some witnesses may also have communication needs. The Department does however also recognise the challenges of ensuing adequate resourcing given the required skill set and the financial pressures that might associate with making Registered Intermediaries more widely available. The Department is therefore seeking views on whether any Registered Intermediary support in the civil and family courts should be restricted to parties or should extend to witnesses.

Q4. Do you agree any Registered Intermediary support should be restricted to parties?

39. The interim scheme through which the Department has been providing Intermediary support has not been restricted to particular court tiers or proceedings but the Department would welcome views on case types consultees consider would not lend themselves to Intermediary involvement or which should be prioritised for Registered Intermediary support.

Q5. Are there any case types you consider are not suitable for Registered Intermediary involvement or in relation to which Registered Intermediary support should be prioritised?

Determining Need

40. Special measures in the criminal courts are subject to the discretion of the court which must satisfy itself the provision is likely to improve the quality of evidence taking into account the witness's wishes and the ability of parties to effectively test evidence. The Department believes that any Registered Intermediary provision in the civil and family courts should also be subject to the discretion of the court and that the court should have the capacity to agree provision of its own motion or on foot of an application.

Q6. Do you agree any Registered Intermediary support should be available both on foot of an application and of the courts own motion?

Registered Intermediaries

41. Registered Intermediaries who work within the current criminal scheme come from a range of professional backgrounds including speech and language therapy or social work, some also have previous experience of the family courts. They are required to pass the Department's Registered Intermediary accreditation training which is at Masters level. They are also bound by a Code of Practice and a Code of Ethics. The Department believes requiring Intermediaries who work in the civil and family courts to also meet those standards will ensure the integrity of the scheme but we would welcome views on experience and quality criteria.

Q7. Do you have any views on qualifications or experience of Registered Intermediaries who may be deployed in the civil and family courts?

Administration

42. The Department believes current arrangements, whereby the provision of Registered Intermediary support is administered centrally by the Department, ensures the integrity of the scheme and maintenance of standards and quality. The Department believes that any scheme in the civil and family courts should be managed in the same way to allow potential resource pressures to be managed and to avoid the risks that might be associated with the use of unregistered intermediaries. The capacity of the market to provide services by other means is also unclear, unregistered intermediaries have not been the feature in Northern Ireland that they have in England and Wales.

Q8. Do you agree any Registered Intermediary provision in the civil and family courts should be delivered in the same way as the current criminal scheme rather than developing a two strand system as in England and Wales?

Challenges

43. The Department recognises differences in how the criminal and civil and family courts function may impact on how Registered Intermediary services are delivered and we would welcome views from consultees on any issues they consider may impact, or which may need to be considered, in advance of the rollout of any permanent scheme in the civil and family courts.

Q9. Are there any issues you think need to be considered in advance of the rollout of any permanent Registered Intermediary scheme in the civil and family courts?

Experiences

44. The interim scheme through which the Department has been providing Registered Intermediary support in the civil and family courts will be subject to evaluation to supplement information emerging from this consultation. The Department would nonetheless welcome general views from those with lived experience of giving, or supporting of the giving of evidence, by a vulnerable person either with or without an Intermediary that may also help inform policy. A free text box has been provided in the response templates for any thoughts or views you may have.

Q10. Do you have any experiences of the giving of evidence that may help inform policy development?

Next Steps and Consultation Information

Next Steps

45. Following the consultation exercise and evaluation of the interim arrangements the Department will publish a post consultation report and finalise and take forward policy proposals as appropriate. The post consultation report will be made available on our website.

Providing Views

46. The best way to respond to this call for views and the accompanying impact screenings is online via Citizen Space on the NI Direct website at <https://consultations.nidirect.gov.uk/doj/consultation-registered-intermediaries-in-civil-and-family-proceedings>. However, you can also send the response template, which has free text boxes, to:

Registered Intermediaries in Civil and Family Proceedings

Enabling Access to Justice Division

Department of Justice

Massey House

Stormont Estate

Belfast

BT4 3SX

Email: eajdconsultations@justice-ni.gov.uk

47. The call for views will be open for twelve weeks. The closing date for receipt of responses is 14 June 2022. Please note that it is unlikely that responses will be accepted after this date.

48. When responding it would be very useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation. If responding on behalf of an organisation, please include:

Your name;

Your position (if applicable);

The name of your organisation;

An address (including postcode); and

An email address.

Alternative formats and further information

49. The consultation documents are available online at: DoJ Website - Consultation Page (opens as a new window)
50. Hard copies and alternative formats, including Braille, large print etc. can be made available on request. If you require access to the document in an alternative format or, a language other than English, please let us know and we will do our best to assist you.

Impact of Proposals

51. As a public authority the Department of Justice is required, under Section 75 of the Northern Ireland Act 1998, to have due regard to the need to promote equality of opportunity. Public Authorities are also required to identify whether a policy has a differential impact upon relevant groups; the nature and extent of that impact; and whether such an impact is justified. These obligations are designed to ensure that equality and good relations considerations are made central to government policy development.
52. The extension of Registered Intermediary support to vulnerable court users in civil and family proceedings has been screened for equality impact and rural needs impact. No adverse impacts have been identified. Copies of these screening assessments are available on the Department of Justice website along with this document. We welcome any comments you might have on the screening documents. Assessments will be revisited as necessary as policy development progresses as a result of this call for views.

Freedom of Information and General Data Protection Regulations

53. Please note that responses to this exercise will be subject to the Freedom of Information Act 2000, which gives the right of access to much of the information held by public authorities. Before you submit your response, please read the advice in Annex A about the effect of the Freedom of Information Act 2000 on the confidentiality of responses.

Privacy Notice

54. Before you submit a response, please also read the Privacy Notice at Annex B which shows how we will use personal information as part of the processing of responses.

Complaints

55. If you have any concerns about the way this consultation process has been handled, please submit your complaint by email to:

Governance.Unit@justice-ni.gov.uk, or write to the following address:

Governance Unit Corporate Engagement & Communications Division

Justice Delivery Directorate

Department of Justice

Room B5.16, 5th Floor

Castle Buildings

Stormont Estate

Belfast, BT4 3SG

Further Information

56. If you require any further information on this consultation, please contact us at:

By email: ejjdconsultations@justice-ni.gov.uk

In writing: Enabling Access to Justice Division, Department of Justice, Massey House, Stormont Estate, Belfast, BT4 3SX.

Freedom of Information Act 2000 – Confidentiality of Consultations

The Department intends to publish a summary of responses following completion of this exercise. Your response, and all other responses, may also be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations. They will give you guidance on the legal position about any information given by you in response to this call for views.

Subject to certain limited provisos, the Freedom of Information Act gives members of the public a right of access to any information held by a public authority, in this case, the Department. This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider as confidential information supplied in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this call for views, including information about your identity should be made public or be treated as confidential. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties “in confidence” if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties “in confidence” which is not confidential in nature;
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

Further information about confidentiality of responses is available by contacting the Information Commissioner's Office or at Information Commissioner Website [Home | ICO](#)

Privacy Notice

Data Controller Name: Department of Justice (DoJ)

Address:

Department of Justice,

Castle Buildings,

Stormont Estate,

Belfast,

BT4 3SG

Telephone: 02890 378617

Email: FOI@justice-ni.gov.uk

Data Protection Officer Name: DoJ Data Protection Officer

Telephone: 02890 378617

Email: DataProtectionOfficer@justice-ni.gov.uk

Why are you processing my personal information?

- DoJ is seeking comments from interested parties as part of its call for views on supports for vulnerable court users in Northern Ireland. DoJ is not seeking personal data as part of call for views but is likely to receive names and addresses/e-mail addresses as part of a consultee's response.
- Consultation is a requisite part of the development of public policy and strategy.

ONLY if you are relying on consent to process personal data.

DoJ is not relying on consent for processing the data supplied by the applicant. DoJ is required to seek consultation responses as part of policy development.

What categories of personal data are you processing?

- Responses to the call for views will include names and addresses and/or e-mail addresses.

Where do you get my personal data from?

- The personal data will originate from the person responding to the call for views.

Do you share my personal data with anyone else?

- We will not share your personal data with other organisations.

Do you transfer my personal data to other countries?

- No.

How long do you keep my personal data?

- We will retain your data in line with 5.7 of Schedule 5 of the DoJ Retention and Disposal Schedule.

(If you use automated decision making or profiling) How do you use my personal data to make decisions about me?

- DoJ will not use automated processing for responses to this consultation.

What rights do I have?

- You have the right to obtain confirmation that your data is being processed, and access to your personal data
- You are entitled to have personal data rectified if it is inaccurate or incomplete
- You have a right to have personal data erased and to prevent processing, in specific circumstances
- You have the right to 'block' or suppress processing of personal data, in specific circumstances
- You have the right to data portability, in specific circumstances
- You have the right to object to the processing, in specific circumstances
- You have rights in relation to automated decision making and profiling

How do I complain if I am not happy?

Complaints should be submitted to:

Freedom of Information Unit

Department of Justice

Castle Buildings

Stormont Estate
BELFAST
BT4 3SG

Telephone: 02890 378617

Email: FOI@justice-ni.gov.uk

If you are unhappy with any aspect of this privacy notice, or how your personal information is being processed, please contact the *Departmental Data Protection Officer* at: DataProtectionOfficer@justice-ni.gov.uk

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.org.uk

Website for the Information Commissioner's Office [Home](#) | [ICO](#)