

Your rights at court

When can the police arrest you

There is an overriding principle in place to support all vulnerable defendants, including those with learning disabilities and learning difficulties: all possible steps should be taken to assist a vulnerable defendant to understand and participate in court proceedings. Special arrangements for vulnerable defendants should, wherever possible, be made in advance of your first appearance in court. The courts assume that people with learning disabilities:

- may be more likely to need more time – so a longer time estimate may be required for a trial
- may not be able to hear, read or be understood or fully comprehend what is taking place
- may be using up much of their energy to cope with the disability and therefore tire more easily, and
- the stress of coming to court may exacerbate any symptoms.

The police should have told the court details about your individual needs. The court may also ask you this themselves. They are responsible for making sure they understand what your needs are.

Special Measures

The court can agree what is known as a ‘special measure’, which may be in the form of giving evidence via video link for example. Other types of support can also be put in place to help you as a defendant, including:

- arranging for you to visit the court room before the court hearing or trial so that you can feel familiar with it
- using simple, clear language that can be easily understood
- holding the court hearing or trial in a court room in which all participants are on the same, or almost the same level
- allowing you to sit with members of your family and/or other supporting adults and in a place where you can easily communicate with your solicitor
- restricting attendance by members of the public and reporters.

If you feel that there are things the court could do to help you, you should speak to your solicitor who can apply to the court for any additional help.

Reasonable adjustments

The Equalities Act 2010 requires public authorities, including courts, to seek to ensure that discrimination against disabled people does not occur. They can do this by making any reasonable adjustments. These adjustments will be based on your individual need, and may include things like specialist communication support.

Intermediaries

Registered Intermediaries are communication specialists who can assist vulnerable victims, witnesses, suspects and defendants when giving evidence at trial. The role of an intermediary is to help you feel comfortable when communicating with everybody else in the legal process.

Intermediaries can assist the courts to ensure that a vulnerable defendant is able to participate in court proceedings in a number of ways.

They can:

- assess your communication skills
- help you to follow court proceedings, the course of a trial and the case against you
- assist prosecutors and defence solicitors or barristers with rephrasing questions that you do not understand, and help to communicate your answers back to the court.

Your intermediary should be appointed well before your trial date to give you time to get to know them and for them to understand you.

If you have any questions about the court process, or feel that you are not being understood, you should speak to your solicitor as soon as possible. You can also contact Mencap directly.

We hope that you have found this factsheet useful. Whilst you are here, we have a small favour to ask. More people are using our service than ever before. We can't keep up with demand. We don't want to turn people away, and we want to keep on developing more information resources like this factsheet, but we don't have enough money to expand. So you can see why we need to ask for your help. We know that our information and advice can make a real difference to the quality of life of the people we support. If people using our service could help to support us, our future would be much more secure.

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