



Benchmark

best practice - best evidence with vulnerable people

Guideline Summary: Communication Assistance

1. Core Function

- A Communication Assistant (“CA”) is a communication specialist appointed under s 80 Evidence Act 2006 who facilitate communication with vulnerable witnesses, defendants and civil parties to enable them to give evidence and participate in trials/hearings to the best of their ability.
- The CA first assesses the person’s communicative competencies and then reports to the Court and counsel with recommendations on how to adapt the court process to facilitate communication. They can also advise the police and counsel on how to interview/take instructions from people with communication difficulties. At trial, they assist the Court by monitoring communication and intervening where miscommunication threatens. They also assist by recommending a range of practical adaptations to the trial process.

2. Neutrality

- CAs are neutral officers of the court with a right of address in order to fulfil their role. They are not expert witnesses, support people, or lay advocates.

3. Expertise

- CAs are appointed for their specialist skills in communication including communication delays and disorders or communication affected by mental distress.

4. Eligibility

- Any witness, defendant or civil party who has a communication disability or who for any other reasons (e.g., age, mental distress) requires assistance to understand proceedings or testify is entitled to receive communication assistance under s 80 and s 4 of the Evidence Act 2006.

5. Appointment

- Pre-trial, a CA can be engaged by police, crown, court, defence and parties to assess the individual and assist at a police or client interview. The engagement of a CA at Court is at the judge’s discretion. Applications to the Court may be made by any party, defendant or prosecutor or a CA may be appointed on the judge’s own motion.

6. Basis for the role

- The basis for the CA role is the Court's ability to direct a wide range of communication assistance under s.80 Evidence Act 2006. The model for the use of a specialist as a Communication Assistant was developed in England and Wales where it is known as the Registered Intermediary scheme. The NZ Court of Appeal approved the use of this model in its 2015 decision, *R v Hetherington*.

For more detailed information refer to the full guideline [[link](#)].