



Ministry
of Justice

Working with Deaf People in the Criminal Justice System

Guidance for End-Users of the Witness Intermediary Scheme

This guidance is intended for end-users of the Ministry of Justice Witness Intermediary Scheme (WIS) to inform their work in assisting deaf witnesses.

It covers:

- key definitions and roles;
- when a deaf Registered Intermediary is needed;
- how to request the assistance of a deaf Registered Intermediary;
- how to work with a deaf Registered Intermediary; and
- matters to be aware of when working with deaf people.

1. Definitions and Roles

There are significant differences between the roles of:

- deaf Registered Intermediaries;
- sign language (BSL) interpreters; and
- relay interpreters.

End-users should familiarise themselves with these differences and the following definitions to ensure that they can provide the most appropriate support for deaf witnesses.

British Sign Language (BSL)

BSL is the language of the deaf community in the UK. It is a distinct and complete language with its own vocabulary, syntax and grammar.

Hand movements, gestures, body language, facial expressions and lip patterns are all part of its grammatical structure.

BSL is not the English language in sign.

BSL Interpreter

A British Sign Language interpreter (BSL interpreter) helps deaf and hearing people communicate with one another.

They can listen to spoken English and translate the meaning into BSL, signing as the person talks so that a deaf witness can understand what is being said. When the deaf person signs a response, the BSL interpreter speaks ('voices over') the meaning, while the deaf person signs.

A BSL interpreter is usually a hearing person. BSL is usually their second language.

BSL interpreters are highly skilled and undergo intensive training to register with the National Registers of Communications Professionals Working with Deaf and Deafblind People (NRCPD). They are bound by the [NRCPD code of conduct](#).

Please note:

A BSL interpreter (not to be confused with a relay interpreter) is always required when working with a deaf witness who communicates in sign language.

This includes instances where a deaf or hearing RI is used to assist the deaf witness, as well as instances in which the deaf witness does not have concurrent vulnerabilities and does not require the assistance of an RI.

Having a BSL interpreter present enables deaf people to communicate with people who are unable to use sign language.

Where to find a BSL Interpreter:

A list of all registered BSL interpreters (and contact details) is available on the [NRCPD website](#).

Relay Interpreter

A relay interpreter (also known as a deaf translator/deaf interpreter) is a deaf person who is skilled at reformulating and simplifying sign language to make it more easily understood.

There is no formal training or qualification for this role in the UK at present.

Please note:

A relay interpreter is not required where a deaf RI can be used. This is because the deaf RI can fulfil the functions of a relay interpreter in addition to their wider duties.

A relay interpreter should only be used when a Deaf RI is not available, providing the witness meets the eligibility criteria for an RI (see page 4).

Registered Intermediary (RI)

A Registered Intermediary (RI) is a self-employed communication specialist who helps witnesses with communication difficulties to give evidence to the police and to the court in criminal trials. They are trained and regulated by the Ministry of Justice, and provided through the WIS.

An RI provides advice to the police and the court on the best means of communication with the witness. They must conduct a prior assessment of the witness's communication skills, difficulties and needs. The RI will then produce a report which outlines their assessment findings and provides advice on strategies to enable the best possible communication between all parties.

The RI is also responsible for helping the witness to communicate during the police (ABE) interview and in court. At both stages, the RI must monitor the witness and intervene if a communication issue arises. When necessary, the RI will communicate questions put to the witness in a way that best enables the witness's understanding. They may also communicate the witness's answers back to the questioner.

The RI must only intervene in court if it is necessary to draw attention to the witness being unable to understand, distressed, needing a break, or if the witness wishes to answer a question using non-verbal means of communication. The need for intervention is usually agreed with the judge and barristers in a ground rules hearing before a court case.

Deaf Registered Intermediary (Deaf RI)

A deaf Registered Intermediary is an RI who is a member of the deaf community. Their role is the same as that of a hearing RI. Deaf RIs are trained, registered and regulated by the Ministry of Justice, and provided through the WIS.

The deaf RI's first language is usually BSL. They may also use some spoken English.

A deaf RI always uses a BSL interpreter when communicating with hearing parties in the criminal justice system. A relay interpreter is not required where a deaf RI can be used

Please note:

Relay interpreters and BSL interpreters do not advise on communication strategies with deaf witnesses who have a concurrent vulnerability or additional communication needs.

They do not perform an assessment and they do not write a report detailing the communication abilities of the deaf person.

2. Guidance when a Witness is Deaf

Determining the need for a Deaf RI

Need for a deaf RI is determined if the witness:

- is deaf;
- has a concurrent vulnerability that affects their ability to communicate (see details below); and
- can communicate using BSL or another form of sign language.

All three of the above criteria must be met to determine need for a deaf RI.

Concurrent Vulnerability

A concurrent vulnerability that affects communication ability could be any of the following:

- a learning disability;
- mental illness;
- a physical condition (such as a stroke); or
- the witness is a child (under 18 years old).

All witnesses (whether hearing or deaf) must have a vulnerability that falls into one (or more) of the above categories to be eligible for an RI.

Deaf Witnesses without Concurrent Vulnerabilities

An RI (hearing or deaf) should not be used if the deaf witness does not have a concurrent vulnerability. In such instances, the deaf witness should be able to communicate with the sole aid of a BSL interpreter.

Though deafness can be classed as an inherent vulnerability, it does not usually require the assistance of an RI as a standalone condition. This is because the BSL interpreter can address any communication difficulties relating to the deafness.

The end-user is responsible for arranging the assistance of the BSL interpreter.

Use of Hearing RIs to Assist Deaf Witnesses

There are limited instances in which a hearing RI should be used to assist a deaf witness – even if the witness meets the eligibility criteria for a deaf RI. These are:

- if the deaf witness has proficient understanding of and preference for the use of spoken language (usually when their deafness was acquired in later childhood or adulthood); or
- if a deaf RI is unavailable.

All hearing RIs who assist deaf witnesses should have deaf awareness training. The National Crime Agency's Witness Intermediary Team (WIT) will ensure that an RI who has this training is provided, provided they are notified of the witness's needs.

As with a deaf RI, a hearing RI will also require a BSL interpreter to facilitate communication between hearing and non-hearing parties. The end-user is responsible for arranging the BSL interpreter.

3. How to Request the Assistance of a Deaf RI

If you are a police officer or crown prosecutor, you can request a deaf RI by contacting the WIT on [0345 000 5463](tel:03450005463).

You will be asked to complete a 'Request for Service' (RfS) form. When doing so:

- indicate 'deafness' in the 'Disabilities/Vulnerabilities' field at section 6.1; and
- specify any sign language requirements in the 'Communication/Communication Aids' field at section 6.2, providing additional information where requested on the form.
- If you are unsure about additional vulnerabilities talk to the WIT on the number above.

The WIT will take forward arrangements to match your request to a deaf RI where applicable.

4. Working with a Deaf RI

The end-user should make several adjustments when working with deaf RIs.

Booking a BSL Interpreter

- Deaf RIs require a BSL interpreter to facilitate communication with hearing people.
- The end-user is responsible for arranging the BSL interpreter, unless advised otherwise by the deaf RI.
- The end-user should confirm BSL interpretation arrangements with the deaf RI prior to any work being undertaken. This involves:
 - asking the deaf RI to specify the BSL interpreter they wish to work with (they may specify a choice of multiple interpreters); and

- agreeing the choice of BSL interpreter with the deaf RI before making the arrangements.
- This is important because the deaf RI's familiarity and rapport with a BSL interpreter can improve communication between all parties and benefit the proceedings.

Communicating with a Deaf RI

- The end-user should ensure there are adequate means for the deaf RI to directly contact hearing professionals. Mobile phone numbers and email addresses should be exchanged to enable emailing and text messaging.
- The deaf RI may facilitate all communication with the end-user.
- Sometimes an interpreter may make phone calls on behalf of the deaf RI.
- The end-user should be aware that English is not the first language of the deaf RI. This may be reflected in the standard of their written English in reports and other written communications.

5. Working with a Deaf Person

There are several matters that end-users should be aware of when working with deaf people. An RI will be able to provide further advice to the end-user on these matters, which are detailed below:

Communicating with a Deaf Person

- The means of interaction in the deaf community are very different from those of the hearing community.
- To attract the attention of a deaf person, either:
 - wave a hand in the person's visual field; or
 - turn the lights in a room on and off several times (most often used in group settings)
- When in discussion with a group of hearing and deaf people, raise your arm if you wish to speak. This will ensure you do not interrupt.
- BSL uses a lot of gesture and facial expression, which can be perceived as angry or aggressive, although this is not the intention. BSL may also be perceived as very direct.
- Never tap the hand or arm of a deaf person while they are signing. This is a significant distraction and comparable to touching someone's face when they are talking.
- A deaf person may accidentally interrupt a (hearing) conversation as they are unaware of the conversation in progress.
- There are varying degrees of deafness. Deafness does not necessarily mean the person is unable to hear anything at all.
- Many deaf people can speak, but their spoken language proficiency is variable.
- The ability to speak does not necessarily mean that a 'meaningful conversation' can take place.
- Some deaf people (especially those with learning difficulties) do not use standard BSL, but still require visual methods of communication.

Questioning a Deaf Person

- It is important to allow more time than for a hearing person. Even if the person is a good lip-reader, communication takes longer, and checking back is necessary.
- If the person uses sign language, even more time is needed for the spoken questions to be signed and the witness's understanding checked.
- Questions should be modified based on the RI's advice.

BSL and Written English

- There is no written form of BSL.
- If BSL is the witness's preferred mode of communicating, the witness may have some difficulty with written English.

Setting up an Interview Room

- The deaf person will usually need to sit with their back to the light, so that the light falls on the face of the person asking the questions. This enables the deaf person to see clearly for lip-reading.
- Any visual distractions in the deaf person's field of vision should be reduced.
- The layout of seating should accommodate the deaf RI's BSL interpreter.



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