

# Application guidelines

## 686.2021 – Witness Intermediary Scheme for Qualified Communication Specialists

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### IMPORTANT INFORMATION

#### Background

The Department of Justice and Attorney-General (DJAG), in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, has established an intermediary scheme to assist witnesses in child sexual offence investigations and prosecutions to give their best evidence. Their role is to facilitate communication between the witness and police and/or the witness and courts. Intermediaries are not advocates, expert witnesses, legal advisors or language interpreters, but are independent officers of the court.

Intermediaries are involved in both police investigations and at court. They will be required to act in emotionally challenging cases involving child sexual offences.

Given the potentially distressing nature of cases requiring an intermediary, potential candidates who have serious reservations about being involved in such cases should consider whether to apply.

Panel members may be asked at short notice to assist a witness as the police or prosecution require an assessment, and sometimes interview, to be carried out as soon as possible. Panel members will be required to be flexible and organised in order to meet these time commitments. Some evening and weekend work may be required

The scheme will operate as a two-year pilot in two locations (Brisbane and Cairns).

The scheme applies to any witness in the prosecution of child sexual offences who:

- Is under 16 years, or
- Is a person with an impairment of the mind, or
- Has difficulty communicating.

#### *Role of Intermediaries*

The function of an intermediary is to:

- a) Communicate or explain to the witness questions put to the witness, to the extent necessary to enable the witness to understand the questions; and
- b) Communicate or explain to a person asking questions of the witness the answers given by the witness, to the extent necessary to enable the person to understand the answers.

To perform this function, the intermediary will:

- Quickly establish rapport with a vulnerable witness
- Accurately and quickly assess the vulnerable witness's receptive and expressive communication needs using both formal and informal assessment techniques
- Use their assessment findings to develop communication strategies which will enable the witness to understand questions put to them and communicate their answers back
- Describe the communication needs of the witness to the criminal justice practitioners in the case and work with them to enable the witness to participate in the criminal justice process. This could include advice on the structure of questions used and concepts that the witness has difficulty understanding
- Where necessary, actively facilitate communication between the witness and the other parties in the case to overcome a communication breakdown. For example, through the rephrasing of questions without changing their substantive meaning
- Write comprehensive reports on the witness's communication needs and strategies for managing these needs which will be used by the court and police officers. This may include justifying any recommendations made and the need for a witness intermediary if challenged.

There is no requirement to appoint a witness intermediary if:

- there is no person on the panel established under this clause available to meet the needs of the witness, or
- it is otherwise not practical to appoint a witness intermediary, or
- it is unnecessary or inappropriate to appoint a witness intermediary, or
- it is not otherwise in the interests of justice to appoint a witness intermediary.

For court proceedings, the court is obliged first to decide whether the witness intermediary is required and if so to make an appropriate direction.

Witness intermediaries are not expert witnesses and thus they cannot, for instance, give an opinion on the accuracy of a witness's recall of the facts or whether a witness is competent to give evidence. They are NOT a witness supporter. They are NOT interpreters where English is not the first language of the witness. They are NOT advocates. The paramount duty of an intermediary is to the court and their role is to support effective communication.

### *Code of Conduct*

Intermediaries will be provided with a Code of Conduct and procedures manual that provides guidance about their role and responsibilities.

### *Mandatory Criteria*

DJAG will appoint intermediaries to an intermediary panel. To be eligible to be appointed to the panel an intermediary must:

- Agree to a national Criminal History Check
- Agree to Scheme rules – Witness Intermediary Scheme for Qualified Communication Specialists
- Hold Relevant Degree to Service Category
- Provide evidence of Professional Accreditation and Relevant Insurance:
  - o Speech Pathologist – Hold or be eligible to hold membership to Speech Pathology Australia
  - o Occupational Therapist – Registered to Occupational Therapy Board of Australia
  - o Psychologist – Australian Health Practitioner Regulation Agency
  - o Social Worker – Hold an AASW approved social work qualification from an Australian tertiary institution.
- Hold a current Blue Card
- Agree to attend training (no payment applicable)
- Completion of Ethical Supplier Threshold Document

### *Prequalification Process*

An application process with mandatory evaluation criteria will be undertaken. Applicants must respond to mandatory and qualitative criteria:

- a) Demonstrated ability and experience in conducting assessments to accurately and rapidly assess a child or vulnerable adult's receptive and expressive communication needs
- b) Demonstrated practical ability and experience in utilising professional skills to facilitate communication between a child or vulnerable adult and another party
- c) Demonstrated ability and experience in developing strategies to enable people with a range of different professions and abilities to understand and communicate with children and vulnerable adults
- d) Demonstrated ability and experience in writing comprehensive reports on a child or vulnerable adult's communication needs, tailoring information in a way that makes it accessible to all parties

Applicants must clearly indicate on the application form in which geographical area they are applying to deliver services. Applications that exceed the page limits outlined on the application form, (other than CV)

may be set aside. Letters of recommendations and attachments must not be provided. Any application that does not include and/or satisfy all mandatory criteria may be set aside.

### Funding and Other Information

The project has approved funding for the initial two-year pilot program. The payment rates listed in the *Application Form* are fixed for the pilot program. There is no guarantee of any work once an applicant is accepted into the Scheme. The Department of Justice and Attorney-General will have no employment relationship with any applicant on the Pre-Qualification Scheme as a result of any engagement.

## HOW TO APPLY

- To apply for prequalification, you **must** be registered with an ABN
- Applications must be submitted via **intermediaryscheme@justice.qld.gov.au**

## EVALUATION PROCESS

The process for evaluating each submission is:

1. Application is received and screened to ensure Mandatory Criteria have been satisfied
2. Screened applications are assessed by the Assessment Committee.
3. Successful Applicants will attend training and if deemed competent they will be successfully added to the Pre-Qualification Scheme List

### Qualitative Mandatory criteria

Criterion	Weighting
Demonstrated ability and experience in conducting assessments to accurately and rapidly assess a child or vulnerable adult's receptive and expressive communication needs	25%
Demonstrated practical ability and experience in utilising professional skills to facilitate communication between a child or vulnerable adult and another party	25%
Demonstrated ability and experience in developing strategies to enable people with a range of different professions and abilities to understand and communicate with children and vulnerable adults	25%
Demonstrated ability and experience in writing comprehensive reports on a child or vulnerable adult's communication needs, tailoring information in a way that makes it accessible to all parties	25%