

**Modifications to the Trial Procedure**

**To reduce the formality of the proceedings**

- Refer to defendant by his/her first name
- Removal of wigs and gowns by judge and barristers (in Crown Court)
- Allow defendant to leave dock

**To enable a defendant to follow the testimony of prosecution witnesses**

- Ask all witnesses and advocates to avoid as much as possible complex language during the course of the evidence
- Help the young defendant to concentrate during the proceedings by adjourning for short breaks regularly

**To facilitate communication between defendant and his/her lawyer**

- Allow defendant to sit next to trial advocate
- Encourage young defendant to seek explanations when development in proceedings is not understood
- Adjourn on regular basis to allow the trial advocate to check his/her client's understanding

**To minimise the potential distress and inhibition caused by a public trial**

- Imposition of reporting restrictions (Children and Young Persons Act 1933 s39)
- Exercise of common law power to sit in camera

**To facilitate the effective testimony of the young defendant**

- Use of simple language in examination-in-chief and cross-examination
- Questions to only contain one idea
- Use of screen while defendant testifying
- Clearing court (if public hearing) while defendant testifies in a case involving an offence against, or any conduct contrary to, decency or morality (Children and Young Persons Act 1933 s37)

**To ensure adequate social support during the trial**

- Presence of a parent or guardian in close proximity to defendant
- Access to parent, guardian or other carer during adjournments in the court day

**FUNCTIONAL ABILITIES REQUIRED TO PARTICIPATE EFFECTIVELY IN TRIAL PROCESS**

**Understanding of charges and potential consequences**

- Ability to understand and appreciate the charges and their seriousness
- Ability to understand possible consequences of potential pleas
- Ability to appraise realistically the likely outcomes

**Understanding of the trial process**

- Ability to understand, without significant distortion, the roles of participants in the trial process (e.g. judge, defence lawyer, prosecutor, witness, jury)
- Ability to grasp the general sequence of pre-trial/trial events

**Capacity to participate with a lawyer in a defence**

- Ability to adequately trust or work collaboratively with lawyer
- Ability to disclose to lawyer reasonably coherent description of facts relating to the charges, as perceived by the defendant
- Ability to reason about available options by weighing the consequences, without significant distortion
- Ability to challenge realistically prosecution witnesses and monitor trial events

**Potential for court room participation**

- ability to testify coherently, if testimony is needed
- ability to control own behaviour during trial proceedings
- ability to manage stress of trial