

## VULNERABLE PERSONS CHECKLIST

<b>PRE-PROCEEDINGS</b>		
<b>COMMUNICATION</b>	<ul style="list-style-type: none"> <li>• Is a language interpreter required for visits/meetings/assessment sessions/contact?</li> <li>• Is another form of interpretation required such as BSL, deaf relay?</li> <li>• Is another form of direct communication needed?</li> <li>• Does the party need an advocate or other communication professionals to support their communication?</li> </ul>	
<b>LANGUAGE</b>	<ul style="list-style-type: none"> <li>• What type of language should be used during meetings?</li> <li>• Will meetings be conducted using the vocabulary of the client?</li> <li>• How will professionals ensure that the party has understood?</li> </ul>	
<b>WRITTEN COMMUNICATION</b>	<ul style="list-style-type: none"> <li>• Is the party able to read? If, so at what level?</li> <li>• Should letters be written in words that the party is able to read and understand?</li> <li>• Should other visual means of communication be used?</li> <li>• If not, what is the purpose of the letter and how are the contents to be communicated to the party?</li> <li>• What arrangements are required if the party does not have a family member who can help?</li> </ul>	
<b>MEETINGS</b>	<ul style="list-style-type: none"> <li>• Does the party need to take notes during meetings, or have someone attend to take a note?</li> <li>• Does the party need to record advice in another way, for example audio recording?</li> <li>• Is support required during meetings – emotional or practical?</li> </ul>	
<b>REMOTE WORKING</b>	<ul style="list-style-type: none"> <li>• Is the party able to communicate via the telephone?</li> <li>• Does the party have access to technology to access meetings by video?</li> <li>• Is the party able to fully participate by video – will their communication or understanding be hindered by a lack of body language etc.?</li> <li>• Do meetings need to take place face to face, if so how will this be done safely?</li> </ul>	
<b>PHYSICAL ACCESS</b>	<ul style="list-style-type: none"> <li>• Does the party need special arrangements for attending meetings/contact?</li> </ul>	

	<ul style="list-style-type: none"> <li>• Should meetings take place other than at the office?</li> <li>• Is the party able or willing to travel?</li> </ul>	
<b>ASSESSMENT/ INTERVENTION</b>	<ul style="list-style-type: none"> <li>• What steps are necessary to work out if the party has additional needs which may require a particular form of assessment i.e. cognitive assessment/psychiatric assessment?</li> </ul>	
<b>CAPACITY</b>	<ul style="list-style-type: none"> <li>• Are there concerns that the party lacks capacity?</li> <li>• How will the issue of capacity be assessed?</li> <li>• What steps are necessary to engage adult services and advocacy services?</li> </ul>	

## **ON/AFTER ISSUE**

<b>COMMUNICATION</b>	<ul style="list-style-type: none"> <li>• How will the party communicate with the court and their legal representative at the first hearing?</li> <li>• Is an interpreter required?</li> <li>• Is another form of interpretation required such as BSL, deaf relay?</li> <li>• Is a hearing loop required?</li> <li>• Has the court been alerted to the above needs by the applicant/party's solicitor in the application form or otherwise?</li> <li>• Has the availability of the interpreter etc been confirmed?</li> </ul>	
<b>REMOTE HEARINGS</b>	<ul style="list-style-type: none"> <li>• What decisions are likely to be made at the first hearing? Is any party asking for substantive decisions about a child to be taken at the hearing?</li> <li>• What access does the party have to technology?</li> <li>• Will the party be able to access a video hearing or will they be joining by telephone?</li> <li>• Will the party's understanding or participation be limited by a hearing by phone/video?</li> <li>• How will the party communicate with their advocate prior to and during the hearing – are they familiar with the method being proposed?</li> <li>• How will the party access any necessary support i.e. family member/support worker?</li> <li>• What is the subject matter of the hearing – will this impact on the party's ability to participate remotely and/or will joining from home have an adverse impact on the party?</li> <li>• Does the party need to be in the same place as their advocate?</li> </ul>	

	<ul style="list-style-type: none"> <li>• Have arrangements been made with the court to facilitate the remote hearing fairly?</li> <li>• Does a request need to be made for a hearing to be conducted otherwise than as listed i.e. for a telephone/video hearing to be a hybrid hearing?</li> <li>• Is there a need for an opportunity to test out technology before the hearing?</li> <li>• Does the party understand how to join the remote hearing and/or have someone who can support them to do so?</li> <li>• How will the party have access to papers/the bundle?</li> <li>• If there is an interpreter – where will they be and how will they communicate with the party?</li> </ul>	
<b>PHYSICAL ACCESS</b>	<ul style="list-style-type: none"> <li>• Does the party have any particular physical requirements to access the court?</li> <li>• Does the party require a separate entrance or waiting room?</li> <li>• Are the necessary facilities available?</li> <li>• Has the court been alerted to the above by the applicant/party's representative?</li> <li>• Who is going to inform the party what arrangements have been made for them?</li> <li>• Should the party be advised to attend court at a different time to the other parties?</li> </ul>	
<b>SPECIAL MEASURES IN COURT/REMOTE HEARING</b>	<ul style="list-style-type: none"> <li>• Does the party need screens or other adjustments in court and if so can a request be made prior to the first hearing to ensure that measures are available and how will this be confirmed?</li> <li>• Does the party need adjustments to be made to who they can see on video screen or who can see them?</li> </ul>	
<b>SUPPORT</b>	<ul style="list-style-type: none"> <li>• Does the party require the support of a family member or independent advocate?</li> <li>• Have arrangements been made to ensure their attendance at court?</li> <li>• If the hearing is remote how will that support be provided?</li> </ul>	
<b>LITIGANTS IN PERSON</b>	<ul style="list-style-type: none"> <li>• Has the party been advised in a form that they can understand that they should obtain legal advice?</li> <li>• Is the party choosing to exercise their right to self-represent?</li> </ul>	

	<ul style="list-style-type: none"> <li>• What steps may need to be taken to ensure that the LIP has sufficient understanding of the proceedings and in particular what special measures are available to them?</li> </ul>	
<b>PARTY'S VIEWS</b>	<ul style="list-style-type: none"> <li>• Has the party expressed any views about what they think would support them at court?</li> <li>• Have those views been communicated to the party's legal representative?</li> </ul>	

### AT THE FIRST HEARING: CMH/ICO/FDA/FHDRA

<b>APPLICATION OF FPR 3A</b>	<ul style="list-style-type: none"> <li>• Is the party vulnerable within the meaning of the rule?</li> <li>• If so are participation directions required?</li> <li>• Is there a need to establish participation directions before the current hearing proceeds?</li> <li>• What are the vulnerable party's views?</li> <li>• Have the participation directions been recorded?</li> </ul>	
<b>REMOTE HEARING</b>	<ul style="list-style-type: none"> <li>• Has everyone been introduced at the outset of the hearing?</li> <li>• Does the party have the means to communicate with their advocate?</li> <li>• What breaks does the vulnerable person need during this hearing and how will they alert the court of the need for a break?</li> <li>• How will the vulnerable person's emotional state be monitored?</li> <li>• Is a different type of remote platform necessary for future hearings?</li> <li>• Are there issues of technology that need to be resolved?</li> <li>• Does the vulnerable person need to be in the same place as their advocate/intermediary/supporter for future hearings?</li> <li>• Is a hybrid hearing required for the next hearing?</li> <li>• Are additional breaks required for taking instructions/processing information?</li> </ul>	
<b>INTERMEDIARY</b>	<ul style="list-style-type: none"> <li>• Does/might the party require the assistance of an intermediary in order to participate in the proceedings?</li> <li>• Is there sufficient evidence to make the application at the first hearing?</li> </ul>	

	<ul style="list-style-type: none"> <li>• If not, what further evidence might be required and should directions be sought for the application to be made on paper?</li> <li>• If an intermediary assessment is directed, what documents should be disclosed to the intermediary for the purposes of the assessment?</li> <li>• How will the intermediary assessment take place – in person/video conferencing?</li> <li>• Is the party able to travel/access the assessment?</li> <li>• What documents should be made available to the intermediary to enable them to assist the party in understanding the proceedings (now and ongoing)?</li> </ul>	
<b>LANGUAGE</b>	<ul style="list-style-type: none"> <li>• Is it necessary to make directions as to the type of language to be used in court?</li> <li>• Are directions required for any specific documents to be written in language that can be easily understood?</li> </ul>	
<b>TIMETABLING REQUIREMENTS</b>	<ul style="list-style-type: none"> <li>• Is it necessary to schedule hearings at particular times of day?</li> <li>• Are breaks required for interim hearings? If so how will they be scheduled?</li> <li>• Does the party need the option of taking unscheduled breaks during interim hearings? If so, how will they be enabled to do so?</li> <li>• Does the party need additional time at court to enable them to have the events explained to them, receive advice and give instructions? If so, should the hearing time estimate take account of this? Would it be appropriate for interim hearings to be in more than one part?</li> </ul>	
<b>SPECIAL MEASURES IN COURT /REMOTE HEARING</b>	<ul style="list-style-type: none"> <li>• Are screens required for future hearings?</li> <li>• Is a live link required for interim hearings?</li> <li>• Will the party be permitted to have the support of a particular person in court and if so should this be a participation direction so as to reassure the party that this will be the case on every occasion?</li> <li>• How will special measures be implemented if the hearing is remote?</li> </ul>	
<b>FACILITIES</b>	<ul style="list-style-type: none"> <li>• Are the necessary facilities available in the court building?</li> <li>• Can the case be moved to another court which does have the necessary facilities?</li> </ul>	
<b>CAPACITY</b>	<ul style="list-style-type: none"> <li>• Are there concerns that the party lacks capacity?</li> </ul>	

	<ul style="list-style-type: none"> <li>• Is capacity evidence required?</li> <li>• How will the assessment be carried out – face to face/remote?</li> <li>• Is the party able to travel/access the assessment?</li> </ul>	
WITNESSES	<ul style="list-style-type: none"> <li>• Are there any other proposed witnesses who are vulnerable?</li> <li>• Are any participation directions required?</li> <li>• Are directions required before the next hearing/GRH?</li> </ul>	
IRH/GRH	<ul style="list-style-type: none"> <li>• Will the GRH take place at the same time as the IRH/DRA/FDR or another hearing?</li> <li>• If the matter is proceeding to a FOF, when should the GRH be listed?</li> <li>• If an intermediary is instructed, have they been directed to attend the IRH/DRA/FDR /GRH?</li> </ul>	

**AT THE ISSUES RESOLUTION HEARING/DISPUTE RESOLUTION APPOINTMENT/FINANCIAL DISPUTE RESOLUTION APPOINTMENT/GROUND RULES HEARING**

AT AN IRH/DRA/FDR ONLY	<ul style="list-style-type: none"> <li>• Is the matter proceeding to a hearing at which a vulnerable party or witness is to give evidence?</li> <li>• When should the GRH take place?</li> <li>• Is an intermediary required? (see first hearing checklist)</li> <li>• Is a Re W hearing necessary? If so, should an intermediary assessment inform the Re W determination? If not, does the timetable allow for an intermediary assessment and the submission of written questions prior to the hearing?</li> <li>• Will the direction provide that trial advocates are to attend the GRH?</li> <li>• When should the GRH be listed, taking into account the desirability for witnesses/parties to know the arrangements in advance of attending to give evidence?</li> </ul>	
PD 3AA REQUIREMENTS	<ul style="list-style-type: none"> <li>• Will the witness give oral evidence or other physical evidence or direct physical communication?</li> <li>• Whether the witness' evidence should be given other than at a hearing?</li> </ul>	

	<ul style="list-style-type: none"> <li>• If so, what will be the practical arrangements, who will be present, how will the evidence be recorded, who will ask the questions?</li> <li>• Should advocates be restricted from repeating questions?</li> <li>• Should questions be asked by one advocate or the Judge?</li> <li>• Should written questions or topics be required in advance?</li> <li>• Has the witness given an ABE interview?</li> <li>• Has the witness given evidence before and has it been recorded?</li> <li>• Will the recordings be used in the family court?</li> <li>• What are the witness' views?</li> </ul>	
INTERMEDIARY	<ul style="list-style-type: none"> <li>• Has the intermediary had an opportunity to discuss his/her recommendations with the advocates at the GRH?</li> <li>• How will the intermediary address the court and take part in the GRH?</li> <li>• What further documents should be disclosed to the intermediary to enable them to assist the party/witness at the hearing i.e. threshold, witness template, final evidence?</li> <li>• Do the advocates and court understand the visual aids that the intermediary will be using?</li> <li>• How will the intermediary communicate with the court during the final hearing/fact finding hearing?</li> </ul>	
WRITTEN QUESTIONS	<ul style="list-style-type: none"> <li>• When will written questions be submitted to the intermediary?</li> <li>• Will the questions be disclosed to the other parties?</li> <li>• When will the court make its determination on the questions? Will there be any opportunity for the advocates to make representations?</li> </ul>	
QUESTIONING	<ul style="list-style-type: none"> <li>• Should any of the following directions be made in respect of questioning? <ul style="list-style-type: none"> <li>○ Specific directions as to the type of language</li> <li>○ Specific directions as to the type of questions (see TAG toolkit 13)</li> <li>○ The use of a visual chronology/timeline</li> <li>○ The use of body maps or photographs</li> <li>○ The need for drawing materials</li> <li>○ The use of models or figures</li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>• Who will make available the necessary body maps etc?</li> <li>• How will the advocates address the witness and what names will they use for the other people involved?</li> <li>• Will cross-examining counsel be in the same place at the witness (if hybrid hearing)?</li> </ul>	
<b>AMBIT OF CROSS-EXAMINATION</b>	<ul style="list-style-type: none"> <li>• Should written topics be directed?</li> <li>• Is there a need for the court to limit cross-examination to specific topics?</li> <li>• Should the witness be asked questions that relate to inconsistencies and/or is the advocate required to put his/her client's case?</li> </ul>	
<b>TIMETABLING</b>	<ul style="list-style-type: none"> <li>• What time of day will the witness give evidence?</li> <li>• What arrangements can be made to limit the time that they will spend waiting?</li> <li>• Should time limits be put on cross-examination?</li> <li>• How is the time estimate affected by the need for breaks?</li> <li>• What will be the start and finish times for the court day?</li> </ul>	
<b>BREAKS</b>	<ul style="list-style-type: none"> <li>• Are planned breaks required to enable the party/witness to prevent emotional distress, maintain concentration, take medication etc?</li> <li>• How will the witness signal the need for an unplanned break?</li> </ul>	
<b>MEMORY REFRESHING</b>	<ul style="list-style-type: none"> <li>• What will be the arrangements for the witness to refresh their memory from their ABE interview or witness statement?</li> <li>• Should this happen away from court?</li> <li>• If a child is to watch their ABE interview away from court should they be accompanied by an appropriate person who can note any comments that the child makes?</li> </ul>	
<b>REMOTE / HYBRID HEARINGS</b>	<ul style="list-style-type: none"> <li>• Can the vulnerable witness/party participate fairly in a remote hearing?</li> <li>• What measures are required to facilitate that participation?</li> <li>• Do the measures/arrangements need to be trialled prior to the hearing?</li> <li>• Is it necessary for advocates asking questions to be in the same room as the witness?</li> </ul>	

	<ul style="list-style-type: none"> <li>• What is the subject matter of the hearing? Does the witness need to join the hearing from a location other than home?</li> <li>• Is the witness/party able to travel to the proposed location for a hybrid hearing i.e. court or solicitors' office?</li> <li>• Have all other practical arrangements been considered (see First Hearing checklist).</li> <li>• Are additional breaks required for taking instructions/processing information?</li> <li>• Are shorter court days required?</li> <li>• What arrangements have been made for the witness/party to have access to the papers/bundle?</li> <li>• Does the witness need to have access to any other resources i.e. paper and pencil etc?</li> </ul>	
<b>FAMILIARISATION VISITS/TESTS</b>	<ul style="list-style-type: none"> <li>• Is a visit/test run on the video platform required to enable the party/witness to make decisions as to how they will give their evidence?</li> <li>• Does the intermediary need to be present?</li> <li>• Who else should be present?</li> <li>• Will the witness be able to see the court room with screens in situ?</li> <li>• Will the witness have the opportunity to answer questions through the live link/via the remote video platform?</li> </ul>	
<b>PRACTICAL ARRANGEMENTS FOR THE COURT ROOM/BUILDING</b>	<ul style="list-style-type: none"> <li>• Are any practical arrangements required for a witness i.e. separate entrance etc (see First Hearing checklist)</li> <li>• Will live links or screens be used?</li> <li>• Will anyone accompany the witness when they give evidence?</li> <li>• Will the witness give their evidence from the witness box or elsewhere? Will they sit or stand?</li> <li>• Will the witness meet the advocates and the Judge prior to giving evidence? If so, what will be the arrangements?</li> </ul>	
<b>LIVE LINK</b>	<ul style="list-style-type: none"> <li>• Who will be in the live link room with the witness i.e. usher, social worker, supporter?</li> <li>• Who will be responsible for ensuring the practical arrangements for the witness has necessary holy book, documents, body maps, pen etc?</li> </ul>	

	<ul style="list-style-type: none"> <li>Should a piece of paper and a pen be available in case the witness is called upon the draw something?</li> </ul>	
<b>PARTY REQUIREMENTS</b>	<ul style="list-style-type: none"> <li>Are there any additional requirements for a vulnerable party whilst he/she is not giving evidence?</li> </ul>	
<b>FACILITIES</b>	<ul style="list-style-type: none"> <li>Are the necessary facilities available in the court building?</li> <li>Can the case be moved to another court which does have the necessary facilities?</li> </ul>	
<b>RECORD OF GROUND RULES</b>	<ul style="list-style-type: none"> <li>How will the ground rules be recorded?</li> </ul>	

### AT THE FINAL HEARING/FACT FINDING HEARING

<b>INTERMEDIARY</b>	<ul style="list-style-type: none"> <li>Does the intermediary have any further/revised recommendations to make?</li> </ul>	
<b>GROUND RULES</b>	<ul style="list-style-type: none"> <li>Have all ground rules been complied with?</li> <li>Do any further issues arise that require determination prior to the evidence?</li> </ul>	
<b>COMMUNICATION OF OUTCOME</b>	<ul style="list-style-type: none"> <li>Should the witness (if not a party) be informed of the outcome of the case and/or the court's findings which relate to them?</li> <li>If so how will this information be communicated?</li> </ul>	