

Special measures

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4.1 Introduction

Digital badge and Statement of Participation



This suite of training modules has been produced by Support Through Court and the Open Justice Centre (Open University Law School). It contains a series of modules to support volunteers in their work with members of the public who are involved in court proceedings.

These next seven shorter training modules contain practical advice and assistance on various aspects of client support. These include working with clients involved with special measures, Cafcass, improving your client interview skills, writing court statements, signposting to other organisations, and working with vulnerable clients.

There is an exclusive digital badge awarded for studying these shorter training modules. To gain this digital badge you need to complete all seven modules and pass the Modules 4–9 knowledge assessment.

Welcome to this training module on Special Measures. Special measures are arrangements the court makes to help vulnerable people take part in court proceedings. In your volunteering you may come across situations where clients require special measures to be put in place to assist them when attending court.

Special measures are designed to help vulnerable people in court. Used correctly, they can mitigate some of the anxiety a client may face and allow the client to participate more fully in proceedings or give evidence at a hearing. This training module will assist you in feeling more confident in situations where clients need special measures to take part in court proceedings.

Learning outcomes

This module will explain what special measures are available, when and how to apply for them and who to contact if they are not put in place for your client on the day of the hearing.

In this module you will learn about:

- What are special measures?
- Who can apply for them?
- Special Measures and domestic abuse.
- How do clients apply for special measures?

- What if special measures are not put in place on the day of the court hearing?
- How to support clients where the other party has requested special measures.

This module is one of a number of training modules to help Support Through Court volunteers when supporting clients. The modules all use the same case study to explore the different aspects of supporting clients effectively. We will be referring to this case study as we work through this module, so it may be helpful to remind yourself of the facts now. You may want to open this case study in a separate window (use Ctrl + click on the link) so you can refer back to it when needed. Find out more about the fictitious [Johnson/Smith family](#) and their situation.

During the module you may come across terminology which is unfamiliar to you. Some words are hyperlinked to the [Glossary](#), so by hovering over the word you will be able to see its definition.

The module will consider issues around domestic abuse, as these are some of the cases where special measures may be required. Statistics around domestic abuse show that women are more likely to be victims of abuse than men. For this reason, during the module we will be using 'she' to denote a female victim of domestic abuse and 'he' to denote the male perpetrator, as this is the scenario you are most likely to come across in your volunteering.

However domestic abuse can involve men as victims and women as perpetrators, as well as abuse within same sex relationships. Support Through Court supports all clients regardless of their circumstances and so you may come across different forms of domestic abuse relationships in your volunteering. This training will assist you to support clients whatever their gender or sexual orientation and regardless if they are alleged to have abused or are making allegations.

Please note

This module deals with some sensitive issues including descriptions of domestic abuse. These training modules are not compulsory, but they are recommended. If you do not feel comfortable to start the module, or if you are affected by the material, or feel you are unable to undergo the training, then Support Through Court can help you. Please speak to your Service Manager when you are next in the office.

If you need immediate support over the phone you can call:

National Domestic Violence Helpline – 0808 200 247

Finally this module deals with some sensitive issues including domestic abuse. If you are affected by the material, Support Through Court can provide support for you. To access this support please speak to your Service Manager.

Give your opinion

How would you rate your understanding of special measures right now, before you start this module? [Submit your opinion](#).

4.2 What are special measures?

Special measures are adaptations, concessions or arrangements made by the family court to assist a vulnerable person to participate in proceedings or to give evidence at a hearing.



Screens in use in a court room

Activity 1

Can you think of any cases where your client has been vulnerable or frightened? What, if anything, did the court do to assist the client to take part in the hearing?

Provide your answer...

Comment

You may have already been involved in cases which involved special measures, or you may not yet come across this as a volunteer. Understanding why special measures are put in place, when they can be used and what arrangements can be made will help you support clients better to participate in their court proceedings. We will go on to look at the wide range of special measures which can be put into place in the next section.

4.3 What special measures can be put into place?

The courts have set out the different types of special measures which can be made in the Family Proceedings Rules (FPR) and Practice **Directions**. It is not necessary for you to know the specific wording of these Rules and Directions, but it is important that you understand that there are procedures that must be followed and the types of adjustments the court is allowed to make.

Activity 2

Here are some of the measures the court can put in place. Click on each picture below to read a little more about it.

Interactive content is not available in this format.

Find out more

If you want to find out more about the types of special measures that can be made, you can read the rules governing the use and application of special measures. You do not have to do this. If you are interested, you will find them in the **Family Procedure Rules ('FPR') 3A** and Practice Direction ('PD') 3AA. You may also need to consider Practice Direction 12J for domestic abuse cases.

4.4 Who do special measures apply to?

The court rules say that special measures are for “vulnerable people”.



A small group of people

Activity 3

What characteristics or situations would make someone vulnerable? You may want to think about the situations you have dealt with in your volunteering.

Provide your answer...

Comment

The court rules say that when considering whether someone is vulnerable, the court will consider a number of things. These include:

- the impact of any actual or perceived intimidation towards the person concerned
- whether the person has a mental or physical disability or is undergoing medical treatment
- any concerns about abuse
- whether the court hearing is contentious
- the person's age, maturity and understanding
- the person's social and cultural background and ethnicity
- the person's domestic circumstances and religious beliefs
- the questions the person will be answering in court
- any other relevant characteristic.

The court will also consider what measures could be put in place to assist the person and the cost of those measures.

As you can see, the court doesn't just look at the characteristics of the party (such as a disability or health issue, age, social or cultural background) but also the circumstances. For example, special measures can be appropriate where there has been any intimidation or abuse and where the matter is contentious.

Crucially, when deciding whether special measures are appropriate the court will consider whether any of these characteristics or circumstances means the person will be less able

to participate in the court proceedings or hearing. They will therefore look at whether the person will have difficulties in understanding the court proceedings and the client's role, putting their views to the court, instructing legal representatives (if they have them) or attending a court hearing without "significant distress".

Activity 4

Were there any of these characteristics or circumstances which surprised you, and if so why?

Provide your answer...

Comment

Your response will be affected by your previous volunteering experiences and the extent to which you have supported clients who are vulnerable. You may have already been aware of the wide range of circumstances where special measures could apply, or this might be new information for you.

Can you recall any cases you have been involved with where special measures could have been considered, but were not? If so, can you identify a reason why special measures were not considered? Are there any things you would do differently in the future in your volunteering as a result of knowing this information?

Thinking about these questions will help you in your support of clients going forward.

Activity 5

You will find below a list of possible vulnerabilities. Use the highlighter pen to choose which special measure may be most appropriate in these circumstances.

How to use the highlighter

Each coloured highlighter has a description detailing its function. Click on the colour you want to use and then drag your cursor over the text you want to highlight. The return arrow icon erases the single last highlighting you did. If you want to clear all of your highlighting use the Reset button. When you have completed all of your highlighting click on the Save button. To check your answers click on Reveal answer.

Green – to prevent a party or witness from seeing another party or witness.

Blue – to provide for a party or witness to be questioned in court with the assistance of an **intermediary**.

Red – to give evidence by live link.

Purple – to provide for a party or witness to use a device to help them communicate.

Interactive content is not available in this format.

4.5 Special measures and domestic abuse

Special measures often need to be considered in cases involving domestic abuse. You read in the last section that concerns about abuse, intimidation and whether a matter is contentious are all relevant when considering whether special measures are appropriate.



A client/volunteer interview

Activity 6

What types of behaviour amount to abuse which the court can take into account when considering whether special measures are appropriate?

Provide your answer...

Comment

The court will consider a range of different types of abuse including domestic abuse, sexual, physical or emotional abuse, forced marriage, “honour based violence”, female genital mutilation and human trafficking. They will also consider any abuse or discrimination due to race, culture, gender or sexual orientation.

Did you know?

The most common **vulnerability** that you will come across is likely to be in relation to intimidation and domestic abuse. This may arise in cases involving non-molestation orders or Child Arrangements Orders.

If you are interested in finding out more, please look at Support Through Court's first training module on domestic abuse called [Introducing Domestic Abuse](#).

Activity 7

In our case study, Jazmin has been in a relationship with Steve where there has been a history of domestic abuse. She was controlled by her partner to the extent that it affected her mental health. Eventually, she was able to escape the relationship and she moved into emergency accommodation with her two children. If you need a reminder you can [read about the family](#) again.

A support worker at the refuge helped Jazmin to get some free legal advice. The solicitor has advised Jazmin to obtain a Child Arrangements Order. Jazmin approaches you in the Support Through Court office for help.

From your experience as a volunteer, what are clients most afraid of in coming to court in these circumstances?

Provide your answer...

Comment

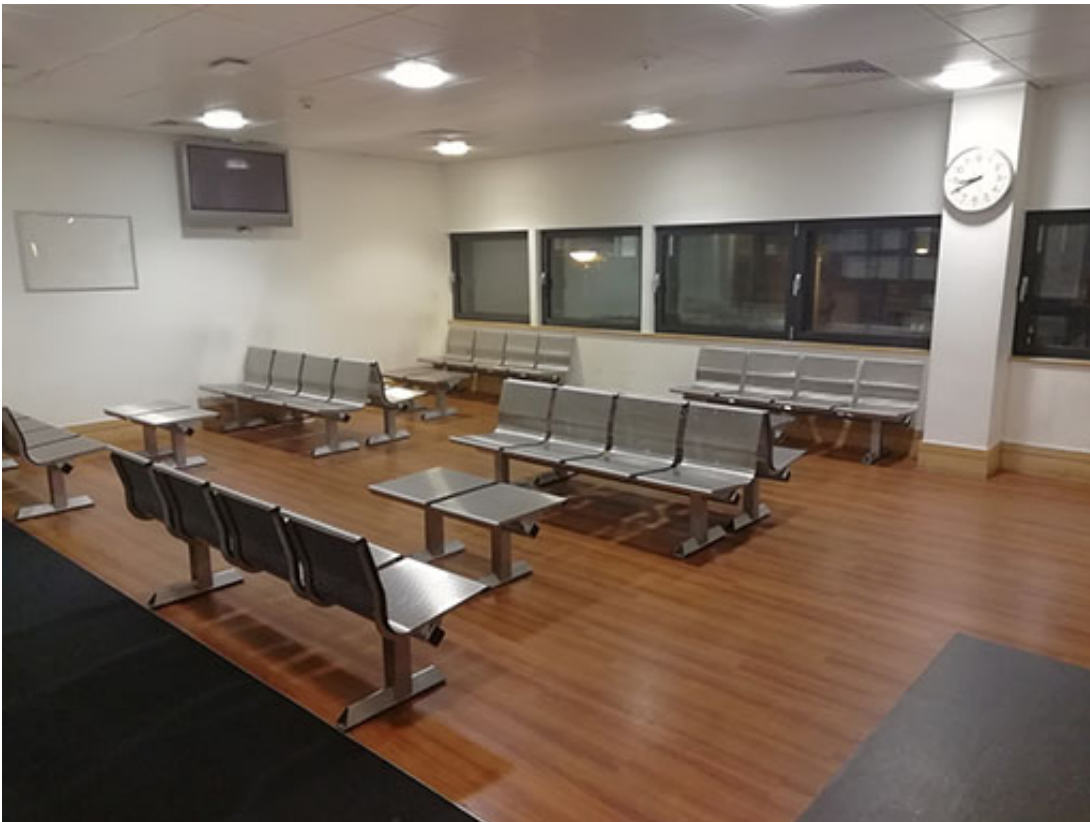
You may have thought of a number of considerations. It may be that they are most afraid of losing their children. A common concern is that people are afraid of seeing their abuser in court or bumping into them at the waiting areas.

Did you know?

As part of the special measures which can be made, many courts have separate waiting areas away from the public waiting area where individuals can wait for their court hearing without fear of meeting the other party.



A secure waiting room



A public waiting area

Jazmin describes her experiences whilst living with Steve as follows:

“At first Steve and I got on really well. He was always very generous and complimentary. After I became pregnant, his behaviour towards me changed. He started to get really jealous of me and my friends. He would behave badly if they came around and eventually they stopped coming over. I was so tired looking after our baby and making sure Steve got what he wanted that I didn’t have time to myself anymore.

Steve started taking the child benefit money and spending it on drink. He would give me what he called ‘housekeeping’, so I could buy food and clothes for our daughter. He would not give me any money for Jaden, my son from a previous relationship. Some days I didn’t have enough money to buy food for myself so I went hungry. He was always checking up on me and he would get really angry when I didn’t do what he wanted. I tried to leave a couple of times but he would always talk me into coming back. He said he loved me and begged me to stay.

One day, I was late back from a doctor’s appointment. He went mad at me, saying I was having an affair. He smashed the place up and punched me in the face. I was holding our daughter at the time and Jaden was in the house, hiding in his bedroom. A neighbour called the police and they came and took him away. I was scared that when he got home he would do something worse, so whilst he was out of the house I managed to get away and get a room in a women’s refuge.

I have heard that he is trying to find where I am staying and wants to take the children from me. I am really scared.”

Activity 8

Which of these experiences would be evidence of concerns about abuse or intimidation, which might allow Jazmin to make an application for special measures?

Provide your answer...

Comment

The clearest evidence would be that Steve had assaulted Jazmin. However, not all domestic abuse involves violence. Evidence of Steve’s controlling behaviour could also be used to support an application for special measures. You can learn more about coercion and control in the first training module on domestic abuse called [Introducing Domestic Abuse](#).

Activity 9

As a volunteer you need to consider which special measures might help Jazmin to attend court without significant distress and put her views to the court.

Look at the following images of special measures. **Click on the image** that you think may be most appropriate in Jazmin’s situation.

There is one correct answer.

Interactive content is not available in this format.

Answer

The special measure image below may be the most appropriate in this situation:



The image depicts measures to prevent a party or witness from seeing another party or witness.

The other options in the images were:

- Intermediary – Jazmin is able to communicate well and understand what is being said in court. So, this measure would not be appropriate for her.
- Aids to communication – Jazmin is able to speak for herself and when she talks people can hear her and vice versa. So, this measure would not be appropriate for her.
- Video link – whilst giving evidence by live link would certainly make Jazmin feel more comfortable and reduce her anxiety, Judges will tend to prefer to speak to a party in person. Special measures must be proportionate to the level of need and, therefore a video link would probably be seen as disproportionate. Especially if it was felt that other, less obtrusive measures could achieve the same result.
- Separate waiting area – this would be useful for Jazmin as she may be intimidated by Steve in the waiting area. However, if she then has to face Steve in court this might prevent her from participating fully due to the anxiety caused by seeing Steve in the court room.
- Anything else – a Judge can order any adjustment they see fit if it will assist the parties to be able to partake more fully in the proceedings. Jazmin's needs can be accommodated through the use of other measures listed in this activity

4.6 How are special measures applied for?

Some special measures require the approval of the court. It is important to apply in the correct way, with sufficient notice. Remember not all courts have all special measures available.

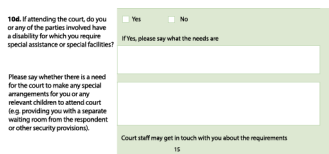
Did you know?

If the special measures are not available in the courtroom at the court where the case is heard, the judge can order the case to be heard in a different courtroom or even a different court building where the special measures are available.

Your local court should have a form which will alert the court to the request for special measures. Each court has their own system for requesting special measures. There should be forms in the Support Through Court office.

Form C100: Section 10

If the client is applying for a child arrangement order, they will apply on **form C100**. One section of the form (currently section 10) asks about special measures.



106. If attending the court, do you or any of the parties involved have a disability for which you require special assistance or special facilities?

Yes No

If Yes, please say what the needs are

Please say whether there is a need for the court to make any special arrangements for you or any relevant children to attend court (e.g. providing you with a separate waiting room from the respondent or other security provisions).

Court staff may get in touch with you about the requirements

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(Source – GOV.UK Form C100: Apply for a court order to make arrangements for a child or resolve a dispute about their upbringing)

[Form C100 PDF](#)

(Source – GOV.UK Form C100: Apply for a court order to make arrangements for a child or resolve a dispute about their upbringing)

Which of the following pieces of information should be included in a special measures request? There are three correct answers.

- The time of the court hearing.
- Why the party would benefit from assistance.
- The colour of the screen required in court.
- The requested gender of the Judge.
- The special measure that is required.
- Why the measure would improve the person's ability to give evidence or participate.

Answer

The following information should be included in a special measures request:

- Why the party would benefit from assistance.
- What special measure is required.
- Why the measure would improve the person's ability to give evidence or participate.

Feedback

It is important to clearly explain what is required, why the party needs it and how it will benefit them to give evidence.

Activity 10

You are assisting Jazmin to apply for special measures for the **First Hearing and Dispute Resolution Appointment (FHDRA)**. If you need a reminder of the circumstances of this case, please see the [case study](#) and read the previous section again. Please complete the relevant section of form C100.

10d Please say whether there is a need for the court to make any special arrangements for you or any relevant children to attend court (e.g. providing you with a separate waiting room from the respondent or other security provisions).

Comment

You may have included the following.

A separate entrance, secure waiting room and screens are required as the applicant has experienced violence and control from the respondent. She is afraid of going into the court building and accidentally meeting him. The measure will allow the applicant to attend court and give evidence without intimidation in the court.

Jazmin will also need to fill in form C1A, which must be completed whenever there are allegations of harm and domestic abuse. In Section 7 requests for special measures can be made.

Section 7 - Attending court

Please indicate whether you intend to request any special arrangements to be made for you to attend court. The court will make every effort to meet these needs, subject to facilities available. Please telephone the court in advance of the hearing to clarify what arrangements can be made.

- Separate waiting rooms
- Separate exits and entrances
- Screens
- Video links
- Separate toilets
- Advance viewing of the Court
- Interpreter
- a disability for which you require special assistance or special facilities
- a sign language signer
- Other


Section 7 of form C1A

4.7 What if special measures are not put in place on the day of the court hearing?

Although you may have assisted the client to apply for special measures and these could have been granted by the court, you may come across situations where the arrangements have not been made on the day of the hearing.

Clients will usually know if they have requested special measures. It is good practice to record a request on the [Client permission and consent form](#) so that other volunteers who may be supporting the client are aware.

To be completed by a PSU volunteer



CLIENT RECORD SHEET

Reasonable adjustments requested:	
Adjustments agreed:	
Case type/brief summary	
Detail of visit	If you went to a hearing <input type="checkbox"/> I did not take any notes at all

A Client Record Sheet

Prevention is better than cure, so volunteers should encourage the client to check with the court the day before the hearing that they have received the request and are actioning it (it is not for the volunteer to check in advance).

When assisting the client to 'book in' with the usher, volunteers should support the client to check with the usher that measures are in place.

Sometimes, a vulnerable client has not been to Support Through Court previously and arrives on the day of the hearing feeling frightened, but unaware that special measures might be available. In this case, support the client to ask the usher to ask the judge if it is possible to request the measure, but be aware that the request may be refused.

Activity 11

In our example, Jazmin applied for special measures. It is now the day of the first hearing and you are supporting Jazmin at the FHDRA. She is anxious that screens are in place for the hearing. The usher is unaware of the application for screens and none have been organised.



Screens in place in a court room

What could you do to support Jazmin?

Provide your answer...

Comment

In the event that the measures are not in place, you can assist the client to establish the reason why. It may be that the judge has not authorised the measure, in which case, there is little you can do to change that decision.

You can try and mitigate any issues, for example by ensuring the client is kept away from the other party. You could also organise with the usher to stagger the timing of the parties entering and leaving the court room and seating themselves between the parties.

If there has been an error or omission on the part of the court or client, then you should work with the client and the court staff to organise the special measures.

Did you know?

Did you know? It is important that the volunteer makes the Service Manager aware of any situation where special measures have not been put in place, so that issues are fed back to HMCTS through the appropriate channel.

4.8 What if you are supporting a client where the other party has requested special measures?

Support Through Court assists all people attending court and so you may be asked to support a client where the other party has requested special measures.

Activity 12

Part 1

Imagine now that at the FHDRA, you are supporting Steve (Jazmin's former partner). Jazmin has been allowed screens in court and a separate waiting area. How do you think Steve might react?

Provide your answer...

Comment

People react in different ways, but common reactions might be to suggest that the other party is 'acting up' for the court and trying to make out that things are worse than they are. Some might feel angry or disadvantaged. Others might think that the judge is taking sides.

Part 2

What would you say to Steve to explain why the screens are there?

Provide your answer...

Comment

It is important that you don't collude with Steve by saying that you agree that Jazmin might have requested screens for sympathy or effect. Explain that the court has agreed to screens as it believes this will allow the party to participate fully in proceedings. The judge will not be taking sides or even taking any notice of the screens. They are there to help the court process.

Give your opinion

How would you rate your understanding of Special Measures after completing this module?

[Submit your opinion.](#)

4.9 Your volunteering and special measures

This module has explained what special measures are available, when and how to apply for them and who to contact if they aren't put in place for your client on the day of the hearing.

In this module you have learned about:

- What are special measures?
- Who can apply for them?
- Special Measures and domestic abuse.
- How do clients apply for special measures?
- What special measures are not put in place on the day of the court hearing?
- How to support clients where the other party has requested special measures.

When volunteering with clients who may need special measures, please remember:

- Special Measures have to be agreed by the court
- They must be requested on the correct form(s)
- They must be requested in advance
- Whilst Support Through Court volunteers can support clients to apply for Special Measures, it is for the client to ensure they are put in place
- The granting of a Special Measure is in no way indicative of bias on the part of the Judge.

Support Through Court have a suite of training modules which you can complete so please do take a look at the other modules available. You can study these in any order. They include:

- [Special measures](#)
- [Working with Cafcass](#)
- [Interviewing clients](#)
- [Writing statements](#)
- [Signposting clients to other organisations](#)
- [Working with vulnerable people](#)

The domestic abuse modules are designed to be studied in order, from the first working to the third. These modules are:

1. [Introducing domestic abuse](#)
2. [Supporting survivors of domestic abuse](#)
3. [Supporting clients who are accused of perpetrating domestic abuse](#)

Give your opinion

Well done, you have completed this module on special measures.

How much will it help you in your volunteering when dealing with special measures? [Submit your opinion.](#)

4.10 Quiz

This self-assessment quiz contains 5 questions and is a great way to check your understanding of what you have learned in this module on Special measures.

The pass mark is 60% and you have unlimited attempts at the quiz. This self-assessment quiz does not count towards your digital badge.

Go to the [Special measures quiz](#) now.

Acknowledgements

Grateful acknowledgement is made to the following sources:

Every effort has been made to contact copyright holders. If any have been inadvertently overlooked the publishers will be pleased to make the necessary arrangements at the first opportunity.

Important: *** against any of the acknowledgements below means that the wording has been dictated by the rights holder/publisher, and cannot be changed.

266485: 4.1 Support through court logo: Support through court

265347: 4.2 screens in court room: Support through court

4.3 Activity 2 (from left to right):

285494: screen in court room: Support through court

285497: screen and sofa: Support through court

285593: Dynawrite: Poule (talk), <https://commons.wikimedia.org/w/index.php?curid=15786982k>. This file is licensed under a Creative Commons Attribution-ShareAlike 3.0 Unported (CC BY-SA 3.0) license, <https://creativecommons.org/licenses/by-sa/3.0/deed.en>

285502: Red bean bags and chairs: Support through court

285596: court: Rommel Canlas / 123RF

285598: Anything else writing: dizanna / 123RF

265349: 4.4 group of people: skynesher / Getty Images

270813: 4.5 client/volunteer interview: Steve Topson

265351: 4.5 secure waiting room: Support through court

265353: 4.5 public waiting area: Support through court

4.5 Activity 9:

285596: court (top left): Rommel Canlas / 123RF

285593: dynawrite (top middle): Poule (talk), <https://commons.wikimedia.org/w/index.php?curid=15786982k>. This file is licensed under a Creative Commons Attribution-ShareAlike 3.0 Unported (CC BY-SA 3.0) license, <https://creativecommons.org/licenses/by-sa/3.0/deed.en>

285497: room with sofa and television (top right): Support through court

285494: court room with screen (bottom left): Support through court

285598: Anything else writing (bottom middle): dizanna / 123RF

268730: Supporting vulnerable individuals (bottom right): Support through court

285494: 4.5 Activity 9 Answer: Support through court

273135: 4.6 Form C100: Section 10: C100 Application under section 8 of the Children Act 1989 for a child arrangements, prohibited steps, specific issue order or to vary or discharge or ask permission to make a section 8 order, available online at: <https://www.gov.uk/government/publications/form-c100-application-under-the-children-act-1989-for-a-child-arrangements-prohibited-steps-specific-issue-section-8-order-or-to-vary-or-discharge>. Reproduced under the terms of the OGL, www.nationalarchives.gov.uk/doc/open-government-licence

265355: 4.6 Form C100: Section 7: HM Courts & Tribunals Service (2018) Section 7, C1A Form, Allegations of harm and domestic violence (Supplemental information form), <https://www.gov.uk/government/publications/form-c1a-allegations-of-harm-and-domestic-violence-supplemental-information-form>. Reproduced under the terms of the OGL, www.nationalarchives.gov.uk/doc/open-government-licence

265359: 4.7 client record sheet: Support through court

265365: 4.7 screens in a court room: Support through court