

Ground Rules Hearings (GRH)



What is a GRH?

A Ground Rules Hearing is an opportunity for the court to discuss the adaptations needed to assist a vulnerable person, or a person with communication needs, to fully participate during court proceedings.

Criminal Practice Directions (2015) state that a Ground Rules Hearing is mandatory and should take place before the trial or hearing begins. In family court, a Ground Rules Hearing must take place before any hearing where evidence is being heard.

The Ground Rules Hearing can be conducted as part of a preliminary hearing (such as an Issues Resolution Hearing) or before the start of the trial or Final Hearing. Alternatively, a specific court date may be arranged to hold a Ground Rules Hearing.

If an intermediary assessment has been completed and an intermediary is recommended, it can be very helpful for an intermediary to attend the Ground Rules Hearing, to ensure that the recommendations in the report are understood and implemented successfully.

Counsel and the judge can seek clarification on points raised in the intermediary report and establish the role that intermediary will play (if granted). This can improve understanding of the court user's communication needs and help ensure the proceedings run smoothly.

Communicourt intermediaries often recommend that a further Ground Rules Hearing takes place before your client gives their evidence (see page 2).



What happens at a GRH?

During a typical Ground Rules Hearing, the intermediary (if present) can deliver the findings and recommendations of the intermediary report to the court. Ideally, this will occur before the trial judge and trial counsel.

The intermediary will summarise the individual's communication difficulties or differences and explain recommendations to assist with these areas of need.

The recommendations may require discussion and input from other court staff regarding the relevant practicalities and logistics. For example, the availability of bookable conference rooms, or alternative seating arrangements, waiting areas and entrances.

Following these discussions, the judge will decide whether each of the recommendations is granted, and how they wish different measures to be implemented (for example, how an unscheduled break should be requested, or how often they wish to receive oral or written intermediary updates).

Key topics for discussion

The following issues are typically discussed during a Ground Rules Hearing (although this is by no means an exhaustive list):

- The frequency and duration of breaks, and the length of the court day.
- The role of the intermediary (if granted) throughout the proceedings.
- Any extra measures that will assist your client throughout the proceedings (e.g. adaptations to language used in the courtroom, measures to support attention and emotional management).
- Any special measures which the intermediary report recommends (e.g. seating a defendant outside of the dock, the use of screens in the courtroom, the use of video-link).
- Any extra observations not included in the report, arising from further assessment, or previous hearings or conferences attended by an intermediary.
- A method for the intermediary to indicate if your client experiences difficulty and further adaptations are required.
- How often the judge would like to receive an intermediary update, detailing the effectiveness of strategies and recommendations.
- Agreed protocol for giving evidence (including special measures and question style).
- Whether questions in advance will be submitted by all advocates to the intermediary for review prior to your client's evidence.

You can learn more about the role of an intermediary when a [defendant or respondent is giving evidence here](#).

Pre-evidence GRH

Communicourt intermediaries often recommend that a further Ground Rules Hearing takes place before your client gives their evidence.

At this stage, further information and insight may have been gained regarding your client's communication profile and likely communication needs during their evidence.

Recommendations specific to giving evidence could include:

- The use of any special measures.
- The frequency of breaks at this stage of the trial or hearing.
- Question style (e.g. question types to avoid and strategies to assist).
- How the intermediary will intervene, if a question is likely to cause miscommunication.
- Additional strategies such as the use of a fidget object or visual aids (e.g. calendars or timelines).
- How to approach referring your client to written references (if they have literacy difficulties).



Further reading

- The Advocate's Gateway - [Toolkit 1: Ground Rules Hearings](#)
- [Getting to Grips with Ground Rules Hearings](#) (Cooper et al, 2015)
- [Criminal Procedure Rules](#) - Ground Rules Hearings (2020)

From The Access Brief

- [Intermediary assessments](#)
- [How can an intermediary assist at trial?](#)
- [Does my client need an intermediary?](#)
- [What are Questions in Advance?](#)
- [How can an intermediary assist during evidence?](#)
- [Intermediaries for child witnesses](#)
- [Working with a client who has an Official Solicitor](#)



Intermediary services

If you are concerned about your client's ability to communicate effectively and participate in legal proceedings, Communicourt can help.

We will assess your client to understand their communication needs and how these might affect them in court. Your client does not need to have a diagnosis. Our reports will identify any particular communication issues and make bespoke recommendations to help you and your client throughout proceedings.

If intermediary assistance is recommended, one of our highly trained intermediaries can be there throughout proceedings to facilitate those recommendations.

Intermediaries are mostly funded by HMCTS, with no charges or payments required by legal representatives.

How to book an intermediary

- 1 Refer online.** Refer your client for an assessment through [our online portal](#) (5 minutes).
- 2 Funding.** We send a quote for you to send to Legal Aid / HMCTS to approve (24 hours).
- 3 Book assessment.** Once funding is approved, please let us know. We will schedule an assessment (2-6 weeks).
- 4 Assessment will** take up to 3 hours and can be conducted in person or remotely. You will then receive a report (7 days).
- 5 Book dates** for hearings or conferences. We will send you booking forms to be signed by the court. Once signed, we will book the intermediary.