

## Supplementary submission to the Transparency Review

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I am a freelance journalist who has reported on the family justice system since 2014, and the director of a newly constituted social enterprise, Scrutiny, which supports journalists and citizen investigators to hold to account parts of the state and public-facing organisations that operate behind closed doors. More about my reporting on the family justice system can be seen in my initial written evidence to the Transparency Review submitted last summer.

In that evidence, I mentioned that I was working on a proposal for a Family Court Reporting Pilot. More groundwork has since been done, and funding secured from the Joseph Rowntree Charitable Trust for a six-month scoping phase. I hope that this short submission will provide some useful information on the Pilot as currently envisaged. Although initially I had imagined submitting the proposal to the Rules Committee, in order to seek their approval for a Practice Direction, after considering a range of factors, and given that it is hoped a number of court centres would be willing to test out the Pilot, my sense is that Practice Guidance would be sufficient at this stage.

### Background

The work I am now undertaking on the Pilot is carried out in partnership with The Bureau of Investigative Journalism<sup>1</sup>, and has the support of Cardiff University's School of Law and Politics, Cardiff School of Journalism, Media and Culture, and The Transparency Project.

It is funded by the Joseph Rowntree Charitable Trust<sup>2</sup>, under its "Power and Accountability" funding strand (<https://www.irct.org.uk/power-and-accountability>), and fits two of that strand's subsections which have direct

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<sup>1</sup> The Bureau of Investigative Journalism is the UK's largest non-profit investigative reporting organisation. Founded in 2010, it is a trusted source of information and facts about complex issues affecting our society. Through in-depth investigations, it shines light on systemic problems that are corroding democracy but are underreported by mainstream media. It sees itself as a key player in creating a stronger, more cohesive public interest journalism sector.

<sup>2</sup> The Joseph Rowntree Charitable Trust is a Quaker trust which supports people who address the root causes of conflict and injustice.

relevance to securing greater transparency in the family justice system, as here described:

### ***Subsection 2 - strengthening democratic accountability***

*In a healthy democracy, government should be representative of the wider public and in touch with a wide range of groups, but not disproportionately influenced by any single interest. We are interested in funding work which.... (relevant bullet point)*

- *develops and promotes mechanisms which enable civil society and the general public, including marginalised groups, to engage appropriately and effectively with government policy making at all levels.*

### ***Subsection 3 - Encouraging responsible media***

*All forms of media play important roles in a healthy democracy, but media companies and platforms can themselves be powerful and unaccountable. We are interested in funding work which (relevant bullet points)*

- *encourages accurate and responsible media, with appropriate safeguards.*
- *explores and promotes ways for all forms of media to play a constructive role in holding government, companies and other powerful actors to account.*

## **The Pilot**

The goal of the Open Justice Family Court Reporting Project is to open up the family justice system to greater accountability by developing a responsible approach to public interest reporting. Absent the repeal of S12 AJA which restricts such reporting, it is acknowledged that it will take time, trust and testing to enable such much-needed independent scrutiny of the state's powers as exercised in family courts.

This would, without question, be a new frontier for public interest reporting and accountability in *this* jurisdiction. However, it is not unprecedented elsewhere: the Republic of Ireland now permits anonymised press reporting of family court cases held in private; in Australia, such reporting is similarly allowed.

## **The Pilot would:**

- encourage and support accurate and responsible media reporting on family justice issues in the public interest.
- seek to increase public and professional trust in the media's watchdog role to scrutinise and report responsibly on family justice issues as they progress through the court system.
- promote open justice and the right to a fair trial in family court proceedings.

**The key goals for the initial six-month scoping phase are to:**

- draft, consult on and finalise a Reporting Protocol\* to which journalists would have to commit in order to be accredited under the Pilot
- create template Orders\* for family court centres and judges to adopt
- design and test a family court reporting familiarisation course for journalists and editors
- design a similar Pilot familiarisation course for judiciary and lawyers
- at least one major media organisation to partner with the Pilot and commit to reporting on family courts under its auspices
- begin the process of seeking funding for a two-year roll out of the Pilot and an independent academic evaluation report

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\*Attached, incorporated with a Rationale document intended to assist in understanding how the Protocol and Orders have been formulated.