The Association of Lawyers for Children invited Dr Carol Coulter, director of the Child Care Law Reporting Project, to address its annual conference in Bristol on November 22nd 2018 and to participate in a panel discussion afterwards. This is her address to the conference.

Child care law reporting without tears

Carol Coulter, Director, Child Care Law Reporting Project

Ireland, like England and Wales, has struggled for decades with the conflicting demands of the need for transparency in the family courts and the need to protect the privacy of children and their families. For most of that time the balance was struck in favour of privacy in all family law matters, with an absolute prohibition, not only on publishing any information about such proceedings, but on sharing such information with family and friends and with disclosing it in any complaints proceedings against professionals.

Again similarly to England and Wales, the *in camera* rule was subject to sustained criticism over a number of years. The criticism came both from journalists seeking to report on such cases, while respecting the anonymity of the parties, and from some parties to proceedings who felt aggrieved by the outcome in their case, felt the legal system was unfair, and wanted to publicise their experience. There was a particular campaign alleging that the family courts were biased against men in general and fathers in particular, and it was claimed that, were the public to know what was going on, there would be uproar. Some members of the judiciary were concerned about this discourse, but politicians seemed reluctant to address it until the beginning of this century.

I have read with interest the debate in this jurisdiction, including the views of Lord Justice Munby and the vicissitudes of legislation allowing media attendance at and reporting of family law proceedings. I have also read the criticisms of this legislation, including the Brophy report for this association and the National Youth Advocacy Service[1] and Judith Masson's overview of changes in the law, including on media reporting.[2] Brophy *et al* outlined the major misgivings children and young people had with access to the family courts for the media, though I am not clear whether the young people were asked for their opinion on reporting if the information was fully anonymised and they could not be identified.

---

[1] https://www.alc.org.uk/news_and_press/news_items/nyas_alc_report_media_access_to_family_courts_next_steps_views_of_children

[2] https://research-information.bristol.ac.uk/files/106760661/Masson_Reforming_care_proceedings_FINAL.pdf

The young people interviewed expressed the view that the media generally did not prioritise the truth and were likely to sensationalise coverage in order to increase sales. This could be further amplified by discussion on social media. The need for the informed consent of young people for their information to be published was emphasised. Quite rightly they were very concerned about the publication of photographs. The report suggests that alternatives should be found that would provide transparency without attempting to rely on the media, without suggesting what they might be.

First of all, though I understand the very negative attitude displayed in this report towards the media, I do not share it. While sections of the media in both Ireland and in the UK sensationalise issues and sometimes distort facts, I have seen reports and analysis of family law and other sensitive issues in many of the British broadsheet newspapers and television programmes that are compassionate, careful and balanced. However, the existence of such examples does not, in my view, mean that the media can bring full and adequate transparency to such proceedings.

It is too much to ask of a media industry, especially the print media, in an era when its resources have been sharply reduced and it faces competition from the online media both for audience and for advertising, to provide comprehensive reporting of family law proceedings. No media organisation I know of has the resources to have reporters sit in courts day-in, day-out, listening to all the evidence, recording and reporting the most mundane details, in order to give a complete picture of what occurs. Further, under the attempted legislation in this jurisdiction, and the existing law in Ireland, they may be greatly restricted in what they can publish at the end of it. In addition, as the Brophy report points out, the media write “stories”. Not all family law cases can be presented as “stories” and reporting on those that can will distort the overall reality of family law proceedings, including the routine. Alternative ways of promoting transparency need to be found.

I was a newspaper journalist for almost 30 years, and I still consider myself a journalist. I am deeply committed to the role of the media in holding power to account, and in supporting the rights of the vulnerable. I also understand the need for the media to present stories with human interest. I strongly believe all this can be done in reporting child protection and private family law without infringing the right to privacy of an individual child or his or her parents. I think we have managed to do that in Ireland, though this has come about largely by accident.

Reform of the *in camera* law was piece-meal, took place over a decade and followed two distinct paths, designed by two different Ministers, both distinguished lawyers. One was a former Attorney General, the other one of the leading family law practitioners in the country and the author of a Private Members’ Bill on judicial separation that was adopted

and enacted by the government of the day. Both of them introduced changes to the *in camera* rule, one in 2004 and the other in 2013. This has led to a situation where there are now two parallel regimes for reporting family law in Ireland.

The first change, introduced in 2004, was designed to permit reporting of private family law proceedings without permitting the media attend. This was extended in 2007 to cover public family law. The then Minister, Michael McDowell, felt it would be impossible for the media to report without a risk of some organisations sensationalising the proceedings, and that, outside of Dublin, the capital and largest city, it would not be possible to avoid the risk of identifying the parties in what is largely an intimate society. This legislation names a number of academic institutions that can nominate people to attend proceedings and write reports, subject to protecting the anonymity of the parties. The second major change came in 2013, after the enactment of legislation in England and Wales permitting media reporting, and owes much to it. It allows *bona fide* members of the press attend and report, but subject to a large number of restrictions. Thus one of the systems for reporting family is restrictive in who can attend and report, while not being prescriptive about what can and cannot be reported; the other allows the media free access to the family courts, but is highly restrictive as to what can be reported.

The legislation concerned is the 2004 Courts and Civil Liability Act,[3] the 2007 Child Care (Amendment) Act[4], and, most recently, the 2013 Courts and Civil Law (Miscellaneous Provisions) Act[5], which amends the 2004 and 2007 Acts. Both the 2004 and the 2007 Acts inserted into family law legislation exceptions to the *in camera* rule, permitting lawyers and organisations named in secondary legislation attend the proceedings and have access to relevant documents in order to prepare reports. The Regulations name the main third level academic or educational institutions and a number of other organisations (the Law Reform Commission, the Courts Service, the NGO Free Legal Advice Centres and the Economic and Social Research Council) who may nominate people, subject to approval by the Minister, to attend court and publish reports and decisions.

In contrast, the 2013 Courts and Civil Law (Miscellaneous Provisions) Act, which opened the family courts up to *bona fide* representatives of the media, allows all of the media access into court, but is highly restrictive in spelling out what cannot be published, in giving the court extensive powers to limit reporting, and in providing for severe penalties for breaching the terms of the legislation – up to €50,000 in a fine and three years in jail for both journalists and media executives who publish prohibited material. Since its enactment five years ago there has, understandably, been little media attendance at family law proceedings.

[3] http://www.irishstatutebook.ie/eli/2004/act/31/enacted/en/html
[4] http://www.irishstatutebook.ie/eli/2007/act/26/enacted/en/html
[5] http://www.irishstatutebook.ie/eli/2013/act/32/enacted/en/html

In 2006, in the absence of any significant take-up by the academic organisations named in the legislation of the opening created by the 2004 Act, P J Fitzpatrick, the first Chief Executive of the Courts Service, decided the Courts Service should run its own pilot project on reporting family law proceedings. This was in pursuit of its mandate, as outlined in its 1999 founding legislation, to provide information on the courts to the public. I was asked to run this project and took leave of absence from the Irish Times, where I was legal affairs correspondent. P J was determined that such a project must be totally operationally independent and gave me full support in running it as an independent project.

Courts Service Family Law Reporting Pilot Project

The Family Law Reporting Pilot Project was set up in October 2006 and ran for over two years (the second year without my direct involvement), publishing reports of family law proceedings from the District, Circuit and High Courts in quarterly magazine format. After the first year I published a report on the findings from the reports and a study of a selection of family law court records, making recommendations both on further reporting and on the operation of the family courts in general. One of the findings was that, while there was no bias in the courts against fathers, fathers earning the average industrial wage were disadvantaged in being above the threshold for legal aid, but unable to afford a private solicitor, while typically their wives did qualify for legal aid. In these circumstances they sought to represent themselves, often not fully understanding the proceedings, and were consequently frustrated by the process and often the outcome. The board of the Courts Service established a committee to implement the recommendations that came under its remit and both reports are available on the Courts Service website.[6]

One of the lessons from the Courts Service Pilot Project was the sheer mundanity of most family law proceedings – though of course they are not mundane to the people involved. In judicial separation or divorce proceedings two issues are mainly in dispute: property, usually the family home and maintenance of the dependent spouse and children; and custody of and access to children. Under both the Judicial Separation and the Divorce Acts the behaviour of the parties cannot be introduced into family law proceedings unless is would be contrary to the interests of justice to exclude it. This happens very rarely.

The Courts Service Pilot Project came to an end in 2008, partly because of Ireland's economic crash, resulting in a 40 per cent cut in funding for the Courts Service, and it has not been replaced by anything similar.

---

6 http://www.courts.ie/Courts.ie/library3.nsf/(WebFiles)/C4FA6C02C7B13A428025738400521CE9/$FILE/Report%20to%20the%20Board%20of%20the%20Courts%20Service.pdf and http://www.courts.ie/Courts.ie/library3.nsf/(WebFiles)/491532ED22EBA9A4802575CB004E5ABA/$FILE/Report%20of%20the%20Family%20Law%20Reporting%20Project%20Committee%20to%20the%20Board%20of%20the%20Courts%20Service.pdf

Child Care Law Reporting Project

In 2007 legislation amending the Child Care Act to allow reporting of child care proceedings was enacted, modelled on the provisions of the 2004 Courts and Civil Liability Act, again restricting those who could do the reporting to people nominated by academic institutions and other research bodies, and subject to the approval by the Minister of the individual concerned. Like all the other legislation on reporting family law, it contains strict injunctions against identifying the children or their parents.

In 2012 two philanthropic organisations came together with the Department of Children and Youth Affairs to propose a five-year project reporting on child care law, modelled on the Courts Service pilot project, though differing from it in that all case reports are published online rather than in magazine format. I was asked by these organisations to run the project, and I left The Irish Times to do so.

One of the things we have learned in the Child Care Law Reporting Project is that the issues in these proceedings are much more sensitive and delicate than those in private family law. Unlike most private family law proceedings, the behaviour of the parties – the parents of the children – is under scrutiny. The basis under the Irish Constitution for interfering with the rights of the family is that the parents have "failed in their duty" towards their child or children. The legislation providing for the taking of children into care by the State, which in Ireland is done not by local authorities but a national Child and Family Agency, stipulates that the health, development or welfare of the child must be threatened by remaining under the care or his or her parents. Inevitably, therefore, the cases involve allegations of neglect or physical, emotional or sexual abuse.

For these reasons there is a huge stigma attached to the taking of children into care. Despite the fact that the courts are not conducting a trial of the parents, but rather an inquiry into what is in the best interests of the child or children, it is inevitably perceived by the parents as a trial of their functioning as parents. And the sanction is very severe – the taking of a child away from its parents. In terms of gravity, it is up there with the taking away of a person's liberty. The type of evidence that is heard in such cases includes descriptions of the physical condition and hygiene of the home and of the children; whether the child suffers from developmental delay; whether the parents suffer from drug or alcohol addiction, mental illness or cognitive disability; whether the child has been subjected to physical or emotional abuse; whether family members or others are alleged to have sexually abused the child – all matters which are highly sensitive and, if made public, deeply damaging to the people involved.

From the point of view of the children the issues involve the most intimate details of their and their families' lives, things they would not share even with their closest friends. It would

be very traumatic for such information about them to come into the public domain and be the subject of gossip or teasing in their schools or communities, or placed on websites for general titillation. This is all the more so for children who are already damaged or vulnerable. For all these reasons all concerned, particularly the social workers, the judiciary and, in the many cases where they are involved, the guardians *ad litem* representing the interests of the child, are very vigilant about the reporting of child care proceedings.

When the Child Care Law Reporting Project was set up I had a number of discussions with members of the judiciary about how best to ensure that the anonymity of the children and their families would be preserved. Given the terms of the legislation it goes without saying that no photographs of any child, party or witness can be published under any circumstances. The Protocol for this project specifies that the courts outside Dublin will not be identified and also details some further information relating to the children that is not given in reports in order to avoid "jigsaw" identification. A copy of this Protocol is available on our website, where we publish all our reports.[7]

We have adopted a practice of identifying the children in a family alphabetically, so that the eldest is A, the next one B, and so on. We have also adopted a practice of not specifying the age of the child, unless it is relevant to the proceedings and unavoidable. So a baby is obviously referred to as a baby or an infant, a toddler is a toddler, but children a little older may be "of primary school age", those older again are likely to be teenagers. If the child has a disability – and one in five of children taken into care has some educational, psychological or physical disability – we generally do not specify what that is. For example, an autistic child will not be described as autistic, but rather as a child with special needs. If either parents or children are in receipt of services from the Health Service Executive or the Child and Family Agency, we refer to them only in general terms.

Ethnicity is not mentioned unless relevant to the case or raised in evidence (for example, where a party's embassy sought to attend the proceedings, a child was trafficked, or the cultural practices of the parents were considered a threat to the child) and then the specific country is not mentioned. We have also sometimes blurred or even changed certain details of cases, for example turning twins into siblings, or changing the gender of a child where otherwise the facts could have led to identification.

There have been instances where we have been asked by the court not to report certain cases, or not to report some of the evidence. This is usually when the facts of the case would make it easy to identify the family – where it involved multiple births, for example. It can also occasionally be the case that a parent in the case is so vulnerable that any additional stress, which could be caused by the publication of details of the case, could lead

[7] https://www.childlawproject.ie/protocol/

to a catastrophic worsening of his or her condition. However, it is fair to say that the judges very rarely intervene to ask us to restrict what we report. There have also been instances where they have restricted reporting by the media, but have exempted us from the restriction.

When we are present in court parents are informed of our role, and that they will not be identified in any report. When reassured about identification they have never raised any objection. Sometimes where an older child is involved he or she will be informed by the court-appointed guardian *ad litem* that the Child Care Law Reporting Project is reporting the case and, again, that they will not be identified. Under Irish law guardians *ad litem* present the views of the child as well as representing their welfare. Occasionally we have been asked by the guardian to withhold certain details that might cause distress to the child, or, in his or her opinion, possibly lead to identification, and we generally accede to such requests. However, we do not accede to requests from lawyers for parents or the CFA, or from guardians, not to publish a particular report. If they feel there is good reason that it should not be published, they should make such an application to the court, we will have an opportunity to reply, and will of course abide by any direction the court may give.

For the first three years of the project I followed the practice of the Courts Service Pilot Project in selecting the courts attended on the basis of the volumes of child care cases they heard, based on Courts Service statistics. Otherwise we attended randomly. The fact that we attended courts on a random basis meant that we were not just attending particularly contested cases, or cases that might be controversial. Many were not contested at all. Others were completed quite quickly. We also reported on relatively routine matters, for example the renewal of interim care orders or the reviews of existing care orders. Our reports include examples of good practice on the part of the Child and Family Agency, and instances where children go home after a period in care when their parents have stabilised their lives. Reports can range in length from about 400 words, where an interim care order is extended or a care order is reviewed, to over 20,000 words, where we have followed highly contested cases that have gone on for years, publishing successive reports at each stage of the proceedings. Our reports are essentially journalistic in style, reporting on exchanges between witnesses, lawyers and judges, but usually not devoting much space to detailed legal argument.

We do not publish contemporaneous reports. We publish quarterly volumes of reports, many of which could have started many months before publication. Indeed, some might have finished some months earlier, but for various reasons their publication is delayed. Secondly, we do not identify the courts we report from, so the geographical location of the cases is not revealed. This luxury is not available to local media. All this reduces the danger of identification.

For the first three years we carried out two functions while present in court – taking detailed notes of the proceedings, including cross-examinations, as the basis for the report; and filling in data collection sheets detailing various aspects of the families' circumstances and of the case. This enabled us to collate and analyse statistics, which we published along with lengthy commentary in annual reports and in a final report after the first three years of the project. Matters referred to in the statistics included the ethnicity and family status of the parents, their legal representation, the issues that brought the case to the attention of the CFA, whether the child had any special needs, the order sought, whether a guardian *ad litem* was appointed and the outcome of the case, including the type of alternative care the child entered.[8] Much of this information had not been previously collected, as the data collection carried out by the Department of Children and Youth Affairs and the Child and Family Agency was limited, and falls far behind the work carried out in this jurisdiction on child protection by various academic and philanthropic institutions.

The fact that we reported on a representative selection of cases, and not just those which showed the Child and Family Agency in a bad light (though these certainly exist and we have reported on them) meant that we overcame the initial mistrust of social workers and their managers.

The District Court judiciary also welcomed the project as bringing transparency to what they saw as an important area of work. Unlike magistrates in England, all district judges in Ireland are full-time professionals, appointed after a number of years of practice as solicitors or barristers. Most of their work concerns minor civil and criminal matters, including public order and road traffic offences, carrying fines up to €5,000 and sentences up to 12 months. Under the Child Care Act district judges have jurisdiction in child care matters, and they are acutely aware that this involves responsibility for much graver decisions than the generality of their work, and are happy to have this highlighted.

District judges are also aware that each operates in his or her own area, ignorant of the practices being followed by their colleagues in other areas. For example, we reported that a judge in one part of the country routinely used a provision in the Child Care Act that a child could be taken into care for the duration of his or her childhood "or for such shorter period as the court may determine" to make short care orders for one or two years, permitting the parents to attempt to resolve their issues and have the children return home. On learning this from our reports a judge who was hearing a very complex case in another part of the country, where the CFA was seeking care orders until 18 for two very young children with disabilities, decided that one-year care orders, with close monitoring of the parents, were appropriate. These had not been made in this district before.

[8] https://www.childlawproject.ie/wp-content/uploads/2015/11/CCLRP-Full-final-report_FINAL2.pdf

In addition, under the leadership of the current President of the District Court, written judgments in some child care cases, mainly from Dublin, are published on the Courts Service website.[9] These bring further transparency to child care proceedings, though of course the style of the judgments and of the reports we publish differ. While the majority of these judgments are from those courts which hear child care matters on a full-time basis, and they have no precedential value, they are nonetheless very important in demonstrating the thinking of the District Court on child care matters.

The Child Care Law Reporting Project was due to end at the end of 2017, and the philanthropic organisations which initiated and co-funded it had by now ceased to exist. However, the Department of Children and Youth Affairs wanted such a project to continue for a further three years in order to inform its ongoing review of the Child Care Act, and sought expressions of interest in providing it. After a competitive process, the Child Care Law Reporting Project was selected to do so, so it is now fully funded by the Irish government, though it retains its operational independence.

Where are the media in all this?

From the outset we knew that the public would only be informed of our reports by the media, and we had a media strategy to publicise the project and our reports. This was assisted by the fact that I had worked in the print media for almost 30 years. The website was launched by the President of the District Court at a press conference, in itself a news-worthy occasion, as judges rarely participate in such public events. Annual reports were launched respectively by the Minister for Children and Youth Affairs and the Chief Justice. Each quarterly volume of reports is announced with a press release which includes about six synopses of case reports and which draws attention to the main themes contained in the volume of approximately 30 reports.

The synopses obviously contain much less detail than the full reports, and these, rather than the full reports, are usually published by the media. The media rarely delve into the full reports, which can be long, though they are read by stake-holders, including social workers, lawyers and judges. The press releases receive widespread media coverage in both the print and broadcast media, including interviews with me on the flagship news programmes from both the public and private broadcasters, and on local radio. More recently, they are also discussed in the social media.

Examples of our reports re-published in the media include one where the social worker fought in court against the legal representatives of the Department of Justice to ensure a

---

9 http://www.courts.ie/Judgments.nsf/FrmJudgmentsByCourtAll?OpenForm&Start=1&Count=35&Expand=6&Seq=1

refugee child was given the right to stay in Ireland; on the case of two children in care for three and five years respectively where the judge refused to make a care order because of the lack of evidence from their country of origin, where an older sibling had been taken into care and adopted; on cases involving serious child sexual abuse where the way in which the matter was investigated and the children were interviewed by the police and social workers was severely criticised by external experts; on cases where children with severe behavioural problems had been placed in secure care and no suitable placement could be found for them when they reached the age of 18. All these cases show how the system works, or does not work. All have been reported and commented on in the media, but there have been no complaints that any of those involved have been identifiable.

Issues mentioned in our reports are regularly raised in the Dail (Irish parliament), promoting debate on child protection generally and further drawing attention to the reports on the website. Without the support of the media our work would be not receive the exposure it does and generate discussion both among the stake-holders in the child protection system and the public at large.

This is a symbiotic relationship. Attention is drawn to our reports and the website by the media. Through access to our reports the media can report on child protection proceedings and promote discussion on the issues raised: examples of both good and bad practice on the part of the Child and Family Agency and the courts; the adequacy of the response of State agencies to allegations of child sex abuse; the lack of availability of suitable placements for disturbed children; the prevalence of addiction, mental health problems and marginalisation among the families in the child protection courts; regional variations in the approaches taken by the Child and Family Agency and the courts; the disproportionate representation of some ethnic groups in child protection proceedings. It also means that the media themselves do not have to attempt to negotiate the legal minefield that is the law governing direct reporting by media organisations under the 2013 Act.

As well as providing for the anonymity of both parties and witnesses, the 2013 Act, permitting *bona fide* representatives of the press attend both private and public family law proceedings, contains a long list of matters prohibited from being reported. It also contains a provision that reporting may be prohibited or restricted if any of the information published could, when “taken together with other information” lead to members of the public identifying the parties or a child involved in the proceedings – so-called “jigsaw” identification. In my view this places an impossible burden on members of the press. How can journalists be held responsible for “other information”, which they did not provide and of whose existence they may not even be aware, being put together with their reports, leading to the identification of those involved in the proceedings?

Under this legislation, it appears that they can, which makes the Act virtually unworkable. In addition, given the intimacy of Irish society, it would be very difficult for local media outlets to publish a report that would not risk identifying the parties. For all these reasons the impact of the legislation on media reporting of family law has been muted, to say the least. Reporting on private family law, apart from applications relating to domestic violence, is almost non-existent. There has been a little more reporting from the child-care courts, but it is occasional and haphazard and almost entirely limited to Dublin.

The problem with a model for regulating the reporting of family law proceedings that is prescriptive as to what can be published is that it creates endless possibilities for legal dispute on the form and content of the reporting. Many media organisations will not wish to engage in this and will just stay away. If some do so, it will greatly prolong the proceedings and add unnecessary stress to the families at the centre of the proceedings.

In my view this illustrates the fact that transparency in family law proceedings, which is vital in any functioning democracy, and all the more so when the state in involved in infringing on the rights of citizens and their families, cannot be the responsibility of the media. But this should not be an excuse for restricting transparency in child protection proceedings.

Reconciling transparency and the right to privacy

The need for transparency and accountability remains. The media plays a crucial role in seeking accountability from public bodies and institutions. In any democratic society citizens need to know and understand how the laws passed by the politicians they elect work out in practice. Without this, there can be no way of knowing whether and how they should be changed. One of the main arenas where the working out of the law is seen is in the courts. It is not practical or, in some instances, desirable, for the public at large to attend every court case. As the former Chief Justice in Ireland stated in a judgment on the access of the media to a court case, where this had been denied by a Circuit Court judge, the media are “the eyes and ears of the public”. If there is to be transparency in family law proceedings, there is no way of avoiding the involvement of the media.

The personal details of identifiable individuals do not have to be revealed in reports. In child protection proceedings what is necessary is that the process is examined in a sufficient number of cases to ensure that the public is aware of what is involved, what good practice should entail, when it occurs and when public bodies fall short. Matters reported should include the involvement of public authorities in the lives of a family before court proceedings are initiated, the reasons for a decision being made to take such proceedings, the quality of the evidence brought forward to support this decision, the vindication of the right of the parents to challenge this evidence, the consideration given to the views of the child, the manner in which the proceedings were conducted by the court, the decision of the court and the reasons given for this decision.

The role of the Child Care Law Reporting Project has been, in a sense, to act as a filter between the raw material of the court proceedings and the reports that reach the public domain. We remove the identifying information and the disturbing details not essential to the decision in the case, while reporting comprehensively on the exchanges that reveal short-comings on the part of state agencies and the reactions of parents to the proceedings. But only a dedicated body can follow cases that may go on for years and can devote resources to mundane as well as dramatic cases so that a representative picture is painted.

From the outset the reporting function of the project was combined with research. As well as the Final Report referred to above, we carried out a study of ten exceptionally lengthy and complex cases, attempting to identify factors that led to them becoming so prolonged - over three years in a couple of cases - and making recommendations to the courts, the Department of Justice, the Department of Children and Youth Affairs and the Child and Family Agency.[10] This report was launched by the current Chief Justice, who endorsed the recommendations as they related to the court, and the various government departments and agencies have also welcomed them.

Our role in both reporting on the reality of child care proceedings and in collecting and analysing information has led to a real dialogue with State bodies, which have integrated some of our findings into proposals for reform of the law. Our reports are used in professional training of both social workers and lawyers. While by definition we cannot confirm this, we have been informed anecdotally that our presence in court has an impact on how proceedings are conducted. Because we have no agenda other than providing objective reports on the proceedings, we have very cordial relationships with all stake-holders in the process.

A dedicated body

In my view, based on our experience, transparency in child protection proceedings requires a body dedicated solely to reporting on family and child care law, which then makes the reports available for re-publication by the media. Having a single unit doing so allows for the reporting to be governed by a protocol that protects the anonymity of the children and their families, and that filters the information reported so that the media do not have access to identifying or sensitive information. In our case such a unit also allowed for information not otherwise collected to be obtained for further analysis of child protection proceedings generally, leading to recommendations for change.

While the Child Care Law Reporting Project has been widely welcomed by all stake-holders – the judiciary, lawyers representing both the State and respondents, the Child and Family

[10] https://www.childlawproject.ie/wp-content/uploads/2018/06/CCLRP-Examination-of-Complex-Child-Protection-Cases-March-2018.pdf

Agency and the Department of Children and Youth Affairs – its existence is largely due to a series of accidents, and it is time-limited, due to expire in 2021. The 2004 legislation which cautiously sought to modify the *in camera* rule clearly envisaged academic institutions being the main bodies to attend family law proceedings. When this did not happen the visionary head of the Courts Service initiated a pilot project to demonstrate that family law could be reported without infringing on the parties' right to privacy. When philanthropic organisations with an interest in children's rights looked to support a worthy initiative for their munificence, they were recommended by a child protection specialist to replicate the Courts Service project in relation to child protection law. They chose a journalist with knowledge of the law to fulfil this task, who had already run the Courts Service project, making the reports accessible to the general public rather than legalistic in style.

So what of the future? The Courts Service pilot project ran for two years. The Child Care Law Reporting Project has run for six so far, with two and a half more to go. At the moment there are no plans for a permanent reporting mechanism for family law proceedings. However, long-awaited legislation establishing dedicated family courts is expected to be published later this year or early next year, and I am optimistic that this will include a provision for the Courts Service to establish an independent unit which would provide reports of a representative selection of family law proceedings, along the lines of those provided by these two projects.

I know the justice system in the UK is under severe strain, having suffered cuts over a number of years. Seeking resources for an independent reporting project may not be easy. But it may be possible for the Justice department and the main media organisations to come together and agree on ways of supporting a body that would provide accurate and comprehensive reports, for use by the media and the courts themselves. This would obviate the need for the media to spend scarce reporting resources on attendance at proceedings where what can be reported is constantly in doubt, and would provide the courts with comprehensive and accurate information on their functioning in this hugely contested area.