

TRANSPARENCY IMPLEMENTATION GROUP

MEDIA REPORTING SUB-GROUP

25 October 2022 (at 4.45pm), via MS Teams

Attendees:

Mrs Justice Lieven (Chair)

Jack Harrison (Secretary)

DJ Adem Muzaffer

Lisa Harker

Dr Julie Doughty

Guy Vassall-Adams KC

Charles Hale KC

Connie Purdy (Barrister)

Lucy Reed (Barrister)

Olive Craig (Rights of Women)

Sian Harrison (PA Media)

HMCTS Legal Adviser

MoJ Policy

Judicial Private Office

HMCTS Operational

DfE Policy

1. Apologies

Apologies were received from MoJ Legal.

2. Previous minutes

These were approved, subject to brief amendments by MoJ Policy.

3. Feedback from visits to Cardiff and Leeds (including training needs)

Mrs Justice Lieven and Jack Harrison had recently visited Cardiff and Leeds Family Courts to seek views on the pilot's proposals from the judges and staff. The issues raised related to the likelihood of reporters attending, the impact on court listing, and readiness for the commencement of the pilot.

The following points were made/discussed by the group:

- That reporters/legal bloggers had experienced difficulties when trying to notify courts about their attendance i.e. primarily due to staff workload.
- That the Guidance would encourage reporters/legal bloggers to inform the court of their attendance, in advance (although reporters and bloggers had the right to attend in any event). It was acknowledged that court lists were published, at the earliest, in the early/mid-afternoon of the day before the hearing, which could limit the possibility of attending hearings. This Guidance would acknowledge the difficulty in giving notice, in advance, where reporters/bloggers did not attend in order to cover specific cases.
- It was queried whether the courts could notify parties of reporters/bloggers attendance? It was accepted that this might not be achievable.
- That the Pilot's Guidance should reflect the Lord Chief Justice's Guidance, about attendance at in-person hearings by remote means, i.e. that arrangements should be made for media attendance; this point would be taken away for discussion.
- That courts would be encouraged to create a dedicated inbox for reporters/bloggers to notify them about their attendance.
- Whether transparency orders should be dealt with at the gate-keeping stage, or on the standard form and uploaded to the portal.

4. Training schedule and planned way forward

Face-to-face training sessions, for judges and staff, had been held at Cardiff and Leeds Family Courts; further training sessions would be held remotely for judges, practitioners, journalists, Local Authority staff, Cafcass and others. The materials would consist of the Guidance, a transparency order and a leaflet for parents. Three barristers (one of which was Connie Purdy) had been recruited to act as points of contact, and assist with training at the Pilot Courts.

5. Pilot 'go live' date discussion (including possibility of phasing centres and case types)

In view of the preparatory work required, the scale of the change, and the need to build momentum, the pilot was likely to launch in January – this would be discussed with the President of the Family Division. There were different views about whether the pilot should start with public law (where most parties were represented) and then move onto private law: representation made the transparency order easier because lawyers could explain the law/process to clients.

6. Evaluation update

MoJ had agreed funding for evaluating the pilots in principle; the procurement process was ongoing and would be assisted by group members. It was felt that evaluation would involve two components, i.e. data capture of applications, orders etc, and interviews with people.

The following points were made/discussed:

- That, as part of the evaluation, a sample of press reports should be analysed to see how they had been received by various stakeholders.
- That the evaluation would focus on a modest set of questions about process, e.g. whether it worked for people, what the difficulties were etc. The fundamental reason for transparency was to improve confidence in the family justice system, which could not easily be objectively tested, however levels of interest and the preservation of anonymity could be.
- That a further discussion would take place (to identify potential areas for evaluation)

7. Engaging the media

A communications strategy would be devised ahead of the pilot's launch, and local media (within the pilot areas) would be kept informed.

8. AOB

The President's view was that transparency orders should only be made when reporters attended court proceedings; it was therefore necessary to find a mechanism for this to work when large numbers of reporters attended court following the initial reporting of a case. Guy Vassall-Adams KC and Charles Hale KC would assist with this aspect of the Guidance together with anyone else who wished to assist.

Action: Guy Vassall-Adams KC and Charles Hale KC to send joint feedback on the Guidance to Mrs Justice Lieven by early-November.

9. Date of next meeting

6 December 2022 (at 4.45pm), via MS Teams.