

TRANSPARENCY IMPLEMENTATION GROUP

MEDIA REPORTING SUB-GROUP

6 December 2022 (at 4.45pm)

Attendees:

Mrs Justice Lieven (Chair)

DJ Adem Muzaffer

Lisa Harker (NFJO)

Dr Julie Doughty

Olive Craig (Rights of Women)

Guy Vassall-Adams KC (Barrister)

Charles Hale KC (Barrister)

Lucy Reed (Barrister)

Jack McCabe (Barrister)

Connie Purdy (Barrister)

Laura Beattie (Barrister)

MoJ Policy

MoJ Legal

Judicial Private Office

HMCTS Operational

1. Welcome and apologies

Mrs Justice Lieven welcomed Jack McCabe, Connie Purdy and Laura Beattie to the group; they would act as the liaison points in the three pilot courts.

Apologies were received from Angela Frazer-Wicks, Sian Harrison and HMCTS Legal.

2. Matters arising from the 25/10/22 meeting

- *“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". It had been decided that, where possible, attendance should be in the format of the hearing; there was a need to prevent the adjournment of cases simply because the media wished to report.

- *"That courts could be encouraged to create a dedicated inbox for reporters/bloggers to notify them about their attendance."* This was still subject to discussion. It was acknowledged that a dedicated inbox would require monitoring, which would be difficult to do in a timely fashion. It was noted that each court had an open justice statement (with an inbox address for enquires from reporters re attending hearings).
- *"Whether transparency orders should be dealt with at the gate-keeping stage, or on the standard form and uploaded to the portal."* Transparency orders would be made at hearings, on a Word document, which would be uploaded on the Portal (rather than a standard order - due to the complexity in amending standard orders in the event that amendments were made).
- *"There were different views about whether the pilot should start with public law (where most parties were represented) and then move onto private law."* It had been decided that the pilot would commence with public law; private law would then be rolled out within 6-8 weeks. It was confirmed that, from 30 January 2023, all local authority cases (in the three DFJ-areas) would be pilot cases. When private law cases entered the pilot it might be necessary to indicate, on the cause list, which private law cases were not pilot cases.

3. Update on the pilot

Mrs Justice Lieven confirmed that the pilot would launch on 30 January 2023 and would be based in three DFJ areas, i.e. Cardiff, Leeds and Carlisle; a launch event would be held in London on 26 January. The pilot's launch had also been publicised via local, national and social media.

Training sessions had been held for local authority officers and media representatives: these had been recorded and were available on the Transparency Webpage of the Judiciary Website; a further training session would be held in January for other interested parties.

The guidance had been approved by the President of the Family Division and would be published during w/c 23 January; one significant change was that, following representations, the President of the Family Division had decided that the default position would be that guardians/Cafcass service managers would not be named in the pilot (so that the Cafcass position mirrored the local authority position). The Parents/Litigant-in Person leaflet was also close to being finalised.

Evaluation was still going through the procurement process; there was a need to ensure that no data protection principles were compromised during the evaluation process. No

decision had yet been taken about who would collect the data in each court (which would feed into the evaluation).

Discussion

The following points were made/discussed:

- That DJ Jamie Saunders would be the liaison judge at Cardiff.
- Local authorities in the Cardiff DFJ Area had jointly written a letter to the Cardiff DFJ, requesting further information about aspects of the pilot: Mrs Justice Lieven would send them a response. In relation to the pilot, she was content to meet with local authority chief executives, directors of social services or legal advisers from the DFJ Area, if required, as well as any other interest groups.
- An inbox had been set up to receive any pilot-related queries. Regular reviews would be held within the first four weeks of the pilot.
- That legal bloggers should have been invited to the December media training session; they would be invited to the January training event. Lucy Reed was content to assist with legal blogger training. It was suggested that DFJs in the pilot areas and the Association of Lawyers for Children could publicise the legal bloggers training event.

Action: Mrs Justice Lieven to contact the FLBA, to bring the January training event to the attention of potential legal bloggers; group members were encouraged to also bring it to the attention of potential legal bloggers.

4. Date of the next meeting

This would be scheduled for mid/late February 2023 (unless an earlier meeting was required).