



Media Pilot Sub-group meeting: minutes

Date 22 November 2023: 4.45pm – 5.45pm (via MS Teams)
Author: PFD Office
Attendees: Mrs Justice Lieven, HHJ Claire Murden, HHJ Clive Baker, HHJ Adem Muzaffer, DJ Joanna Geddes, Jack Harrison, Charles Hale KC, Lucy Reed KC, Julia Steels JP, Andrew Wood JP, Angela Frazer-Wicks, Jack McCabe, Julie Doughty, Natalie Byrom, Olive Craig, MoJ Policy, MoJ Legal, HMCTS Operational, PFD Office.

Apologies: Sian Harrison, DfE Policy

1. Welcome

- 1.1 The new group members, i.e. HHJ Claire Murden, Julia Steels JP and Andrew Wood JP were welcomed.

2. Progress of the Pilot

- 2.1 The Pilot had been rolled out in private law, in May, and in the Magistrates' Courts (in the three Pilot Areas) earlier in November; it had taken slightly longer than anticipated due to resourcing issues. There had not been a great deal of media reporting in private law, so far, nor was there any evidence of any impact on victims of domestic abuse. Press coverage, so far, suggested that, overall, the Pilot had been a positive initiative.
- 2.2 The National Centre for Social Research (NatCen) were in the process of evaluating the Pilot; they had encountered some difficulties in finding family members to speak to so they had been encouraged to speak to families' legal representatives. It was hoped that, at some stage, it would be possible to speak with children (who had been through court proceedings with media involvement) in order to identify whether further safeguards were required.
- 2.3 The plan was for the evaluation report to be presented to the President of the Family Division in December; Mrs Justice Lieven and Jack Harrison would also produce a separate review of the Pilot which would focus on issues such as amending the Guidance.
- 2.4 The three Pilots were due to formally end in January 2024. The President had decided that they would continue, and be extended to a number of other courts; the aim would be to introduce a Rule change, in 2024, so that transparency became embedded across the family justice system. There were ongoing discussions, with HMCTS, to ensure that courts would not be over-burdened during the rollout of further Pilot Courts. Mrs Justice Lieven was also liaising with Mr Justice Peel, the Judge-in-Charge of the Financial Remedies Court

(FRC), regarding simultaneously piloting FRC transparency in the same courts as those in the Pilot's extension.

- 2.5 Liaison would take place with MoJ officials regarding introducing a Rule change - the aim being to reverse the presumption within the current Rule while retaining the current Guidance.
- 2.6 The President of the Family Division had recently held a media engagement forum, in London: it had gone very well, and there had been an open, honest discussion. The major issue raised was listing, i.e. it was difficult for journalists to attend hearings if they did not have sufficient information about what cases were about, while recognising that it would not be appropriate for lists to be explicit about sensitive subject-matter. Jack Harrison had produced a categorisation of cases document and shared it with gatekeepers – the press could then obtain it from the website.

The points which were made/discussed were:

- That the new listing system would be useful, based on its descriptions, but as it had commenced in the summer it would be difficult to evaluate its effectiveness so far.
- Whether the new enhanced lists pilot system, *Court & Tribunal Hearings Service*, which was in operation in the Thames Valley, for professional users and media, could be rolled out in the Pilot Courts? It was suggested that this could be a long-term solution, following evaluation by HMCTS.
- That court listing teams, in the Pilot Courts, had found a workaround to the need to manually amend the list, i.e. by incorporating categories into case names/numbers on the List Assist digital tool. It was queried whether this could be immediately introduced in the courts which would be joining the Pilot next year.

Action: Mrs Justice Lieven/Jack Harrison to e-mail reporters to obtain their views on the utility of the current list categories.

3. Evaluation

3.1 The points which were made/discussed were:

- That in the Pilot areas, most of the children had been too young to provide feedback to the evaluation team therefore the best route was to speak to the Family Justice Young People's Board (FJYPB) and the Family Rights Group.
- It would be valuable if NatCen could retain access to the Pilot cases so that they could follow up on young people's experiences in the longer term. Another suggestion was to hold a public deliberation exercise where teenagers spoke about their general attitudes to the risks and opportunities of transparency, taking into account the case studies.

Action: Mrs Justice Lieven, Angela Frazer-Wicks, Natalie Byrom, a representative from the FJYPB (as well as any other interested group members), to meet, in early-

2024, to discuss how to engage with young people who had experience of court proceedings with media involvement.

4. Roll-out plans

- 4.1 It was hoped that up to 20 Designated Family Judge-Areas would be involved in the next phase of the Pilot, and that it would be co-ordinated with the FRC Transparency Pilot. The aim was to start in public law, then incorporate private law, and then roll it out in proceedings heard by lay magistrates in the family court.
- 4.2 The Judicial Office's Press Team would be publishing details of the roll-out once the courts had been agreed with HMCTS. The Transparency Project had been asked by Cafcass to give a presentation on transparency, reporting and legal blogging etc. HHJ Clive Baker was holding a training session for legal advisers in Cumbria; Mrs Justice Lieven and Jack Harrison would be holding training sessions for legal advisers in the future Pilot areas.

Action: Charles Hale KC to liaise with Mr Justice Peel regarding assisting with training for the FRC Pilot roll-out.

5. Any other Business

- 5.1 It was noted that transparency orders were starting to be made in courts which were not involved in the Pilot: this was positive, and perhaps indicative of a gradual awareness which could lead to cultural change.

6. Date of the next meeting

- 6.1 This would be scheduled for January, depending on how matters progressed between now and then.