



# The Reporting Pilot Guidance

From the President of the Family Division, and  
Transparency Implementation Group

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This document replaces the authoritative guidance issued in January 2023

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# Introduction

1. In October 2021, in the [Transparency Review](#), I recommended that journalists and legal bloggers should be able to report on what they see and hear in court, subject to strict conditions of anonymity. Putting this recommendation into practice became the work of the Transparency Implementation Group in December 2021, led by Mrs Justice Lieven. In January 2023, after 14 months of design and consultation, Leeds, Cardiff, and Carlisle designated family centres became the first courts in England and Wales to pilot this recommendation, in what has become known as the Reporting Pilot (RP).
2. The RP has been a successful experience. The pilot has been subject to independent evaluation by the National Centre for Social Research, and has been monitored by the Transparency Implementation Group. Both NatCen and the TIG have produced separate reports, which are available on the TIG website: [thetig.org.uk](http://thetig.org.uk).
3. On 29 January 2024, in consultation with DFJ colleagues and HMCTS, I expanded the RP to a significant number of DFJ areas to allow further evaluation on a larger scale, with a view to long term implementation.
4. This document sets out the basis of the expanded pilot and the rules. It is intended to be authoritative guidance for all those who take part in the pilot.

## Aims of the Pilot

5. The aim of the RP is that, in designated DFJ areas, accredited journalists and ‘legal bloggers’ (i.e. ‘duly authorised lawyers’ for the purposes of Family Procedure Rules 2010, r.27.11) will be allowed to report on what they see and hear in court (“the transparency principle”).
6. All reporting will be subject to the principles of protection of the anonymity of any children involved unless the Judge orders otherwise (“the anonymity principle”).
7. The Court may depart from the transparency principle in any case. In deciding whether to restrict reporting, the Court apply an intense focus to the rights of the family and parties to a fair trial under Article 6 ECHR, to a private and family life under Article 8 ECHR, and of the press, parties and public under Article 10 ECHR. The Court should balance these rights in assessing whether reporting is appropriate.

# Attending Court to Report

## Who may attend and report on proceedings?

8. Only “pilot reporters” may attend and report on proceedings taking place in a designated area. The meaning of “pilot reporters” is any duly accredited representative of a news gathering or reporting organisation or duly authorised lawyer (legal blogger) who may attend a hearing under FPR r.27.11. Terms defined in, or under, FPR r.27.11 will have the same meaning in the RP.
9. At present, a duly accredited journalist, which means a journalist who carries a UK Press Card, or a legal blogger may attend a family court hearing as of right. The right of a journalist or blogger to do so in any pilot court is unchanged.
10. The Court retains a discretion to permit attendance by a person other than a pilot reporter pursuant to FPR r.27.11(2)(b), including but not limited to non-UK Press Card Authority accredited media (FPR Practice Direction 27B, para 4.3). It is expected that a non-Press Card carrying journalist will be able to produce a signed letter from their editor.
11. Where a pilot reporter attends a hearing, their name and contact details should be recorded on the case management order from the hearing.

## Identifying cases to attend and report

12. The TIG has asked court centres to implement changes in the way cases appear on public lists. The intention is that the public court list will contain a series of codes for cases falling within the pilot. The codes will correspond to a ‘code breaker’ which lists the issues involved in the case. The issues will be identified by the gatekeeping judge or legal adviser, who will make an Order as part of gatekeeping that the case appears on the list in a certain way. The code breaker will be available on CourtServe, and on the TIG website.
13. The listing changes began for new care cases in Autumn 2023, and this will continue to be reviewed as HMCTS progresses its REFORM programme.

## Attending Court

14. RP will apply to pilot reporters who attend a hearing.
15. When a reporter attends a hearing, and wishes to report, they should ask the judge to make a Transparency Order. This applies to the hearing being attended, and any further reporting of the proceedings. The Court should recite the details of the reporter who requests the making of the Order in the case management order.
16. Although a pilot reporter may attend the Court hearing without giving notice to the Court or the parties, pilot reporters are strongly encouraged to inform the Court and (if known) the parties of their plans to attend and report on a particular hearing. This can be done by emailing the general family inbox of the court centre or telephoning the Court.
17. Hearings in the family court may be attended, remote, or a hybrid of the two. In general, the method of attendance of the reporter should match that of the hearing.
18. In some cases, it may be possible for a reporter to attend a hearing remotely where the other parties are attended.
19. In considering whether to facilitate remote attendance of an attended hearing by a pilot reporter, the Court should specifically consider Section 85A of the Courts Act 2003; the Remote Observation and Recording (Courts and Tribunals) Regulations 2022 (SI 2022/705); and the Practice Guidance (Open Justice: Remote Observation of Hearings) [2022] 1 WLR 3538. In that guidance, the Lord Chief Justice and Master of the Rolls said:

*“20. Remote observation should be allowed if and to the extent it is in the interests of justice; **it should not be allowed to jeopardise the administration of justice in the case before the court.** The primary duty of any court is to administer justice in the case before it. In some circumstances, remote observation could jeopardise that aim. ...*

*21. Issues about remote observation **should not undermine the court’s ability to meet the needs of other cases.** Decision-makers are required to **satisfy themselves that giving effect to a direction would not unreasonably burden the court or its staff.** In some cases the parties may provide the means of remote access. Otherwise, the facilities and personnel will be provided by HMCTS or another public sector body. Provision varies. Most salaried judicial office holders will know very well what facilities and*

*personnel are available to them. Others may be reliant on information from those responsible for their court. The court must bear in mind the need to allocate its scarce resources in an appropriate way between the cases that come before it. Open justice has been and still can be achieved without remote access.”*

20. The RP operates against a backdrop of additional pressure on court staff. Pilot reporters should therefore not expect additional provision to be made unless by prior agreement, and if requests are made on the day of a hearing itself.
21. Pilot reporters are asked to attend the hearing at or before the listed start time of the hearing if possible. If a pilot reporter arrives once the hearing is underway, this may be disruptive, and may be a reason for the judge to refuse or defer a decision about reporting.
22. Where a pilot reporter attends a hearing, issues of transparency should be dealt with at the outset of the hearing, if possible.

## The Transparency Order

23. The Court will consider whether to make a Transparency Order in any case where a pilot reporter attends a hearing (remotely or in person). The Court retains a discretion to direct that there should be no reporting of the case. The standard order is available on the TIG website.
24. There is standard form of Transparency Order, but the Court may modify the terms of the standard order as appropriate on the facts of the case. The Court may do so of its own motion, or by invitation. The Court retains a discretion to (later) vary or discharge the Transparency Order or to direct that there should be no (further) reporting of the case. This discretion may be exercised of the Court’s own motion or on application by a party or a pilot reporter.
25. The standard Transparency Order states that it remains in place until any child to whom the proceedings relate reaches the age of 18.
26. The standard Transparency Order provides that, in any reporting about the proceedings, the following must not be reported to the public at large, or a section of the public, without the express permission of the Court:

- a. The name or date of birth of any subject child in the case.
- b. The name of any parent or family member who is a party or who is mentioned in the case, or whose name may lead to the child(ren) being identified;
- c. The name of any person who is a party to, or intervening in, the proceedings;
- d. The address of any child or family member;
- e. The name or address of any foster carer;
- f. The school/hospital/placement name or address, or any identifying features of a school of the child;
- g. Photographs or images of the child, their parents, carer or any other identifying person, or any of the locations specified above in conjunction with other information relating to the proceedings;
- h. The names of any medical professional who is or has been treating any of the children or family member;
- i. In cases involving alleged sexual abuse, the details of such alleged abuse;
- j. For the purposes of s.97(2) Children Act 1989, any other information likely to identify the child as a subject child or former subject child.

27. For the avoidance of doubt the Transparency Order does not prevent publication by a parent of information that they would ordinarily be permitted to publish, for example information concerning their child, if it does not relate to or refer to the proceedings, the child's involvement in those proceedings or the evidence concerning that child within the case.

28. Unless the Court orders otherwise the following agencies or professionals may be named:

- a. The local authority/authorities involved in the proceedings;
- b. The director and assistant director of Children's Services within the LA (but no other person from the local authority, including the social worker, without express permission of the court);
- c. Cafcass (but not the children's guardian or reporting officer without express permission of the court);
- d. Independent Social Workers appointed by the court pursuant to FPR r.25 (but not Independent Social Workers instructed by the local authority only and taking the place of the social worker in the preparation of assessments or work with the child);
- e. Any NHS Trust;
- f. Court appointed experts (but not treating clinicians or medical professionals);
- g. Legal representatives and judges;
- h. Anyone else named in a published judgment.

29. In accordance with FPR r.27.11(3), the Court has a discretion to exclude pilot reporters from a particular hearing, or part of a hearing, but this should only be

done for specific reasons, and these should be recorded in the case management order. The Court may also determine that there should be no reporting, or restricted or delayed reporting of all, or part, of the proceedings (see paragraphs above relating to the content of a Transparency Order). The Court may also consider whether reporting should be restricted for a certain period or up to an event, for example a criminal trial.

30. The Transparency Order will permit the parties to discuss the proceedings with a pilot reporter (see below) and subject to the terms of the Transparency Order, permit the reporter to quote parties in their reporting. It *will not permit the parties* to themselves publish information from the proceedings where this would be restricted by section 12 AJA1960 and/or the Rules of Court. This includes re-publishing any media articles or blogs written about the case under the pilot, where accompanied by comment that may identify the child concerned.
31. Through the means of the Transparency Order the restrictions on publication contained within s.12 Administration of Justice Act 1960 are varied. No contempt of Court will be committed so long as the terms of the Transparency Order are complied with.
32. In any event, s.97 Children Act 1989, protecting the anonymity of the child, will continue to apply for the duration of the proceedings. The effect of the transparency order, where made, is to extend that protection until the child's 18<sup>th</sup> birthday.
33. The fact that the media are aware of the existence and terms of the pilot (which are publicly available), are able to identify the cases to which it applies from the published list, and know in general terms what the terms of a Transparency Order are likely to involve, and that the media may if they wish attend such hearings and make representations about the terms of any individual order are, in combination, sufficient to meet the notice requirements of s12(2) Human Rights Act 1998, and prior notice of the court's intention making of making a Transparency Order is therefore not required.
34. Whether the Order is made in the standard form or in amended form by the judge, the Order needs to be specific, so those to whom it applies know exactly what it permits. This gives everybody clarity, and ensures that the Court will be able to act on any alleged contempt.



35. In a complex case with a number of parties or children, the Court may consider adding a schedule to the Transparency Order to include a form of anonymisation that may be permitted (e.g. Family A, Child BB etc).
36. The Transparency Order and this guidance is available in Welsh. Orders will be made in Welsh if the application is submitted in Welsh and/or if directed by the judge. HMCTS' Welsh Language Unit can be contacted by email, [Welsh.Language.Unit.Manager@justice.gov.uk](mailto:Welsh.Language.Unit.Manager@justice.gov.uk). Any questions about the use of Welsh are to be directed to the Unit in the first instance and may be referred to the Welsh Language Liaison Judge, HHJ Mererid Edwards.

## Cases within the RP

37. The following cases will be part of the RP:
- a. All applications for public and private law Orders under Parts II and IV Children Act 1989, and applications to discharge, vary or enforce existing Orders.
  - b. All applications for placement orders where the application is made within care proceedings, up to the point at which any placement order is made or the application for a placement order or otherwise is concluded.
  - c. All applications under the inherent jurisdiction of the High Court, including applications to authorise the deprivation of a child's liberty.
38. The pilot does not apply to financial remedy cases or applications under Family Law Act 1996. Section 12 Administration on Justice Act 1960 does not usually apply to such hearings except where the application is wholly or mainly about the upbringing of a child. Section 97 Children Act 1989 does not apply unless those proceedings are consolidated with proceedings under that Act (or insofar as publication of information relating to the FLA/FR proceedings might identify the child as a subject of current but separate children act proceedings).
39. Rule 27.11 FPR in its current form will continue to apply even in pilot courts, so pilot reporters will not be able to attend hearings currently excluded from r27.11, unless permitted by the Court pursuant to rule 27.11(2)(g).

40. Rule 27.11 FPR in its current form will continue to apply in pilot courts, so reporters (including pilot reporters) will still be able to attend the specified hearings before magistrates in the family court. If there is a request in those proceedings to report on the case, the magistrates will have to consider whether a Transparency Order should be made, and the reporting allowed. It is not considered that this would justify re-allocating the case to district or circuit judge level. Until the pilot is rolled out to include the magistrates, it is expected that a judge should discharge a Transparency Order if at any time they re-allocate the matter to the magistrates.

41. The RP does not apply to the Court of Appeal (Civil Division).

## Cases that require special consideration

42. When deciding whether to make, or vary, a Transparency Order the following categories of case will require careful consideration:

- a. Cases where matters relevant to the case are subject to criminal charges, active investigation, or proceedings, where reporting may cause prejudice to those proceedings;
- b. Applications that are made without notice, where reporting and or/publication of the hearing or facts would cause prejudice to the applicant.
- c. Cases where it is particularly difficult to achieve anonymity for the child.
- d. Cases involving protected parties, and in particular cases where the Official Solicitor acts as a litigation friend.
- e. FDAC cases, where some court appointments are not hearings within the meaning of FPR 27.11.

43. Where there are parallel criminal proceedings, and a party or the police seek to postpone reporting, the court will have due regard to the principles set out by the Court of Appeal in **R v Sarker & the BBC [2018] EWCA (Crim) 134** on the proper approach to making a postponement order.

44. The FDAC is specially designed to work with parents who struggle with drug and alcohol misuse. There are two types of court appointments in FDAC: normal hearings, and fortnightly “non-lawyer reviews” (NLR).
45. A normal hearing falls within the scope of the pilot, and within FPR2010 r.27.11. Pilot reporters may attend as of right and may report if a transparency order is made. NLRs are not hearings within the case; they are quasi-therapeutic meetings attended, at court, by the parents and professionals without lawyers.
46. If a pilot reporter wishes to attend a NLR within an FDAC case, they must first attend a normal court hearing within the proceedings and raise the issue with the judge. A pilot reporter should be prepared to furnish the court with reasons to depart from the presumption in the rules that such hearings are not to be attended by reporters.
47. They must apply an intense focus to the various competing rights in the case.
48. Where a pilot reporter would wish to report on a without notice application, the appropriate course of action is to postpone a decision on permission to report, or making a Transparency Order, until a hearing where the parties are on notice.

## Documents and Data

49. The standard Transparency Order should provide that pilot reporters attending any hearing must be given a copy of the Transparency Order. It should also provide that, on request, pilot reporters are entitled to be provided with copies of, see, and quote from:
  - a. Documents drafted by advocates or the parties if they are litigants in person: Case outlines, skeleton arguments, summaries, position statements, threshold documents, and chronologies.
  - b. Any indices from the Court bundle.
50. Any requests for such documents by pilot reporters must be made at or before a hearing that the pilot reporter is attending in accordance with r.27.11 FPR.
51. Any requests for copy documents must be made to, and complied with, by the party who, or whose advocate, drafted the document in question. The copy documents must be provided to the pilot reporter at a hearing that the pilot

reporter is attending in accordance with r.27.11 FPR or within a reasonable time thereafter.

52. Pilot reporters must offer a secure email address for digital transmission of documents by lawyers or lay parties. In addition, pilot reporters should be prepared to provide information about how the data are to be handled upon request from the Court, or any party, and assurances that the documents provided will be kept confidential. There are no GDPR implications for the party complying with the Order: see s.15 Data Protection Act 2018, and Schedule 2 of the Act.
53. As the pilot courts are paperless, hard copy documents will not be provided and lawyers, or the Court, are not expected to provide these.
54. As it is not envisaged that documents will be redacted, any quotes from these documents must not breach the requirements for anonymity (see above).
55. Where any document referred to above quotes from a document which the pilot reporter would not automatically be entitled to see (such as source evidence), the passage quoting may not be reproduced or reported without permission of the Court.
56. If a reporter wishes to see any other document not permitted to be disclosed by the Transparency Order, they must apply to the Court for permission. Such other documents may not be disclosed to pilot reporters without that permission, even if the parties consent to its disclosure. Likewise, a different reporter may not view or access documents from a hearing where a pilot reporter has attended and obtained documents for themselves.
57. If a document is referred to during a hearing, that does not entitle the pilot reporter to see that document in its entirety, although an application may be made at the hearing for access to the document in question. The normal rule in civil proceedings (see CPR1998 r.31.22) does not apply to family cases in private.
58. The Court may permit disclosure to reporters at the outset of a hearing to assist the reporter to understand and follow the proceedings, even though reporting of the contents of the document may be restricted.

## Procedure in pilot courts

59. The Court will consider whether to make a Transparency Order in any proceedings where a pilot reporter attends a hearing (in accordance with rule 27.11 FPR). The Transparency Order will contain provision for parties to make representations if they seek any amendment to the standard order.
60. The Transparency Order will apply to pilot reporters who attend a hearing, and any further reporting of the proceedings. The Court should recite the details of the reporter who requests the making of the Order in the case management order.
61. The Court may at any time, either on application or of its own motion, vary or remove the Transparency Order.
62. Although a pilot reporter may attend the Court hearing without giving notice to the Court or the parties, pilot reporters are strongly encouraged to inform the Court and (if known) the parties of their plans to attend and report on a particular hearing. This can be done by emailing the general family inbox or telephoning the Court. See above: Attending Court.
63. Pilot reporters are asked to attend the hearing at or before the listed start time of the hearing if possible. If a pilot reporter arrives once the hearing is underway, this may be disruptive, and may be a reason for the judge to refuse or defer a decision about reporting.
64. All parties must assist the Court in furthering the Overriding Objective: FPR r.1.3. Parties and their advocates are expected to be prepared to address the Court on whether a Transparency Order should be made, and to what extent at the start of the hearing. The draft Transparency Order sets out the default position, and advocates should therefore raise any issues with reference to the draft.
65. Parties and advocates must consider the issue of transparency prior to the hearing. Transparency should form part of the agenda for every advocates' meeting or pre-hearing discussion. Requests for adjournments on the basis that the advocates have failed to consider this issue prior to a hearing may not be granted.
66. For each hearing, the Court order must record the name and contact details of any pilot reporter who attended, and that the pilot reporter has seen the Transparency Order. **When a legal blogger attends for the first time in a case, they must complete form FP301 if a legal blogger, or produce ID at the outset of the**

hearing if a member of accredited media: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/748313/FP301-1018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/748313/FP301-1018.pdf). If the same legal blogger follows subsequent hearings in a case, they are not expected to complete FP301 for every hearing.

## Reporting Principles

67. Pilot reporters are bound by the terms of the Transparency Order; s.97 Children Act 1989 and their professional rules and codes of conduct.
68. The TIG has agreed the following principles by which pilot reporters and professionals involved in pilot cases are asked to abide:
  - a. Assist the Court to achieve the Overriding Objective in FPR r.1.1., which is to resolve cases justly having regard to the welfare issues involved.
  - b. To minimise disruption to the proceedings, and by raising issues in advance of hearings in writing with the Court and the parties, where possible.
  - c. To work constructively with the parties.
  - d. To be sensitive to the feelings and possible vulnerabilities of parties in the family court and at all time act with appropriate discretion. Reporters must not interfere with pre-hearing discussions.
  - e. If the party has a lawyer, any interview request must be made through that lawyer.
69. Lawyers acting in proceedings within the RP may approach the reporters, whether directly or through their press body, on behalf of their clients if so instructed.
70. Lawyers and lay parties are expected to work constructively with pilot reporters.

## Lay parties and reporters

71. The standard Transparency Order includes provision to ensure that it would not be a Contempt of Court for parties to disclose information relating to proceedings to pilot reporters, for the purpose of discussing the case and informing the pilot reporter of the circumstances of the case. It remains a potential Contempt of Court for parties to share documents other than those specified above. It is not a contempt for a person to share details of the date, location, and time of a hearing, or to indicate the category of hearing or proceedings concerned.
72. Any onward disclosure of information received from a party by the pilot reporter will be governed by the Transparency Order, as outlined earlier in this document.
73. The TO retrospectively permits parties and their representative to have discussions inviting reporters to attend a hearing. However, no permission is granted to report such discussions or to see any documents until the TO is made.
74. Care should be exercised in respect of authorising interviews of lay parties where the party has a vulnerability, or is a protected party.
75. Any onward disclosure of information received from a party by the pilot reporter will be governed by the Transparency Order, as outlined earlier in this document.

## Further information

76. For any further information, please contact the TIG secretary, Jack Harrison, by email: [pilots@thetig.org.uk](mailto:pilots@thetig.org.uk).
77. Each pilot area has a liaison who will act as a first point of contact for any issues that may arise, or any support that may be needed. These liaisons will participate in regular review meetings and can also be contacted through the address above.
78. Training materials and further information will be published on the TIG homepage on the Judiciary website, accessed via our web link: [www.thetig.org.uk](http://www.thetig.org.uk).