



# President of the Family Division

## Guidance for Designated Family Judges Engaging with the Media under the Open Reporting Provisions

### Key points

- You will not be inundated with reporters.
- Media do need help with listings to understand what cases are coming up and might be of interest.
- The presumption is that media can report what they see and hear.
- Transparency Orders should be made unless there is a compelling reason not to do so.

### Media landscape

1. Journalists have been permitted to attend and observe hearings since 2009 but were previously unable to report without the Court's permission. Pursuant to the pilot scheme established by the President's Transparency Implementation Group ("the TIG") in January 2023, journalists and legal bloggers have been attending the first three pilot courts (Leeds, Cardiff, and Carlisle), and the subsequent roll-out courts across the country and have reported anonymously on cases they have heard there. In December 2024, Parliament approved an amendment to the Family Procedure Rules to incorporate the reporting pilot within the Family Procedure Rules. The open reporting provisions in PD12R and PD14G apply from 27 January 2025.
2. The experience during the reporting pilot is that there are fewer journalists, with less time and greater pressure to produce more stories. Considering these resourcing issues, editors are also unwilling to commit to sending reporters to what can be lengthy cases with no guarantee of a story being produced at the end of it and where no-one can be identified. The three initial pilot courts were not inundated with reporters, nor the next 16 courts. It is unlikely any court would be unless there is a very high-profile case, in which case the judicial press office can provide support.
3. This guidance is not intended to set out the detailed provisions established in statute, the FPR, and case law as to what aspects of family court proceedings may and may not be reported, however these are issues that media representatives should be alive to.
4. More general guidance for staff on supporting media access to courts and tribunals can be found at:  
[https://assets.publishing.service.gov.uk/media/6578481e254aaa0010050afd/HMCTS729\\_HMCTS\\_media\\_guidance\\_NOV\\_2023\\_v5.pdf](https://assets.publishing.service.gov.uk/media/6578481e254aaa0010050afd/HMCTS729_HMCTS_media_guidance_NOV_2023_v5.pdf)



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## Listing

4. Journalists wishing to report on family cases need assistance with identifying what hearings are taking place, and when. They are often interested in observing and reporting on particular categories of cases: this could be private law, public law, or something quite specific, for example a case involving a secure accommodation order.
5. It helps to provide a listing email address or contact details for a designated staff member within the relevant court, that either the media can use directly, or else the press office can use, to find out what type of cases are coming up over the next few weeks.
6. From January 2024, a coding system was trialled within public law so that the public list would contain a code depending on the issues in the case. That code corresponds to a coded list of issues, which reporters can access. A process has been agreed with HMCTS whereby the legal adviser at gatekeeping will select the issues that apply from the list of codes and will make an order that the public list display the codes. The codes to be used are as follows:

Case category	Case issues/allegations
A – Hearing that reporters are not entitled to attend	1 – Alleged neglect
B – Hearing that reporters are entitled to attend but is not covered by the reporting provisions	2 – Alleged physical harm
C – A case that falls within the reporting provisions	3 – Alleged sexual harm
	4 – Alleged emotional harm
	5 – Alleged domestic abuse
	6 – Alleged FGM
	7 – Alleged trafficking
	8 – Deprivation of liberty/secure accommodation
	9 – Contact issues/prolonger period of no contact
	10 – Factitious or induced illness
	11- Schooling
	12 – Medical treatment
	13 – Relocation (in jurisdiction)
	14 – Relocation (out of jurisdiction)

7. As a general rule, the local authority will also be identified on the public list. In those instances, the list will change, for example, from MA24C50001, Re A



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Child, to MA24C50001, Salford City Council v A Child (Cat A, Issues 4, 5). DFJs should agree arrangements for this with their local authorities.

### **Who can attend and who can report**

8. Any accredited journalist or legal blogger can attend family courts regardless of whether they wish to report. Accredited journalists may have a press card, although many do not. A letter from their editor, or reasonable proof such as an official email address, by-lines and other forms of ID should be accepted. Legal bloggers are often easier to verify as they will appear on their professional register or chambers'/university/firm website. In any event, they should be asked to complete form FP301.
9. Where a journalist or legal blogger attends a hearing, it is good practice to record their name and contact details on the case management order.
10. If in doubt the press office is always happy to help to verify whether someone is a legitimate journalist or legal blogger. The relevant email address is: [press.enquiries@judiciary.uk](mailto:press.enquiries@judiciary.uk).

### **Transparency orders**

11. There should be a presumption that if a journalist or media blogger is present then transparency orders will be made unless there is a compelling reason not to. There is further consideration of this in the TIG Guidance.

### **Direct contact from journalists**

12. Several judges have reported that some journalists have been contacting members of the judiciary directly. We have asked the media to refrain from doing this, although the syntax of judicial email addresses is easy to work out. We have asked that all media requests are made to the court office, or the press office, and not to judges directly.
13. Some journalists may contact you to ask about whether you are hearing cases, for example care orders. Although it is permissible to respond to a journalist directly, our strong advice would be to explain that you are unable to assist and direct them to the Judicial Press Office, your court office or the PFD's Office. You may also wish to:
  - a. inform the parties to the case that such a request has been made, and that their case has been flagged; and
  - b. copy in the judicial Press Office to your reply.



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14. If responding to journalists, please exercise caution regarding what you say about each case you flag. The case number, the listing fixture, and perhaps a short sentence summarising the issues in so far as they would appear on the codified public list is sufficient. We strongly advise against giving any other information to the press about an individual case; they can attend and find out further information for themselves.
15. Save in exceptional circumstances, enquiries should not be made as to **why** a member of the media wishes to attend a hearing or **how** they have heard about the case.

### Liaison

16. Another challenge is how best to establish regular liaison between DFJs, listings officers and local media. Guidance about how to do this is imminent.
17. Some DFJs have set up meetings with local media to discuss their role, and to establish communication. We would encourage this approach. Such meetings could be remote or in-person, with the invitees to be decided locally based on the media landscape in each area. In the alternative, DFJs could consider inviting local media, journalists, or legal bloggers, to their local family justice board meetings where any issues can be aired with other stakeholders present. The media will be reminded that the purpose of these meetings is not to discuss specific cases, but to provide a forum to ventilate issues relating to transparency in the family justice system.

### Press Office Support

18. The press office provides support to media and judges to help the process run smoothly. They are always happy to assist, do not hesitate to get in touch: [press.enquiries@judiciary.uk](mailto:press.enquiries@judiciary.uk)
19. Useful links:
  - [TIG webpage](#)
  - [Guidance and Transparency Order template](#)
  - <https://www.gov.uk/government/publications/guidance-to-staff-on-supporting-media-access-to-courts-and-tribunals>
  - <https://www.judiciary.uk/about-the-judiciary/who-are-the-judiciary/senior-judiciary-list/>

Sir Andrew McFarlane

President of the Family Division

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