



Courts and Tribunals Judiciary

Transparency & Open Justice Board Key Objectives

1. Courts and Tribunals should promote open justice to enable the public to understand and scrutinise the administration of justice by Courts and Tribunals; and thereby seek to (a) uphold public confidence in the administration of justice; and (b) support improved public understanding of the constitutional role discharged by Courts and Tribunals in the administration of justice and the rule of law.
2. The overriding objective is that Courts and Tribunals should deal with cases justly. The principles of transparency and open justice generally require the proceedings and decisions of Courts and Tribunals to be open and accessible to everyone (including the public and the media) thereby supporting and promoting reports of proceedings and decisions of Courts and Tribunals. On a practical level this should include:
 - (1) timely and effective access to information about cases that are pending before a Court or Tribunal including:
 - (a) identification of the principal subject matter of the case and, if available, the date of the next hearing;
 - (b) for each hearing that has been scheduled:
 - the identity of the case (including the names of the parties);
 - the Court or Tribunal before which the hearing is to take place;
 - where the hearing is to take place (or if taking place remotely, details of how the hearing can be accessed);
 - the date and time of the hearing;
 - the general nature of the hearing, e.g. application, case management hearing, or trial;
 - whether the hearing is to be held in public;and, when known,
 - the name(s) of the judge(s)/magistrate(s)/tribunal member(s) hearing the case; and
 - the expected length of hearing; and
 - (c) details (including the terms) of any reporting restrictions that apply, the jurisdiction under which the restrictions were granted; and the process for challenging any reporting restrictions that have been imposed.

- (2) save where the Court or Tribunal is satisfied that the relevant document (in whole or in part) must be withheld, timely and effective access to the core documents relating to the proceedings that are held by the Court or Tribunal, including:
 - (a) the document that identifies the principal subject matter of and issues in the case e.g. a Claim Form (and other Statements of Case), Summons or Appeal Notice in a civil or tribunal case, or the Charge or Indictment in a criminal case;
 - (b) the evidence (including any expert and/or audio/visual evidence) that is, or has been, considered by the Court or Tribunal at a hearing in public;
 - (c) any written submissions (including skeleton arguments) that are, or have been, considered by the Court or Tribunal at a hearing in public;
 - (d) any application that seeks a derogation from the principles of open justice; and
 - (e) any judgments, written decisions or Orders of the Court or Tribunal.
- (3) effective access to hearings of Courts and Tribunals held in public, including:
 - (a) enabling members of the public and media representatives to attend the hearing in person (including maintaining designated spaces for media representatives) or, where facilities are available, remotely by video link where appropriate;
 - (b) permitting, where appropriate, broadcasting of the whole or part of the hearing; and
 - (c) enabling transcripts (or audio recordings, subject to appropriate restrictions) to be obtained of proceedings in public (subject to any applicable fees).
- (4) in respect of proceedings not heard and/or determined in, or open to the, public, that the Court or Tribunal actively considers how the principles of open justice (particularly that decisions of Courts and Tribunals should be open and accessible) can be best promoted whilst preserving the integrity of the proceedings and the administration of justice, including:
 - (a) whether a public judgment (redacted as necessary) or other summary of the decision made should be published;
 - (b) what evidence or information (redacted as necessary) submitted to the Court or Tribunal could be made available to the public; and
 - (c) whether limited individuals (subject to necessary and appropriate obligations and restrictions) could be permitted to observe a hearing not otherwise open to the public.

3. Open justice is the default position, established by the common law and recognised in Article 6 of the European Convention on Human Rights. The role of Parliament in changing or creating new derogations to open justice is acknowledged and respected, and the separation of powers is maintained by the Judiciary in this respect. Some

derogations from open justice are imposed by statute (e.g. certain types of reporting restriction). Where Courts and Tribunals permit derogations from open justice these should be applied clearly, consistently, and only when they are necessary, proportionate and justified.

Note: In some areas, the ability of the Courts and Tribunals to deliver open justice is dependent upon the availability of resources and support from the Ministry of Justice and HMCTS.