



Transparency and Open Justice Board

Stakeholder Committee Forum Q&A

22nd January 2025

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Key Objectives

Question	Submitted by	Response
<p>The note on key objectives is written "that the core documents relating to proceedings, particularly the evidence and submissions communicated to the court or tribunal, should be available to the public so that they can make sense of proceedings and the decision of the Court or Tribunal". But as a non-journalist I cannot access any defendant submissions for single justice procedure cases.</p>	<p>Penelope Gibbs</p>	<p>The Key Objectives, once finalised, will set clear outcomes for all Courts and Tribunals. The procedure adopted in the Single Justice Procedure will be reviewed, once the Key Objectives have been finalised and, if necessary, changes will be made.</p>
<p>Is the board also engaging with the Family Procedure Rule committee on the amendment of the Overriding Objective in FPR r1?</p>	<p>Lucy Reed</p>	<p>The Board will engage with the Family Procedure Rule Committee once the Family Division's Transparency Project is finalised. The Family Division is currently working on enhancing transparency and openness, and the Board is waiting to see the final product before engaging fully.</p>
<p>In relation to the draft objectives, Section 2 of the draft objectives seemed more like a statement of existing principles rather than measurable objectives. Sarah recommended including specifics about reporting restrictions, such as the media being given an opportunity to be heard before restrictions are made and a summary of the circumstances in which restrictions can be made.</p>	<p>Sarah McColl</p>	<p>There is a challenge in balancing the key objectives to be both strategic and specific. The objectives need to reflect the current law and be adaptable to different jurisdictions. While it is generally good practice to give the media an opportunity to be heard before reporting restrictions are made, there are circumstances, such as that recognised in the case of <i>A -v- BBC</i> [2015] AC 588, where notice cannot always be given before the application is heard</p>

		and determined. Nevertheless, in such cases, it is well established that the Court or Tribunal should always stand ready to consider any application to vary or discharge any reporting restriction that has been granted.
<p>The Media Working Group suggested an amendment to the Criminal Procedure Rules to say that when reporting restrictions are sought, the media should be given advanced notice. Is it possible to consider reviving the above rule suggestion, as a start?</p> <p>Will the revived PA Alert system would include criminal cases?</p>	Tristan Kirk	<p>A time-limited reporting approach could ensure that the media is given an opportunity to respond to reporting restrictions without causing delays in the trial process.</p> <p>The Transparency and Open Justice Board has set up a Press Alerts working group to create a new alert system. The group will be considering whether to include criminal cases. We will update the Stakeholder Committee in due course.</p>
<p>From a completely different perspective beyond just media and reporting, in terms of Open Justice and Transparency will the objective include a commitment to try and write court documents and judgements in plain English where possible and include public access to justice and making courts open and transparent to community?</p>	Liz Curran	<p>It's important to make the justice system accessible and understandable to the public. The board is open to suggestions on how to capture these aspects in the key objectives and ensure that the justice system is transparent and accessible to all.</p>

<p>Will good practices from other areas, like naming decision-makers, would be included in the key objectives?</p>	<p>Stephen Shute</p>	<p>Naming Judges and Tribunal Members is included in the key objectives. It's important to strive to provide as much information as possible to the public, even in jurisdictions where proceedings are often held in private. The aim of the Key Objectives is to capture best practices and promote open justice across different courts and tribunals.</p>
<p>For consideration as the Board continues its work: There are reportedly more than 55,000 undergraduate students taking media courses in the UK across 130 or so higher institutions. To keep those who are teaching media law and court reporting abreast of this work might be a good way to amplify its impact. I'm happy to help facilitate that through the national Association of Journalism Educators, if that would be of use.</p>	<p>Dr François Nel</p>	<p>The Board thanks you for the offer and will consider it in any future work.</p>

Core Documents

Question	Submitted by	Response
<p>In relation to the core documents pilot, if the parties won't agree on certain documents being made public, is there any mechanism for overriding their objections, etc?</p>	<p>Sam Tobin</p>	<p>At present the answer is no. For the purposes of the pilot (which is of limited scope) only cases where the parties consent to skeletons being available slightly ahead of the hearing will be included. This is part of the process of identification of suitable cases. If the pilot is a success and is rolled out via rules, a structure</p>

		for objections and decisions on those objections will be included.
<p>As part of our ongoing pilot to improve digital access to court case data for the media, we have been communicating a concern to HMCTS about Criminal Procedure Rule 5.8 which pertains to 6-month limits on access to documents or information on cases.</p> <p>HMCTS have suggested this may be an issue they will take up. Will the Board take this up as an issue for review?</p>	Enda Leahy	The Board has well in mind that maintaining access to documents is a question which will require careful consideration.
<p>In terms of collating information and documents, would it include prior orders and decisions from lower courts, similar to the Supreme Court?</p>	James Lee	The intention is to provide easy access to core documents for any appeal. Its importance to make it easy for people to access the necessary documents to understand court proceedings. This includes providing links to judgments, orders, skeleton arguments, and other key documents, so that people do not have to search for them independently.

Open Justice Champions

Question	Submitted by	Response
Who will fund the Open Justice Champions / under which body will they sit? How will their performance be monitored? Will there be a	Paul Foster	HMCTS would fund and oversee the Open Justice Champions, who will operate on a regional basis. The champions will act as a

<p>number of these around the country on a regional basis?</p>		<p>single point of contact for media and public inquiries about open justice issues, such as accessing remote hearings or obtaining court documents.</p> <p>Open Justice Champions form one part of a range of measures to improve transparency. These measures are continually reviewed to assess their efficacy.</p>
<p>Is there an ETA on the open justice champions? Will they be new hires or existing staff volunteering to take on a new responsibility?</p>	<p>Charles Thomson</p>	<p>HMCTS anticipates Open Justice Champions to be in place by April/May 2025.</p> <p>The existing staff will be given additional responsibilities and will be funded through Business as Usual (BAU) funding.</p>

Board Membership

Question	Submitted by	Response
<p>Are there any plans for the board to broaden outside of England and Wales.</p>	<p>John Battle</p>	<p>The Board is currently exploring collaborating with the Scottish judiciary on open justice initiatives and have received an inquiry from a judge in Scottish judge about working together, which is welcomed. The Board can learn from Scotland's pioneering efforts in broadcasting. A similar approach will be taken to collaborate with Northern Ireland to enhance open justice.</p>

<p>Will the Board reach out to the police misconduct hearings? Although they are not courts, there's been a lack of openness with regards these hearings over many years. Can a representative be welcomed onto the transparency board?</p>	<p>Paul Foster</p>	<p>There are no plans to reach out to the police misconduct hearings as they do not fall under the remit of the Lady Chief Justice and the Senior President of the Tribunals.</p>
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