



**Courts and
Tribunals Judiciary**

Transparency and Open Justice Board

Stakeholder Committee Forum Q&A

28 January 2026

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Embedding Open Justice in Rules and Procedural Frameworks

Question	Submitted by	Response
<p>Has there been or will there be liaison with the Online Procedure Rules Committee about the definition of allowing reasonable public access to court and tribunal decision making, as per the draft rules recently opened for consultation? What safeguards exist to ensure the open justice principle is meaningfully embedded, especially for reporters and observers in private fora?</p>	<p>Lucy Reed</p>	<p>Mr Justice Nicklin said he had not previously seen the consultation but would now review it. He expressed concern about the phrase “reasonable public access”, noting that it is imprecise and risks weakening open justice unless clearly defined. The Board’s Key Objectives are intended to provide a clear and practical benchmark against which all procedural rules should be assessed. If necessary, the Board would respond formally to the consultation to ensure alignment with those objectives, as a reference point for embedding open justice consistently across jurisdictions.</p>

Access to Documents in Criminal Proceedings

Question	Submitted by	Response
<p>There are worrying signs that documents used in criminal proceedings are being withheld from the press, repeating past issues in civil courts. Will steps be taken to ensure the press can access these documents in a timely manner to fulfil their duties?</p>	<p>Sian Harrison</p>	<p>This was a significant issue already raised with the Criminal Procedure Rule Committee. Access to documents deployed in open court, especially sentencing notes, is essential to making proceedings intelligible and therefore truly open. Efficiency-driven practices risk undermining transparency if written materials are not shared. While there is broad agreement on the principle, practice has not yet caught up. Applying the Key Objectives to the criminal rules is likely to lead</p>

		to explicit provisions confirming that such documents are public, alongside education for judges and advocates to change culture as well as rules.
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Reporting Restrictions and Access to Indictments

Question	Submitted by	Response
In some courts, there is reluctance to provide indictments to journalists when reporting restrictions are in place. Is this appropriate?	Sarah McColl	The indictment is the central document in a criminal trial and should be publicly available immediately. Reporting restrictions limit what may be reported, not whether the indictment can be provided to the media. Withholding indictments due to concern about restrictions is therefore unjustified, as the media are expected to comply with reporting laws. While online publication raises additional issues, these do not justify refusal to provide indictments to journalists. Indictments are identified in the Key Objectives; the board will address this through education and dialogue with the criminal jurisdiction.

Single Justice Procedure and Accessibility

Question	Submitted by	Response
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<p>Is the inaccessibility of Libra case files in single justice procedure cases inadvertent, and is anything being done about it?</p>	<p>Penelope Gibbs</p>	<p>The Key Objectives do not allow for “secret cases.” Single Justice Procedure cases are judicial proceedings and must comply with open justice principles, including listing and access to information and documents. The Libra system is likely to be scrutinised under the Board’s compliance assessment and may be graded amber or red. SJP cases should not be inaccessible to public or media scrutiny.</p>
<p>Will the judiciary address poor audibility in criminal courtrooms for public and defendants?</p>	<p>Penelope Gibbs</p>	<p>The courtroom acoustics and amplification are primarily matters for HMCTS, noting uneven provision across courts. The availability of induction loop systems, which are often under-publicised and could be better promoted for public use. The public should feel able to raise audibility issues during hearings. The Board will raise better promotion of hearing loop systems and improvements where possible with HMCTS.</p>

Open Justice Champions and Coroners’ Courts

Question	Submitted by	Response
<p>Will Open Justice Champions also serve coroner’s courts?</p>	<p>Charles Thomson</p>	<p>Coroners’ courts fall outside HMCTS, as they are administered by local authorities, and are therefore not covered by the scheme. The Board will raise the issue with the Chief Coroner, while noting that the absence of a central administrative body makes a parallel scheme more complex.</p>

Reporting Restriction Databases and Time Limits on Access

Question	Submitted by	Response
Is there progress on a searchable reporting restrictions database for criminal courts, and is the six-month access limit under review?	Enda Leahy	Searchable reporting restriction databases present challenges but should be explored, at least to alert users to the existence of restrictions and how to obtain details. The time limits for access to court information is a wider policy issue requiring balance between transparency and rehabilitation. It is on the Board's longer-term agenda and will require cross-jurisdictional consideration and public engagement.

Educational Engagement in Open Justice

Question	Submitted by	Response
How have the educational considerations been reflected in the implementation of the Key Objectives, and are there plans to create a formal mechanism to involve educators and students in future policy development?	Francois Nel	The Board welcomes input from all stakeholders, including academia, but it's immediate short- to medium-term focus is on implementing the Key Objectives, which emphasise open justice as a means of improving public understanding of the courts' constitutional role. While broader judicial education work lies beyond the Board's immediate remit, educators and academic institutions will play an important role in engaging with the consultations that may accompany implementation of the Key Objectives, particularly where changes to

		procedural rules are proposed. The Board has made clear its expectation that open justice should be explicitly recognised in the overriding objectives of Courts and Tribunals and reflected in procedural frameworks.
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Filming and Media Access

Question	Submitted by	Response
<p>Section 41 of the Criminal Justice Act 1925 prohibits filming individuals within court precincts. Where filming is limited to the court environment itself (for example, to illustrate issues such as court backlogs, temporary courts, or the condition of facilities) and does not capture court users, what permissions would be required, who would have authority to grant them, and would the Transparency and Open Justice Board support such filming in principle?</p>	<p>Simon Ormiston</p>	<p>Filming that is limited to the court environment and does not capture court users would fall outside that prohibition but would still require permission. Authority to grant permission would rest with HMCTS, in consultation with the judiciary and subject to operational, security, and safeguarding considerations.</p> <p>While the Transparency and Open Justice Board does not determine individual filming requests, it supports initiatives in principle that enhance public understanding of the justice system, provided they are consistent with the law, court security, and the proper administration of justice.</p>

Transparency and Open Justice Board

Question	Submitted by	Response
<ul style="list-style-type: none"> • Who will sit on the jurisdiction-specific working groups? • What will the timeframes be for the traffic light assessment? • Can a full list of current Board members be added to the website? 	Harry Holbrook	<p>The jurisdiction-specific working groups have not yet been established, and membership has therefore not been finalised. The working groups will be judiciary-led.</p> <p>The assessment process is currently underway, and the intention is to complete the assessment and establish the working groups within this year. Specific timelines will be determined by the Board.</p> <p>The Board membership was published at the time the Lady Chief Justice announced the Board's, alongside its Terms of Reference. Since then, the membership has expanded.</p> <p>Transparency and Open Justice Board - Courts and Tribunals Judiciary</p>

Format of the Stakeholder Committee Forum

Question	Submitted by	Response
Why must our discussions about transparency be kept confidential to remain 'open and honest'? Doesn't this contradict the very principle that transparency enhances, not inhibits, honest discourse?	N	While Mr Justice Nicklin is content for his own remarks to be reported, the Forum is intended as a space for open and candid discussion, and participants should not feel inhibited by concerns about reporting or potentially criticised. If people are willing to have their contributions reported, then they can say so.