

TRANSPARENCY IMPLEMENTATION GROUP

MEDIA REPORTING SUB-GROUP

2 MARCH 2022 at 4.30pm

Attendees:

Mrs Justice Lieven (Chair)

Jack Harrison (Secretary)

MoJ Policy

MoJ Legal

DfE Policy

Judicial Private Office

HMCTS Operational

The Family Justice Young People's Board

Lisa Harker (NFJO)

Lucy Reed (Barrister)

Dr Julie Doughty

Olive Craig (Rights of Women)

District Judge Adem Muzaffer

Guy Vassall-Adams QC

Rachel Anderton (Cafcass)

1. Apologies

Apologies were received from Charles Hale QC, Angela Frazer-Wicks, Natalie Byrom and Sian Harrison.

2. Identifying pilot courts - progress and discussions

HHJ Jonathan Furness QC, the Designated Family Judge (DFJ) for South East Wales, was content for Cardiff to be used as a pilot site. Bristol was a possible choice as it was urban and contained some rural local authorities. Truro was a possibility for a rural site but might

be difficult for reporters to get to - this would be discussed in the Media Engagement Sub-group; other alternatives were Hereford & Worcester, Exeter and Oxford.

Action: Mrs Justice Lieven to contact HHJ Miranda Robertshaw (DFJ for Devon) and HHJ Kambiz Moradifar (DFJ for The Thames Valley) to discuss the possibility of hosting the pilots within their courts.

3. The legal framework

A briefing, prepared by Mrs Justice Lieven, Jack Harrison, Lucy Reed and Natalie Byrom, had been circulated to group members, ahead of being sent to the Transparency Implementation Group and then the MoJ. The following points were made/discussed:

- In relation to case law regarding disclosure under s.12 of the Administration of Justice Act 1960, the Practice Direction would move the existing parameters in a principled and consistent way.
- The proposal was that, unless the court ordered otherwise, the following agencies or professionals might be named: the director and other senior officers of the local authority - but not junior social workers below the role of service manager. The DfE would consider this and report back to the group.
- That transparency orders would have effect in perpetuity.
- That the following cases would form part of the pilot: (i) all applications for public and private law Orders under Parts II and IV Children Act 1989 (ii) all applications for Placement Orders (iii) all applications for parental orders under Human Fertilisation and Embryology Act 2008 (iv) all applications for domestic abuse injunctions such as non-molestation orders, domestic abuse protection orders (when in force) and occupation orders (v) all applications under the inherent jurisdiction of the High Court, including applications to authorise the deprivation of a child's liberty.
- That applications for adoption orders should not form part of the pilot.
- That the pilot would have a staged approach whereby Magistrates hearings would be included at a later stage than hearings before salaried and fee-paid judges.
- That press attendance at Magistrates' hearings would not be a reason to reallocate cases from Magistrates to Judges.
- That there should be an information sheet produced informing parties about what they could and could not discuss with reporters. The Practice Direction would need to be drafted in a way that enabled reporters to find out about cases and decide whether to attend while also enabling them to write accounts which included parties' subjective experiences, ensuring that they complied with the anonymity obligations. There was also a need to define what was meant by 'communication of information.'

- That establishing the media reporting pilot scheme, via a Practice Direction, would be subject to Ministerial clearance and would need to be balanced against other Government commitments; the aim was to commence the Pilot by the end of July, if possible, which, for practical reasons, was likely to lead to an October launch. It was noted that this would be approximately one year after the conclusion of the Transparency Review.

Action: Mrs Justice Lieven and Jack Harrison to redraft the briefing in the light of the group's discussion.

Action: Magistrates to be canvassed for their views about being identified in proceedings.

Action: Julie Doughty to send round a note in support of the view that applications for adoption orders should not form part of the pilot.

4. Training

Prior to the pilot 'going live' training would be required for judges, court staff, lawyers and journalists; information would also be produced for the general public. It would be advantageous to have a training budget: this was being explored by the Judicial Office.

Action: Jack Harrison to produce a training specification for the pilot.

5. Evaluation

Evaluation needed to be carried out by an external body. Ideally the pilot would commence after the evaluation criteria had been established and the evaluators were engaged, however the issue of funding was still being explored; these factors would not be reasons to delay the group's work.

Action: Lisa Harker, Natalie Byrom and other group members to draw up an evaluation specification.

Action: MoJ Policy and MoJ Legal to seek approval to carry out research within the justice system as part of the evaluation.

6. AOB

Nothing was raised.

7. Date of next meeting

Potential dates would be circulated in due course.