

## Media Working Group

**Tuesday 26 April 2022**

**In attendance:**

## Members

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## Presenters

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## Guests

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## Apologies:

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**Secretariat:**

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**1.0 Welcome, Previous Minutes and Actions (-----)**

- 1.1 ----- thanked and welcomed attendees to the meeting including new core members -----, -----, and -----, -----, HMCTS Development Directorate, to their first meeting and -----, representing -----, MoJ Press Office. The Group's Terms of reference has been updated to reflect changes in the membership.
- 1.2 Papers for this meeting had been circulated in advance to the Group.
- 1.3 Minutes of the meeting on 16 November 2021 were approved.
- 1.4 The Action Log was reviewed, results from Crown Courts will be published on P&I. Action AP12/21 was closed.

## 2.0 Remote Observation of Court and Tribunal Proceedings (-----)

- 2.1 ----- stated the PCSC Bill replaces provisions in the Coronavirus Act on remote observation of hearings. The PCSC Bill (now PCSC Act since 29 April 2022) provides legal basis, with judicial direction, for observers to attend remote, hybrid and in-person hearings. LCJ will

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be issuing guidance shortly and the HMCTS page on GOV.UK will be updated.

- 2.2 In response to ----- calling for clear guidance on hybrid/in-person hearings, where the media were/were not allowed to attend, and seeking to see the draft guidance, ----- stated that the guidance was short, simple and clear. ----- undertook to check if the guidance could be shared and thanked everyone for the work on this **Action AP01/22**.
- 2.3 ----- added the following to the Chat – a new web page on GOV.UK designed to make it easier to understand how to observe a court or tribunal hearing: <https://www.gov.uk/guidance/observe-a-court-or-tribunal-hearing>

### 3.0 Online Plea Allocation – Operational Implementation (----- and -----)

- 3.1 -----/----- presented the Online Plea Allocation – Operational Implementation covering:
- the criteria for OPA,
  - plea before venue and allocation process,
  - indicated plea – submit form; inform P&I the OPA process has started – Guilty or Not Guilty plea,
  - Magistrates to provide indication of sentence, consent to summary trial,
  - Generally, five days between the stages of the process, responses saved as PDF,
  - result posted in the media register in the normal way.
- 3.2 In response to -----, it was confirmed details would include date of birth, address and full name.
- 3.3 In response to -----, ----- stated that district judges/Magistrates will decide on the pleas and submissions made and the media would be notified when the OPA process started (via court lists) and ended (via court register). An indication of plea is an indication until attendance at court. Reporting restrictions apply until conviction for either-way and indicatable only offences. ----- added that a case may start as an OPA but could move to an in-person hearing.
- 3.4 In response to a suggestion from -----, ----- undertook to discuss with Crime Programme, Service Design and Policy leads on the need for a sub-Group or meeting to discuss the implementation of OPA and impact on how information is shared with the media **Action AP02/22**.

### 4.0 Transparency in the Family Courts (-----)

- 4.1 ----- stated that the media have been allowed to attend Family Courts since 2010. Guidance on reporting in the Family Courts was updated in 2019. A paper on Confidence and Confidentiality: Transparency in the Family Courts, by Sir Andrew McFarlane, President of the Family Court, October 2021 is published on the Judicial website. Family judgements can be published but are often anonymised.
- 4.2 A Transparency Implementation Group was established to take forward the above initiative, with input and representation from the media. Minutes of meetings and blogs have been published.
- 4.3 In response to -----, ----- explained that legal bloggers were accredited media/solicitors that specialised in Family Law and further definition was included in the Practice Direction for the pilot and is provided in the PFD's Transparency Review October 2021.
- added the following links to the Chat:
- Family Transparency Implementation Group: <https://www.judiciary.uk/publications/family-transparency-implementation-group-tig/>
  - Practice Direction 36J – Pilot Scheme: Transparency (Attendance at Hearings in Private) [https://www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/practice-direction-36j-pilot-scheme-transparency-attendance-at-hearings-in-private](https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/practice-direction-36j-pilot-scheme-transparency-attendance-at-hearings-in-private)
  - The Media Reporting Sub Group which met in January 2022 sets out current thinking on pilots: <https://www.judiciary.uk/wp-content/uploads/2022/01/Media-Reporting-Sub-group-Minutes-18.1.22.pdf>

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- 4.4 In response to -----, ----- stated that there were no further details on the pilot but further information would be shared when available **Action AP03/22**.

### 5.0 Judgments to the National Archives - Update (-----)

- 5.1 ----- stated that the MoJ Transparency Policy Team worked closely with The National Archives to establish this new service and added the following link to the Chat – <https://caselaw.nationalarchives.gov.uk/>
- 5.2 The new service went live on 19 April 2022, new court and tribunal decisions from the superior courts of record – The Supreme Court, Court of Appeal, High Court, and Upper Tribunals – will now be available on The National Archives Find Case Law site.
- 5.3 ----- undertook to take forward issues raised by ----- and ----- in relation to the search function not presenting judgments in chronological order. It was suggested that the search filters ought to allow searching by date. ----- highlighted that the website is Alpha stage and all feedback at this stage is welcome and ----- recommended that in the first instance feedback on Find Case Law is reported using the feedback tool on the website. ----- to take forward issues around judgments not being listed in date order. **Secretary's note** – ----- has confirmed that The National Archives website already allows this via the advanced search section: [https://caselaw.nationalarchives.gov.uk/structured\\_search](https://caselaw.nationalarchives.gov.uk/structured_search). A separate explanatory note about this is attached with the minutes.
- 5.4 On the issue of the media being provided copies of the decision at hand down. ----- added that comms has already circulated to court clerks for clarity.

### 6.0 AOB (-----)

- 6.1 ----- informed the Group that the contract for Broadcasting in Courts was being finalised. The hope was that the first hearing to broadcast sentencing remarks would be identified in the next few weeks. The group would be provided further update when available **Action AP04/22**.
- 6.2 ----- stated that HMCTS was working with ----- on the Reporters' Charter. ----- added that ----- would launch the Charter at the Society of Editors' Annual Conference on 11 May 2022 and thanked HMCTS for their work on the Charter.
- 6.3 ----- confirmed that he was currently updating the Criminal and Family court jurisdictional media guidance documents following reviews by MOJ Legal. He agreed to share final copies once agreed and before they are updated on GOV.UK **Secretary's note** Revised Criminal and Family staff guides circulated to members on 11 May 2022 (published on GOV.UK 11 May 2022).
- 6.4 ----- advised the Group that the ToR would be reviewed and updated for clarity on the focus of this Group going forward and changes to membership **Secretary's note** – the ToR has been updated and circulated with the minutes. It is subject to further review in due course.
- 6.5 ----- stated that the Media Guidance was not being followed at County Courts in London contact centre. ----- undertook to raise with operational colleagues **Action AP05/22**. ----- also raised an ongoing issue where media were not being advised of reporting restrictions. ----- confirmed that comms would be issued to HMCTS staff to ensure they followed existing guidance but also stressed that there was no centralised database for reporting restrictions and parties to a hearing have a responsibility to notify the media of applications for a reporting restriction with the media. ----- agreed to meet with ----- out of committee to discuss the issue in more detail **Secretary's note** – a meeting has been arranged.
- 6.6 ----- asked for sight of the Reporters' Charter before go-live. ----- to check with ----- and share when finalised. **Secretary's note** – the Charter was circulated to members in advance on 6 May and formerly launched on 11 May 2022.
- 6.7 ----- thanked the Group for their participation and engagement and closed the meeting.

**ACTIONS:**

**AP01/22** – ----- to check if the guidance on hybrid/in-person hearings can be shared with the media.

**AP02/22** – ----- to discuss with Crime Programme and Policy leads on the need for a sub-Group to discuss the implementation of OPA and impact on how information is shared with the media.

**AP03/22** – Practice Direction 36J, ----- to share further information on the Attendance at Hearings in Private pilot scheme when available.

**AP04/22** – ----- to provide update on Broadcasting in Courts.

**AP05/22** – ----- to raise with operational colleagues that Media Guidance was not being followed at County Courts in London contact centre.