

MEDIA IN FAMILY COURTS

[1] In September 2017 the Report on Family Justice was issued by the Review Group chaired by Sir John Gillen. Chapter 18 deals with open justice and in particular with the issue of increased media reporting of family cases. As the report states at paragraph 18.41:

“This issue of open justice proved to be the most controversial of all the chapters in this Review.”

[2] Chapter 18 ends with a series of ten recommendations which, in broad terms, envisage increased media access to family and related courts subject to certain protections and procedures being put in place.

[3] A Shadow Family Justice Board was established on foot of the 2017 Report. It supports the examination of means by which media access to Family Courts can be afforded. To this end a meeting was held in June 2018 between a number of family judges and representatives of the media. The outcome was that, on a trial basis, the media would have access to the Family Division of the High Court to help them appreciate the range of cases heard there and to assist in working out an appropriate way forward.

[4] At present the media have access to matrimonial cases, generally speaking, and some anonymised judgments in family cases but little more than that. What is currently envisaged as the way forward is the following:

- (i) Between now and the end of this term, the judges will exercise their discretion under Rule 4.2 of the Family Proceedings Rules (NI), to permit nominated representatives of the media to have access to the sittings of the Judge in the Family Division of the High Court.
- (ii) They will not actually report any cases during this time but will observe what happens.
- (iii) Early in 2019 there will be a further meeting between a range of family judges and media representatives to work out a way forward on a pilot basis.
- (iv) That way forward, subject to a short period of targeted consultation, is likely to involve the media having access to and being able to report on some public law children’s cases, patients’ cases and cases involving the provision or withdrawal of medical treatment. This access will be subject to parties to those cases having the right to object in advance of the hearing to any reporting.

- (v) A system will be devised during the pilot to notify the media of the nature of cases listed for hearing.
- (vi) The principle of anonymity of the parties will remain paramount in order to protect, as ever, the identity and interests of children and the vulnerable.

[5] The Shadow Justice Family Board will ensure that all of the steps which are taken along the lines set out above are to its satisfaction. In addition work will continue on putting in place relevant protocols and/or practice directions which these developments require. It is envisaged that in the first place media access will be provided only in the Family Division of the High Court. Whether and when it extends to the Family Care Centre will be kept under Review.

**The Honourable Mr Justice J O'Hara
Senior Family Judge**

22 November 2018