



Family Justice Council

Event summary

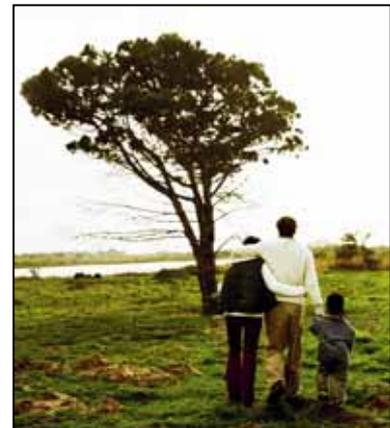
Media reporting of family proceedings

The Family Justice Council hosted a debate on Wednesday 9th December to discuss whether the media should be given greater access to the family courts.

The debate was held in the light of recent government proposals to increase media access to the family courts which have been opened to limited media scrutiny since April 2009.

There was general agreement that court proceedings could benefit from openness and greater public understanding. However, there was heated debate about whether press coverage was a means of achieving this. There were serious concerns around privacy and consent, and unease about the impact on children who may be identifiable in press reports.

In support of greater media access, solicitor Sarah Harman was generous in her praise of attempts to open the NHS to public examination, arguing that all organisations need proper scrutiny if they are to improve. BBC journalist Sanchia Berg, also in favour of allowing media access, agreed, arguing that “if the wider world is to have faith in the family justice system then people need to see how it works”. She described her experience of reporting proceedings, and raised the possibility that media coverage might improve the support offered to families by highlighting problems in children’s services.



The argument against allowing reporting was put by Alex Verdan QC and child psychiatrist Dr Mike Shaw, who were concerned that a potential public good – an improved family courts service – might be gained at real cost to children and their parents.

Dr Shaw suggested that even the possibility that proceedings might be reported could inhibit people from revealing the extent of the family’s problems, so that courts might make decisions on partial information. This discussion point was carried through to the open question and answer session with the panel, made up of six eminent professionals from legal, medical and social care worlds. This included legal journalist Joshua Rozenberg, consultant child and adult psychiatrist Dr Margaret de Jong, Judge Donald Hamilton, barrister Alistair MacDonald, social worker Sarah Peace and solicitor Russell Bywater. Judge Donald Hamilton commented: “It really worries me that I will be making

decisions on less information and inferior information to what I have now on the most profound of issues - the decision to take children out of their families.”

For both opponents of the scheme the central concern lay in the difficulty of protecting the identity of parents and children. “Safeguarding anonymity is a complicated process” argued Mr Verdan, “it involves far more than just replacing the family’s name with an initial. Personal stories are instantly spottable by neighbours.”

Tellingly, he commented, “I have yet to meet a client who, prior to the result being known, wishes for the media to be allowed into court or thinks it would be a good idea. The reason is simple: family courts investigate the most private intimate and personal details of people’s lives and people don’t want these to be made public.”

“The damage could be potentially colossal and potentially long-lasting” Mike Shaw commented. As Alistair MacDonald pointed out: “today’s news isn’t tomorrow’s chip-wrapper. It goes on the internet and stays there. It can follow you for years.”



MacDonald, was concerned that the purpose of letting reporters into court was unclear. “We need to work out what we’re trying to achieve” he said. “There’s a real need to establish what the public actually want to know about the family courts”. The experience of the Greater London Family Council in operating open days to demystify the courts system was welcomed as an alternative way of opening up the courts without reporting on real cases.

Bob Satchwell from the Society of Editors argued that journalists were both caring and well-trained enough not to compromise the welfare of children. “The emphasis [in court reporting] is always on child protection” he said. “Just because it’s difficult to do, it doesn’t mean you shouldn’t do it. Secrecy breeds suspicion and speculation. How can you have anything other than speculation if you can’t get the facts?”

There was no vote at the close, although if there had been the result would probably have been against allowing reporting. As Sarah Peace commented: “there may be a benefit if the difficulties under which we labour are made more public. But we need to look at what’s in the best interests of individual children, and I struggle to see how [media reporting] can be”. Or as solicitor Gillian Rivers put it: “where does the benefit lie for children and families in providing minor entertainment for people as they flick through their daily rag?”

A podcast recorded at the debate is available to download from the Family Justice Council website – www.family-justice-council.org.uk.