



# Can the media attend my court case?

## A guide for family court users

### About this leaflet

This leaflet is for people involved in all family proceedings. It explains:

- why the media can attend family court cases,
- when the media is not allowed to attend a court case, and
- what the media can and cannot report.

It also explains what to do if you think the media should be excluded from your case, or if you want to complain about an individual reporter's conduct or reporting.

This leaflet does **not** apply to **placement** and **adoption proceedings** or to **parental orders applications** (under the Human Fertilisation and Embryology Act), where different rules are in place.

### Why is the media allowed into court?

The media has been able to attend family proceedings in magistrates' courts for a long time and since 2009 they have been permitted to attend cases heard in a county court and the High Court. This is because the media has an important role to play in these proceedings, as their reporting can help the public understand how the family court system works and how family cases are decided.

To make sure that children, vulnerable adults and families are protected from unwanted publicity, there are restrictions in place to limit what the media can report.

### Can the media attend every type of case?

No, the media is **not** allowed to attend:

- any placement or adoption proceedings,
- any conciliation or financial dispute resolution appointments – this is where a judge is helping the parties to reach an agreement in their dispute.

## Can the media be excluded from any other cases?

The court can also decide to exclude or restrict the media if:

- it is necessary in the interests of any child concerned in, or connected with, the case;
- a party or a witness (or a person associated with a party or a witness) needs to be protected – for example, where a witness's safety may be at risk if the media attended court;
- the case may be disrupted if the media is present – for example, if there is not enough space in the court room; or
- justice may otherwise be impeded or prejudiced – for example, where there is a risk that a witness will not give full or frank evidence because the media is present.

## How will I know if the media will attend my case?

If the media is attending any part of the proceedings in your case, the court will ask you and the parties involved if you have any concerns. If you do, you should tell the court, specifying at least one of the reasons (listed above) that you feel is relevant to your case. The court will then make a decision about whether or not to exclude the media.

However, if the media wants to attend a hearing, they do not need to get advance permission from the court.

## Which media representatives are allowed in to court?

Only media representatives who are accredited members of the UK Press Card scheme can attend a family court case. They should wear a UK Press Card (displaying their photograph) at all times, so that they can be easily identified by court staff and the parties involved in the case. If a media representative doesn't bring his or her Press Card to court, he or she will only be permitted to attend proceedings if the court gives specific permission. Recording, filming and photography are not allowed in family courts.

## Do I have to answer questions from the media?

No, you do not have to tell the media anything if you do not wish to. If you do speak to them, whether inside or outside the courthouse, you need to know that they might report what you say.

You must also remember that in many cases, especially those involving children, there are legal restrictions on what you are allowed to tell people (including journalists). There are also restrictions on what documents and evidence used in the proceedings that you can show them. For details of these restrictions, see leaflet **EX710: Can I talk about my case outside court?** available from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

It is important to be very careful about what you tell people about your case. If you give details that should not be disclosed, you may be guilty of a criminal offence or contempt of court.

Make sure you seek advice from your legal representative about what you can tell others about the case. If you are presenting your case in person, you should ask the judge or magistrates.

## What can the media report?

What the media can report depends on the type of case.

- In matrimonial cases, generally speaking, the media can report names and addresses of parties, an outline of the grounds and defences in the case, legal points, and the judge's rulings.
- In matrimonial finance cases, like maintenance and property adjustment orders on divorce, the media can usually publish:
  - names, addresses and occupations of parties and witnesses;
  - a concise statement of the grounds of the application and defences raised;
  - submissions on any point of law; and
  - the judgment.

They **cannot** report what has occurred in the proceedings nor information and evidence disclosed in relation to the case by the parties orally or contained in documents filed in the case, unless the court has given permission.

- In children cases, reporting is much more limited. In general, the court needs to give permission for anyone to publish:
  - any details which could identify the child as being the subject of the proceedings;
  - any information about what has taken place, or been said, in court; and
  - any information contained in documents in the proceedings.
- In domestic violence cases, the rules on what can be reported vary, depending on the facts of the case. If there are children involved in the case, reporting is likely to be much more restricted than if there are no children involved.

If you are unsure, or if your type of case is not included in this list, speak to your legal representative. If you are presenting your case yourself, you should ask the judge or magistrates.

## What is the media not allowed to report?

If the media attend a court case, it does not mean that they can report all that is said in court or identify the parties involved.

In certain types of cases, there are legal restrictions that the media has to follow. For example, it is a criminal offence to publish:

- information about a child such as their name, their school or their home address that might enable the identification of this child as being involved in the proceedings; and
- details of any parties or witnesses that could also enable the identification of a child as being involved in the proceedings.

There are other reporting restrictions which make it a contempt of court for anyone, including the media, to publish details of what has happened in a court case involving a child's welfare or maintenance (this includes details of what was said by lawyers, the judge, the parties and witnesses, as well as the content of any documents).

In some cases, the judge is able to place additional restrictions on reporting. They can also decide to relax some, or all, of the restrictions.

## **Can the media see any documents that are used in my case?**

No, in most cases, the media cannot see any documents – unless the judge gives permission.

However, in matrimonial or civil partnership matters, it is possible for anyone – including the media – to get a copy of the decree nisi/absolute or conditional/final order in civil partnership proceedings.

In children cases, the parties or their legal representatives are allowed to disclose information to a journalist – as long as they are doing this to get advice and support or to pursue the investigation of a complaint. The journalist still has to follow the reporting restrictions and therefore cannot pass on the information or publish the information to the general public, or a section of the general public.

The President of the Family Division issued a Practice Direction on 16th January 2014 relating to ‘Transparency in Family Courts – Publication of Judgments’ (see <http://www.judiciary.gov.uk/Resources/JCO/Documents/Guidance/transparency-in-the-family-courts-jan2014.pdf>).

As a consequence, in some limited circumstances a Circuit or High Court Judge can order the publication of an anonymised version of the court judgment on the British and Irish Legal Information Institute website only. A fee may be payable.

For details about how information can be shared outside court, see leaflet **EX710: Can I talk about my case outside court?** available from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## **What happens if I want to make a complaint about the media?**

If you are concerned about the conduct and reporting of a particular journalist or media organisation, you can make a complaint in these ways:

- The Press Complaints Commission

The Editors Code of Practice has clear guidelines on reporting standards for family and children matters in newspapers and magazines. For information about these standards and how to make a complaint, visit [www.pcc.org.uk](http://www.pcc.org.uk)

- The UK Press Card Authority

They supervise the media accreditation scheme. You can complain to the organisation that represents the particular journalist and issued their UK Press Card (the name of the organisation is on the card). For a list of all organisations and their contact details, visit [www.ukpresscardauthority.co.uk](http://www.ukpresscardauthority.co.uk)

## **Where can I get more information?**

For more information about the procedure rules governing media access to family court cases, visit: [www.justice.gov.uk](http://www.justice.gov.uk)

## About us

HM Courts & Tribunals Service is an agency of the Ministry of Justice. The agency is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. It provides for a fair, efficient and effective justice system delivered by an independent judiciary.

HM Courts & Tribunals Service aims to ensure that all citizens receive timely access to justice according to their different needs, whether as victims or witnesses of crime, defendants accused of crimes, consumers in debt, children at risk of harm, businesses involved in commercial disputes or as individuals asserting their employment rights or challenging the decisions of government bodies.

For more information see [www.justice.gov.uk/about/hmcts](http://www.justice.gov.uk/about/hmcts)

## For people with a disability

If you have a disability that makes going to court or communicating difficult and/or you require any information in an alternative format, for example large print, please contact the court concerned who will be able to help you. You can find contact details for all of our courts online at [courtribunalfinder.service.gov.uk](http://courtribunalfinder.service.gov.uk)