



PUMP COURT

CHAMBERS

Transparency, Reporting Restrictions and Disclosure to Journalists

Corinne Iten and Isabella Thomas-Kelly



Recent Changes

- The introduction of Practice Direction 12R.
- When the practice direction came into force:
 - Public children proceedings - 27 January 2025
 - Private children proceedings - 1 May 2025
 - Children proceedings before magistrates - 29 September 2025

- **The basic principles:**

- Journalists and legal bloggers are able to report on what they see and hear whilst attending any family court if a transparency order is granted.
- Reporters can obtain documentation from the proceedings.
- There is a presumption in favour of transparency.
- Children and their families remain anonymous.

Who Can Attend and Report?

- Accredited representatives from news and reporting organisations (PD 12R para 2.19(a)).
- A duly authorised lawyer attending for journalistic, research or public legal education purposes (PD 12R para 2.19(b)).

What does the reporter need to provide to the court?

- A journalist – UK Press Card
- A duly authorised lawyer:
 - Practising certificate.
 - A signed statement confirming the purpose of attendance and agreement to abide by publication restrictions (PD 27B para 5A.3).

Will you receive advance warning?

- PD27B para 5C.1
- Reporters can attend **without** giving notice to the parties or the court.

The Transparency Order

- **What the order contains**
 - The information that can be communicated.
 - Who can communicate that information.
 - To whom it can be communicated.
- **Expiry of the order**
 - The transparency order will remain in place until every child to whom proceedings relate reaches 18 (PD12R para 5.2(a)).



In the Family Court
sitting at **[Court name]**

Case No: **[Case number]**

**Transparency Order
Family Procedure Rules 2010, r.12.73A and PD12R**

The full name(s) of the child(ren)	Boy or Girl	Date(s) of Birth
[insert]	[insert]	[insert]
[insert]	[insert]	[insert]

Before **[name of judge]** in private on **[date]** at a **[type of hearing]**.

TO ANYBODY WHO HAS SEEN THIS ORDER OR IS AWARE OF ITS CONTENTS: You must obey the terms of this order. If you do not, you may be held in contempt of court and punished by a fine, imprisonment, confiscation of assets or other punishment under the law.

Notice and Definitions:

1. This order is made following the attendance of a reporter at court, pursuant to FPR 27.11, and the presumption that reporting is permitted pursuant to FPR2010 r.12.73A and PD12R.
2. This order is an injunction, which means that you must do what the order says.
3. Nothing in this Order affects the ability of parties or their representatives to publish or communicate information as permitted by Family Procedure Rules 12.73, 12.75, 14.14 or Practice Directions 12G and 14E to the Family Procedure Rules 2010.
4. In this order, "reporters" means duly accredited representatives of news gathering and reporting organisations and duly authorised lawyers attending for journalistic, research or public legal educational purposes (legal bloggers) (together referred to in this order as 'reporters') who are entitled to attend a hearing under r.27.11 of the Family Procedure Rules 2010 ('FPR').
5. Section 12 Administration of Justice Act 1960 continues to operate save and insofar as this Order varies it. This means that any publication of information relating to the proceedings which is not permitted by this Order is a Contempt of Court.

Who does this order apply to?

6. The Order applies to:
 - a. The parties and their lawyers;
 - b. Any witnesses in the case;
 - c. Anybody who attends some or all of a hearing in the case;
 - d. Any authority, body or organisation (and their officers, employees, servants and agents) for whom any such person works, is employed, engaged or is giving evidence.
 - e. Anybody who is served with a copy of this order or is aware of its contents.
7. This Order will be served on the parties and their lawyers, and any reporter who attends a hearing and wishes to report on what they see, read, and hear.

It is ordered that:

8. This Order will remain in force until [date]; usually the 18th birthday of the youngest child].
9. Except where allowed by this Order, no person is permitted to publish, or to communicate information relating to the proceedings except as already permitted under Family Procedure Rules 12.73, 12.75, 14.14 or Practice Directions 12G (para 2.1) and 14E to the Family Procedure Rules 2010, or by discussion between a party to the proceedings (or their legal representative) and a reporter as permitted under the terms of this order.
10. This order applies to any person who is aware of its contents, including those set out in above under the heading 'Who does this order apply to?'.

What may and may not be published?

11. A reporter may publish any information relating to the proceedings save to the degree restricted below.
12. **[For complex cases, see schedule – delete as appropriate]** In any report of the proceedings the subject children, family members, and carers shall be referred to by the anonymisation set out in the **confidential schedule** attached to this order.]
13. No person may publish any information relating to the proceedings to the public or a section of it, which includes:
 - a. The name or date of birth of any subject child[ren] in the case.
 - b. The name of any parent or family member who is a party or who is mentioned in the case, or whose name may lead to the child[ren] being identified;
 - c. The name of any person who is a party to, or intervening in, the proceedings;



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- d. The address of any child or family member;
 - e. The name or address of any foster carer;
 - f. The school/hospital/placement name or address, or any identifying features of a school of the child[ren];
 - g. Photographs or images of the child, their parents, carer or any other identifying person, or any of the locations specified above in conjunction with other information relating to the proceedings;
 - h. The names of any medical professional who is or has been treating any of the children or family member;
 - i. [In cases involving alleged sexual abuse, the details of such alleged abuse]
 - j. For the purposes of s.97(2) Children Act 1989, any other information likely to identify the child as a subject child or former subject child.
14. This Order does not disapply s.97(2) Children Act 1989 unless expressly stated.
15. For the avoidance of doubt, no body, agency or professionals may be identified in any information relating to the proceedings published to the public or a section of it by a reporter, save for:
- a. The local authority or authorities involved in the proceedings, or the NSPCC if the applicant;
 - b. The director and assistant director of Children's Services within the LA (but no other person from the local authority, including the social worker, without express permission of the court);
 - c. Cafcass, Cafcass Cymru or NYAS (but not the children's guardian, case worker, or reporting officer without express permission of the court);
 - d. Any NHS Trust;
 - e. Court appointed experts (but not treating clinicians or medical professionals);
 - f. Legal representatives and judges;
 - g. Anyone else named in a published judgment.

Documents

16. A reporter who attends a hearing in family proceedings in accordance with FPR r.27.11, or who indicates in advance that they wish to attend a hearing, is entitled to see, quote from, or publish:
- a. Documents drafted by advocates (or litigants if a party is self-representing):
 - i.e. Case outlines, skeleton arguments, summaries, position statements threshold documents and chronologies.
 - b. Any indices from the Court bundle.
 - c. Any suitably anonymised Orders within the case.



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17. Parties to the proceedings and their representatives may not disclose documents from the proceedings to reporters, except as specified above, or with the specific permission of the court. This includes where a document is referred to or quoted from in court that the reporter would not otherwise have access to.
18. Any such requests for copy documents must be made at or before a hearing which the reporter has attended pursuant to FPR r.27.11.
 - a. Upon a request being made, the author of the document shall as soon as practicable provide a copy of the document to the reporter.
 - b. The reporter may quote from or publish the contents of the document, save that the details under heading 'What may or may not be published?' of this Order may not be published. Where any document referred to above quotes from a document to which the reporter would not be entitled to see (such as source evidence), the passage quoted may not be reproduced or reported without permission of the court.
19. No other document may be provided to a reporter without permission of the court.
20. A reporter may share documents or information with their editorial team or legal advisor responsible for the publication of their proposed report of the case, providing that they also provide any such person with a copy of this order which will be binding upon that editorial team or legal advisor.
21. [Where a case has significant media interest and other accredited journalists or legal bloggers are likely to need to see documents] A party, legal representative or reporter may also share documents with another accredited journalist or legal blogger providing:
 - a. That the accredited journalist or legal blogger is provided with a copy of this order.
 - b. That the accredited journalist or legal blogger writes to the court by email to confirm that they have made a request for documents, and that they have been sent a copy of this email, and they understood that they are to be bound by it.

Discussions between reporters and parties and their representatives

22. The parties to the proceedings and their representatives may disclose information from proceedings, and share any hearing dates, with a reporter for the purpose of discussing the case and informing the reporter of the circumstances of the case.
23. Where the parties or their representatives have invited reporters to attend a hearing, permission is given retrospectively for any discussions that took place with reporters.

Operation

24. Permission to report is not effective until [the end of the hearing at which this Order is made, amend as appropriate].
25. [Where the court is delaying reporting pending criminal proceedings No person may publish any information relation to the proceedings to the public or a section of it unless and until in the case of [a party]:
- Criminal proceedings (arising from the facts in these proceedings) against them have been finally concluded, and rights of appeal exhausted, or,
 - [Police forces] and/or the Crown Prosecution Service have confirmed that no further action will be taken against them.]

Other Orders

26. Permission for this Order to be served by email. Email shall be effective service for the purposes of FPR Part 6 and FPR Part 37.
27. Liberty to the parties and any reporter to apply on notice to vary or discharge this Order. Any application to vary or discharge this Order should be made by way of C2 application, with the fact and nature of any objection being clearly set out in an accompanying position statement.
28. When a transparency order is made, or received, a reporter must confirm to the court that they have read and understand the terms of this Order.
29. The point of contact for any reporter is [the court family inbox address].

Dated: [Date]

SCHEDULE

In complex cases with several linked applications, or parties or intervenors, the court may wish to direct that anonymisation is used in reporting. Where used, the following may be adopted:

Name	Parent/Girl/Boy	DOB	Anonymisation	Representation
Etc.				

What Cannot be Reported

- PD 12R para 5.2(b)
 - (i) the name or date of birth of any subject child in the case;
 - (ii) the name of any parent or family member who is a party or who is mentioned in the case, or whose name may lead to the child(ren) being identified;
 - (iii) the name of any person who is a party to, or intervening in, the proceedings;
 - (iv) the address of any child or family member;

What Cannot be Reported

- (v) the name or address of any foster carer;
- (vi) the school, hospital, placement name or address, or any identifying features of a school, of the child;
- (vii) photographs or images of the child, their parents, carer or any other identifying person, or any of the locations specified above in conjunction with other information relating to the proceedings;

What Cannot be Reported

(viii) the names of any medical professional who is or has been treating any of the children or family member;

(ix) in cases involving alleged sexual abuse, the details of such alleged abuse;

(x) for the purposes of section 97(2) of the 1989 Act, any other information likely to identify the child as a child who is, or has been, the subject of proceedings to which that section applies.

What Can be Reported

- **Who can be named (PD 12R para 5.3)**
 - The LA (only directors can be named)
 - Cafcass (not individuals)
 - Experts (not treating physicians)
 - Legal representatives
 - Judges

What Can be Reported

- **What can feature in the report:**
 - What is seen and heard in court.
 - Interviews with the parties.
 - Quotes from basic documents provided.

Provision of Documents

- **Reporters can request documents (PD 12R para 6.1):**
 - Case outlines
 - Case summaries
 - Position statements/skeleton arguments
 - Threshold documents
 - Chronologies
 - Bundle indices

- **Other documents can be requested by a reporter, however:**
 - They must apply for them (para 4.12)
 - The purpose of the disclosure is to understand and follow the proceedings (para 4.14)
 - The reporter cannot reproduce quotes from evidential documents (para 4.11)

- **What representatives must do**
 - Provide the documents at the hearing or a reasonable time after the hearing
 - By electronic means only (e.g., email)
 - No hard copies

The Procedure

- **Prior to the hearing:**
 - You must consider transparency prior to the hearing and in advocates' meetings (PD 12R para 4.2)
 - Any request for documents must be made before or during the hearing, and the drafter of the document is to supply it
- **During the hearing**
 - The court will address the issue at the start of a hearing (PD 12R para 4.1).
 - If a transparency order is not made, reasons must be given.

Transparency Order - Decision

- **Balancing of Rights (PD 12R para 7)**
 - Article 6 ECHR
 - Article 8 ECHR
 - Article 10 ECHR
- The court will also ask what safeguards are needed to allow a transparency order

- **Cases which invite special consideration (PD 12R para 7.12)**
 - Where there are ongoing criminal proceedings or investigations
 - Without notice applications
 - If particularly difficult to achieve anonymity
 - Cases involving protected parties
 - Non-lawyer reviews in the Family Drug and Alcohol Courts

***Re HMP* [2025] EWCA Civ 824 – Limitations of Transparency Orders**

Background

- Care proceedings revolving around two children being in a private foster placement which then broke down, and care proceedings were then initiated.
- The BBC wanted to understand the role of the LA in respect of the private fostering arrangement.

- The BBC applied to have access to various documents and permission to report the contents of those documents
- The application was allowed on the basis that
 - The documents would not add much to what the BBC already knew
 - There was public interest in understanding private fostering and how it is overseen
 - The order would serve the interests of transparency

- On Appeal by the Children's Guardian
- The two main purposes of open justice as identified in *Dring* are:
 - i. to enable public scrutiny of the way in which the courts decide cases so as to provide public accountability and secure public confidence; and
 - ii. to enable public understanding of the justice system.

- Appeal Allowed:

“The open justice principle does not extend to affording third parties access to such information for reasons unconnected with examining the work of the courts and tribunals and the judges who sit in them.” [22]

“The application of open justice principles is confined to the system of justice in a narrow sense.” [26]

“The objective of the BBC, whilst undoubtedly part of a legitimate journalistic investigation, was neither to scrutinise the way in which courts decide cases, nor to enable the public to understand how the justice system works and decisions are made. It was not in any way designed to throw light on the workings of the family courts and their judges.” [24]

Resources

- The Reporting Pilot Guidance from the President of the Family Division, August 2024
<https://www.judiciary.uk/wp-content/uploads/2024/08/Reporting-Pilot-Guidance-2024.pdf>
- Family Court Transparency Implementation Group materials:
 - <http://www.thetig.org.uk/>
 - <https://www.judiciary.uk/about-the-judiciary/our-justice-system/jurisdictions/family-jurisdiction/transparency-implementation-group>