

23 April 2009

## Transparency – Family Courts – Funding Issues

Family court hearings are to be opened to accredited media from **27 April 2009**. This is part of new measures intended to improve scrutiny of and public confidence in the family court system. The change will not alter the current reporting position in any other respect – the existing reporting restrictions will continue to apply. However, changes are being made to the relevant disclosure rules to allow for wider disclosure and for possible onward disclosure (for the same purpose) with the consent of the parties. Further changes are continuing to be considered and would need primary legislation.

Except for adoption cases (including placement orders) and judicially led conciliation and mediation the media will be able to attend hearings in all levels of family courts. The media will be able to attend

- Family Proceedings Courts (which have previously been open to them in any event) and in addition
- Family Proceedings in the County Courts
- Family Proceedings in the High Court.

The issue of media attendance will potentially need to be considered in all family cases (except those where media attendance is not permitted in any event). Therefore this work will form part of the usual steps which are taken by legal representatives providing representation to funded clients. No specific cover/amendment will be needed to represent a funded client on issues relating to media attendance which are dealt with in the proceedings for which the client is funded. This will also be the position in relation to the consideration by the court of continuing the anonymity of children following the conclusion of proceedings under the Children Act 1989.

However, if there are separate issues regarding reporting, reporting restrictions, confidentiality or anonymity which would fall to be considered by the court, for example on an application by a media organisation or on an application for an injunction against such an organisation, then this would require specific cover and would be considered on a means and merits tested basis. This is not a change to the previous funding position.

If there is a challenge to the decision of the court in relation to media attendance, then this will be by way of judicial review. Cover for any judicial review proceedings would require a separate means and merits tested application for funding.

Queries can be addressed to the Family Policy Team at [family@legalservices.gov.uk](mailto:family@legalservices.gov.uk).