HM Courts &
Tribunals Service

Supporting media access to courts and tribunals

General guidance to staff

Modernising Justice

newsmedia association

Society of Editors
www.societyofeditors.org

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Guidance to staff on supporting media access to courts and tribunals

Introduction to this guidance

The principle of open justice is a longstanding feature of our legal system. The public has a right to know what happens in our courts and tribunals, and public confidence in the justice system relies on transparency.

One way this important principle is upheld is the attendance and reporting of proceedings by the media. It is through the media that many people hear about the operation of the justice system and form views on it.

So, we in HM Courts & Tribunals Service (HMCTS), have a clear interest and obligation to encourage and facilitate media access to our courts and tribunals, and this guide is designed to help you do that.

We developed this guide with representatives of the media to ensure that it is best focused to help you provide the best possible service to what is an important professional court and tribunal user group.

No guide can be comprehensive, but we hope this covers most of the typical media-related situations you are likely to encounter. The first edition of this guidance was published in October 2018 and was welcomed by our staff and media representatives. This edition updates and refreshes its content following an annual review.

We will continue to review and update this guidance, not least because of the changes in the legal and operational rules that relate to this area of work. Your feedback is welcome - please send all comments to: HMCTS.Communications@justice.gov.uk.

We hope this guidance provides you with the skills and knowledge needed to work effectively with the media.

Who are the media?

Journalists' roles vary - some work for newspapers, national, regional or local, others work for broadcast media such as radio and TV. Others work for press agencies like the Press Association which provide stories to established media organisations.

An increasing number of journalists now represent fully online news platforms while some are freelance and either publish stories themselves or provide them to others.

Most journalists covering court and tribunal hearings will have had training in media law as part of wider professional qualifications and so should be familiar with legal issues relating to reporting proceedings.

The law sets out clearly what can and cannot be published in respect of criminal and other proceedings and it is newspapers and other media organisations themselves, not HMCTS, that carry the legal obligation to make sure that these are met.

Our job in HMCTS is to facilitate and support the media attending proceedings, and to provide relevant information asked for by journalists (following the guidelines set out in this document). Sometimes these requests are made under the pressure of production deadlines, and we should recognise this.New para:

In this guide, we will use 'journalists' to mean bona fide journalists and members of the media who are entitled to enhanced levels of court and tribunal information, over and above what is available to members of the public. We have created guidance for frontline HMCTS colleagues on how to carry out appropriate checks to verify the media accreditation of an individual journalist requesting enhanced level of information. (Details on the authentication process are set out at Annex A - Guidance on checking status of a journalist)

General dos and do nots

Usually, journalists prefer to deal with local court or tribunal staff who can usually answer their queries about a case or hearing quickly. These enquiries may be made in person before or after a hearing, by telephone or email. Each situation will be different but here are some general tips to help create productive relationships between you and the journalist

- Do give journalists details of any reporting restrictions, and all relevant information about a case or hearing they are entitled to.
- Journalists are entitled to the full name of judges and magistrates (and their Legal Adviser) in all jurisdictions but no further personal details.
- If you are unable to give out information avoid saying "no" or "no comment" without giving a reason. If you are unable to provide the information for whatever reason please tell the journalist. For example, if a journalist asks about long spent convictions or for a copy of a defendant's complete criminal record or if the court simply does not hold the information.
- You do not have to respond immediately to a media query. But journalists often work within tight deadlines so ask when they need the information by and do your best to get back within this time. If you can't make a deadline, or it is going to take longer than you originally thought, go back and tell them, they may be able to extend the deadline.
- Always go back to the journalist even if you cannot provide the information or need more time. They will appreciate the courtesy.
- Get to know the journalists who regularly attend, call or email your court or tribunal and encourage them to put questions to you.

Handling routine media enquiriesfor hearing related information

Routine enquiries are most often of a factual nature – for example, confirmation of case listings, court opening times, etc.

Make sure you:

- take full details about the caller – name, number and where they are from
- understand exactly what they are looking for – don't be afraid to ask them to clarify if you are unsure
- find out their deadline
- keep a note of how the query was handled including what you said and when – this will come in useful if there are any queries.

HMCTS media enquiries service

Journalists with requests for case or hearing information for magistrates' courts, single justice service and some civil, family and tribunals enquiries should call our centralised media enquiries line on **0333 0419680, 8.30am to 5pm – Monday to Friday**. Our **Service Centre** is also available to handle magistrates' court and single justice service media enquiries on **Saturdays from 8am to 2pm**.. UK Press Card authentication details may be required.

For civil, family and tribunals, the enquiries cover :

- County Courts
- Probate, divorce and family law
- Tribunals (Social Security and Child Support, Employment, Immigration and Asylum Chamber, Special Educational Needs and Disability)
- Infected Blood Compensation

Journalists should continue to contact Crown Courts, High Court including Royal Courts of Justice, and Business and Property Courts directly – they can use our Find a Court or Tribunal service for contact details.

The role of the Ministry of Justice and Judicial Office press offices and their contact details remain the same.Further details can be found at: https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/media-enquiries

Media access to courtrooms and press seats

Most courts or tribunals will have dedicated press seating and journalists should be given priority to those seats during a case or hearing. Journalists are entitled by law to hear and be present at all open court proceedings (including those with reporting restrictions in place). They should not be forced to cover the hearing from the public gallery – individual reporters may be at risk of intimidation from friends or relatives to parties in the case. Journalists have an important and professional role in the justice system – court reporting is a vital aspect to open justice.

In addition to observing the hearing in the press seats of the courtroom, journalists can request to observe a hearing remotely.

The Police, Crime, Sentencing and Courts Act 2022, provides for the remote observation of courts and tribunal hearings. Journalists (and public) can request to remotely observe a wholly-remote, hybrid or wholly in-person hearing It is important to note that these powers retain, at their heart, the principle of judicial discretion. It will be for judges, magistrates, and tribunal panel members to decide on a case-by-case basis whether to provide transmissions of proceedings to members of the media and public. Those watching a hearing remotely are subject to the same prohibitions that apply to being in a physical courtroom. Remote observers must not take photographs or record (either by audio or video) any part of the proceedings or transmit them to anyone else. To observe a court or tribunal hearing using a video or audio link, a journalist or member of public will need to contact the court or tribunal in advance and provide their full name and email address. Journalists should provide evidence of their status as detailed in Annex A (www.gov.uk/government/publications/guidance-to-staff-on-supporting-media-access-to-courts-and-tribunals/guidance-for-checking-status-of-journalists) to request remote observation of hearings that the public cannot attend (such as Youth and some Family hearings). Further details at Practice Direction (www.judiciary.uk/announcements/practice-guidance-on-remote-observation-of-hearings-new-powers).

If in some cases there is a high demand for press seats, using some seats in the public gallery for the media is an option you can consider. Journalists can make notes in the public gallery.

Where press seats are available, they should be reserved for journalists use only. Where possible, a dedicated press area or room should be made available for use by journalists.

Note-taking in the public gallery

The general rule is that justice is administered in open court where anyone present may listen to and report what is said. You should not object to note-taking in the public gallery unless you believe it is for an improper purpose (such as briefing a witness who is yet to give evidence but has been kept out of court).

If you see a member of the public taking notes and you do suspect it might be for an improper purpose, you should report it to the clerk of the court (or to the judge, if the clerk is not available) and ask for directions.

Text-based communications from court

Unlike the public, journalists do not need to apply to use text-based devices to communicate from court. This includes using live broadcasting on social media networks, texting and emailing and using internet-enabled laptops. Use of devices should however not cause a disturbance or distraction. The judge or magistrate always retains full discretion to prohibit live, text-based communications from court, in the interests of justice.

A journalist who uses a device for live court reporting on a court or tribunal case or hearing is subject to the same legal restrictions and obligations as any other form of court reporting.

While mobile phones and other text-based communication devices are permitted to be used in court, they must not be used to take photographs or to film any part of proceedings in any area of the court or tribunal building.

Recordings, photography and filming

Unauthorised tape recording of proceedings in court is a contempt of court (although courts may at their discretion permit journalists to record proceedings in court as an aide memoire). Photography and filming in courts and tribunals is strictly forbidden, as is making a portrait or sketch of any person in court. It is also not permitted to photograph, film or sketch people in the court precincts.

Similarly, remote observers are also prohibited from making unauthorised recordings or transmission of proceedings. Transgressors could be subject to a £1,000 fine or be found in contempt of court.

Since July 2013, officially contracted broadcasters are permitted to record and broadcast certain proceedings in the Court of Appeal. In 2020 legislation was laid to allow the broadcasting of o sentencing remarks in Crown Courts, and we hope to use this power for the first time this summer 2022.

Journalists can use their mobile devices to photograph court documents they are entitled to and you should facilitate this when requested.

Identification, accreditation and access to courtrooms

Journalists are trained professionals and should understand the laws relating to what can and cannot be published. They usually work for an accredited news publication, broadcaster or agency and have most likely undergone specific media law training related to court reporting. They will normally have access to the advice of an experienced editor and a trained media lawyer to ensure their published reports of cases and hearings are factual, accurate and legally compliant.

In order to facilitate their important work, journalists have access to press seats in courts and to information not always widely available to the public. It is therefore important that HMCTS staff are confident that individuals seeking such access can identify themselves as professional journalists.

In many courts, those where journalists regularly attend to report on proceedings - court staff will have existing relationships with them and confidence that they are properly accredited. However, if staff are unsure about the bona fides of someone seeking access to press seats or court information (whether in person or by phone/email) they should ask to see appropriate identification.

HMCTS does not accredit journalists or media organisations.

We rely on the verification of journalistic status by independently recognised media industry organisations, schemes and licences.

We have developed guidance which sets out our operational process for checking, as far as possible, that enhanced levels of information and access are made available only to journalists - see Annex A.

Members of the public (including non-journalists identifying themselves as bloggers) should not be given access to press seats and should be asked to sit in the public gallery. Unlike professional journalists, members of the public may be unaware of the legal issues relating to court reporting, in particular those that relate to contempt of court if they use social media or any other ways to communicate to more than one person information heard in open court.

Reporting restrictions

The principle of open justice means that, in general, court proceedings should be open to anyone who wants to observe, and journalists may report those proceedings to the wider public. There are certain exceptions to this principle including:

Private hearings and trials – where, in exceptional circumstances, a court has the power to exclude the public and media from all or part of civil, criminal and family proceedings, where doing so is necessary to prevent the administration of justice from being frustrated or rendered impractical (e.g. to protect interest of national security).

Automatic reporting restrictions – where, legislation has created exceptions to the open justice principle such as lifelong anonymity for victims of sexual offences, forced marriages and human trafficking offences. These are in addition to the media's own responsibility for compliance with the Contempt of Court Act 1981 (which includes specific defences to enable fair, accurate, contemporaneous court reports and discussion of public affairs or other matters of general public interest).

Discretionary reporting restrictions – where courts are able to impose particular restrictions established by statute or case law such as to protect under 18s in criminal proceedings outside the Youth Court or (under Section 11 of the Contempt of Court Act 1981) to allow the name or other matter to be withheld from the public in court proceedings and prohibit its publication.

Journalists should be given advance notification of any application for reporting restrictions and an opportunity to make representations about discretionary reporting restrictions. The Criminal Procedure Rules require parties who apply for discretionary reporting restrictions in criminal cases to notify the media of any applications. Orders should be put in writing as soon as possible and the media should be put on notice as to the existence and terms of the order. In addition, you can refer to guidance issued by the Judicial College, and supported by the News Media Association, Society of Editors and Media Lawyers' Association. It sets out a structured approach for magistrates' and judges to use when applying and observing reporting restrictions and is published on the Judicial website at: Reporting Restrictions in the Criminal Courts (July 2023).

It's important to remember that even with reporting restrictions, information about a case or hearing can still be given to journalists. It is the media's responsibility to ensure that what is published conforms to their legal obligations.

Reporting Restriction Application Notice Lists (RRANLs) are now maintained at each criminal court to support applicants in providing advance notice of intended reporting restriction applications to the media. Where an application is to be made, the relevant court should be contacted to request the RRANL (list of media contact email addresses) applicable to that venue. The media should contact each court to request their details be added to their RRANL.

It is important that a fresh list is requested each time an application is being prepared. This is because contact details and journalists on the list are regularly updated, with additional media representatives opting in to receive advance reporting restriction applications notice. Requesting a current version ensures that notification is circulated to all journalists who have asked to be informed.

What to do if something is published and is Contempt of Court? - If something is published in the public domain by a journalist or media that a Judge or magistrate (including a legal adviser) believes is in Contempt of Court, you should follow the process below to get the information removed/amended as quickly as possible:

Contact the journalist directly and immediately to relay the Judge's directions. Mark your email as urgent, be clear and specific about what you are asking the recipient to do and why. Provide your contact details so that the journalist, or their editor, can contact you directly.

If you are unable to contact the journalist, please contact MOJ Press Office which is available 24/7 on 0203 334 3536. Press Office will support you by using its contacts to try and get a message to the journalist, editor or media outlet and asking them to contact you directly so that you can relay the Judge's directions.

Youth courts

Journalists can attend and report on youth court cases and hearings, you should facilitate this on request. However, as with other hearings, a journalist wishing to do so must be able to provide the appropriate identification on request (see Annex A). There are automatic reporting restrictions that apply to protect the identity of under 18s involved in youth cases or hearings.

If you receive enquiries from a journalist on youth cases or hearings, the following information can be given out:

- result of the case
- the name and address of the defendant but remind them that the details cannot be published
- the age, including the date of birth recorded on the court file
- details of any order under sections 49 of the Children and Young Persons Act 1933 dispensing with the prohibition under section 49(1)

Court lists and registers

Recognisedmedia organisations and journalists who request lists and registers should be issued proactively with full Crown and magistrates' court lists routinely and without charge. HMCTS will provide copies of court lists primarily through its Courts and Tribunals Hearing service and, during a transitional period, manually via email from individual courts and during a transitional period, manually via email from individual courts.

Magistrates' court media registers should include both Common Platform and Libra cases.Crown Court staff are encouraged to provide the equivalent information in response to media enquiries and proactively distribute Crown Court registers to accredited media via email in the same way. .

Lists for journalists should contain each defendant's name, age, address and, where known, his profession and the alleged offence. Courts will not breach data protection legislation by providing the media with such information.

As the media lists provide more information about cases than available from the public courts lists, media organisations and journalists that request them will need to provide identification (see Annex A) and accept the obligations about the length of time they can retain them.

This arrangement is governed by the HMCTS Media Protocol agreed with the Society of Editors and News Media Association. The full protocol has been updated and is included in the detailed criminal court jurisdictional guide www.gov.uk/government/publications/guidance-to-staff-on-supporting-media-access-to-courts-and-tribunals.

All criminal, civil (county) and family court Civil and Family court lists may be accessed through our Courts and Tribunals Hearing service (https://www.court-tribunal-hearings.service.gov.uk/).

Student journalists

Student journalists will often attend court cases or hearings as part of their training. We should support this as one way to encourage greater court reporting. They are not entitled to sit in press seats but should sit in the public gallery where they are entitled to take notes without permission from the court or judge/magistrate. However, in sensitive cases (such as organised crime), it will help the judge and staff to avoid any misunderstanding if they identify themselves in advance to explain that they plan to do so.

Student journalists do need to make an application to the court if they want to use text-based devices to communicate from court. If you receive a request from a student journalist, please speak to the judge presiding over the case or trial.

If a lecturer wants to attend court with a group of students to observe a case or hearing, it is good practice (but not mandatory) to let the court know in advance.

Judicial press office

The Judicial press office helps judges and magistrates with media advice such as interview bids, the correct representation of cases and issuing judgments to the media. Where the judge or magistrate is the focus of media interest rather than a case or a court, then the media should be referred to Judicial press office. The Judicial press office is part of the Judicial Office and is independent of HMCTS and the MoJ.

The Judicial press office contact details are available at:

www.judiciary.uk/about-the-judiciary/training-support/judicial-office/press-and-communications/press-office/

Foreign media

Foreign journalists should be provided with the same service, access and benefits as UK journalists. They are subject to the same rules and regulations and there are parallel accreditation arrangements in place. The Foreign Press Association issue UK Press Cards to journalists working for overseas and these should be available on request in the same way as UK journalists, when requesting access to press seats and other media enquiries.

When foreign journalists do not have a UK Press Card and are requesting access to hearing details they should be asked to sit in the public gallery or asked to contact the HMCTS press office to seek alternative identification verification.

When to contact the press office

The HMCTS press office function is undertaken on our behalf by the MoJ press office. You should refer journalists to the press office if you receive a media enquiry not related to your court's cases or hearings or if there is a dispute or query about appropriate accreditation.

Our press office does not give out factual information on individual cases so, if you need guidance on a particular media enquiry refer it to your manager not to the press office.

If there is an incident or issue in court unrelated to a particular case that results in media enquiries, please notify the press office as soon as possible.

Incidents will not always take place during working hours. The media can and will react 24 hours a day to serious incidents, and may well reach the court before you do. Get press office advice at an early stage. MoJ press office operates an out-of-hours service for HMCTS.

During office hours, contact MoJ press office on 020 3334 4872 or for all out of hours activity use 020 3334 3536.

High profile trials and hearings

Some hearings in our courts and tribunals can receive a high level of media interest and so have significant implications on how they are managed. A court may, for example, have fewer press seats than required for journalists wanting to attend.

For cases in the High Court, Crown and County Courts and Court of Appeal there is normally enough time to plan arrangements and to consider any special arrangements, such as whether there is a need to allocate tickets for press seats to media organisations or journalists on a fair basis. Courts may need to arrange a media annex to ensure more journalists can be accommodated. Courts may also consider making available 'designated live-streaming premises' for multiple observers to remotely watch transmissions of proceedings, should a suitable location be designated by the Lord Chancellor under the powers in Section 85A of the Courts Act 2003 (as inserted by the Police, Crime, Sentencing and Courts Act 2022). For some hearings, particularly in magistrates' courts, where there is little time to prepare and organise special arrangements, you should have contingency plans in place. You should always seek advice from HMCTS press office if you required guidance and support.

Further detailed guidance on handling high profile cases or hearings is available at www.gov.uk/government/publications/guidance-to-staff-on-supporting-media-access-to-courts-and-tribunals/hmcts-media-guidance-managing-high-profile-cases-accessible-version

Managing the media outside the court

The local police are responsible for issues of security and safety of public space outside the court 'precinct'. This, however, is often where camera crews and photographers will be positioned in high profile cases. You may need to liaise with local police to plan and manage media presence outside the court building.

Photos of judges

Requests from journalists for photographs of judges should be made to Avalon (photo agency) on 020 7421 6000. Further information can be found on the Avalon website www.avalon.red/. Please be aware that there is a cost (to the requestor, not HMCTS) for this service.

Judgments or sentencing remarks

If journalists ask for copies, this information may already be available from caselaw.nationalarchives.gov.uk/ and www.judiciary.uk. If copies are not published online, the media can request copies from Judicial press office or directly from the court and/or tribunal.

If judges want copies of their judgments or sentencing remarks to be sent to the media, they should contact the Judicial press office: www.judiciary.uk/about-the-judiciary/training-support/judicial-office/press-and-communications/press-office/

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