

New rules for court reporting puts the privacy of children 'at risk'

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(PhysOrg.com) -- New legislation to relax the restrictions on media reporting of family court cases could put the privacy of vulnerable children at risk, according to a paper published by the Department of Social Policy and Social Work.

New legislation to relax the restrictions on media reporting of family court cases lacks sufficient clarity about what can be reported and could put the privacy of vulnerable children at risk, according to a new briefing paper published by the Department of [Social Policy](#) and [Social](#)

[Work](#) at the University of Oxford, and funded by the Nuffield Foundation.

The proposals are part of the Children, Schools and Families Bill, announced in this year's Queen's Speech, and aim to provide more openness and [transparency](#) about the judicial process by allowing [journalists](#) to report the details of family court proceedings for the first time.

The proposed legislation will be implemented in two stages. The first stage will allow journalists to report most details of individual cases they see, unless a judge restricts publication, but information including the identities of the parties involved and 'sensitive personal information' could not be reported unless a judge agrees. Journalists will also be allowed to name expert witnesses if they have been paid to give evidence.

Implementation of the second stage would enable journalists to report 'sensitive personal information' about the parties involved in a case. The criteria used by judges to decide whether to apply reporting restrictions will be relaxed, making it more difficult to restrict reporting in the interests of the child. The Government also plans to amend the law so that journalists can name all expert witnesses.

The Bill will shortly be debated in Parliament for the first time when it receives its second reading.

The briefing paper's authors, Robert George from the Faculty of Law and Ceridwen Roberts from the Department of Social Policy and Social Work, highlight the lack of clear guidance in the Bill about what constitutes 'identifying information', and argue that a lack of adequate protection of privacy may violate people's right to respect for their private lives under Article 8 of the Human Rights Act 1998.

‘Under these changes we could see very personal details of vulnerable children and adults published in local and national newspapers and online. Journalists will not be able to name children and families, but that will not necessarily prevent them from being identified,’ Mr George said.

The researchers question why the legislation is going through now, given one alternative option to publish anonymised family court judgements is currently being piloted.

‘Publication of anonymised judgements could offer a balance between allowing greater scrutiny of the process whilst protecting vulnerable [children](#) and families, so it is not clear why the Government is rushing through this legislation rather than waiting for the results of its pilot study,’ Ms Roberts said.

Provided by Oxford University ([news](#) : [web](#))

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