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A GUIDE FOR CHILDREN'S GUARDIANS DEALING WITH PRESS APPLICATIONS IN CHILDREN'S CASES

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Applications from the press to vary or lift reporting restrictions in a case, so that information can be published about the evidence and decision, can happen without much warning or time to think and prepare your thoughts. An accredited representative of the press or a 'legal blogger' is entitled to attend a hearing that is otherwise held in private without any kind of permission, provided they can establish their identity. For a reporter, this simply requires them to produce, and allow the court to check, their press card. Once the reporter is in court the judge should, usually, ask them if they are intending to apply to vary or lift restrictions. If they do not, yet, intend to apply, they should be invited to alert the court if the situation changes. An application does not necessarily need to be made formally and can be made orally.

Often, a reporter will attend 'on spec' to watch and listen and see whether something worth reporting happens. The application may only arise from the way that the case develops. The purpose of this article is to provide children's guardians with some foundations and framework for dealing with these applications, rather than feeling blindsided and unable to advise the court fully about the impact of the application on the individual child. Because each decision is based on the facts of the individual case, the intention here is to help children's guardians quickly find the necessary tools to deal with such cases and it should not be used as a substitute for the advice of the child's solicitor and counsel in your own case.

Legal foundations

It has always been the default position that court cases are open to the public and press to watch and that reports may be published. The way that we handle children's cases is, for very good reasons, an exception from the norm.

The foundations of how we deal with publicity for children's cases start from s12 Administration of Justice Act 1960. That section tells us that the fact that a case is

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