

Written evidence from the National Union of Journalists

The National Union of Journalists is the voice for journalism and journalists in the UK and Ireland. It was founded in 1907 and has more than 30,000 members working in broadcasting, newspapers, news agencies, magazines, book publishing, public relations, photography, videography and digital media.

1. The quantity of reporting from most UK courts and tribunals has been in steep decline for at least a decade.
2. Academics from UWE Bristol observed a week's proceedings at one magistrates' court. They recorded 240 cases were observed during the week-long study, only three stories appeared in the local press and only one case was attended by a journalist. Moreover, the research team identified a significant number of 'newsworthy' cases among the sample – all of which were missing from media coverage.
3. Some major regional dailies have not covered magistrates' courts at all for more than 10 years. During the pandemic, anecdotal evidence suggests that some Crown Courts proceedings were wholly unreported for months at a time.
4. One reason for the decline in court reporting is the crisis in local newspapers. The Cairncross Review by Dame Frances Cairncross highlighted how the number of "fulltime frontline" journalists had fallen from 23,000 in 2007 to 17,000 in 2019 (more have since gone). Her report explained how the newspaper business model, where adverts paid for the news and editorial, was broken when classified adverts moved to online sites and advertisers flocked to Facebook and Google causing newspaper revenues to plummet. She said this has led to a market failure in the production of public interest journalism, such as the reporting of courts and tribunals. The NUJ's News Recovery Plan has a set of proposals to change the media landscape, putting public interest news at its heart.
5. Court reports were traditionally bread and butter to local newspapers. And while there is a good deal of high-quality court reporting in the UK, the lower courts are not well covered, and it can be patchy geographically. Most weekly newspapers have just a handful of staff.
6. Interestingly, court stories score well on news websites, when the metrics are analysed, and this should encourage newspapers to carry more court reports.
7. The issues created by this collapse in court reporting are various. The public gain neither the understanding of the justice process that comes from reading about cases being heard. Nor are victims, and potential victims of crime reassured that miscreants are brought to justice. The deterrent or punishment that the publicity surrounding a court case once provided, has largely disappeared.
8. Court staff become unfamiliar with dealing with journalists. Fewer and fewer journalists have the daily familiarity with the judicial environment. As a consequence, when journalists to attend courts, staff are sometimes unhelpful, and reporters can be easily put off even trying to report court proceedings.
9. The situation was dramatically highlighted by the Bureau of Investigative Journalism's investigation into Courts of Possession. It revealed that lawyers' objections to journalists in court were routinely being upheld. The response of Master of the Rolls Sir Geoffrey Vos was right and appropriate – but scores of less

systematic challenges to reporting within the court system are not successfully challenged every day.

10. The NUJ is in regular contact with members who report from the courts, both routinely and occasionally. These suggestions are drawn from this ongoing dialogue.
11. Straightforward, cost-free publication of all court lists to news platforms and bona fide journalists (holders of a UKPCA Press Card, or the International Federation of Journalists Press Card) would be a significant aid to reporting. These should contain sufficient information for reporters to make an informed decision about coverage. Too often reporters have to depend on the goodwill or helpfulness of the court clerk/usher.
12. Access to all legally allowable documents should also be facilitated as of right and without need for special petitions. Ideally some level of restricted access to the Open Platform system would seem an obvious means to achieve this without significant outlay. If this is not possible, then other means should be found to make available all relevant documents.
13. A clear statement of the rights of the media to access court hearings and have sight of relevant documents.
14. Transparent and straightforward allocation of press accreditation to courts when there is pressure for space would improve the working environment for reporters and court staff. There have been some notable high-profile cases where space allocation has been repeatedly chaotic. A new system should include easy-to-find contact details for those co-ordinating access, clear timetables for registration and accreditation, and prompt responses to questions about allocation. Where space is limited, after the immediate family of those involved have been accommodated, priority should be given to reporters.
15. Video access to courts has been a qualified success. In many, if not all instances, the sound quality has been poor – perhaps understandably so. It is vital, however, that this is improved.
16. The ability to access hearing by video should be retained. It is particularly beneficial to reporters who are trying to cover multiple courts or need to report short hearings that would otherwise require significant travel.
17. The availability of video access should be the default position. Some judges have turned down requests for video access after scant consideration on the grounds of inconvenience.
18. Access to all legally allowable documents should also be facilitated as of right and without need for special petitions. Ideally some level of restricted access to the Open Platform system would seem an obvious means to achieve this without significant outlay.
19. Welcome as improvements to the daily working conditions of journalists in courts would be, they will only start to address the decline in courts-based journalism.
20. Ideally a system of support for court reporters that provides similar benefits to the Local Democracy Reporters scheme is required. In all probability the bulk of court reporting will be provided by legacy media for the foreseeable future. However, there are examples of high-quality, highly detailed reporting of cases in which there is particular interest. Achieving this would have to be through a new arms-length funding mechanism – not a further raid on the licence fee – with transparent criteria that facilitates access to all print and digital local news outlets.

21. Social media has increased the risk of contempt of court through an ill-judged Tweet or comment on an online story. One suggestion is for live cases to come with a warning to readers or that the comment functions are switched off.
 22. The greatest present threat to open justice is the delays due to the case backlog because of Covid. Technology could be used to tackle the issue, but a robust system is needed to ensure cases dealt with out of court do not fall under the radar.
- From Health Crisis to Good News: the NUJ's News Recovery Plan:
<https://www.nuj.org.uk/resource-report/from-health-crisis-to-good-news.html>

November 2021