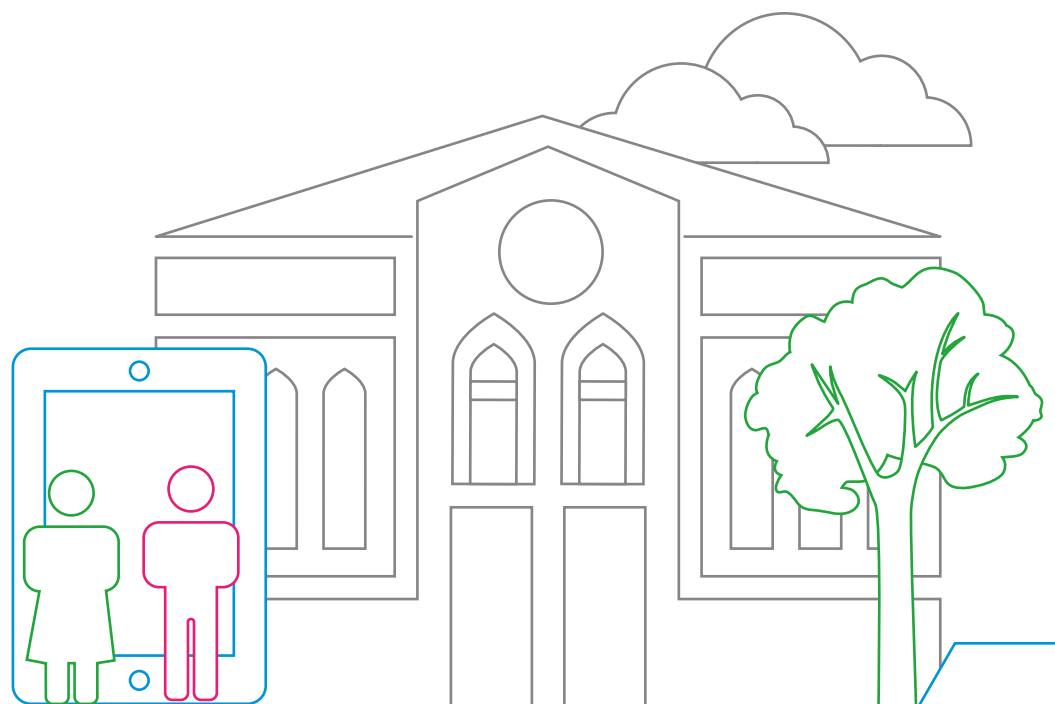




HM Courts &
Tribunals Service

Managing high-profile/ high-interest trials or hearings



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Some courts and tribunals cases or hearings will attract heightened media interest because, for example, they involve a high-profile party or subject. Often this will lead to journalists seeking to attend to observe the case or hearing itself. You should notify MoJ and Judicial press offices of all high-profile trials/hearings with heightened media interest.

This guidance is designed to support you specifically in respect to the media arrangements you might need to make where media interest in a case or hearing is particularly high. Managing media attendance in such circumstances will often require careful planning. You will be expected to handle most media arrangements with professional support and advice from MoJ and/or Judicial Office press offices. In exceptional cases press office will take the lead.

If you anticipate, or are made aware of, increased levels of media interest with a hearing you should do what you can to assess the potential media demand in advance. Please consider:

- current level of media interest and how many calls have been received – keep a log of which media organisations have shown interest and their contact details
- talking to press office to see how big they feel the story will be
- whether the case itself is high profile (for example a crime or an emotive family matter that has already attracted national interest)
- whether a person of interest to the media is involved (for example a celebrity, an MP, a sportsperson), be they a party to the proceedings, witness or victim.

You should keep your Delivery Director's office and relevant judges (namely, the case judge and senior judge at the venue, e.g. RJ, DFJ, DCJ) informed of any indications of heightened levels of media interest. You should also alert the judges to any press office advice; the judges can then contact the Judicial press office for further advice if necessary.

Where you establish that increased levels of media representatives wish to attend to observe a case or hearing, you should consider the following logistical issues:

- size, capacity and layout of the venue
- media facilities inside and outside the venue
- venue seating plan and how many extra press seats you can provide
- make another room available for the media, in addition to the media annex
- the need for local police assistance and co-operation, including in relation to managing the risks of public gatherings or protests outside of the building
- the need for additional resources e.g. additional staff, ushers and/or security staff.
- Whether remote hearing for the media may be considered, using the Cloud Video Platform (CVP). Applications to observe a hearing remotely will be subject to judicial discretion.

You should also contact press office and discuss whether to issue an operational note to invite applications for seats, and allocate press seats by ticket. Where 'ticketing' is felt appropriate, you should discuss and agree whether this is something that can be managed locally (i.e. at the court/tribunal) or whether press office would prefer to take the lead.

Operational media note

While every reasonable effort should be made to accommodate as many members of the media as possible, sometimes this won't be possible. In particularly high-profile cases when staff have reason to believe demand for press seats will go beyond what the court can accommodate, they should notify press office who will issue an operational media note. This informs the media of an impending hearing and asks them to apply for press seats in the venue.

The note will also set out:

- time, date and location of the trial/hearing
- details of the names of defendants and charges (parties in civil cases)
- details of the judge and how long the case is expected to last
- how many seats are available
- details of any reporting restrictions
- how many seats are available
- how journalists should prove their accreditation
- when applications for seats need to be made by and who in press office they should be made to.

Operational media notes will be sent to national, local and if appropriate, specialist media.

Where possible, press office should be notified at least a month in advance if a court needs assistance with ticketing a case so the operational note can be sent out no later than two weeks before the start of the trial/hearing.

When demand outstrips supply, press office will work alongside Communications Directorate colleagues to ensure seats are allocated in a fair and proportionate way with a mix of local and national print and broadcast media represented if possible.

Press office will reply to all journalists that have applied for tickets no later than a week before the trial/hearing starts, informing them if they have been successful or not and when and where they should collect tickets.

The same timescales apply where a remote hearing has been approved. Courts should be provided with list of expected accredited media to be allowed access into the designated CVP room at least one working day in advance of the hearing starting. The designated CVP room will be identified by the court and hosted by a member of court staff.

Spaces will be allocated to organisations as opposed to individuals. Once all spaces have been allocated, press office will send a list of accredited organisations to the court. The court must then use this list to issue tickets to journalists on the first day of the trial/hearing. If a journalist is not represented by an organisation on the list or a journalist arrives without ID then contact press office, who will advise.

The recognised accreditation to identify a bona fide journalist is the UK Press Card issued under a scheme operated by the UK Press Card Authority <http://www.ukpresscardauthority.co.uk>. There are currently 12 organisations that issue press cards including the BBC, the National Union of Journalists, the News Media Association and the Foreign Press Association. These are issued only to professional journalists and have standard, copyrighted characteristics as you can see at <http://www.ccsi.co.uk/Press/UKPressCardAuthorityPoster.pdf>.

For any journalist who is unable or unwilling to show a UK Press Card, and you remain unsure that the individual is an accredited journalist, you should gain further advice from the HMCTS press office.

It is the responsibility of the court to produce tickets. The ticket should include the name of the trial/hearing and the organisation it has been issued to – not the individual representing that organisation. This means the organisation can use the same ticket throughout the trial/hearing, even if the journalist covering it changes. Courts who regularly issue tickets for high-profile cases should consider a colour

system for each trial/hearing to avoid authenticity issues. A different colour should be used each for each trial/hearing, making sure local staff and security are aware of the colour on each day.

When a remote hearing has been approved, the court will be responsible for issuing a virtual ticket. The virtual ticket should include:

- the link to the designated CVP room(s),
- a link to the online test for the media representatives to test their connection
- details of any timing elements imposed upon the remote observations
- a “cut-off” time for joining the CVP room to reduce any potential disruption to proceedings, and
- the court rules for remote hearings – which are included in the CVP guidance documents available on the intranet

Media seating at the venue

Where high interest/attendance is anticipated, consider how many press seats are normally available in the court/hearing room and if necessary how many extra press seats could be made available (e.g. by turning over seats normally reserved for others to press use, or even just moving some portable seating into spare space).

Alternatively, you might need to advise the judge to consider switching the trial to a larger courtroom or provide media access via video link from another courtroom.

If there is a high demand for press seats which cannot be met through the steps above, offering seats in the public gallery for the media is an option you can consider providing the judge is content and court staff are aware. If judicial approval is given to use of the public gallery in this way, then journalists sitting there are entitled to do the same things (note-taking etc) as though they were in the normal press seats. Venue staff should designate and mark those seats accordingly, so that other visitors to the gallery are aware and understand why notetaking/use of devices is permitted for those seat-holders.

If you receive a high-level of media interest at short notice and without the time to plan, you should contact press office immediately for advice with media prioritisation and allocation issues.

Media overflow room

In some exceptional cases where there is intense media interest, press seating can be increased by setting up a media ‘annex’ with an audio/video link to the court/hearing room. In practice this often means having an overspill court next to the main one with an audio/video link to the hearing.

This facility will only be possible if there is suitable space at the court building and there is funding available to set up the links. Installing cameras and microphones with feeds to screens in the annex can be expensive. Technical experts will also need to be on hand to fix any problems. Prior permission must be sought from your Delivery Director and the presiding judge – press office should also be informed

There are advantages to having a separate media annex. Journalists are housed away from the court/hearing room with better facilities e.g. access to laptops, and free movement, enabling them to conduct their work with minimal disruption to the court. Laptops can be used by the media who are using such annexes but it should be stressed that the annex remains an extension of the courtroom itself and is subject to the same recording restrictions as the main chamber. That is, the rules that apply to journalists in the main courtroom also apply to any journalists in the annex.

Where a media annex is set up, make sure that visual and audio signals are separately controlled and that the screen shows the judge, witness, dock and barristers simultaneously. The media in the annex will need to be kept informed if the jury is in or out.

The annex should be supervised always by court staff. Press office can put you in touch with venues which have recently used annexes to give you practical advice.

Depending on the circumstances, the media annex may only be required at the start and end of the trial. Experience has shown that this is when media interest is at its greatest. These may also include times when a high-profile witness is giving evidence. Limited use of media annexes can be a cost-effective way of managing increased levels of media interest.

Managing media observing remotely

The CVP Host (court staff) will be responsible for ensuring that the court rules for remote hearing are followed. They will be permitted to disconnect any/all observers if the court rules are not followed. The CVP room is an extension of the physical court room and should be treated as such. The court rules should be read out either prior to connecting to the court or by the court at the start of the court session.

Court staff may wish to liaise with their regional IT support team to test the court equipment and connections ahead of the remote hearing, including arrange any support which may be required during the hearing.

Further staff guidance on CVP usage can be found here: <https://intranet.justice.gov.uk/about-hmcts/operations-directorate/business-continuity/covid-19/guidance-on-using-telephony-and-video-technology-during-the-coronavirus-outbreak/>

Managing media outside the court

The local police are responsible for issues of security and safety of public space outside the court/tribunal 'precinct'. This, however, is often where camera crews and photographers will be positioned in high profile cases.

Venue staff with support from their Regional Safety & Security Officers will need to liaise with local police to plan and manage media presence outside the venue. In some cases, if police indicate that some members of the media are at significant risk of harm or harassment, e.g. from protestors or supporters of a party to a case, staff can consider arranging a separate exit from the venue.

Our venue staff should remind attending media that precautions may be needed in family cases where, in many cases nothing (including photographs) may be published that identifies the parties/subject including children. There is no prohibition on filming or photography on the public highway.

Media attendance at jury site visits

There are occasions where a jury may need to make a site visit contacted with a trial/hearing. These can range from a visit to a specific location to more complex visits involving overnight stays and multiple site visits.

The media are entitled to a form of representation during the visit, but their attendance needs to be carefully managed.

When the jury, judge and parties come together on a site visit, the court is effectively in session just as it would be in the court/hearing room. All the normal contempt rules therefore apply – the group cannot be filmed or

photographed while the court is in session and evidence must not be interfered with, but equally the media should be allowed to attend the visit. Some media photography at the site can be arranged when the court is not in session with prior request to the court staff.

The local police should be approached well in advance of the jury site visit to discuss what assistance they can give in controlling the media attendance at site visit. If possible, a cordoned area should be set aside for the media, as close to the site as possible.

Experienced ushers or other senior staff from the court where the trial/hearing is being held should also attend to perform the same role they would in a normal court to manage the media's attendance. They should remind any media attending that the normal contempt of court rules applies when filming or photographing jurors, the judge or anyone else attending the site visit.

Be aware also of any filming from a land vantage point or from the air.

Sometimes there is a pre-agreed pool of court reporters who will cover the visit and proceedings in the normal way. The pool agrees to share their reports with all other media on request.

Preparing a security plan

There is standing guidance for our staff on, for example, managing public demonstrations and protests that might happen in relation to a case or hearing. The Senior Person on Site should adhere to security guidance relating to:

Dealing with protests and demonstrations: <https://intranet.justice.gov.uk/documents/2016/11/dealing-with-demonstrations-and-protests.doc>

Dealing with confrontation and disruption: <https://intranet.justice.gov.uk/documents/2016/11/05b-dealing-with-confrontation-violence-and-disruption.doc>

This requires the Senior Person on Site with the support of their Regional Safety & Security Officers to complete a demonstrations checklist and a risk assessment to ensure the adequacy of security controls to be deployed. This should include consideration of the security and safety of all those entering/leaving the relevant court or tribunal building, including media representatives and journalists, and involve the local police force where felt necessary and appropriate.

Notes:

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