

MARCH 2011

ALL PARTY PARLIAMENTARY GROUP ON FAMILY LAW AND THE COURT OF PROTECTION

SPEAKER MEETING

“TRANSPARENCY: PRIVACY AND THE PUBLIC INTEREST”

All Party Parliamentary Group<sup>1</sup> to hold a discussion on the levels of accountability and transparency in the family justice system with CAFCASS CEO and The Guardian Newspaper.

The All Party Parliamentary Group on Family Law and the Court of Protection<sup>2</sup> welcomes Gillian Phillips<sup>3</sup> and Anthony Douglas<sup>4</sup> as panel members for The Group’s Speaker Meeting “Transparency: Privacy and the Public Interest”, which will take place on Tuesday 29<sup>th</sup> March in the House of Commons.

The Family Courts have often been called secretive<sup>5</sup>, due to the restrictive nature of media reporting within them, the often complex and lethargic complaints procedures made available to families and the anonymity afforded to the professionals working inside the family justice system, such as social workers, medical practitioners and other expert witnesses. In 2009, responding to increased public pressure to open up the family courts after a series of cases came to light which cast a shadow over the notion that the courts were functioning in the best interests of families, the government relaxed the rules on media reporting<sup>6</sup>. However, some saw this concession as a half hearted measure that did not deliver on the promise to increase transparency<sup>7</sup> whilst others welcomed a more cautious approach<sup>8</sup>. The divide between these two schools of thought stems from two seemingly opposing philosophies: protecting the privacy and therefore the welfare of children and families involved and ensuring the public’s democratic right that justice is seen to be done. These philosophies, often perceived as conflicting interests, continue to fuel the debate on transparency.

Guest speakers for this event are: Gillian Phillips, Director of Editorial Legal Services for the Guardian who will be speaking on the need to increase transparency in the family courts and Anthony Douglas, CEO of Cafcass, who will be taking an alternative view on the implications of media reporting in the family justice system.

Gillian Phillips feels very strongly that transparency should include greater reporting powers in the family courts:

“It is vital that there is proper and informed public discussion about the family court system and whether and to what extent it should be open and accessible. The All Party Parliamentary Group on Family Law and The Court of Protection debate on transparency in the family courts promises to make an important and welcome contribution to that discussion. The Guardian has to date been a strong advocate of the need to make the family courts more transparent and believes that transparency is a positive thing for the family justice system. The current system is complex and unwieldy; it protects public authorities from accountability and silences families when they feel they have been the subject of injustice. The Guardian also recognises the need for there to be appropriate checks and balances in the system. A fair balance needs to be achieved between the open justice principle and safeguarding the particular interests of the parties to the proceedings: attaining the correct balance can only be achieved by public debates such as this”.

Anthony Douglas says:

“Transparency is fundamentally an adult political agenda. Whilst some children’s situations need the oxygen of publicity, most miscarriages of justice happen to children, not parents. The light rarely shines enough on children’s suffering. Children are not campaigners. They are usually embarrassed by publicity and want their cases dealt with by sympathetic adults who listen to them or by those who know what they are going through. They want their situations dealt with quietly and effectively. Transparency was intended to help increase public awareness and accountability, but it is usually little more than a media circus with precious little issue analysis of the issues affecting individual children”.

For further information please contact:

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#### **Notes to Editors:**

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<sup>1</sup> The All Party Parliamentary Group on Family Law and the Court of Protection

<sup>2</sup> [Official Website](#)

<sup>3</sup> Gillian Phillips is the Director of Editorial Legal Services for the Guardian, which has historically been a strong advocate for transparency in the family courts.

<sup>4</sup> Anthony Douglas is the Chief Executive Officer of Cafcass, a non departmental public body accountable to Michael Gove, MP, Secretary of State for Education and was set up to focus on the safeguarding of children. Cafcass takes a more cautious view of increased transparency, citing concerns that such a move might make children in the family courts more vulnerable.

<sup>5</sup> [The Guardian, Tuesday 28<sup>th</sup> April, 2009](#)

<sup>6</sup> [Ministry of Justice Press Release, 6<sup>th</sup> April, 2009](#)

<sup>7</sup> [The Times, March 24<sup>th</sup>, 2009](#)

<sup>8</sup> [BBC News, 19<sup>th</sup> October, 2010](#)