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A thread about the trouble with transparency orders in the [#NotSecretCourt](#).

I've observed 223 remote hearings in the Court of Protection.

I've just looked through my files.

I have had 98 transparency orders (TOs) served on me.

So for most hearings, I never get a TO.

I think this is mostly because it's nobody's job to send me a TO.

The "Video Hearings Administrator" never sends them. When I've asked, the answer is "ask the court".

I've rarely been sent a TO by the judge's clerk.

When they come, it tends to be barristers who send them.

These are barristers in court, in a hearing, trying to represent their client.

Knowing that I need a TO, I email them + ask. Sometimes they send them. Often they don't.

I would ask instructing solicitors, but usually can't tell who they are from the list of names on MS Teams.

But the point is that most of the time I have to \*ask\* for a TO. It doesn't seem to be anyone's job to send them out automatically to public observers.

I'm not sure lawyers \*could\* do that anyway - how would they know observers' email addresses?

A couple of times people have REFUSED to send me a TO. Once it was a lawyer who said it wasn't his job to do that. Another time it was a judge who said he'd told me what was in the TO with the implication that I didn't need to read it!

Often there's some kind of oral summary or explanation of what the TO says but it's commonly inaccurate.

"The standard order - nothing that identifies P" is wrong.

The wording is "identifies \*or is likely to identify\*..."

Age? Nationality? Name of public body?

So I always ask for the TO, sometimes repeatedly from several different barristers. And I get it about 50% of the time.

It's rarely "sealed" (which I didn't even realise was an issue until recently).

Sometimes I get the Remote Hearings Order instead. I've tried to explain that's not the TO but one judge told me it was, so I gave up.

Sometime the Remote Hearings Order is even headed "Transparency Order".

Sometimes the Transparency Order is password protected. And they forget to send me the password, so it takes multiple emails to gain access.

Meticulously prepared anonymised TOs that avoid ever mentioning P's name often have as the password.... P's name!

It's very rare that I've received a TO at the beginning of a hearing. If I'm lucky it will come part way through - more often afterwards (if at all).

So if I wanted to live-tweet a hearing, I'd have to guess at the prohibited information.

No TO during the hearing means I can't query or challenge their content while court is sitting.

I can't say that I think it's in the public interest to report P's age, or nationality, or gender identity.

I can't point out that prohibited info is already in the public domain.

These are all common problems.

Then there are one-offs.

The time a barrister told a member of the public to ask \*me\* for the TO.

The time I logged on to find a barrister reading my blog post to the judge + asking for revisions to the TO to prevent me reporting some info.

The wording of the TO is terrifying. Disobey and you "may be found guilty of contempt of court ... be sent to prison or have [your] assets seized".

It's a legal doc in legal language. Many public observers don't understand what it means. Some refuse to write blogs as a result.

To the best of my knowledge I am the only public observer who has breached a Transparency Order.

I used initials for P that were publicly displayed on the RCJ listings website for 2 days. I should have used different initials.

I took my post down + corrected it as soon as told.

COP listings sometimes display initials for P that are prohibited by the TO.

They also sometimes publish P's \*name\* in contravention of the TO. I've seen this on the RCJ site, but mostly in CourtServe.

I've reported it to HIVE + to the courts + have emails acknowledging error.

So, the moral of this thread is that the COP system of "Transparency Orders" is broken

It's a relic of the "Transparency Pilot Project" from years ago when members of the public virtually NEVER observed hearings.

Dear [#NotSecretCourt](#) - can we liaise to improve+update it please?

But it CAN work. An "urgent" hearing before Judd J 2pm today for life-sustaining treatment for P who is refusing it. Draft TO sent in advance. Approved TO sent within 10mins of opening. Opportunity afforded to journalist to question TO. TO amended accordingly. Well done COP!

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