



Coimisiún
na Meán

Courts Reporting Scheme

Publication date: 10 July 2024

This document contains an outline of the proposed new **Courts Reporting Scheme** including:

- a) The scheme's objectives;
- b) The parameters of the scheme; and
- c) How it will operate.

Contents

1. Foreword	3
2. Introduction	3
3. Role of An Coimisiún	4
3.1 Legislative Context for the Courts Reporting Scheme	4
3.1.1 Establishment of the Scheme	4
3.1.2 Definition of Public Interest Journalism	4
3.1.3 Scheme Objectives	4
3.2 An Coimisiún's approach to the implementation of Funding Schemes	5
4. Scope of the Courts Reporting Scheme	5
4.1 Public Interest Journalism	5
4.2 Subject Matter	6
4.3 Eligibility Criteria	6
4.4 Public Access to Funded Programmes	7
4.5 Ancillary Measure(s): Focus on Matters of Public Interest	7
5. Funding	8
5.1 Allocation of funds within the Courts Reporting Scheme	8
5.2 Grant types	8
5.3 Obligations under EU State Aid Rules	9
5.4 Funding Rounds	9
5.5 Acknowledgement of Funding	9
6. Application, Assessment and Awards	9
6.1 The Application Process	9
6.2 The Assessment Process	9
6.3 The Award Process	10
7. Review of the Courts Reporting Scheme	10
8. Appendix 1 – List of Court Areas	11

1. Foreword

The Report of the Future of Media Commission recommended that the Broadcasting Fund, currently provided for under Part 10 of the Broadcasting and Other Media Regulation Acts 2009 & 2022 and which supports the Sound and Vision and Archiving Schemes, should be converted into a Media Fund to provide funding on a platform-neutral basis to the wider media sector. An overarching aim is to support a range of funding schemes for Public Service Content Providers on a phased basis including: -

- Local Democracy Reporting Scheme;
- Courts Reporting Scheme;
- Support for Digital Transformation;
- News Reporting Scheme;
- Access and Training Scheme; and,
- Community Media Scheme.

The recommendations prioritised the establishment of the Courts Reporting Scheme¹. In making such a recommendation, the Future of Media Commission (“FoMC”) recognised ‘the importance of comprehensive, professional and publicly accessible reports of court proceedings at local and national level, including coroners’ courts. Accurate reporting of the Courts that complies with legal requirements requires considerable training and experience.’

The FOMC also proposed that the Media Fund should be operated by Coimisiún na Meán to ensure that funding decisions are independent of Government, and that the Media Fund be established on administrative basis in advance of its recommended formal establishment on a statutory basis.

In light of these recommendations of the FOMC, €6 million was allocated in Budget 2024 to the Media Fund on an administrative basis, with the priorities being the establishment of a Courts Reporting Scheme and a Local Democracy Reporting Scheme.

The Courts Reporting Scheme presented below has been informed by the FoMC report findings and recommendations, research and consultative work undertaken by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and the FoMC Implementation Working Group.

2. Introduction

The Courts Reporting Scheme (“the Scheme”) is a journalism support scheme operated by Coimisiún na Meán (“An Coimisiún”) and funded through exchequer funding. The key objective of this Scheme is to support and enhance the vital role of media service providers in reporting, by skilled journalists, on court proceedings at a local and regional level.

In this context, it aims to support the creation of accessible high-quality public interest journalism by skilled journalists, improve citizens’ access to trusted quality information on Irish public affairs by supporting comprehensive courts reporting coverage and support the resilience of the news media sectors. This is the first iteration of the Scheme.

This document sets out the key elements of the Scheme in terms of the role of An Coimisiún, the objectives, scope, available funding and the operational processes. An Coimisiún will publish supporting documentation for potential applicants on funding rounds and any associated development measures regularly over the lifetime of the Scheme.

¹ Refer FOMC Report Recommendation 6-5.

3. Role of An Coimisiún

An Coimisiún is responsible for the management of the Scheme, including corporate governance and the disbursement of the funds. The level of funding will be determined by the Minister for Tourism, Culture, Arts, Gaeltacht, Sports, and Media on an annual basis. The funding allocated covers both the administration of any scheme, or schemes, and funding grants.

3.1 Legislative Context for the Courts Reporting Scheme

3.1.1 Establishment of the Scheme

Section 7(5)(b) of the Broadcasting and Other Media Regulation Acts 2009 & 2022 empowers the Minister for Tourism, Culture, Arts, Gaeltacht, Sports and Media to enter arrangements with An Coimisiún to set up schemes to support '*comprehensive, professional and publicly accessible reports of court proceedings*' recognising that the '*courts system is an integral part of our democracy*'. In this context, in Budget 2024, €6 million has been allocated to establish journalism schemes and An Coimisiún will ensure that not less than 30% of the overall funding is allocated to the Courts Reporting Scheme.

An Coimisiún will prepare and submit to the Minister a scheme for the granting of funds to support all or any of the following **additional public interest journalism**:

- a) Comprehensive coverage of local court proceedings;
- b) Comprehensive coverage of regional court proceedings.

It is not the intention initially that the Scheme should fund reporting of proceedings of the higher courts (i.e. High Court / Central Criminal Court, Special Criminal Court, Court of Appeal and Supreme Court, due to the high volume of the current coverage of these higher courts).

The scheme will be implemented in accordance with State Aid Rules and as set out in the European Commission Decision of 20 December 2011², the funding will only be allocated to projects that will provide public service content that supports public interest journalism for a diversity of Irish audiences, including in the Irish language, as set out in a) and b) above and thereby fulfil the public service obligations of the scheme.

3.1.2 Definition of Public Interest Journalism

The definition of Public Interest Journalism for the purposes of this Scheme is '*journalism with the primary purpose of recording, investigating and explaining issues of public significance in order to engage citizens in public debate and inform democratic decision making at all levels of government*³'.

3.1.3 Scheme Objectives

The objectives of the Scheme are as follows:

- **Justice and the Rule of Law:** to promote public awareness of the rule of law and the administration of justice and the creation of public interest journalism that informs the public and contributes to a functioning democracy;
- **Plurality:** encourage and increase the creation of public interest journalism from a diverse range of sources;

² SEGI Decision 2012/21/EU

³ Refer FoMC Report Recommendation 6-2, page 170.

- **Quality:** support high-quality independent public interest journalism on local public affairs that is accurate and fair;
- **Irish Language:** support this journalism in the Irish language both within and outside Gaeltacht areas;
- **Additionality:** increase the availability to citizens of accurate and fair public interest journalism arising from proceedings in local and regional courts ;
- **Gender, Equality, Inclusion and Diversity:** develop public interest journalism that is appropriately diverse, accessible, inclusive and representative of contemporary Ireland.
- **Local Media:** foster and encourage a robust local media sector for both publishers and journalists / workers, and support collaboration across media service providers and platforms (e.g. a local radio station and newspaper).
- **Environmental Sustainability:** support and encourage best practice in sustainability.

3.2 An Coimisiún’s approach to the implementation of Funding Schemes

In implementing any funding scheme, An Coimisiún adopts a broadly strategic approach to the implementation of such schemes based on the following priorities:

1. Establish structures that focus on the primary objectives of the legislation and ensure the effective distribution of funding;
2. Build strong links and establish mechanisms for dialogue with the media sector and with other public sector agencies in order to gauge trends in media and in relevant areas, and inform such decisions as the number and structure of schemes;
3. Maintain flexibility within the structures of schemes to ensure the efficient administration and management of the fund in order to respond effectively to the needs of the media sector and to ensure that the objectives of the schemes are realised.

There are core values that underpin An Coimisiún’s approach to the task of operating a scheme. An Coimisiún obligates to be:

- Fair – in our processes, procedures, and decisions.
- Independent – operating as an impartial regulator.
- Expert – by informing ourselves through engagement, research, and a commitment to professional learning.
- Accountable – in our decisions, our governance, and our resources.

4. Scope of the Courts Reporting Scheme

This section sets out the approach to the operation of the scheme and identifies the type of journalism and subject matters that will be supported; the eligibility criteria for applicants and, addresses the public access requirements for the publicly funded content.

4.1 Public Interest Journalism

The core aim of the Courts Reporting Scheme is to fund comprehensive, professional and publicly accessible reports of court proceedings. The fewer cases that are reported, the less aware the public is of the rule of law and the less informed they are as to whether justice is being administered in the way it should.

CRS will support courts reporting journalism on a platform neutral basis that meets the necessary requirements, including in terms of standards, commitment to public interest journalism, availability most importantly for citizens – and re-use (see Section 4.3 Eligible Criteria below).

4.2 Subject Matter

The Courts Reporting Scheme offers funding support for the creation of **additional** quality public interest journalism on the following:

- a) Comprehensive coverage of local court proceedings;
and/or
- b) Comprehensive coverage of regional court proceedings.

4.3 Eligibility Criteria

Applications to the Courts Reporting Scheme may be submitted by media service providers of news and current affairs or by a freelance journalist in partnership with such a media service provider. The eligibility criteria set the minimum standards which must be achieved in order to be eligible to apply for funding.

a) High-quality Standards

An Coimisiún will only fund the creation of public interest journalism that demonstrates appropriate editorial expertise, capacity and track-record and membership of the Press Council of Ireland (press publications, including print and online newspaper / news services) or adherence to relevant An Coimisiún standards and Codes of Practice (broadcasting and video-on-demand services) or other relevant EU regulatory body of media service providers.

b) Local public interest journalism commitment

An Coimisiún will expect an applicant to demonstrate a track record of, or a plan for, a commitment to local public interest journalism and to demonstrate a means to distribute that journalism to the intended audience/s. In this context, the core focus of the Courts Reporting Scheme is to provide comprehensive coverage of the proceedings of local and regional courts proceedings and funding will be allocated on a geographical basis. Open contestable funding rounds will be implemented for each of the District and Circuit Court Areas in the State⁴. For areas encompassing a Gaeltacht, consideration will include regard to the creation and distribution of local public interest journalism in the Irish language. This will include regard to how the proposed public interest journalism in the relevant Gaeltacht Language Planning Area will benefit the Irish speaking community in that area.

c) Freely available to the Irish public

All funded content must be made available to other media outlets and the Irish public free-of-charge no later than seven (7) days after the publication of any funded content by the grantee, or earlier if the grantee so wishes, and uploaded to a centralised hub, which is to be developed and managed by An Coimisiún. An Coimisiún will publish guidance and supporting documentation for users, including the technical standards and requirements for the submission of content to any central hub.

In instances where a grantee charges for access to content on their service, such as a subscription fee or charge, the grantee must ensure that content funded by the Scheme is simultaneously available on such service for free.

d) Freely available for re-use and/ or distribution

A grantee will be permitted to hold ownership and copyright on funded content produced as part of the Scheme for a period of seven (7) days only, after which the content must be uploaded to the central

⁴ Refer list at Appendix 1.

hub and persons will then be free to share or use the funded content on the hub subject to attribution rules. In this context, as part of a funding award, a grantee will be obliged to enter into a licence for shared creative content to be devised by An Coimisiún. This licence could include attribution requirements such as:

- the name and logo of the grant recipient;
- the name of the authors/contributors to the public service content;
- an accessible link (if published/made available online) to the original article; and,
- any other matter considered appropriate by Coimisiún na Meán.

e) Access

The content funded under this funding scheme will be publicly available and will be accessible to all. The guidance documentation for a funding round will include details on the obligations for accessibility of funded content across all platforms.

f) Exclusions

Funding will not be available to finance:

- Activities not directly related to the creation of the funded public interest journalism content regarding local or regional courts proceedings.
- Reporting of proceedings of the higher courts (i.e. High Court / Central Criminal Court, Special Criminal Court, Court of Appeal and Supreme Court).
- The purchase of equipment or premises (capital funding).
- Depreciation.

4.4 Public Access to Funded Programmes

Public access to public interest journalism funded under the scheme is part of the key objectives and in the longer term, all funded public interest journalism will be available and archived, in both Irish and English, and publicly accessible to all on a central hub / portal to be developed and managed by An Coimisiún.

In the interim, An Coimisiún will make the content available on its website, www.cnam.ie.

4.5 Ancillary Measure(s): Focus on Matters of Public Interest

An Coimisiún will implement such ancillary measures as it deems appropriate to support the objectives of this Scheme. This could allow, but is not limited to, measures to assist media service providers undertake in-depth focus pieces or series on a broad range of issues arising from courts coverage or related matters. The preference is for cross-platform long-form content.

Between 5% and 10% of the annual funding for the Schemes shall be allocated to such projects or thematic works annually by An Coimisiún and may support measures on a national basis.

5. Funding

This section details the approach to funding awards under the scheme, including identifying the funding areas by court area boundaries and the grant types. It also highlights An Coimisiún's obligations under EU State Aid Rules and the obligation on grantees to acknowledge the source of funding.

5.1 Allocation of funds within the Courts Reporting Scheme

The awarding of funds will correlate with reporting on matters relating to specific local and regional court proceedings for which the contract has been awarded. In this regard, An Coimisiún shall endeavour to allocate a minimum of one grant per area (which may include an application for combined areas) subject to the achievement of the required standards and in deciding on any grant amount, regard will be given to a number of factors including population, number of districts, circuits, plurality of sources of public interest journalism and so forth. The plurality of sources will have regard to the overall level of funding awarded to any one media service provider and in this context, An Coimisiún may take appropriate measures to limit the overall level of funding awarded to any one media service provider that has a number of media outlets, including across all platforms⁵.

5.2 Grant types

An Coimisiún shall have the flexibility to determine, on a case-by-case basis in a given area, the most appropriate approach to the allocation of funding to grant applicants and has the discretion to award funding, as it sees fit, in any of the following ways:

- funding to a media service provider to enable it to engage persons working as freelance journalists to deliver additional public service content;
- funding to a media service provider enabling it to change an existing employee from a part-time work pattern to a full-time work pattern to deliver additional public service content;
- funding to a media service provider enabling it to employ a new employee on a fixed term contract to deliver additional public service content;
- in addition, it is proposed that persons working as freelance journalists could apply directly for funding to deliver public service content. Such an application would require a partnership with one or more media organisations, who would guarantee to publish work produced by the freelancer.

The Scheme shall require that any contract of employment entered into between a media organisation and a journalist pursuant to the Scheme does not exceed a period of 12 months.

In general, An Coimisiún will allocate grants under the Courts Reporting Scheme that represent 100% of the eligible costs of the proposed journalism and directly associated editorial and overhead costs.

Guidance documentation will be published for each funding round and will include detailed information on the grant award levels and budget templates setting out the permitted costs under the Scheme, which will include regard to fair market-rates for journalists.

⁵ Refer Section 13 of Memorandum of Understanding between the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and Coimisiún na Meán regarding the Design and Implementation of the Local Democracy and Courts Reporting Schemes.

5.3 Obligations under EU State Aid Rules

An Coimisiún must operate the funding scheme in accordance with the requirements of EU State Aid Rules and are applying the SGEI Decision (2012/21/EU). The compliance requirements include full transparency such as the publication of funding awards on Coimisiún na Meán's website and inclusion of the Scheme in a report submitted to the European Commission every two years. The Department of Enterprise, Trade & Employment are the lead on this report and the Department will co-ordinate the return of information from An Coimisiún in this respect.

Further to Article 8 of the SGEI Decision, An Coimisiún must retain all required information regarding a funding award for the both the funding period and subsequently, for ten (10) years afterwards to ensure that the EC can inspect a grant or grants to *determine whether the compensation granted is compatible* with the SGEI Decision.

5.4 Funding Rounds

An Coimisiún will allocate funding using a contestable funding rounds system. The number of funding rounds will depend on a range of factors, including availability of funding and operational imperatives for An Coimisiún.

5.5 Acknowledgement of Funding

Applicants in receipt of funding from An Coimisiún are contractually required to formally acknowledge this support in a format acceptable to An Coimisiún. An Coimisiún reserves the right to issue applicants with guidelines specifying precise requirements in this regard.

6. Application, Assessment and Awards

This section sets out the approach to the application and assessment process for the scheme and identifies the key principles informing these processes. An Coimisiún has set four (4) consultation questions for this section, which are presented at the end of the text for this section.

The primary concern for An Coimisiún is that the application, assessment, and award processes are transparent, equitable and verifiable. An Coimisiún has agreed and operated broad principles in respect of these processes across funding schemes as outlined below. An Coimisiún will make information in relation to the processes and procedures for making applications, the assessment process, contracting and disbursement publicly available.

6.1 The Application Process

An Coimisiún will publish information on upcoming funding activities and will include: details on how to make submissions, eligibility information, application timeframes, details of assessment criteria and other supplementary information as deemed appropriate.

6.2 The Assessment Process

The assessment process for the Courts Reporting Scheme consists of the following potential four phases:

6.2.1 Preliminary Evaluation

The purpose of the preliminary evaluation is to ensure that an applicant is eligible for funding under the scheme. The focus here is to ensure that minimum criteria have been met and all required documentation has been submitted. Any applications which do not pass the preliminary evaluation stage are disqualified and are not subject to further consideration.

6.2.2 Qualitative Assessment

Each application is assessed on its own merits in the context of the assessment criteria which are set out in An Coimisiún's guidance documentation published to inform and support potential applicants when making a submission to the Courts Reporting Scheme.

6.2.3 Strategic Assessment

In instances where there are more qualifying applications than funds available, An Coimisiún will have a second evaluation phase. This will focus on achieving a balance in the overall package of funded projects across all court districts and circuits in the context of the scheme objectives. The recommendations from the qualitative phase will also be considered here. Final recommendations are then submitted to the Commissioners for ratification.

6.2.4 Formal Ratification

The final stage sees Coimisiún na Meán ratifying the overall package of applications recommended for funding and this includes regard to fulfilling the objectives of the funding round.

6.3 The Award Process

Where An Coimisiún has approved an application for funding the following steps apply:

- i. An Coimisiún informs the applicant of the decision, setting out any condition(s) attaching to the offer.
- ii. An Coimisiún will make public a list of the funding offers ratified by the Commissioners.
- iii. The successful applicant must confirm his/her acceptance of the offer of funding and any condition(s) attached thereto by An Coimisiún.
- iv. A successful applicant is required to enter into a contractual agreement with An Coimisiún, on terms to be specified by An Coimisiún. Such terms include a schedule relating to the drawdown of funds by an applicant.

Funds are administered by An Coimisiún in accordance with the terms of the contractual agreement. For this pilot scheme, the term of the funding contract should (or shall) not exceed a period of twelve months. Where An Coimisiún has rejected an application for funding, applicants are notified individually and provided with information on the performance of their application in the assessment process.

An Coimisiún will develop a standardised points system to inform the evaluation of applications and the feedback provided to an applicant.

7. Review of the Courts Reporting Scheme

As provided for under the FoMC Report, the Courts Reporting Scheme is being established on a pilot basis for an initial period of twelve (12) months and An Coimisiún will review the operation, effectiveness, and impact of the Scheme on the completion of this pilot phase and make a written report to the Minister on the review.

This evaluation of the pilot scheme will inform policy development of future iterations of the Scheme.

8. Appendix 1 – List of Court Areas

District No.	Area	Gaeltacht Region
1	County Donegal	Y
2	Counties Leitrim, Donegal & Sligo	Y
3	County Mayo	Y
4	Counties Galway & Roscommon	Y
5	Counties Cavan & Monaghan	
6	County Louth	
7	County Galway	Y
8	County Tipperary	
9	Counties Longford & Westmeath	
10	Counties Louth & Meath	Y
12	Counties Clare & Galway	
13	County Limerick	
15	Counties Laois & Offaly	
16	County Wicklow	
17	County Kerry	Y
18	County Cork	Y
19	Cork City	Y
20	County Cork	
21	Counties Cork, Tipperary & Waterford	Y
22	Counties Carlow & Kilkenny	
23	County Wexford	
24	Waterford City	
25	County Kildare	
--	County Dublin	

Circuit Court	Area	Gaeltacht Region
Dublin	Dublin (County Borough & County)	
Cork	Cork (City & County)	Y
Eastern	Counties Kildare, Meath, Louth, Wicklow	Y
Midland	Counties Laois, Longford, Offaly, Roscommon, Sligo, Westmeath	
Northern	Counties Cavan, Donegal, Leitrim, Monaghan	Y
South Eastern	Counties Carlow, Kilkenny, Tipperary, Waterford, Wexford	Y
South Western	Counties Clare, Kerry, Limerick	Y
Western	Counties Galway, Mayo	Y