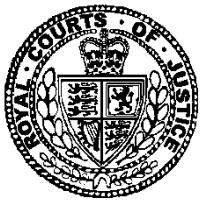

Neutral Citation Number: [2026] EWHC 486 (Admin)

Case No: AC-2025-LON-001404

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN LONDON

Friday, 6th March 2026

Before:
MR JUSTICE FORDHAM

- -

Between:

CHARITY COMMISSION FOR ENGLAND AND WALES	**Claimant**
- and –	
PARLIAMENTARY AND HEALTH SERVICE OMBUDSMAN	**Defendant**
- and –	
(1) LARA HALL	
(2) DAMIAN MURRAY	**Interested Parties**
(3) SPEAKER OF THE HOUSE OF COMMONS	

- -

- -

Tim Buley KC and **Leon Glenister** (instructed by Legal Services, Charity Commission) for the **Claimant**
Jonathan Moffett KC and **Matthew Stanbury** (instructed by Legal Services, PHSO) for the **Defendant**
Lara Hall appeared in person by written and oral submissions
Damian Murray appeared in person by written submissions
David Manknell KC and **Rajkiran Arhestey** (instructed by the Office of Speaker's Counsel) for the Speaker

- -

Hearing date: 25.2.2026
Draft judgment: 27.2.26

- -

Approved Judgment

- -

FORDHAM J

FORDHAM J:

Introduction

1. This case is about disagreements between two public authorities about the discharge of their functions. They are the Charity Commission (the Claimant) and the Ombudsman (the Defendant). It is a case about a potential collision with the House of Commons, which is why the Speaker is participating. It is a case at whose heart is the lived experience of the two individuals – Lara Hall and Damian Murray – who raised charity safeguarding concerns. The issues I have to decide are whether to refuse permission for judicial review because: (1) the claim is academic; (2) the legal merits are unarguable; and/or (3) the claim is non-justiciable. The Ombudsman and the Speaker say the claim is non-justiciable because it calls into question proceedings in Parliament. The Bill of Rights Article 9 precludes calling into question proceedings in Parliament.

2. I have received and considered the written and oral submissions of Tim Buley KC and Leon Glenister for the Charity Commission; Jonathan Moffett KC and Matthew Stanbury for the Ombudsman; and David Manknell KC and Rajkiran Arhestey for the Speaker. I was assisted by written representations from Ms Hall and Mr Murray, including as to their lived experience. In this judgment I will deal with all three of the issues. My decision is that the claim is academic and should not be entertained; that in any event the legal merits are unarguable; and that considerations of non-justiciability support the decision about not entertaining an academic claim. If the claim had not been academic, and if the legal merits had been arguable, I would not have refused permission on non-justiciability grounds but allowed the case to proceed to further substantive consideration of those grounds. Because of the nature and novelty of some of what has been raised, and having received helpful written submissions, I am certifying that this judgment may be cited.

Open Justice

3. Open justice is one of the first questions that any Judge has to consider when approaching any hearing. In this case, a protective anonymity Order had been made by the Court (19.11.25), withholding the names of Ms Hall and Mr Murray, on the basis that each had raised complaints relating to sexual abuse. The Order included associated reporting restrictions prohibiting the reporting of their names or of "any matter likely to lead to [their] identification". Had that Order continued, I would have ensured a clear and crystallised position as to what associated names and details could and could not be reported, especially anything being said at the hearing, to give clarity to the press and public. In the event, Mr Murray and Ms Hall decided they wanted to waive their anonymity protection. I was satisfied – as were Mr Buley KC, Mr Moffett KC and Mr Manknell KC – that, after due process, these were full and informed waivers of anonymity and that there was no basis for any other derogation from open justice. I discharged the protective Order. At the end of the hearing, an accredited journalist present in Court made an application for prompt access to the bundles. There was no opposition (except for one exhibit to a witness statement) and Mr Buley KC's team were left to provide prompt access. I think there is one takeaway point about anonymity. The claim form in this case anonymised Lara Hall and Damian Murray by using their initials (LRH and DHM), and this became embodied in the Court's order. The modern practice of the Court uses ciphers. People may have assumed that LRH and DHM were ciphers, but I think parties should in the future assist the Court with more proactive steps to ensure avoidance of actual initials appearing in anonymity orders.

4. I think it furthers open justice if I record here what related materials can be found published online. The Ombudsman's 2024 Reports are at ombudsman.org.uk. The 2024 Hall Report is entitled "An investigation into the Charity Commission: Miss A's complaint" (40 pages). The 2024 Murray Report is entitled "An investigation into the Department for Education and the Charity Commission: Mr U's complaint" (48 pages). The 2025 Special Reports are published online at gov.uk. They are HC 1294, entitled "An investigation into the Charity Commission: Miss A's complaint" (48 pages); and HC 1295, entitled "An investigation into the Department for Education and the Charity Commission: Mr U's complaint" (56 pages).

The Charity Commission

5. The Charity Commission is a public authority with statutory powers. It regulates charities. It has a general statutory function of "investigating apparent misconduct or mismanagement in the administration of charities and taking remedial or protective action in connection with misconduct or mismanagement in the administration of charities" (Charities Act 2011 s.15(1)§3). It is also empowered to encourage and facilitate the better administration of charities by giving appropriate regulatory advice and guidance (s.15(2)(3)). When it receives concerns about a charity, it can open a regulatory compliance case. It acts by reference to statutory objectives which include public confidence in charities and charity trustees' compliance with legal obligations in the management of the administration of their charities (s.14). It is required to discharge its functions having regard to the need for the efficient and effective use of resources (s.15 §3). It can disqualify a person from being in future a charity trustee, if that person is convicted of a qualifying offence; or if as a trustee that person was responsible for, facilitated or contributed to, or knowingly failed to oppose misconduct or mismanagement in the administration of the charity (see 2011 Act s.181A(7)(D)). That means criminal conviction is not a necessary condition to disqualification. Mr Buley KC understandably emphasises that the Charity Commission's handling of regulatory compliance cases must be seen with functional insight, recognising the statutorily-prescribed focus on misconduct or mismanagement in the administration of charities.

Safeguarding and the Charity Commission's Assessment of Risk

6. The safeguarding from harm of charity "beneficiaries" – as well as "volunteers" and others – has an important place within the conduct and management of the administration of charities, and within the regulation of charities by the Charity Commission. The Charity Commission has issued policy documents about safeguarding. There is a Strategy for Dealing with Safeguarding Issues in Charities, a Risk and Regulatory Framework and Safeguarding – Risk Factors. This is taken from the Strategy:

> ***Protecting people and safeguarding should be a governance priority for all charities, … not just those working with children or groups traditionally considered at risk. It is an essential duty for trustees to take reasonable steps to safeguard beneficiaries and to protect them from abuse and mistreatment of any kind… This is fundamental part of operating as a charity for the public benefit. Trustees … must take reasonable steps to protect from harm employees, volunteers and others … A charity should be a safe and trusted environment…***
>
> ***It's therefore essential that charities: have appropriate policies and procedures in place, which are followed by all trustees, volunteers, and beneficiaries; make sure that their trustees, employees, volunteers and beneficiaries know about safeguarding and people protection; check that people are suitable to act in their roles know to spot and handle concerns in a full and open manner have a clear system of referring or reporting to relevant organisations as soon as they***

> ***suspect or identify concerns; set out risks and how they will manage these in a risk register, which is regularly reviewed; follow statutory guidance, good practice guidance, and legislation relevant to their charity; be quick to respond to concerns and carry out appropriate investigations; do not ignore harm or downplay failures; have a balanced trustee board and do not let one trustee dominate its work - trustees should work together; make sure protecting people from harm is central to its culture; have enough resources, including trained staff/volunteers/trustees for safeguarding and protecting people; conduct periodic reviews of safeguarding policies, procedures and practice. These steps are vital, given that charities are accountable to the public and must operate for the public benefit.***
>
> ***The Charity Commission's regulatory role and risk based approach. The Charity Commission's aim is to make sure that charities are a safe and trusted environment. Trustees must comply with their legal duties, and take reasonable steps to protect those that come into contact with the charity from harm and minimise the risk of abuse. The Commission has an important regulatory role in ensuring that trustees comply with their legal duties and responsibilities in managing their charity. In the context of safeguarding issues, it has a specific regulatory role which is focused on the conduct of trustees and the steps they take to protect beneficiaries, employees, volunteers and others who come into contact with the charity through its work. The Commission is not responsible for dealing with incidents of actual abuse and does not administer safeguarding legislation. We cannot prosecute or bring criminal proceedings, although we can and do refer any concerns we have to the police, local authorities and the Disclosure and Barring Service (DBS) each of which has particular statutory functions. Where incidents of abuse are alleged, the police investigate whether a criminal offence may have been committed and the local authority investigates reports of abuse of children and adults at risk, taking action to ensure their welfare and safety.***

7. A central feature within the Charity Commission's regulatory approach to safeguarding concerns in handling a regulatory compliance case is what is known as the Assessment of Risk. The Assessment of Risk is a key aspect of this case.

The Ombudsman

8. By the Parliamentary Commissioner Act 1967, Parliament made provision for the Parliamentary Commissioner for Administration, whose statutory investigative (s.5) and reporting (s.10) functions were considered and found to be amenable to judicial review 32 years ago, in R (Dyer) v Parliamentary Commissioner for Administration [1994] 1 WLR 621. The subsequent fusion of the office to include "health service" is irrelevant to the present case. The Ombudsman in this case is really the same Parliamentary Commission for Administration. The Ombudsman is "Parliamentary", not because of what she investigates and reports about. She investigates and reports about "Administration": whether there has been maladministration on the part of government departments and public authorities. She is Parliamentary, essentially for the same reasons which Treasury Counsel emphasised in Dyer (see 625B-F). That is, the Ombudsman: (i) is associated with a House of Commons Committee specifically appointed "to examine his reports and consider any matters in connection with them"; (ii) is an officer of the House of Commons; (iii) investigates after a referral by an MP (s.5(1)); and (iv) issues investigation reports to the MP (s.10(1)), special reports to each House of Parliament (s.10(3)) and annual reports to Parliament (s.10(4)).

9. The Ombudsman's statutory powers relate to the Charity Commission by virtue of s.4 of the 1967 Act and the statutory list of public authorities at Sch 2. It follows, by s.5(1), that the Ombudsman is empowered to investigate any "action" taken by the Charity Commission in the exercise of its administrative functions, where a "person aggrieved" (see s.5(2)(a)) claims to have sustained "injustice in consequence of maladministration in connection with the action". By s.12(3), Parliament has "hereby declared that nothing

in this Act authorises or requires the Commissioner to question the merits of a decision taken without maladministration … in the exercise of a discretion".

10. By s.10(1), the Ombudsman is obliged to issue "a report of the results of the investigation". By s.10(3), Parliament has empowered the laying before each House of Parliament of a "special report" by the Ombudsman, in the following statutorily-prescribed circumstances:

> ***If, after conducting an investigation under s.5(1) of this Act, it appears to the Commissioner that injustice has been caused to the person aggrieved in consequence of maladministration and that the injustice has not been, or will not be, remedied, [she] may, if [she] thinks fit, lay before each House of Parliament a special report upon the case.***

11. Alongside this statutory scheme, there is a Parliamentary scheme. I was shown Standing Order 146 of the House of Commons which provides for a select committee called the Public Administration and Constitutional Affairs Committee, to examine reports of the Ombudsman and matters in connection therewith; empowered to send for persons, papers and reports; and to report on evidence received.

Dual Accountability: Political and Legal

12. Dyer recognised that the Ombudsman was answerable both to Parliament and also to the supervisory jurisdiction of the judicial review court (see Dyer at 625F). This dual accountability is accepted in the present case, so far as the Ombudsman's s.5 investigations and s.10(1) reports are concerned. Although it is not in dispute, I have found it helpful to remember how familiar and well-established dual accountability is. It was seen as to government officers and departments in R v Inland Revenue Commissioners, ex p National Federation of Self-Employed and Small Businesses Ltd [1982] AC 617 at 644f-G, that "officers or departments of central government … are accountable to Parliament for what they do so far as regards efficiency and policy, and of that Parliament is the only judge; they are responsible to a court of justice for the lawfulness of what they do, and of that the court is the only judge". It was seen in R v Secretary of State for Trade and Industry, ex p Lonrho Plc [1989] 1 WLR 525, 536C-E, which recognised that acting "by a draft order laid before Parliament" ensures "scrutiny" as to "political" character, but that "the courts judge the lawfulness … of the decision". It was seen in R (Miller) v Prime Minister [2019] UKSC 41 [2020] AC 373 at §33: "the fact that the minister is politically accountable to Parliament does not mean that he is therefore immune from legal accountability to the courts".

Lara Hall's Concerns

13. Lara Hall raised with the Charity Commission concerns about the charity called Help for Persecuted Christians (charity 1163363) and its former trustee and chair, Wilson Chowdhury. These concerns were referred to the Charity Commission in July 2019. The charity told the Commission that Mr Chowdhry had resigned as chair and trustee "due to an extramarital relationship with a volunteer". That was his narrative. What Ms Hall described was that she had encountered Mr Chowdhury, as a vulnerable person and a victim of sex trafficking, as a beneficiary who the charity was set up to help and protect; but that Mr Chowdhury created and pursued opportunities for an exploitative and abusive sexual relationship with her; and that it was all under the guise of the promotion of and travel for charitable activities; including on trips and in hotel rooms paid for with charity money.

14. Ms Hall's concerns to the Charity Commission related to safeguarding (§6 above). They called for a regulatory response at whose heart was an Assessment of Risk (§7 above). The Charity Commission opened a regulatory compliance case (August 2019). It issued the charity with an action plan (April 2020), and a s.75A official warning (February 2021). The case was closed, with regulatory advice and guidance to the charity (May 2022). A complaint to the Charity Commission from Ms Hall about the handling of case was rejected. Ms Hall complained to the Ombudsman, who investigated.

The 2024 Hall Report

15. By the 2024 Hall Report pursuant to s.10(1) of the 1967 Act, the Ombudsman concluded that Ms Hall as the person aggrieved had been caused injustice in consequence of maladministration by the Charity Commission. First, there was what I will call "communication maladministration", in the way the Charity Commission had communicated with Ms Hall. Second, there was what I will call "decision-making maladministration". That was because the Charity Commission was unable to show an Assessment of Risk which was evidenced, documented and took account of the relevant considerations. The Ombudsman found an injustice for Ms Hall, given the "void of understanding" of the Charity Commission's actions which "can account for its decisions", providing "confidence" that her disclosure "had been taken seriously" and "reassurance … regarding the risks associated with the issues she raised and the Commission's ability to deal with them". The Ombudsman made recommendations which included a review of the Charity Commission's communications and a review of its handling of the case and "in particular its assessment of risk". After discussions including a mediation between the Ombudsman and the Charity Commission, the actions to be taken in accordance with revised recommendations were embodied in an agreed Terms of Reference for the review.

16. Two features of the case which were emphasised by the Ombudsman within the 2024 Hall Report were these. First, there was Mr Chowdhry's continuing connection to the charity. He had resigned as chair and trustee. But he remained connected. The new chair was his wife. The new trustee was his former business partner. Second, there was the abuse and breach of trust and power, alongside alleged assault and rape. As to the second point, the 2014 Hall Report said this:

> ***whether or not there has been a criminal conviction is clearly a relevant factor in the Commission's assessment of risk in any safeguarding case. However, in this case, the Commission's records show that, regardless of the criminal cases between Miss A and the former Chair in respect of alleged sexual assault and rape, it accepted the relationship the former Chair had with Miss A was an abuse or breach of trust/ and or power. It was this, and the Charity's handling of it, the Commission was taking regulatory action about… It is therefore difficult to understand how the Commission's assessment of risk in respect of the breach of trust and the Charity's handling of it, could be dependent on the criminal conviction (or lack of) of the former Chair for sexual assault and rape.***

Damian Murray's Concerns

17. Damian Murray raised with the Charity Commission concerns about the charity called The Marist Fathers (charity 235412) and the priest Father O'Neill who was headteacher at the associated school, St Mary's College. These concerns were referred to the Charity Commission in February 2018. What Mr Murray described included an ongoing cover-up (from 1993-2017) within the charity, concealing sexual abuse of students by Father

O'Neill. It also included a description of actions promoted by the charity which publicly honoured Father O'Neill, including by naming a school building after him and holding a public memorial mass in his honour when he died (in 2011), all knowing he was a perpetrator of sexual abuse.

18. Mr Murray's concerns to the Charity Commission related to safeguarding (§6 above). They called for a regulatory response at whose heart was an assessment of risk (§7 above). The Charity Commission opened a regulatory compliance case. The case was closed (May 2018), then reopened. It was again closed, with regulatory advice and guidance to the charity (January 2019). A complaint from Mr Murray to the Charity Commission about the handling of case was rejected. Mr Murray complained to the Ombudsman, who investigated.

The 2024 Murray Report

19. By the 2024 Murray Report pursuant to s.10(1) of the 1967 Act, the Ombudsman concluded that Mr Murray as the person aggrieved had been caused injustice in consequence of maladministration by the Charity Commission. There was decision-making maladministration, in failing to show the taking into account of relevant considerations in the assessment of risk, having balanced the information Mr Murray provided. The Ombudsman found an injustice for Mr Murray, who had relevant lived experience and was invested in seeing safeguarding matters dealt with properly, whom the failure had left with no confidence that the Charity Commission was able to exercise its regulatory responsibilities, justifiably experiencing being treated inadequately and dismissively. The Ombudsman made recommendations which included a review of the Charity Commission's risk assessments and regulatory decisions. After discussions including mediation between the Ombudsman and the Charity Commission, the actions to be taken in accordance with revised recommendations were embodied in an agreed Terms of Reference for the review.

20. Two features of the case which were emphasised by the Ombudsman within the 2024 Murray Report were these. First, there was Mr Murray's concern about the charity having acted by publicly honouring, in the 2011 mass, a perpetrator of sexual abuse. Second, there was a point about the suggested excusability of non-disclosure by the charity in and after 1993, based on then then-applicable standards. This was a point about "the changing statutory framework and guidance in respect of safeguarding". The Ombudsman recorded that what "the Commission told us" was that "[i]n 1993 there was no requirement for a trustee to report such things to the Commission" and what the Commission said was that in its decision-making it had weighed the evidence "against the backdrop of the relevant standards in place at the time". The Ombudsman observed that relevant guidance from 2008, 2011 and 2014 all supported reporting rather than concealment; and that the Commission had not demonstrated how the guidance at the time of ongoing non-reporting was taken into account.

Some Initial Points

21. At this stage in the judgment I am able to deal with four points made by Mr Buley KC and Mr Glenister in the written and/or oral submissions in support of the Charity Commission's claim for judicial review.

22. First, the Charity Commission says the function of the recommendations in the 2024 Reports was not to remedy injustice consequential on maladministration caused to the persons aggrieved. Rather, the function of the recommendations was to assist in preventing future maladministration. In my judgment, that is plainly wrong. In each case, the identified injustice – for the person aggrieved consequential on the decision-making maladministration – included the ongoing absence of a clear and communicated understanding for each person aggrieved of how the Assessment of Risk had been undertaken, and whether and how relevant considerations had been taken into account. That was an injustice consequential on the decision-making maladministration. It was spelled out. The Ombudsman's recommendations were identifying steps for remedying the injustice. That is why the agreed Terms of Reference recorded (in a clear reference to s.10(3)) that "any potential non-compliance may result in the PHSO taking further action against the Commission such as laying a report before Parliament". The Ombudsman's position was that the reviews could remedy the injustice. In particular, they could explain how relevant considerations were taken into account in the Assessments of Risk undertaken when the cases were closed. Or, alternatively, they could candidly acknowledge that they were not.

23. Second, the Charity Commission says that the recommendations and agreed terms of reference were describing – by way of remedy for injustice – only the "fact" of reviews being carried out. That means the Ombudsman only had an ongoing function insofar as no reviews were "in fact" carried out. The Ombudsman could not consider any question regarding the "adequacy" of the reviews and their communicated outcomes. Indeed, says the Commission, there was a legitimate expectation in that respect. That arose because of an agreed "proposition" in the mediation which preceded the agreed terms of reference. It was this: "On the basis that the Commission accept the recommendations and implement them in a way that is agreed, the PHSO will not proceed to lay the report at Parliament". The Charity Commission emphasises that the agreed Terms of Reference said it needed to "conduct[] a review"; not "conduct an <u>adequate</u> review" (Ms Hall); and said the reviewed needed to "consider" matters not "<u>adequately</u> consider" them. The Ombudsman and the Court cannot read in words which are not there. The Ombudsman cannot lawfully expand on the agreed remedial Terms of Reference. That is the argument.

24. In my judgment, it is plainly wrong to say the Ombudsman could only consider the "fact" of the reviews and was precluded from considering the adequacy of the reviews by reference to their decision-making substance. Viewed in context and by reference to the purpose, the reviews were plainly designed and intended to remedy the injustice consequential on the maladministration. That was the point of them. Whether they did so engaged questions of decision-making substance, not just fact and form. There could be no legitimate expectation to the contrary. And those questions called for evaluative judgment by the Ombudsman. The "fact" of reviews would not, in and of themselves, remedy the injustices consequential on the decision-making maladministration. For Ms Hall and Mr Murray the injustice could remain unremedied, absent the understanding, accounting for the decisions, and providing the confidence. That was for the Ombudsman to consider, in accordance with the statutory scheme.

25. Third, one of the points which the Charity Commission is really making, as it seems to me, is that the Ombudsman's findings of decision-making maladministration in the 2024 Reports had involved an unlawful and unreasonable overreach, beyond what can reasonably be characterised as maladministration, into the mere merits of discretionary

decisions. Indeed, the Charity Commission says that there is a merits-based overreach, lacking the necessary functional insight emphasised by Mr Bukey KC, which is symptomatic of a more widespread systemic unlawfulness in the Ombudsman's approach to cases about the Charity Commission actions. These are the arguments. But, in my judgment, it is plainly not open to the Commission to contest the findings of maladministration in these cases. The Charity Commission threatened judicial review in 2024. It was going to challenge the 2024 Murray Report. Then it did not do so. It recorded its non-acceptance of the Ombudsman's 2024 findings of decision-making maladministration in both cases. It dropped judicial review. It cannot in my judgment now mount a late collateral challenge to the findings in 2024 of maladministration; nor of consequential injustice. But nor for that matter have any viable grounds of challenge been identified in this claim.

26. Fourth, the Charity Commission says that it was required only to communicate to Ms Hall the outcome of the review as to previous communications with her, and not to communicate to her the outcome of the review of the handling of her case. In support, it points to the terms of the original recommendations in the 2024 Hall Report. In my judgment, this is plainly wrong. The short answer is that the position was made explicit in the agreed Terms of Reference.

The 2024 Reviews

27. Having dealt with those four points, I can return to the sequence of events. An internal reviewer at the Charity Commission (Jamie Hirst) proceeded to undertake the reviews. In Ms Hall's case, Mr Hirst wrote a 10-page outcome report (6.11.24) which was sent to Ms Hall. What lay behind that document – not provided to Ms Hall or even referenced – were the following, all marked "sensitive". First, a 6-page Decision Log, with attached extracts from transcripts of two recordings. Second, a 55-page Annex A (detailed analysis of all documents on the casefile). Third, a 17-page Annex B (analysis of issues raised). In Mr Murray's case, Mr Hirst wrote a 10-page outcome report (19.11.24) which was sent to Mr Murray. What lay behind that document – not provided to Mr Murray or even referenced – were the following, all marked "sensitive". First, a 6-page Decision Log. Second, a 27-page Annex A (detailed analysis of all documents on the casefile). Third, a 9-page Annex B (analysis of issues raised). To each outcome report were annexed the finalised agreed Terms of Reference. No justification was suggested before me for the surprising decision to provide Ms Hall and Mr Murray only with the outcome reports, leaving effectively concealed from them the Decision Logs and Annexes.

The 2025 Decision Letter

28. By a 6-page decision letter dated 14 March 2025, written for the Ombudsman by decision-maker Karl Banister, it was communicated to the Charity Commission that (a) the Ombudsman had decided that there remained in both cases unremedied injustice and (b) the Ombudsman had decided that it was appropriate to lay special reports before both Houses of Parliament pursuant to s.10(3) of the 1967 Act. The substantive reasoning within the decision letter was reflected in addendum draft Forewords to accompany the text of the 2024 Reports and thus constitute the proposed s.10(3) special reports to be laid before the two Houses. The 2025 Decision Letter is the impugned target of these judicial review proceedings. The judicial review claim was filed on 6 May 2025. It was filed within time. The Charity Commission has a sufficient interest in the matter. The first stage for the Court is whether to grant permission for judicial review. The question

of permission for judicial review was adjourned into open Court, to address the three issues with which I started.

Parliamentary Call-In

29. As at September 2025 this Court was seized of the judicial review proceedings. What happened then involved two steps. The first was a step taken by the House of Commons. It was a motion dated 4 September 2025, requiring the Ombudsman to lay special reports in both cases before the House of Commons for consideration by the Public Administration and Constitutional Affairs Committee. The second was a step taken by the Ombudsman. It was the laying of the 2025 Special Reports before the House of Commons. That was actioned on 9 September 2025. The 2025 Special Reports comprise the 2024 Reports with what, in substance, are the Foreword addendums to the 2025 Decision Letter, whose contents reflect the substance of that letter.

30. I understood the following things to be common ground. (1) The judicial review Court will avoid – by what, I will interpose, has been called a "self-denying ordinance" (R v Parliamentary Commissioner for Standards, ex p Fayed [1998] 1 WLR 669, 670) – any questioning in or by the Court of "proceedings in Parliament". (2) The House of Commons motion of 4 September 2025 was a proceeding in Parliament. (3) The laying on 9 September 2025 of the 2025 Special Reports was a proceeding in Parliament. (4) The 2025 Special Reports are themselves proceedings in Parliament. (5) They are not s.10(3) special reports. (6) They were not laid before both Houses, or either House, pursuant to s.10(3). (7) The 2025 Decision Letter has not been implemented. (8) Whatever is subsequently done or said, or not done and not said, within the setting of the Public Administration and Constitutional Affairs Committee is a proceeding in Parliament with which the Court as a court of law has no concern.

The Academic Claim Issue

31. The first issue is whether permission should be refused because the issues have become academic. Mr Moffett KC and Mr Stanbury for the Ombudsman submit that the events of 4 and 9 September 2025 do mean the claim is academic, and there is no good reason in the public interest or otherwise to entertain the claim. Mr Manknell KC and Ms Arhestey for the Speaker of the House of Commons agree.

32. I detected no dispute about the applicable principles. They are identified in the Administrative Court Judicial Review Guide 2025 (available online at judiciary.uk) at §6.3.4, describing a situation where a claim for judicial review may be inappropriate:

> ***The claim is academic. Where a claim is academic, ie. there is no longer a case to be decided which will directly affect the rights and obligations of the parties to the claim, it will generally not be appropriate to bring judicial review proceedings. An example is the situation where the defendant has agreed to reconsider the decision challenged. Where the claim has become academic since it was issued, it is generally inappropriate to pursue the claim. [fn: However, in some circumstances the public interest may justify hearing a claim where the only relief sought is declaratory relief and an acknowledgement of past wrong.] In exceptional circumstances, the Court may decide to proceed with a claim even though the outcome has become academic for the claimant. The Court may do so if, for example, a large number of similar cases exist or are anticipated, or at least some other similar cases exist or are anticipated and the decision will not be fact-sensitive.***

Academic

33. Mr Buley KC and Mr Glenister for the Charity Commission submitted, in essence, as follows. There is no question of the Charity Commission as judicial review claimant having achieved by another means the outcome sought by the claim. It is correct that there are now special reports laid before the House of Commons by the different route of an obligation under a motion of the House. It is correct that the s.10(3) decision in the 2025 Decision Letter will not now be implemented. But, nevertheless, there is still a claim for judicial review which will directly affect the rights and obligations of the parties. First, the Charity Commission's "rights remain directly affected" – they say – "because the lawfulness of the reports is important context to the House of Commons Select Committee's consideration". Second, the parties' rights and obligations are directly affected because the 2025 Decision Letter stands as an adverse decision of a public authority.

34. I have been unable to accept these submissions. In my judgment, the claim has become academic in the legal sense. The 2025 Decision Letter recorded the Ombudsman's conclusions (i) that the s.10(3) statutorily-prescribed circumstances for laying special reports before each House were applicable and (ii) that she thought it fit to lay special reports. But the s.10(3) decision has plainly been superseded. It was not implemented. It will not be implemented. The 2025 Special Reports have been laid before the House of Commons, by reference to a separate non-statutory Parliamentary mechanism. That action and its consequences are constitutionally freestanding from s.10(3) and this judicial review claim. Being or providing "context", to or for a Select Committee's consideration, does not constitute having a direct effect on any party's "rights" or "obligations". The Speaker of the House is not inviting "context" from the Court, or a ruling from the Court, quite the opposite. I am not persuaded that deciding academic issues so as to influence a Select Committee – if that is what is being suggested – is a legitimate purpose for judicial review. Test it this way. If the Ombudsman had written a letter saying "I stand by my views as to unremedied injustice, but I withdraw my decision that I think it fit to lay special reports before both Houses", there would be no remaining decision directly affecting rights or obligations. The decision has not been withdrawn. But it has been superseded. The fact of an adverse decision, which may or may have been lawful reasonable and fair, cannot of itself constitute a direct effect on rights or obligations. The question is whether it is adverse in a way which goes anywhere in terms of rights and obligations. Here, it does not. And so the question is whether there are exceptional circumstances to justify deciding the claim although academic.

Exceptional Circumstances

35. Mr Buley KC and Mr Glenister then submitted, in essence, as follows. There are good and exceptional circumstances for deciding the claim. The claim engages important points of principle which are likely to be encountered in other cases, and which have been encountered in other cases. It is an important point of principle whether the Ombudsman is overreaching her statutory powers, and breaching the s.12(3) declaratory prohibition on merits-substitution (see §9 above), in the case of the Charity Commission with its particular regulatory functions. This is a systemic issue. It betrays an absence of necessary functional insight, by treating the Charity Commission as a complaints authority or a criminal investigator. There are also important points of principle, likely to be encountered in other cases, about whether and if so when the Ombudsman can find unremedied injustice following implementation of agreed recommendations. There are

also important points about justiciability of s.10(3) decision-making. If the claim proceeds, the judicial review Court will be deciding questions of law. All of the questions of law will be relevant to the position before the Select Committee. An example is the threat of a finding of Parliamentary contempt in bringing the claim, which is linked to whether the claim is justiciable, or at least was when it was commenced. There is a strong and legitimate interest on the part of the Charity Commission, and a strong public interest, in allowing the claim to proceed. That is the argument.

36. I have not been persuaded that there are circumstances, whether as a matter of evaluative judgment or (if it is different) a matter of the Court's discretion, which justify granting permission of this claim, given that the decision will not directly affect the rights and obligations of the parties. If it is the case that the Charity Commission has detected in a series of cases a suggested systemic issue of lack of functional insight leading the Ombudsman into an unlawful approach to maladministration, then that issue can be raised in the case of a s.10(1) report straightforwardly reviewable under Dyer. In the present case, that was the course considered in relation to the 2024 Reports. But that course was the one not taken. Indeed, as I have explained, it is too late to try and challenge the 2024 findings of maladministration and injustice in these cases, which makes them hopeless as test cases. I have not been satisfied that there is any viable or systemic issue of principle about whether the Ombudsman can consider the adequacy of implementation of recommendations. All in all, and having heard at length all about this legal challenge at a full one-day hearing, I am very clear that this is a heavily fact-specific and case-specific claim. It follows, for these reasons alone, that it would be inappropriate to grant permission for judicial review. But since I have heard full argument over the course of a full day on two other issues, I will also set out what I made of those.

37. Although unnecessary to my decision, I am fortified in my conclusion by thinking about the real-world human impact for Lara Hall and Damian Murray of allowing this claim to proceed, although academic, and moreover doing so in parallel with a Parliamentary process. On this part of the case, I have reflected on what they have each told me. Finally, for reasons to which I will return at the end (see §55iii below), the considerations identified in the cases about justiciability and reports laid before Parliament also stand as strong reinforcement.

The Arguability Issue

38. I approach this issue independently of what happened on 4 and 9 September 2025, and independently of questions of justiciability. I remind myself that the threshold for arguability is a relatively low or modest one. I remind myself that the arguability threshold does not become a more exacting one, just because of the length of the permission-stage hearing. However, it is naturally the case that a longer look at a case may give the Court a clearer and more confident picture in applying that modest threshold. I remind myself that a defendant or interested party resisting permission on non-arguability grounds must administer a clean knock-out blow or series of clean knock-out blows.

39. I have reached the clear conclusion that this claim is not properly arguable with a realistic prospect of success. I think the picture is clear. The claim is knocked out with clean permission stage blows. I have already disposed of a number of initial points (§§21-26 above). I turn to what is left. Mr Buley KC and Mr Glenister submitted in essence as follows:

i) Judicial review ground 1. To the extent that the Ombudsman was entitled to look at the "adequacy" of Mr Hirst's internal reviews, she was precluded from identifying a merits-based inadequacy, because the statutory test is and remains maladministration, and also because of the s.12(3) declaration. What the Ombudsman identified were, at most, merits-based suggested inadequacies. She has failed to recognise, with the requisite functional insight, that the Charity Commission's statutory functions are focused on misconduct or mismanagement in the administration of charities; that safeguarding regulation calls for evaluative judgments as to present risk; and that the Commission's regulatory approach must be informed by evaluative judgments about efficiency and effectiveness. For these reasons the 2025 Decision Letter is arguably flawed in public law terms as to the statutorily-required precondition. That was the essential argument on ground 1.

ii) Judicial review ground 2. In Ms Hall's case the 2025 Decision Letter fixates on and mischaracterises a part of the Decision Log: (a) in which Mr Hirst was addressing a specific topic about sex crimes allegedly perpetrated by Mr Chowdhry against Ms Hall; (b) where he was making the legally correct point that the Charity Commission does not have the function of being a criminal investigator, prosecutor or decision-maker; but instead refers criminal matters to those relevant authorities; (c) where the Ombudsman's response to that effectively expects the Charity Commission to undertake criminal investigations; and (d) in circumstances where it is other parts of Mr Hirst's inquiry which (read fairly and as a whole) address the adequacy of the Charity Commission's Assessment of Risk. For these reasons the 2025 Decision Letter is arguably flawed in public law terms as to the statutorily-required precondition. That was the essential argument on ground 2.

iii) Judicial review ground 3. In Mr Murray's case the 2025 Decision Letter fixates on and mischaracterises a part of the Decision Log: (a) in which Mr Hirst was explaining why nothing of materiality arose from the point about changing guidance standards on reporting of sex abuse; (b) that being because in fact a duty to report sex abuse applied from 1993 onwards; (c) none of which meant (as the Ombudsman mistakenly thought) that there was any or any key disagreement with the basis for the January 2019 closure of the regulatory compliance case against the Marist Fathers; (d) in circumstances where Mr Hirst's inquiry (read fairly and as a whole) properly addresses the adequacy of the Charity Commission's assessment of risk. For these reasons the 2025 Decision Letter is arguably flawed in public law terms as to the statutorily-required precondition. That was the essential argument on ground 3.

40. These points do not, in my judgment, present a claim for judicial review with a realistic prospect of success. Nor did they do so cumulatively, or put alongside the other points made in support of the claim. I agree with the submissions of Mr Moffett KC and Mr Stanbury. Here are my reasons:

41. The question for the Ombudsman, applying the statutorily-prescribed precondition in s.10(3), was whether there remained an unremedied injustice, caused to the person aggrieved, in consequence of the maladministration. The statutory test of maladministration is not absent or overlooked in this. It is at the heart. It is spelled out in s.10(3). The s.12(3) declaration is intact, because there has been a decision taken with maladministration, and the question is whether action taken has or has not remedied the consequential injustice. If the Ombudsman recommends an apology and the actual

apology is assessed as falling short of being adequate to remedy the injustice consequential on the maladministration, it is not a question of there being new maladministration (indeed, without a new MP referral of a new complaint). It is a question of whether action has remedied the injustice consequential on the already identified maladministration. All of this is clear beyond reasonable argument.

42. Next, the answer for the Ombudsman is one which turns on an evaluative judgment, where she is the primary decision-maker and where she necessarily has an evaluative latitude, to be respected by the judicial review Court. Parliament has reinforced this by using the phrase "if … it appears to the Commissioner that". The statutory precondition is not a precedent or jurisdictional fact. The Ombudsman would need to have committed a public law error in the exercise of her evaluative judgment. The judicial review Court has no substitutionary jurisdiction. Room for disagreement, even strong disagreement, as to the merits does not mean arguability of judicial review.

43. Next, the Ombudsman had clearly explained in the present cases how the injustices for Ms Hall and Mr Murray consequential on the Charity Commission's decision-making maladministration, when it closed the two regulatory compliance cases in January 2019 (Marist Fathers) and May 2022 (Help for Persecuted Christians), included an injustice to do with the absence of a clear picture of how safeguarding Assessments of Risk were addressed having regard to relevant considerations, to give clarity and confidence. The 2024 reviews did not, in the evaluative assessment of the Ombudsman, remedy that injustice. Ms Hall and Mr Murray as the persons aggrieved were still left not able to see how safeguarding Assessments of Risk were addressed having regard to relevant considerations – nor were they given an acknowledgement of a failure to do this – so as to give them the clarity and confidence which would remedy the injustice. That was the Ombudsman's thinking. It is explicit in what she says in the 2025 Decision Letter.

44. A first problem which arose in both cases, and which was identified by the Ombudsman, was this. The product of the review which was sent to the persons aggrieved was the outcome report. The Log, Annex A and Annex B were marked "sensitive" and withheld. Unsurprisingly, that was troubling to the Ombudsman, on the question of whether injustice had been remedied.

45. Then, in the outcome response in Ms Hall's case, the supposed remedying of the injustice regarding clarity and confidence as to the Assessment of Risk came to this (Outcome Response §§37-38):

> ***[OR 37] Meeting notes on the case file, seen by the Reviewer, record internal discussions with Commission colleagues in which the Charity's responses to the Official Warning are analysed and relevant regulatory options are appropriately considered. Correspondence from the Commission to the Charity then set out any areas where the Commission was concerned that the Charity had not sufficiently completed the actions.***
>
> ***[OR 38] That said, the Reviewer did not find one single document (such as a decision log) which clearly explained the assessment of risk at the point of closing the case. Furthermore, the level of risk was not explicitly recorded in the documents and must be inferred.***

46. Alongside that, the Ombudsman looked at the underlying Decision Log where – undisclosed to Ms Hall – Mr Hirst had adopted further reasoning. In the passages which follow, WC is Wilson Chowdhry, H is Ms Hall, CC is the Charity Commission and the

C is the charity. First, there was this reasoning, under a heading "allegations of sexual misconduct" at Decision Log §§15-16:

> ***[DL 15] As the allegations of rape as against WC had been dismissed and no findings were made in a civil claim as against him about these allegations, it is not the role of the Commission to determine the same. Therefore these allegations cannot be held against him by the Commission now that the criminal investigation closed. Therefore it is not open to the Commission to conclude misconduct or mismanagement on the basis of these unproven criminal allegations.***
>
> ***[DL 16] WC admitted that he had an extra marital affair with a charity volunteer whi[le] he was a trustee. This could amount to misconduct or mismanagement in certain circumstances. As set out … above, I have considered all the recordings and messages provided by both parties and the impression I got from that was of a consensual relationship between 2 private adults.***

Then this, in the section on "safeguarding concerns" at Decision Log §22-24:

> ***[DL 22] Safeguarding concerns about a charity to fall within the remit of the Commission. The Commission cannot investigate individual allegations of sexual abuse and safeguarding failures, such matters, as per above, fall to the police and local authorities to investigate. The role of the Commission is limited to investigating and ensuring that the trustees have satisfactory safeguarding policies and practices in place that that such policies and practices are followed by the trustees.***
>
> ***[DL 23] As soon as the safeguarding concerns were brought to the attention of the CC by H the CC immediate engaged with the trustees on the issue and sought extensive information about the C's safeguarding policies and practice and assessed all the information.***
>
> ***[DL 24] As the CC identified failures in that respect which could amount to misconduct or mismanagement such issues were addressed in the s.15 action plan and OW. The CC correctly followed up on the action plan and OW and concluded that sufficient progress was made, This was the appropriate and proportionate regulatory response here. Having considered the information provided by the C in that respect, most recently in December 2023, I am satisfied that no further action is necessary at this stage and that follow up is covered by the open regulatory compliance case.***

47. The Ombudsman took the view that this reasoning left unremedied the injustice to Ms Hall, as the person aggrieved, consequential on the decision-making maladministration found in the 2024 Hall Report. To the Ombudsman, it was inexcusable that key reasoning relevant to a supposedly "inferred" Assessment of Risk – whatever it was – could be found only in an undisclosed Decision Log. To the Ombudsman, looking at the reasoning "cannot be held against" and "not open" in [DL15], it was important that a criminal conviction is not in fact a prerequisite to s.181A disqualification (see §5 above); that allegations which have not been proved to a criminal standard can in principle lead to a finding of misconduct or mismanagement in the context of safeguarding and the Assessment of Risk (see §§6-7 above); and that forming an impression about consensual sex, "an extra marital affair" and a "volunteer" (the perpetrator's narrative) was not to the Ombudsman an appropriate basis for a decision about Assessment of Risk in a safeguarding context; all in the context of "power imbalances and known trauma", and the "serious breach of trust" which the Charities Commission had previously recognised (see §16 above).

48. Next, in the outcome report in Mr Murray's case there was no mention at all of the honouring of the perpetrator in the 2011 requiem (§20 above) which, to the Ombudsman, was a potentially very serious incident of misconduct uninvestigated and not taken into account by the Charity Commission when it closed Mr Murray's case. As to changing

standards and reporting, the outcome report said that having considered these it was not proportionate to explore them further. But the undisclosed Decision Log revealed that the reviewer thought there had always (from 1993) been a standard requiring disclosure of the sexual abuse, so that "the fact it was not done at the time could amount to misconduct or mismanagement if established". The review Decision Log went on to say that, notwithstanding this, further regulatory action was not necessary or proportionate. To the Ombudsman, this materially failed to grapple with the safeguarding assessment of risk when the case was closed in January 2019, in light of what the Charity Commission had previously specifically said and relied on as to changing standards (see §20 above).

49. In my judgment, it is plain that the Ombudsman was looking for a review which explained how and why the Assessments of Risk in a safeguarding context, which the Charity Commission was supposed to have carried out having regard to relevant considerations had properly been carried out; or a straightforward acknowledgment that they had not. It is plain that she did not find that in the outcome responses; nor in the Decision Logs. That is why the injustice consequential on decision-making maladministration had, to the Ombudsman, still not been remedied. It was why, to the Ombudsman, clarity and reassurance had still not been provided, and confidence had not been restored. The Charity Commission strongly disagrees with these criticisms. But I do not think there is any realistic prospect of success in showing that the Ombudsman's evaluative assessment involved any unreasonableness, material error of fact or other public law error, on any of the three grounds. I would have refused permission for judicial review on the basis of non-arguability, independently of questions about academic claims or non-justiciability.

The Justiciability Issue

50. Justiciability is a question of law for the Court. It was common ground between the Speaker and the Charity Commission that the approach to justiciability which the Court should take at this stage in this case is to apply an arguability threshold: is it arguable that the subject-matter of this case is justiciable? Two different bases for non-justiciability have been identified. I will deal with each in turn.

Justiciability and Section 10(3) Decisions

51. Mr Manknell KC and Ms Arhestey for the Speaker maintain, for reasons which had been set out in a letter from the Speaker, that no challenge to any decision to exercise the s.10(3) power can ever be justiciable. They recognise, however, that the point is not an easy one. It was not their primary point. It was not argued in their skeleton argument. It was not pressed before me as being a point which was clear beyond viable contrary argument.

52. Here is what I made of this first non-justiciability argument:

    i) I would not have refused permission on this basis.

    ii) I think the answer is likely to turn on the correct legal analysis of the statutory provision in s.10(3) itself. As a matter of statutory construction, are the statutorily prescribed preconditions within s.10(3) to be taken as legal constraints, so that Parliament is taken to have intended the Ombudsman to ask the right questions and

answer those questions reasonably and fairly? Put another way, are the statutorily-prescribed preconditions within s.10(3) to be taken to have an intended vitiating consequence? If so, I would expect judicial review to be available, and the Court to be able to rule – at least by way of a declaration – whether the Ombudsman breached those legal duties which Parliament imposed in s.10(3).

iii) Respect for Parliament is important. But it has two aspects, not one. It is entirely consistent with the dual accountability to which I referred: see §12 above. Legal accountability of the Ombudsman to the judicial review court includes those legal constraints which Parliament itself has imposed, within the 1967 Act. It is Parliament who has said by s.4 and Sch 2 which public authorities can be investigated under the 1967 Act. It is Parliament who has said in s.10(3) that there must be unremedied injustice to the person aggrieved consequential on maladministration. Suppose the Ombudsman were to purport to make a decision under s.10(3) to lay a special report by reason of unremedied injustice consequential on maladministration by a public authority which is not found listed in the Sch 2 list. Or suppose the Ombudsman were to purport to make a decision under s.10(3) to lay a special report by reason of unremedied injustice consequential on maladministration, but where the injustice is to something or someone other than the person aggrieved. Judicial review to recognise that the s.10(3) power could not lawfully be exercised in such cases would be respecting Parliament; indeed, ensuring the enforcement of requirements laid down by Parliament.

iv) Mr Buley KC is able to say, at least in the first part of s.10(3), that there are, as a statutory precondition, prescribed circumstances: unremedied injustice for the person aggrieved consequential to maladministration. The starting point would be that the Ombudsman must at least ask herself the right question. It does not follow that judicial review is applicable with full force to all aspects of s.10(3) decision-making. Judicial review can be contextually calibrated (see Dyer itself at 626F-H). and it may be that there are no measurable legal standards by which the Court can sensibly supervise the exercise of the discretion "if [she] thinks fit" in s.10(3). But there are measurable legal standards to which evaluative conclusions on the prescribed statutory circumstances (unremedied injustice for the person aggrieved consequential to maladministration) can be reviewed. On one view, those standards are implied into the statute. On another, they are imposed by the common law. The issues can be considered with sensitivity and circumspection, including as to any remedy and its limits.

v) It really depends whether, on a true interpretation, what Parliament has done in s.10(3) is to provide the statutory underpinning for a statutory body of its own initiative to choose to put a matter before the Houses of Parliament. If so, it is possible to carve out this special provision from the general reviewability described in Dyer. It is possible to see the statutorily-prescribed circumstances (unremedied injustice for the person aggrieved consequential to maladministration), exceptionally, as intended by Parliament to be exclusively matters for the subjective evaluation of the Ombudsman, and possible re-evaluation on the merits within Parliament following any laying of a report, and not as legal conditions having any intended vitiating effect. That would mean they are not, on analysis, conditions from which any legal duty arises, even a duty to ask the right question.

vi) All Counsel candidly told me that they had found no authority where the Courts have analysed justiciability in the context of a statutory power to lay a report or instrument before Parliament, when the power has attached to it an express statutorily-prescribed duty or precondition, whether substantive or procedural. Adopting the parties' shared approach to an arguability threshold, I would have concluded that it is arguable that a s.10(3) decision is justiciable, at least on some grounds and with limitations as to the remedy which the Court would give.

Justiciability, Parliamentary Call-In and the 2025 Special Reports

53. I turn finally then to the justiciability point which was the primary point relied on by Mr Manknell KC and Ms Arhestey for the Speaker. They submitted, in essence, as follows. From the moment that the 2025 Special Reports were laid before the House of Commons on 9.9.25, acting pursuant to the duty arising from the House of Commons motion of 4.9.25, they and their contents became protected by Parliamentary privilege. Their substantive content embody the Ombudsman's reasoning on unremedied injustice for the persons aggrieved consequential to maladministration. That is because of the Forewords to each Special Report, which repeat the substantive content of the 2025 Decision Letter. The governing authority is Warsama v Foreign and Commonwealth Office [2020] EWCA Civ 142 [2020] QB 1076. In that case, the Court of Appeal found that a report which the FCO decided should be published by Parliament (see §8) amounted to proceedings in Parliament so that the findings within the report could not be impeached (see §§10, 60), and nor could a prior process if doing so also involved impugning the substance of the actual conclusions within the report (see §§71, 86). The discussion of Warsama §71 in the later Divisional Court judgment in R (ALR) v Chancellor of the Exchequer [2025] EWHC 1467 [2026] 1 WLR 10 at Annex B §64 – recognising the permissibility of challenging a prior process – cannot have been displacing what was said in Warsama itself at §86 about such challenges which also impugn the substance of the actual conclusions within the report. Here, impugning the 2025 Decision Letter means impugning the contents of the 2025 Special Reports. That is impermissible, applying Warsama. That is the argument.

54. I asked Mr Manknell KC whether it followed that a ministerial decision could be insulated from judicial review by a decision to embody it within a report published in Parliament. He understandably declined to be drawn into that question. I wonder if that is what the Court had in mind when it suggested the answer could be different if there were the use of a "device": see Warsama in §63.

55. Here is what I made of this second non-justiciability argument:

i) I would not have refused permission on this basis, if the point had stood alone. Public law issues are famously context-specific. I think the Warsama issue would warrant substantive ventilation. I would not uphold it, standing alone, as a position which is correct beyond reasonable argument to the contrary.

ii) But there is artificiality in the premise which has the Warsama point standing alone. It presupposes that there is an extant adverse s.10(3) decision, which affects rights and obligations, so that the claim has not become academic by virtue of the Parliamentary Call-In and the 2025 Special Reports. It presupposes that the statutory preconditions in s.10(3) are legal standards intended to have a vitiating effect in law.

iii) I think the true answer in the present case is this. Once the artificiality is removed, the considerations which lie behind Warsama and ALR are very strongly supportive of the conclusions that I have already independently reached, on the academic claim issue. I have explained why the parties' rights and obligations are no longer directly affected. I have explained why no exceptional reason of public interest arises which can justify the Court hearing a claim which has been rendered academic. The case has been removed into the Parliamentary domain, by a Parliamentary route and obligation, with what are now Parliamentary reports. The justiciability considerations in Warsama, at the very least, must lend strong support (see §37 above) as to why it is inappropriate to entertain this academic claim (§§31-36 above).

Conclusion

56. For the reasons I have given, the application for permission for judicial review is refused. My order confirms the discharge of the anonymisation and reporting restrictions ordered on 19.11.25. A costs issue arose between the Charity Commission and the Ombudsman, but was agreed by them: I order that the Charity Commission pay the Ombudsman's costs of preparing its Acknowledgment of Service and summary grounds of resistance, summarily assessed at £8,700.