IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
[2026] EWHC 2502 (Admin)

Case No: AC-2025-LON-001102

The Royal Courts of Justice
Strand
London WC2A 2LL

Tuesday, 23 June 2026

BEFORE:
RICHARD CLAYTON KC
(Sitting as a Deputy High Court Judge)

BETWEEN:

THE KING
(On the application of SIRATILLAH FORD)

Claimant

- and -

PAROLE BOARD FOR ENGLAND AND WALES

Defendant

- and -

SECRETARY OF STATE FOR JUSTICE

Interested Party

MR R KHERBANE appeared on behalf of the claimant.

MR S PRITCHARD appeared on behalf of the defendant.

THE INTERESTED PARTY did not attend and was not represented.

JUDGMENT
(Approved)

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1. THE DEPUTY JUDGE:

Introduction

2. I now give judgment in respect of the substantive hearing in this case. The claimant seeks permission to apply for judicial review against the defendant's decision to refuse to direct his release made on 10 January 2025.

3. On 11 April 2025, the claim was filed and served with an urgent consideration application. On the same day, Foster J expedited the claim. She ordered that the acknowledgment of service be filed and served within 14 days, that the papers would be put before a judge before 12 May 2025, to be considered for permission, and for skeleton arguments to be served seven days before the day listed for the substantive hearing.

4. On 9 June 2025, permission was granted by Sweeting J, with a time estimate of half a day, confirming Foster J's case-management directions.

5. The case was listed before me as a substantive hearing on 24 July 2025. At the hearing, the claimant and defendant appeared by counsel. The Defendant made submissions stating that they maintained neutrality. I indicated during the hearing that I agreed the claim was made out on ground 1.

6. At the hearing, the claimant raised two challenges to the decision against his release: a *Wednesbury* unreasonableness challenge and a procedural fairness challenge. The hearing, as I have said, was listed for half a day.

7. At the conclusion of the hearing, I expressed the view that the *Wednesbury* challenge was well founded. I also raised whether procedural fairness required advance notice of a panel's areas of concern so that a prisoner can prepare for the hearing accordingly. As the hearing had only been listed for half a day, I invited further submissions on this point under the heading of the procedural fairness challenge. I, therefore, indicated that I would give judgment for the claimant, with reasons to

follow, and ordered the parties to file further written submissions to deal with the fairness issues.

8. Unfortunately, it has taken me some time to give judgment, for which I apologise. The parties agreed that I should deliver judgment at this hearing, having ordered that the parties need not attend. I ordered that this judgment be expedited for the purposes of receiving the transcript and agreed to forward my readout judgment to the parties so they can make any necessary corrections and that the judgment can then be published as soon as practicable, incorporating any suggestions that I accept.

The Factual Background

9. The claimant is now 26 and is a serving prisoner at His Majesty's Prison The Mount. On 9 January 2021, the claimant was sentenced to a determinate eight-year imprisonment for a single offence of firearm possession. His co-defendant was found to be the person in actual possession of the firearm. The sentencing judge did not find the claimant to be dangerous. His determinate sentence expires on 25 July 2027.

10. On 14 July 2023, the claimant was automatically released on licence. The claimant asserts that he has made substantial progress in the community, that he has a great passion for music and that he communicated regularly with the police and probation service while he was on licence.

11. On 1 December 2023, the claimant was arrested on suspicion of kidnapping but he was not directly involved. A car linked to the family home was identified in the offence, which was registered to his older brother and sister. The claimant was not identified by witnesses or forensically linked to the scene of the crime itself. No further action was taken against the claimant and, upon his release from police custody, pending investigation, he contacted his community offender manager ('COM').

12. On 4 December 2023, the claimant contacted his COM to say that he had been wrongly arrested and provided an explanation as to his link to the car in question. The claimant's licence was revoked and he was recalled, albeit there is some confusion as to the specific dates.

13. On 14 December 2023, the claimant was detained following his appointment with probation. On 3 January 2024, the claimant was interviewed regarding the alleged allegation by the prison offender manager ('POM').

14. On 12 April 2024, the claimant's case was considered by the Parole Board (the defendant in these proceedings) and adjourned pending further information and updated reports.

15. On 21 June 2024, the claimant's representative made representations on his behalf. Both the POM and the COM supported the claimant's re-release.

16. On 4 July 2024, the defendant directed an oral hearing, via video link, which was adjourned on 11 October 2024 due to insufficient hearing time.

17. On 9 January 2025, the defendant declined to direct the claimant's release at his oral hearing. The panel members were said to be independent, with no potential conflicts of interest. As the claimant noted in his submissions to me, the panel was concerned with questions to the claimant and the POM, which were related to gangs and his music, with an assumption that they were interlinked with the criminality, although there was no relevant or supported evidence to support that decision.

18. The claimant alleges that his lengthy detention is negatively impacting his mental and physical health and his reintegration into the community so as to be able to lead a normal life. The claimant has consistently maintained his innocence and says that he was wrongfully arrested.

19. He alleges that his mental health has deteriorated. This is having a negative effect on him. He has been diagnosed with depression, and his antidepressant medication has increased.

20. The claimant remains actively engaged while in custody, which the reports note. The COM and POM are of the view that the claimant can be safely managed in the community with conditions in place.

The summary of the grounds the claimant raises and the response to them

21. The claimant raises two specific challenges. Ground one is that the decision was not *Wednesbury* reasonable. His submission is that the claimant either ignored or did not accord sufficient weight to the significant evidence, including forensic evidence, that the claimant was not involved in the criminality alleged.

22. The complaint is that the Board did not proceed with the considerable caution in relation to an unproven allegation, which the Supreme Court decision in *R (on the application of Pearce and another)* [2023] UKSC 13 held. The panel further reached irrational conclusions on gang association on the basis of the claimant's involvement in music, which was not supported within the dossier and not a conclusion open to the Panel.

23. The second challenge that the claimant makes was that the decision was not procedurally fair. The claimant submits that the Board relied on information outside of the hearing, the full extent of which remains unknown. The Board should have made the parties aware of one of the panel members' previous position as a Chief Superintendent of the Metropolitan Police, with extraneous information about gangs and the particular circumstances of the case. As a result, the claimant submits that he was deprived of a fair hearing, where he could address all the material considerations that informed the decision that was ultimately made. The claimant also criticised the panel's questioning, asserting it was not in line with the oral hearing guidance.

24. The defendant's submissions in response to this are as follows. The defendant's acknowledgment of service indicated their position, as a court, and seeks no order as to costs to be made against it, should the claimant be successful in his application. The defendant also filed additional submissions on 27 June 2025 after Sweeting J granted permission in the claim.

25. In addition, the Parole Board has provided a few standard documents in the case, such as their legal position statement and the oral hearing guidance for the court's assistance.

26. Nonetheless, the defendant submits that it is for the claimant to prove his grounds of challenge and allegations against the panel or otherwise. The Parole Board's

observations are that the panel provided reasons for the decision and the evaluation of the evidence, both written and oral, with the necessary questions to which the claimant was privy and had the opportunity to respond.

The interested party

27. The Secretary of State for Justice filed a letter on 17 April 2025 indicating that they were adopting a neutral position on the claim, having considered the papers.

The hearing on 24 July 2025

28. Counsel for the claimant and defendant appeared at the hearing before me on 24 July 2025. The claimant made very full submissions and he relied on a speaking note. The defendant made shorter submissions in response.

29. The claimant's submissions ran to this effect. As indicated above, on 14 July 2023, he was automatically released on licence. He made significant progress in the community. The Probation Service and the police were both aware that he had made music for a living. He was described by his community offender manager, the COM, as "very talented" in his music. He had been paid for performances, including on Spotify and YouTube, in the past.

30. The claimant made extensive submissions about his musical activities. In 2014, when he was 15 years old, a music group named "67" made their debut in South London. In 2016, the 67 music group was nominated for an MOBO award in 2017 and featured in the official United Kingdom music charts. Currently, the 67 music group has more than 126,000 monthly listeners on YouTube. On Spotify, the 67 music group was listed as a verified artist and has more than 160,000 monthly listeners. On Spotify, the 67 music group's most popular song has more than 19 million views. 67 have toured in the United Kingdom and Europe, have been interviewed by the national press and have recorded with prominent United Kingdom artists, including Giggs. The 67 musical groups are conducted by a core group of talented musicians who have achieved success. The music videos are professionally shot and recorded. It is not correct that anyone who may claim for alternative reasons to be associated with 67 in South London is involved in their prominent music activities. It is not correct that anyone involved in criminality in Brixton Hill is a gang member.

31. Mr Ford is described by the POM as a "positive, hardworking, talented young man". In this context, the claimant's own music videos, on GRM Daily, an official channel, have garnered hundreds of thousands of views and, at times, has had more than a million viewers. In the light of the defendant's skeleton arguments and transcripts, an application to adduce witness statements to summarise the open-source material in evidential form was filed to assist the court, and I granted that application.

32. The claimant notes that the Probation Service, the police and the Prison Service were all, at all material times, aware of the claimant's official music activities. Together, they facilitated the claimant's talent and artistic outlook. They were together aware of the fact that he had released music with the 67 group and had communicated that he was only part of the 67's community scene. Whilst in the community, the claimant attended all face-to-face appointments that were made for him with the Surrey probation and maintained regular telephone contact with his current offender manager in Lambeth, specifically to update the offender manager regarding the lyrics that he had written, in order to seek approval from the police.

33. The claimant was released from custody with licence conditions related to the music that he wrote and released. He was open and shared any lyrics he had written in order for them to be shared with the police before they were released. Specifically, the claimant was required by his licence condition to notify the probation and the police for any new audiovisual material which appeared 24 hours before it was uploaded. This included details of the lyrics, the person who had filmed the video and where it was filmed. This, the claimant did with full transparency. He was not permitted to undertake any work without prior approval, with which he also complied.

The claimant's progress in the community

34. The claimant was released from custody on 14 July 2023 and was placed in approved premises. He completed his period at the approved premises successfully. Due to his allocation to a Surrey address, he was required to attend and engage with Surrey probation staff. He attended and engaged as required. He was referred to Catch 22 and his general practitioner for additional support with his emotional wellbeing. He attended and engaged.

35. The claimant attended all appointments and was settling into the community well. He maintained regular telephone contact with his current offender manager in Lambeth. He made contact to share the details of "the family car that he informed probation that he would have access to drive". In particular, the COM noted that she had:

> "*been in regular contact with the gangs unit for Lambeth and Southwark regularly since prior to Mr Ford's release back into the community. At the time of the alleged offence in December 2023, she had not been informed of any negative behaviour having been recorded against Mr Ford*".

36. At the time of his recent arrest, he was assessed as complying with his conditions of licence.

The recall of the claimant and the allegations that related to it

37. On 1 December 2023, the claimant was arrested on suspicion of an offence of kidnapping. He was not involved in this offence and no further action was taken by the police against him.

38. On the information obtained by the police, on 30 November 2023, two males, approximately 25 years old, were held at an address after they travelled from Cambridge to 28A Pendinnis Road, SW16 in connection with a drug supply. It was reported that they were allegedly pistol-whipped and held against their will until 1 December 2023; in other words, for 12 hours. Of note was the fact that this was third-hand hearsay drawn from a summary prepared by an officer and provided to the Probation Service. Neither of the males described provided a report to the police or any witness statement. Both males declined to provide the police with any meaningful information about the allegations. The combination of these unidentified males travelling from Cambridge for the drug supply and refusing to cooperate with the police cast doubts about the reliability of the initial reports.

39. The only report of the original offence, as I have indicated earlier, was a hearsay summary from the officer, summarising part of what the complainants reported to their mother after they had been travelling from Cambridge to London to supply drugs. There is no link between Mr Ford and the two males who attended 28A Pendinnis Road, SW16. There is no evidence that he was in the area, including

overnight, particularly as part of the licence conditions. He had both a curfew and exclusion zone from Lambeth.

40. Two other males (to whom I will refer as DM and KC) were arrested close to the scene. Neither were connected to Mr Ford. The claimant was not identified at the scene by any witness. A member of the public described a "black male" at the scene. The claimant is, in fact, light-skinned. A vehicle linked to the claimant's family home had been reported as being involved in the offence. That vehicle was registered to the claimant's older brother, Ali Ford, and his sister, Zulaka Ford. The vehicle was photographed leaving Lambeth by the ANPR cameras. The image of the driver at the vehicle is dark-skinned. As I have said before, Mr Ford is light-skinned.

41. There was no forensic link to put Mr Ford at the scene of the offence or to connect him to any scenes used as part of the offence. iPhone examinations were progressed. As part of the licence condition, he was permitted one mobile phone and a SIM card notified the police in advance. His call data records could be obtained from the phone calls and his location traced. The address was well known to the police at the time of the incident and had been previously visited. There was no link between the address and the claimant. This offence occurred at the cuckooed drug supply address, assumed to be linked to Class A drug supply. There was, and is, no link to the claimant supplying Class A drugs at the address or supplying Class A drugs generally.

42. Crucially, the firearm was dismantled by the forensic examiner to aid the examination of internal surfaces. The result was that "there was no indication that Mr Ford contributed DNA to any of the samples submitted".

43. Further contact was made by the POM for an update on the results of forensics being carried out on the items found at the scene. He confirmed that there was no forensic evidence found on items linked to the claimant. The claimant immediately reported his arrest to the COM and did not attempt to abscond. Rather, he gave an immediate account.

44. On 4 December 2023, Mr Ford informed the COM that he had been wrongly arrested. He promptly told the manager that he had been driving his family vehicle from Mitcham to Surrey with two friends, who he named, Mohammad Jallow and Kyron

Moodie. Both were friends from secondary school. He said that he had used a vehicle that belonged to his brother and this was the same vehicle that had previously been notified to the Probation Service and the police.

45. On 4 December 2023, the claimant was recalled but was not informed of this. The COM explained that she had not notified Mr Ford of his recall, as normal procedure required the police to arrange his surrender.

46. The claimant continued to attend the Probation Service appointments and, following an appointment on 14 September 2023, he was detained pursuant to his recall.

47. On 3 January 2024, Mr Ford was interviewed about the recall allegations by the POM. He provided a consistent account as above and denied any knowledge or involvement in the allegations. He said that he did not enter the Borough of Lambeth or know the address at which the incidents were said to have taken place.

48. On 19 March 2024, the police investigation concluded with a decision to take no further action.

The claimant's older brother

49. Mr Ford is not permitted to re-enter Lambeth and, therefore, does not visit his family home or his brother's home. According to the YOT Asset, London Lambeth Social Service first became involved with the family on account of one of the older brothers. His brother was also known to the Probation Service. The claimant acknowledged that his brother had used a vehicle earlier on the above date.

The claimant's progress in custody

50. As a consequence of being detained, the claimant alleges that he has suffered severe mental ill-health. For example, at the time of a prison visit on 3 January 2024, he appeared in a low mood and "appeared to have lost a lot of weight. He was asked of his wellbeing and said that he was in a very low mood, had been seen by the police at the station and was to be prescribed Sertraline for his depression". He reported that he was in a very low mood and would not leave the cell unless he needs to.

> "*In a further video link with him on 23 April 2024, he continued to report being in a low mood. He is currently taking his antidepressant medication: 100mg of Sertraline. He stated that his low mood was related to his recall to custody and his ongoing innocence. He was encouraged to engage with the Reach team at HMP The Mount to manage his depression*".

51. Despite this, it is said that he made exceptional efforts in custody. He was a diversity lead on his wing whilst in custody and was actively engaged in pro-social activities in prison, including community football events, coordinated by the prison and prison radio. He was "actively involved in pro-social activities in prison" and "consistently showed responsibility and dedication to his role within the job of wing cleaner". He "ensures proper wearing of personal protective equipment, personal hygiene and maintains punctuality and, with his kind nature, contributes to the smooth operation of the servery".

52. The view of the POM is that, "with regard to the work he has completed, his engagement and his compliance with the prison's regime and staff is positive". The reference refers to a charity called Switchback, which gives an important insight within his dossier. It notes that,

> "*Siratillah was released in July. Despite not having a personal phone on the day of his release, he made contact the following day to inform that he was at the AP and was fine. This confirmed his dedication to receiving support in the community. He continued to engage weekly, and I could see his confidence and independent living skills improving hugely within the first month of release. For example, his timekeeping improved, arriving at meetings on time, as did his overcommitting himself to plans. Additionally, he became more comfortable in social spaces. It was rewarding to see him transition from being hypervigilant and aware of his surroundings to engaging openly with the people we encountered. Relating to this, he was open-minded about trying new things, and he indulged me in trying vegetarian restaurants. This demonstrates a positive attitude and willingness not only to reform but to experience new things. The work we focused on in the community in the main was emotional and organisational support and working towards his goals, acting and music. Siratillah is independent and successfully navigates challenging tasks, such as advocating for himself.*"

53. Various prison officers also provided highly positive material.

54. Both the community offender manager and the probation offender manager supported release and confirmed that the claimant could be safely managed in the community. His engagement with the staff since recall was positive; he had numerous positive entries and references from the prison staff.

55. At the hearing on 9 January 2025, the POM noted that there were further positive notes to be updated, saying:

> "*It was only a couple of positive case notes. I have gone back through and checked all of them, and there are actually 22. There are a few more, and a couple of them are actually really good, so I just wanted to point them out, really. All the other ones are mainly for helping, so being helpful, being consistently responsible and making dedicated comments about his disposition. The fact he is considerate and respectful. Yes, there is all pretty much the same, saying about what a good attitude he has, and the general wing etiquette is very polite and a role model on the wing*".

The Parole Board

56. On 12 February 2024, the Board considered Mr Ford's case. The case was adjourned. On 21 June 2024, representations were made on his behalf, both, as I said before, the POM and the COM supported the claimant's release.

57. On 4 July 2024, the Board directed an oral hearing by video link. On 11 October 2024, the hearing was adjourned due to insufficient time. On 9 January 2025, the Board held a hearing to determine whether or not to release the claimant. The panel consisted of two members, a Mr Geoff Crowe and a Mr Dalwardin Babu. Both members were described as independent and introduced themselves as independent. Neither disclosed any conflict of interest or potential conflict. Since the proceedings were issued, a transcript has been produced by the defendant.

58. I now turn to the number of specific criticisms that the claimant makes, which emerge from the transcript. First, a quote from Ms Alexander. Ms Alexander said,

> "*Apparently, for me, I obviously feel, Mr Ford has shown that he has changed a lot. He is not the same person that he was when he committed the index offence. All the evidence I have from his behaviour in here and also the time he was released and on licence, he complied with everything*."

59. Mr Crowe said: "*Okay, okay, thank you. So do you think there is any more offending behaviour work that needs to be addressed?*"

60. Ms Alexander said: "*I do not believe so . Mr Ford has done everything. I mean, there is nothing else for us to offer him within the prison. He has already completed the TSP. He is already attending Workbooks. He has already done Identity Matters as well. There is not anything else within the establishment for him to do*".

61. The next passage is from Mr Crowe. Again, this all appears from the transcript. Mr Crowe said, "*No, not at all. Do you consider the licence package to be robust?*"

62. Ms Alexander said, "*I do*".

63. Mr Crowe said, "*Lovely. What do you make of Mr Ford's attitude towards compliance if he was released?*"

64. Ms Alexander said, "*I feel like Mr Ford will comply. I mean, the evidence from his time in the establishment is that he has complied and there have never been any problems at all. Judging from when he was out on licence the last time, I feel that he would comply*".

65. Mr Babu: "*In relation to the index offence in 2019, your fingerprints were on the firearm, weren't they?*" Mr Ford said, "*No*".

66. That was one of the first substantive questions asked by Mr Babu of Mr Ford. It was obviously incorrect and also adversarial.

67. Furthermore, in addition to the index offence, Mr Babu said, "*The 67 group?*"

68. Mr Ford: "*Yes, I used to do music with that group*".

69. Mr Babu said, "*No, I would not expect you to know everybody's history, but you are talking about being involved with people buying cannabis. We know that one of them was. You said one of them had a gun, so you were part and parcel of this gang*".

70. Mr Ford replied: "*I was not at the time. I was associated with them, yes*".

71. Mr Babu: "*So you are saying you were associated with them. I am just trying to understand the difference between being associated and being part of a gang*".

72. Mr Ford said: "*I personally would not call myself a gang member*".

73. Mr Babu said, "*Okay, but these were people who were involved in drug dealing and possession of firearms, and you said you were associated with them*".

74. Mr Ford replied: "*Yes*."

75. Mr Babu said: "*So what do you mean by being associated with them?*"

76. Mr Ford said:, "*They were my everyday peers*".

77. Mr Babu said: "*Okay, there was a lot of criminal activity they were undertaking at the time*".

78. Mr Ford said: "*What do you mean?*"

79. Mr Babu said: "*Well, you mentioned the drug deal. We know about a firearm. Were there other offences these people were committing?*"

80. Mr Ford said: "*Yes, my old associates did used to get arrested before, yes.*".

81. Mr Babu said, "*Okay, were you involved in any of that criminality, Mr Ford?*"

82. Mr Ford replied: "*No, I've got previous convictions, but by myself*".

83. Mr Babu then said: "*When you got previous convictions-- so what, you got previous convictions as individuals or as part of a gang?*"

84. In response to all that questioning, the complaint advanced by the claimant's counsel was that the questioning was immediately adversarial, immediate and closed. It was

submitted that Mr Ford has consistently explained the nature of his prior association was primarily in relation to music. Mr Babu repeatedly took the opportunity to comment about the 'activities of the 67 gang', in imprecise or embellished terms. For example, the singular offence is made into plural. This criticism was developed further below.

85. The next passage about which complaint is made is in relation to Mr Jallow and Mr Moodie on 2 December 2023. Those were the two people who I think were in the car with the claimant.

86. Mr Babu, "*You were driving. Was there anyone else in the car with you?*"

87. Mr Ford: "*Two of my friends, Mr Moodie and Mr Jallow*".

88. Mr Babu: "*And were Mr Moodie and Mr Jallow-- have they got criminal records?*"

89. Mr Ford: "*Yes, they both do, yes.*"

90. Mr Babu: "*Why were you associating with them once you had been released from prison?*"

91. Mr Ford: "*Their criminal convictions are not quite recent. They were from probably when we were teenagers*".

92. Again, the complaint made by the claimant's counsel was that the question was immediately adversarial. Neither Mr Jallow Mr Moodie were in a non-association or a non-contact list for Mr Ford. Neither were they linked to the index offence. Both provided their mobile phones, and there was no suggestion of a forensic link to the recall allegation or ongoing criminality. Furthermore, if Mr Ford were unable to connect to rehabilitated offenders, no one would be able to connect to him, as he also had previous convictions.

93. In the next passage. Mr Babu said: "*Okay, the police then carried out some Section 18 searches. They carried out some searches, didn't they, of you and your passengers, isn't that right?*"

94. Mr Ford: "*Yes*".

95. Mr Babu: "*Yeah, where was the gun found?*"

96. Mr Ford: "*The what?*"

97. Mr Babu: "*A weapon was there. A gun was found in one of the houses.*"

98. Mr Ford: "*For which one? The kidnapping?*"

99. Mr Babu: "*Yes. Right, okay, let me just check that. Just bear with me for a second, please*".

100. Mr Ford: "*Yes*"

101. Mr Crowe then says:, "*Mr Babu, I think the weapon was recovered from the cuckooing address.*"

102. Mr Babu: "*Okay, I beg your pardon*".

103. Mr Crowe: "*Right, thank you*".

104. Mr Babu: "*No, thank you, chair. So, what can you tell me about that? Do you have any information around what happened in the address?*"

105. Mr Ford: "*No, I have never been to the address or anything that happened. I would not know*".

106. Again, the criticism is made that the questioning is adversarial and proceeds on the basis that Mr Ford was involved in the alleged offence. It also shows a poor grasp of the facts and that Mr Babu was unrelenting in his adversarial questioning.

107. Next allegation. Mr Babu, "*Because they seem to be involved in a significant level of criminality, how do you distinguish between music and criminality?*"

108. Mr Ford replies: "*Well, it's proof as in-- the proof is like when I do music, I get paid for it and it's a stream of income, so I don't want to waste that opportunity because I wasn't in jail for quite a while. I thought I do come out and I like to manoeuvre the way I can, manoeuvre hopefully. I can just do it as a legitimate income.*"

109. Mr Babu: "*Okay, and so you're still in touch with 67*".

110. Once again, it was submitted that the questioning is adversarial. There is no engagement by Mr Babu with the claimant's responses, other than Mr Babu's attempts to assert the narrative for which he contended. It was, therefore, submitted that Mr Babu's mind is closed off, so as to differentiate between the music group and the gang. This allegation was pursued despite the fact that there is independent evidence of no gang's involvement. Furthermore, concerns for Mr Ford and the music element were supported by and overseen by licence conditions.

111. Next point Mr Babu made was to say: "*Okay, do you think it was a wise decision to be in touch with—you have been used with the word associate. You have not said that you are a member when I asked, but do you think it was wise to have those links with a group that was linked with a group that are-- and have had significant involvement in criminality and firearms and shooting*?"

112. Mr Ford: "*No, it is not wise, but there are ways of managing it, and I feel like at what I did, I got released. I wasn't in the area because I have exclusion zones when I get moved to my new accommodation. I didn't really let the people, like the negative peers from my past, know where I was living, and I did quite distance myself with my number. I really did not give my number out or anything*".

113. Mr Babu then said: "*Okay, and were Mr Jallow and Mr Moodie, members of 67?*"

114. Mr Ford: "*I do music with Mr Jallow*".

115. Mr Babu says: "*just in terms of them, you said they were an organised criminal network, are you aware of their involvement in drug dealing?*" Mr Babu than asks

"*Are you aware of their involvement in shootings in nightclubs?*" The clamant replies "*I have heard of that, yes*".

116. The claimant's counsel submits that this is the first occasion when Mr Babu refers to multiple shootings. He suggests that this based on open source material (not in the dossier). There appears to be one reported incident of a handgun being discharged in a night club arsing from the Press to a single incident which concerned Chris Kaba. Counsel submits that Mr Ford and his music peers had no involvement in this. Counsel further submits that it is unclear where Mr Babu derived the reference from; and that this is a further example of his complaint of embellishment.

117. Mr Babu next asks: "*Does it give you any concerns that Mr Ford is associated, he is associated, as opposed to being a member, associated with this group?*"

118. The claimant's central complaint is that Mr Babu has an inaccurate summary of the evidence. The claimant did not say that he was associated with any criminal gangs. He did not say that he was not a member. He stayed out of the area. His involvement was exclusively with the music group. In relation to that, the Probation Service and the police had oversight and input into the music.

119. Ms Warren says: *"I've heard of that yes"*.

120. Mr Babu wants to press Ms Warren further and says that it refers to an organised criminal network. So it is involved in drug dealing. Mr Ford has talked about cannabis dealing. They are involved in shootings in nightclubs, in the plural, which is pretty well documented, which is incorrect.

121. Then Mr Babu moves on to something else. "*Okay. So we have a criminal network involved in firearms and involved in drug dealings. He is, in his own words, associated with them. Do you think that is wise*"?

122. Ms Warren: "*No, I don't. No, I don't*."

123. Mr Babu: "*Okay. Do you think that there should be restrictions on making sure that he doesn't do that?*"

124. It is pointed out yet again that Mr Ford did not say that he was associating with the 67 gang. Again, counsel submits that Mr Babu appears to be taking the opportunity to make adverse and prejudicial comments during the adversarial questioning and closed questioning, contrary to the defendant's own guidance.

125. Mr Babu says that, "*If you have such a group of organised criminal networks, 67 is a well-documented criminality around drug dealing and shootings. Do you think that an intelligent person would have an understanding of that?*"

126. Once more, Counsel submits that this is disputed by the claimant as an accurate description of the evidence that was being given.

127. Ms Warren says: "*He was a lot younger then. I mean that is obvious. I think in 2019, I think he was, he was-- he was a lot younger, I think he probably did not realise the severity of what he was involved in*".

128. Mr Babu: "*Okay. In terms of that, he got a quite substantial sentence of eight years, and that was with other co-defendants. He was prohibited from seeing those co-defendants*."

129. Mr Warren: "*Yes*".

130. Mr Babu: "*Has he kept to those conditions, Ms Warren?*"

131. Ms Warren: "*Yes. I have not been made aware of them, he has no contact with them*".

132. Mr Babu: "*But he is still saying that he is still associating-- he is still doing some of the music work with them*".

133. Yet again, it is submitted that Mr Babu's questioning is imprecise and adversarial. The claimant is not associated with his co-defendants from the index offence. There is no suggestion that he had notwithstanding that Mr Babu said that he was doing music work with them. Mr Ford worked on music with separate persons in the 67

core music group and had shared this with the police and the Probation Service. Counsel submitted that they are not co-workers and that it is incorrect for Mr Babu to suggest that the claimant was still associating with them.

134. The next point Mr Babu makes is that "*just in terms of the recall incident, are you aware that this was effectively vulnerable people who were cuckooed, being pistol-whipped and then property being used for the drug dealings*"? Counsel advances a number of criticisms made of that proposition. There is some misrepresentation of the facts of the recall allegation. The address was cuckooed and well known to the police. They had visited it before. There was no link to the claimant. He also makes additional criticisms.

135. Ms Warren: "*When he was in the community, I believe he was adhering to it, because, I mean, when he was at the approved premises, he complied with all the curfew and everything that was expected of him. He remained in contact with myself a lot. Then, when he moved to Surrey, he was at a distance in Surrey, but he was not also supervised. Just as I said before, the police were also monitoring the claimant while he was in the community. We would never have had any reports of anything happening to Mr Ford. At the MAPPA meetings, he seemed to be doing really well*".

136. Ms Warren then went on to say that,

> "*While he was in the approved premises, he seemed fine. There was never any issue with him there and--Mr, I mean he was stopped once driving along, it was a standard stop by the police, he notified me of that first and I made enquiries and it was just a standard stop, a routine stop. Then Mr Ford was the one who informed me about the stop for kidnapping and how he had been in custody. The police had not notified me, but the police actually notified me, so he gave me----*"

137. Mr Babu: "*Sorry, Ms Warren. And all that is to the credit of Mr Ford*. [Long pause] *Yes. and all that was to the credit for doing that, but there seems to be some confusion, because he was unlawfully at large for nine days. Can you please explain why he was unlawfully at large for nine days? [Long pause] What is said about that is that this was an invented risk, which was not included in the dossier, and similar criticisms were made. Sorry, it is quite difficult with this*".

138. The next complaint against the claimant is that he informed the COM that he had access to a “family vehicle”. Family vehicle appears in quotes although as Counsel points out, this was a confirmed fact. The panel discussed usages from these situations with Mr Ford, only one of which (at 14:31) had a relatively clear image of the occupant. The image was plainly not that of Mr Ford. A complaint was made about that remark, but, as Counsel points out, the fact the image is not the claimant is not acknowledged in the decision.

139. Importantly, neither Mr Ford nor the COM could account for the witness evidence that the car left the scene of the kidnapping incident, beyond Mr Ford stating that the address was close to his brother. It is pointed out that it was not possible for the claimant to account for this in the circumstances where he was not involved.

140. The next criticism Counsel makes is that the police subsequently reported that the victim of the recall allegation withdrew support from the prosecution. Therefore, forensic examinations were not progressed, although Mr Ford's DNA was not linked. Once more, Counsel submits that this incorrect. Forensic examinations were progressed on the firearms and items and his mobile phone. The two males did not withdraw their allegations. They never cooperated from the outset. That was not a factor to be relied upon against the claimant, as the panel found. Rather, as Counsel submits that this is a factor which should have led the panel to approach the incident as a whole with a high degree of caution.

141. I turn to the decision itself. I will set out the key extracts and the criticisms made by the claimant.

142. In paragraph 2.5 of the decision, he informed the COM of his access to "a family vehicle". "Family vehicle": is in quotes, when this is a confirmed fact.

143. In paragraph 2.14, the panel discussed the images from the activations of Mr Ford, only one of which had a relatively clear image of the occupation, which he denied was his. The image was plainly not Mr Ford's, and that is not acknowledged in the decision. Importantly, neither Mr Ford nor the COM could account for witness evidence that a car had left the scene of the kidnap incident beyond Mr Ford stating

that the address was close to his brother's. The point made on the claimant's behalf was that it was not possible for the Claimant to account for that in the circumstances when he was not involved.

144. In paragraph 2.15, the police subsequently reported that the victim of the recall allegation withdrew the prosecution, although forensic examinations were not progressed, although Mr Ford's DNA was not linked to the weapons found at the Streatham address. That is incorrect. Forensic examinations were progressed on the firearms and the items at the address. His mobile phone was also examined. The two males did not withdraw the allegation, never cooperated, and so on.

145. In paragraph 2.19, the panel considered it was more likely than not that Mr Ford had been involved in criminality. This was because of the unlikely coincidence of the "family car" being identified at the scene by a member of the public, Mr Ford having access to the vehicle and being found with it later at the same day, together with his associating with known criminals, at least one of which had eight links to the 67, and the lack of evidence about what had been in the car.

146. This contained, says the claimant several leaps in the reasoning that is unsupported by the evidence and is not, they submit, rational. The panel had ignored that Mr Ford's brother had access to the vehicle and the driver could not be Mr Ford based on the image. This ignores the fact that two other persons were arrested closer to the scene with no links to Mr Ford. The finding is based on Mr Ford's use of the vehicle, which he registered with the Probation Service several hours after the suggested offence. There is no suggestion that the cuckooed premises or the men who refused to cooperate with the police were at all linked to 67 or Mr Ford. To describe two persons who had the convictions as teenagers as 'known criminals', one of which had a musical link to the 67 music group, is not supported in the evidence before the panel.

147. Then turning to paragraph 2.29, "*The COM accepted that Mr Ford was associated with 67 and was concerned about involvement with organised crime, including shootings*". Note the word in plural, which is incorrect. This is a misstatement of the COM's evidence. As said above, he explained the involvement with 67. Any concerns expressed about the "shootings" were led by adversarial questions by Mr

Babu and were not part of the COM's own view about whether Mr Ford could be managed in the community. The COM was supportive at all times.

148. With respect, this rather detailed analysis of the panel's reasoning, indicates that their reasoning is very unsatisfactory.

Legal Framework

149. Section 255C of the Criminal Justice Act requires a case to be referred to the Board for consideration of release after recall. Under section 255C(4A) 5 of the 2003 Act provides that:

> "The Board must direct the prisoner's release where it is satisfied it is not necessary for the protection of the public that the prisoner should remain in prison".

150. In *Pearce* [2023] UKSC 13, the Supreme Court held:

a. In the conduct of its proceedings the Board must comply with the requirements of procedural fairness, which is the modern term for the rules of natural justice. Those requirements are, as Singh LJ explained in *R (Talpada) v Secretary of State for the Home Department* [2018] EWCA Civ 841 at [57], first that the decision-making body is impartial, and must not be, or appear to be, biased, and, secondly, that the decision making body is under a duty to hear the other side: i.e. that the person whose legally protected interests may be affected by its decision must be given the opportunity to make representations to the decision-maker before the decision is taken: [66].

b. It is important in the context of a judicial review of the decisions of a judicial body to adopt an analogous rigour in relation to the requirements of substantive fairness: [68].

c. In assessing an unproven allegation, the Board must have regard to the consequences of its decision on the interests of the prisoner, and the hardship he may suffer if he no longer needs to be confined in order to protect the public: [87(ii)].

d. In assessing an unproven allegation, the Board must proceed with considerable caution in this exercise because of the consequences of its decision on the prisoner: [87(iv)].

151. Procedural fairness requires the Board to give the prisoner the opportunity to make submissions about how the Board ought to proceed. There may be circumstances where, because of the inadequacy of the information available to the Board, it concludes that it should not take account of an allegation at all. Its assessment of the weight to be attached to an allegation is subject to the constraints of public law rationality: [87(viii)].

The irrationality ground

152. The clamant submits that a decision may be unreasonable or unlawful where there is no evidence to support an important step in the reasoning or where a manifestly disproportionate or inadequate weight has been accorded to a relevant consideration. Reliance is placed on the case of *The Law Society v Lord Chancellor* [2019] 1WLR at paragraph 98; a decision of the Divisional Court in *The Queen (Gallagher) v Basildon District Council* [2011] PTSR 731 at paragraphs 38 to 41; and *Braganza v BP Shipping* [2015] 1 WLR 1661, a decision of the Supreme Court at paragraph 24.

153. The intensity of scrutiny will depend on the context. Reliance is placed on the decision of the Supreme Court in *Pham v Home Office* [2015] 1 WLR 1591, at paragraph 60. A more intense review may be called for where fundamental rights are at stake: *Kennedy v Charity Commission* [2015] AC 455, another Supreme Court decision, paragraphs 51, 52 and 54. The person's right to liberty engages a fundamental right is the submission.

154. The claimant then submits that, in combination with the information made available, which I have already recited, the decision did not accord sufficient weight to the following highly relevant considerations. The police did not proceed with the allegation against the claimant because of the lack of cooperation between the two men. The panel did not proceed with caution as to the possible reasons those two men did not wish to proceed in the first instance. The panel did not at all consider or assess

or address within their decision the significant exculpatory evidence that excluded Mr Ford's involvement. There was no identification evidence before the panel that Mr Ford was at the scene of the offence or close to it. The single member of the public who witnessed the assailant described him as black, whereas Mr Ford is light skinned. Likewise, the driver of the vehicle was black, whereas Mr Ford is light skinned.

155. Mr Ford had provided prompt, open and voluntary disclosures with full accounts provided to the COM. He had not been clandestine or evasive. He did not intend to abscond. His mobile phone was seized, downloaded and examined with no evidence of criminality. His two friends' mobile phones were also seized, downloaded and reviewed without significant findings. Mr Ford had no involvement in drug dealings at the cuckooed premises where the offence occurred or any relevant links, despite the property being well known to the police. Moreover, there was no suggestion that the premises were linked to or used by anyone Mr Ford knew or, for example, 67 gang members, however defined. The implausibility that Mr Ford would use the same vehicle shortly after the police attended the premises of the cuckooed premises where it was allegedly seen.

156. The next factor Counsel addressed me on was the absence of any forensic link between Mr Ford and the alleged victims or any related motive for the offence; the absence of any DNA or fingerprint linked to the firearm or any other items examined by Mr Ford; the implausibility of the offence against the background of the demonstrable progress by Mr Ford and his continued contact with the Probation Service and the police, in particular, the sheer implausibility that Mr Ford had used for an offence, the same vehicle that he had notified the Probation Service as being linked to him in advance.

157. The next omission is, it is submitted, that, far from being unlawfully at large, the claimant continued to attend the Probation Service appointments and did not abscond. It is submitted that the panel completely ignored all of these weighty factors and, as a consequence, did not proceed with "considerable caution", as the Supreme Court decision required it to do.

158. Secondly, it is submitted that the Panel unreasonably failed to give weight to the following factors. The Probation Service, the police and MAPPA facilitated the claimant's musical talent. They approved his videos, lyrics, titles and associations. They were aware that this music was conducted in association with the 67 group. Despite this, the panel members appeared to associate any mention of 67 with criminality, including unspecified, pluralised, generic, serious criminality of shootings at nightclubs. Therefore, the panel members applied a broad generalised approach and acted arbitrarily in doing so.

159. Thirdly, it is submitted that the panel's logic leapt from Mr Ford's involvement in music with the 67 group to the conclusion that Mr Ford had admitted to being involved in and associated with a criminal gang. Counsel submitted that this was perverse reasoning, the more so where the police had themselves facilitated Mr Ford's musical talent.

160. Finally, it is said that this assumed gang membership or association, rooted in the admission of *music* association was relied on against Mr Ford to further support his suggested guilt.

The complaint of procedural unfairness

161. Counsel also submitted that the process to which the claimant was subjected was procedurally unfair. Procedural unfairness means, it was submitted, some procedural material irregularity or unfairness. Reference was then made to *Gough*, which is, of course, a decision of the House of Lords that has been overtaken by *Porter*, to which I will return. Reliance was placed on a comment made in *Bates v Post Office* by Fraser J about bias and to the case of *JSC BTA Bank v Ablyazov (No. 9)* [2013] 1 WLR 1845 at paragraph 47. Counsel submitted that a critical consideration is that the decision maker does not prejudge, especially by reference to extraneous matters or predilections.

162. Finally, Counsel relies on *Porter*, which was decided in 2001 by the House of Lords, and concerned Lady Porter and Westminster Council. In *Porter* the House of Lords held that bias arises where a fair-minded and informed observer, having considered the fact, would conclude that there was a real possibility that the decision was biased.

163. Counsel then made reference to the Code of Conduct for Members of the Parole Board, particularly the duty of the Board to act impartially (paragraph 7.6) and to take reasonable steps to ensure procedural fairness. In addition, very specific points were made about what were said to be material irregularities. It was asserted that the panel should have disclosed their prior positions, extraneous knowledge and preconceived ideas on suggested "shootings" and "the music industry" in advance. The claimant was deprived of crucial disclosure, which could have informed those representing him as to whether to make further inquiries of Mr Babu's insight into the case and public comments he had made about the Chris Kaba case/67 and to make an application for a recusal. For example, it is asserted or submitted that the panel proceeded or appeared to proceed on the basis that involvement in music was equivalent to involvement in criminal gangs, and that they closed their minds to the possibility that Mr Ford could have or did have innocent music associations, despite the supervision of the Probation Service, MAPPA and the police. Then it is said that that approach might suggest to a fair-minded and informed observer that the panel's mind is closed. Thirdly, in all the circumstances, the question that needs to be considered is whether there is at least a possibility, or at least a perception of such a possibility, in the fair-minded and informed observer that the panel was unfairly influenced against Mr Ford because of his past association with 67, other than deciding the case on the evidence.

164. I, therefore, concluded that the central thrust of the claimant's fairness complaint was based, essentially, on bias.

Defendant's submissions

165. It is important to appreciate that this was a case, as a result of case management decisions made by Foster J and confirmed by Sweeting J, where there was not sequential exchange of skeleton arguments, the invariable practice in judicial review proceedings. The upshot of that is that, because they were not served sequentially, the defendant's skeleton, which was served on 16 July 2025, did not engage with the detail of the fact-specific skeleton forwarded by the claimant, which was served the following day, on 17 July 2025. The Defendant had previously filed additional submissions on 27 June 2025.

166. However, I would note that there was no dispute between the parties as to the statutory framework or as to the significance of the Supreme Court decision on these proceedings, being the Supreme Court decision in *Pearce*. The defendant's skeleton submitted that the two grounds – allegedly unreasonable decision and alleged procedural unfairness – were not made out, although, as I have already noted, those submissions were made without the benefit of seeing the detailed factual submissions made ultimately by the claimant the following day.

Discussion

The *Wednesbury* ground

167. I accept the claimant's submissions that a decision is unreasonable, where there is no evidence to support an important step in the reasoning and/or where inadequate weight has been accorded to a relevant consideration. I also accept the submission that the intensity of the scrutiny will depend on the context in which the person's right to liberty engages a fundamental right. In all those circumstances, and having regard to the claimant's very detailed factual submissions, I have decided that the defendant's decision was *Wednesbury* unreasonable.

Unfairness

168. With respect, the position regarding unfairness was less straightforward. I have carefully considered the submission that the decision was vitiated by bias on the grounds that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the decision was biased. Notwithstanding the submissions addressed to me, I have formed the view that the claim of bias must fail.

169. I also form the view that the Board did not appear to have acted unfairly on the grounds that the claimant submitted, to the extent that they differed from a bias claim. However, at the hearing counsel and I canvassed a possible submission to the effect that the Board should have provided the claimant with advance notice of its areas of concern. I invited the Claimant to make submissions on this if they wished. Since there was insufficient time to consider this submission at the hearing, I concluded it

was appropriate to rule that the defendant's decision was unlawful, but my reasons for that conclusion would follow. As a result, the decision I made on 28 July was to quash the decision but, otherwise, reserve the written judgment so that I could have further submissions in relation to procedural fairness, to admit the witness statement of Ms Karabasic, dated 18 July 2025 and to give consequential directions for further submissions on fairness.

The post-hearing submissions on fairness

170. The claimant's written submissions on 11 August 2026 focused upon whether, before the oral hearing, the panel should have set out in advance, even in general terms to the parties, the areas of questioning or any particular concerns it had when considering the statutory public protection test at the hearing.

171. The claimant complains that he was not put on notice that his musical activity, supported or monitored by the Probation Service and the police, would be an area of contention for the assessment of his risk at the hearing. He submits that the Board applies a broad public protection test; that three to six weeks before the hearing, the panel chair must review the dossier, consider directions, the panel composition and time allocation, and that part of the panel chair's responsibilities (in accordance with the Board's oral hearing guidance) is to ensure, "*that all actions within their remit are taken for a listed oral hearing to be effective*" and "*that the oral hearing is fair to both parties, as well as effective*".

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172. The claimant also cited a very well-known passage in *Doody* of Lord Mustill addressing the principles of fairness:

> "*5. Fairness will often require that the person who may be adversely affected by a decision will have an opportunity to make representations on his behalf, either before the decision is taken with a view to producing a favourable result or after the decision is taken with a view to procuring its modification, or both.*
>
> *6. That the person affected usually cannot make worthwhile representations without knowing what factors may weigh against interest. Fairness will very often require that he is informed of the gist of the case which he has to answer*".

173. The claimant advanced seven principles about why fairness required the Board to inform the claimant in advance of the gist of the case against him or areas of concern as good practice to allow the claimant to prepare before the hearing.

174. The defendant, on the other hand, invited the court to consider whether it was necessary or appropriate to opine on what has been described as the advance notice of topic issues and made the following submissions.

175. The defendant submitted that the court had decided, irrespective of the advance notice topic, that the Parole Board had made a mistake in its approach to the Parole Board in respect of the claimant. As such, any comments on the advance notice of the topics issue are likely to be *obiter*.

176. It was further submitted that the court had found that the Parole Board had made a mistake in its handling of the oral hearing, that this may not be an appropriate case to address an issue that could potentially have wide ramifications and, subject to how universally applicable the resolution is said to be, could potentially impact on all Parole Board hearings.

177. It went on to submit that the fairness of Parole Board procedures is a matter that has been considered in many cases in recent years, particularly by the Supreme Court in *Pearce*. Notwithstanding extensive research, the Board had been unable to locate any case where the court has suggested that fairness might require the Parole Board to produce for the parties a list of potential questioning in advance of an oral hearing.

178. The defendant further submitted that, in *Osborn v the Parole Board* [2004], Crim. AC 1115, at paragraph 80, Lord Reed said that:

> "*what fairness requires of the Board depends on the circumstances. As those can vary greatly from one case to another, it is impossible to lay down rules of universal application. The court can, however, give some general guidance*".

179. It submitted that this is relevant when considering whether the Advance Notice of Topics Issue can be said to be a universal fairness issue.

180. It next submits that Lord Reed was clear that oral hearings were not only required for the benefit of the Board. They also reflect the prisoner's legitimate expectation to participate in decision making.

181. The defendant submitted that there can be oral hearings which are held primarily so that the prisoner can make his case effectively, including questioning those who have been dealt with by them, rather than because the Parole Board has particular questions or concerns.

182. The Parole Board has, however, identified one case in which the court opined in the context of a right to make effective representations in Parole Board proceedings. In an elderly case called *R (K) v the Parole Board*, [2006] EWCA 2413 (Admin), McCombe J, as he then was, considered the case of a 14-year-old. The judge decided that to make representations of any value, the 14-year-old needed to be offered assistance as an adult. Such assistance included the need for an adult to review the dossier so as to identify the strengths and weaknesses of the child's case. However, the defendant submitted that there was no suggestion that the Parole Board itself had an obligation to identify those areas. To the contrary, in paragraph 32, McCombe J said that the Board was not required to "enter into correspondence or to provide assistance itself".

183. I have also considered C's response to these submissions filed on 15 September 2025, which set out that in their submission:

    a. Reliance on *R (K) v Parole Board* [2006] EWHC 2413 (Admin) does not assist the Defendant on this issue. There is no suggestion by the Claimant (or the judge) that the Board enters into correspondence with the parties to facilitate fairness; nor was this a point addressed by the court in *R (K)* other than to dismiss an adverse submission then made by the Parole Board. Moreover, far from being an adverse authority to the Claimant's submission, *R (K)* supports the proposition that fairness could require issues to be clearly elucidated to a prisoner before a hearing.

    b. Panels routinely issue directions to the parties in preparation of Parole Board hearings. To identify relevant issues would be a part and parcel of those case

management and preparation directions. For example, as noted, at an early stage, the Panel Chair must review the dossier, consider directions, panel composition and time allocation: oral hearing guidance, p. 6. By that exercise, a panel will have already identified key issues in the case.

c. The court is here required to resolve a narrow issue for the Claimant. It has been submitted that the hearing was not procedurally fair. Material irregularities have been raised in relation to (i) extraneous material relied on by the panel outside of the dossier, (ii) a failure by the panel to abide by the rules on questioning within the oral hearing guidance, and (iii) the failure of the co-panellist to notify his potential conflict of interest.

d. It must be right that the principle of natural justice or procedural fairness may require that a participant in proceedings is entitled to know the key issues he has to meet and to have a reasonable and meaningful opportunity to adduce evidence and make submissions in relation to those issues.

184. I must emphasise that it is well established that the content of the duty of fairness depends on the particular decision in question, the context and the particular circumstances of the case.

185. I conclude that the claimant has advanced no specific contextual factors that impose the fairness requirement that he contends-- namely, advance notice.

186. In all the circumstances and having regard to the careful submissions that I have received, I have concluded that the advance notice submission has no merit and I reject that contention.

Conclusion

187. Unfortunately, I apologise unreservedly for the delays in giving judgment. The parties have agreed that I should give a hand-down judgment, which the parties do not propose to attend. I confirm, first, that the decision of 10 January 2025 is *Wednesbury* unreasonable. Secondly, I make an order quashing the decision of 10 January 2025.

188. I have agreed that the parties should make submissions on costs and that I will consider these before making any costs orders.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

Lower Ground, 46 Chancery Lane, London WC2A 1JE
Email: rcj@epiqglobal.co.uk