IN THE HIGH COURT OF JUSTICE **Claim No: AC-2025-LON-002226**

KING'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN:

REX (upon the application of)

THE MAGGIE OLIVER FOUNDATION (A CHARITY)

Claimant

AND

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

SKELETON ARGUMENT SUBMITTED
ON BEHALF OF THE CLAIMANT
FOR HEARING ON 5 MARCH 2026

NB: Numerical references in brackets and in bold type are to the Permission Hearing Bundle that has been filed with the court.

Suggested Reading:

Mr Justice Kimblin has indicated that the parties should proceed on the basis that the Court has read the documents at 1c (v) to (xi) as set out in the Order of 2 December 2025 **[117]**

The Claimant would suggest that the following documents are significant

(i) IICSA final report extracts **[290]** to **[398]**
(ii) 9 April 2025 Progress Update **[245]**
(iii) Oral Statement by Yvette Cooper 16 January 2025 **[273]**

INTRODUCTION

1. The Maggie Oliver Foundation represents victims and survivors of child sexual abuse (CSA) and child sexual exploitation (CSE) and brings this application as a consequence of the failure of the Secretary of State to implement the recommendations of the IICSA Final report and failure to provide a timetable for implementation. The position of the Claimant is that the failure by successive governments to respond to the ongoing threat of CSA and CSE is a matter of national importance and urgency. The Claimant maintains that the April 2025

update **[245]** (the decision which is primarily the subject of this challenge) falls significantly short of a commitment to implement the recommendations which were the result of a seven-year national public inquiry into a matter of significant public concern.[1] The situation has not materially changed since this application was issued on 8 July 2025.

2. The focus of the Claimant's challenge is on the ongoing failure to implement Recommendation One (Ground 2 - Single Core Data Set to enable country wide measurement and co-ordination of agency responses); Recommendation 5 (Ground 3 – Pain Compliance used on children to be outlawed); and Recommendation 6 (Ground 4 - Court power to intervene in Local Authority exercise of parental responsibility). The remaining Grounds 1, 5 and 6 deal with similar issues of legitimate expectation and lack of a timetable and are dealt with together at the end of this skeleton argument.

3. The Claimant's primary position is that all 20 of the IICSA recommendations should be implemented, consistent with the recommendation of Baroness Casey's June 2025 National Audit. However, as at the date of issue of this application on 8 July 2025, 17 of the 20 recommendations had not been implemented. The Claimant accepts that Recommendations 12 and 13 in respect of pre-screening for CSA material online and measures to prevent transmission and mandatory reporting have been implemented through the Crime and Policing Bill. It is also accepted that Recommendation 20 'Age verification of internet services' has been implemented through the Online Safety Act 2025. Consequently, the Claimant no longer advances any claims in relation to these recommendations.

4. Furthermore, it appears that from since December 2025 Recommendations 9 (Greater use of barring lists), 10 (Improved compliance with statutory duty to notify DBS), and 11 (Extended disclosure regime to those working with children overseas) have been included in a Bill, which has been laid before Parliament. Accordingly, the Claimant no longer advances any claims in relation to these recommendations.

5. The Court is referred to the 'IICSA progress Tracker' published online by The Survivors' Trust and 'Act on IICSA'[2]. This document (submitted herewith) provides a current 'snapshot' of the progress of the implementation of the 20 recommendations.

6. The Claimant acknowledges that a Minister will ordinarily hold a wide degree of discretion in the determination of which recommendations of a statutory public inquiry it should implement and the time in which such implementation is to take effect. However, in relation to IICSA the Claimant submits that the Defendant has acted and continues to act (on the

[1] See section 1 Inquiries Act 2005.
[2] Progress on IICSA Recommendations

Defendant's own evidence) in a manner which places vulnerable children at risk of serious harm, physical and sexual abuse and sexual exploitation.

7. The Secretary of State's conduct in failing to implement the recommendations, or at the very least to provide a timetable for doing so, is particularly egregious in light of the agreed ongoing scale of the problem that IICSA was established to address. At paragraph 6 of the April 2025 'Progress Update', the government acknowledges that an estimated 500,000 children are sexually abused every year in the family home, in institutions, in communities and online. **[248].** The Claimant maintains that the obfuscations, denials and delays by successive governments in implementing the thorough and extensively reasoned recommendations of the 7-year Inquiry must have contributed to thousands of otherwise preventable cases of sexual abuse and exploitation of children over the last 3 ½ years.

8. The Claimant's Pre Action letter dated 16 June 2025 (Core Bundle [99]) refers to correspondence between the Claimant's solicitors and the Secretary of State which culminated in the Defendant asking the Claimant to consider withdrawing a proposed application for judicial review after the Secretary of State's statement on 16 January 2025, which included the statement that: '*before Easter, the government will lay out a clear timetable for taking forward the 20 recommendations from the final IICSA .. report."* (See **[274]**)[3]. However, the clear timetable for taking forward the 20 recommendations did not materialise when the Secretary of State duly published her post-Easter position in the 9 April 2025 Progress Update.

GROUND TWO : THE FAILURE TO IMPLEMENT RECOMMENDATION ONE OF THE IICSA FINAL REPORT

9. The Court is referred to paragraphs 37- 44 of the Statement of Facts and Grounds **[38]** to **[42].** IICSA's first recommendation in its Final Report was that the Government establish, *"A single set of core data relating to child sexual abuse and child sexual exploitation."* The Claimant is particularly concerned that this recommendation has not been implemented and that there should be mandatory recording of the age, ethnicity, religion and occupation of all perpetrators of child sexual abuse and their victims.

10. The Claimant maintains that the failure of successive governments to implement this recommendation has substantially hampered the ability of agencies to prevent, detect and address CSE, particularly in relation to grooming gangs. Maggie Oliver sets out in her witness statement that she first raised this issue with the Home Affairs Select Committee

[3] See also the chronology set out in Maggie Oliver's First Witness statement at [216] and [217] of the Core Bundle.

in 2013[4]. She claims, consistently with the IICSA position, that the cornerstone to identifying and addressing CSA and CSE is multi-agency working.

11. It is relevant to note that the Secretary of State acknowledges in the April 2025 Progress Update that '*across the country children continue to be subject to historic sexual exploitation and abuse which has a devastating effect on their lives.'* **[248]** As stated above, it is an agreed fact that 500,000 children are sexually abused every year.

12. Data is a key factor in combatting CSA and CSE. The IICSA identified a number of problems with survey data and operational data in its final report. In particular, such data does not distinguish between child sexual abuse within the family and abuse committed by perpetrators outside the family. Neither does that data distinguish between CSA committed outside the family in institutional settings as opposed to CSE. The Inquiry found that there are no official estimates of the serious criminal activity taking place in these two key areas. **[297].**

13. Furthermore, the Inquiry identified problems with local authority data collection insofar as children are categorised in terms of primary risk categories: sexual abuse, physical abuse, emotional abuse and neglect. However, where sexual abuse is a secondary risk, it will not be identified – but instead the child will be recorded under categories of neglect and emotional abuse.

14. Additionally, the Inquiry identified that police do not record or measure a specific offence of child sexual exploitation and resort to manual flagging. Consequently, public authorities are unable to rely on accurate and detailed data to respond appropriately to CSA and CSE. **[298].**

15. The failure to implement Recommendation One of the IICSA Final Report has been a matter of grave public concern, necessitating the National Audit and the forthcoming Grooming Gangs Statutory Inquiry. Notwithstanding the continuing prevalence of CSA and CSE, in the 9 April 2025 'Tackling child sexual abuse: progress update' the Defendant has refused to implement the recommendation. Instead, the Government will take the following actions:

    (i) Publish crime survey data providing an updated estimate on how many adults had experienced CSA before the age of 18.

    (ii) Support delivery of the ONS' new "Safety During Childhood Survey" to measure the prevalence of child abuse, which includes child sexual abuse (subject to agreement on funding).

    (iii) Continue funding the CSA Centre which, through its Trends in Official Data report to provide analysis and updates.

[4] Core Bundle at [228]

(iv) Take forward a wider programme of work to support better multi-agency data sharing. This will include measures in the Children's Wellbeing and Schools Bill; an improved police performance framework; setting out a timetable to act on bareness Casey's audit; working with stakeholders across the criminal justice system.

16. Inadequacy of data is a key theme of the Baroness Casey June 2025 review on Group-based Child Exploitation and Abuse. Baroness Casey noted *inter alia* in the Executive Summary to her report that '*Given how under-reported child sexual exploitation is, the flaws in the data collection and the confusing and inconsistently applied definitions, it is highly unlikely that this accurately reflects the true scale of child sexual exploitation, or group-based exploitation. It is a failure of public policy over many years that there remains such limited, reliable data in this area……*[5]

17. The Secretary of State states in the Summary Grounds that the refusal to address the data issue identified by IICSA is 'quintessentially a matter of policy judgment'. The Secretary of State relies on the 2023 ICCSA response and April update as adequately explaining the government's policy in this area. The 2023 response is set out at **[206].** Essentially the government proposed in 2023 a number of initiatives to bring together a multi-disciplinary team through the independent CSA centre, the use of analysts within police forces and investments in a number of programmes, including the Tackling Organised Exploitation Programme and Home Office co-operation with the Office for National Statistics. Whilst such initiatives will no doubt improve the quality of some of the data – they ultimately fail to address the urgent need identified by IICSA for multi-agency working around data.

18. It would appear that, notwithstanding the assertions to the contrary in the Summary Grounds, the Secretary of State has, at least in part, conceded this ground of challenge through the responses to Baroness Casey's report **[279].** In particular, the government has agreed to collect ethnicity data for all CSA and CSE suspect (Recommendation 4 **[284]**). Significantly, the government has agreed to implement Recommendation 5 of Baroness Casey's Audit: *Mandatory sharing of information should be enforced between all statutory safeguarding partners in cases of child sexual abuse and exploitation. Compliance should be monitored by the inspectorates and overseen by the proposed Child Protection Authority*. **[284]** The Government's response sets out *inter alia* as follows: *'We will work across government to engage with relevant inspectorates to ensure that the new multi-agency information sharing duty is embedded in the relevant accountability frameworks'.*[6]

[5] Core Bundle [327]

[6] The responses to Recommendations 5,7,8,9 and 10 of Baroness Casey's report are also relevant to ICCSA Recommendation One.

19. In the circumstances it is unclear whether agreeing to share data across all safeguarding agencies will involve compiling a core data set. It is also unclear whether the Secretary of State now considers that Recommendation One will be implemented.

20. The Summary Grounds assert that the Claimant has not made out a case for rationality in the Wednesbury sense. It is submitted that the refusal to implement an urgent recommendation in circumstances where (i) the Secretary of State has not denied the urgency or the relevance of data inadequacies to the ongoing 500,000 cases of CSA and CSE per year and (ii) where the Secretary of State has agreed to implement Baroness Casey's Recommendations on the multi-agency data issue is *prima facie* unreasonable for the purpose of the Wednesbury test.

GROUND THREE – THE FAILURE TO IMPLEMENT RECOMMENDATION FIVE OF THE IICSA FINAL REPORT: PAIN COMPLIANCE.

21. The Inquiry found at paragraphs 15.2 and 16 of its final report as follows at page 172 as follows: (emphasis added)

> *"15.2 There are also three techniques which are deliberately designed to cause pain to the child – a* ***mandibular angle technique*** *(applying pressure directly under the ear lobe in the crease between the jaw and the neck****), thumb flexion and wrist flexion*** *(often misdescribed as 'pain-inducing 'techniques or restraint, but also referred to as 'pain distraction 'or 'pain compliance'). The intention is that the infliction of brief, sharp pain will cause a child to desist and comply with instructions. The MMPR guidance states that use of these techniques may be "justifiable" in the case of "immediate risk of serious physical harm".*
>
> *16****. The deliberate infliction of pain is a form of child abuse and is likely to contribute to a culture of violence as well as to an environment where sexual abuse may be more likely to occur*** *and also less likely to be reported if it does occur. As a result, in its Sexual Abuse of Children in Custodial Institutions: 2009–2017 Investigation Report (published in February 2019), the Inquiry recommended that the government should prohibit these practices."***[300] to [302]**

22. The Secretary of State maintained in the April 2023 Response that: '….. *it is essential that staff are trained for every aspect of their role, including where they may need to intervene to prevent serious physical harm to a child or adult. In recognition of this, staff will continue to be trained in the safe use of pain inducing techniques as part of an intentionally separate package of emergency interventions which are reserved for scenarios where they may need to prevent serious physical harm to other children.'* **[215]**

23. However, the matter appeared to have been resolved when in August 2023[7] the Secretary of State amended the Use of Force, Restraint and Restrictive Practices in the Children and Young People Secure Estate ('CYPSE') Policy at paragraph 5.28 to read: *Staff are not permitted to use restraint techniques which deliberately cause pain.***[377]** It is understood that the policy was amended on 17 August 2023[8] and implemented on 5 February 2024.

24. Surprisingly, the Secretary of State resiled from the position stated in the CYPSE policy in the April 2025 Update, where she stated: (emphasis added)

> *"45. The government recognises the particular vulnerability of children in custody but to protect all children in custody, and staff, where physical safety is at significant risk,* ***it is important that trained staff are able to use these techniques****, as a last resort in an emergency, to bring an incident to a safe conclusion. We will work with the Youth Custody Service to ensure that staff continue to be appropriately trained in their safe use and that independent oversight, through an Independent Restraint Review Panel, ensures security and transparency overall uses of these techniques."* **[261]**

24. The Claimant maintains (consistent with the IICSA finding) that the pain inducing restraint techniques amount to a form of child abuse . The Secretary of State has not disagreed with that finding and ought reasonably to accept that such child abuse amounts to inhuman and degrading treatment for the purpose of ECHR. The Claimant submits that the retention of such techniques amounts to a breach of the systems duty in Art. 3.

25. The Article 3 systems duty in relation to public inquiries has been recently considered in ***R (D1914) and others v SSHD [2025] EWHC 1853 (Admin)***. In that case Lang J considered breaches of Article 3 ECHR in the context of a challenge to the Defendant's failure to implement recommendations in the Brook House Inquiry, where dangerous practices in an immigration detention removal centre, which had amounted to a breach of the systems duty in Article 3 ECHR had not been rectified.

26. The Claimant submits that the failure of the Secretary of State to ban pain inducing compliance techniques in respect of children in custody amount to an acceptance that inhuman and degrading treatment and abuse of vulnerable children is permissible in some circumstances and is unlawful insofar as it breaches the systems duty in Article 3 ECHR. This systems duty is set out in ***ASY v Home Office [2024] 3 WLR 766***, to which reference

[7] See Summary Grounds at paragraph 46

[8]

was made by Lang J in D1914 at [110] as a *positive duty to put in place a suitable legislative and administrative framework to avoid harm of a kind which would engage Article 3 ECHR…….* [9]

27. In the Brook House Inquiry, the Chair made 33 recommendations in a report published on 19 September 2023, finding 19 incidents where there was credible evidence that the acts of mistreatment identified in the Inquiry had amounted to Article 3 breaches. The Secretary of State responded to the report on 19 March 2024. On 22 May 2025 the Minister for Border Security and Asylum provided an update and stated that 20 of the 30 recommendations which had been accepted had been met and closed and that the remaining recommendations were on track for closure by summer 2025 (at [126]).

28. Lang J held at para 264 of the judgment that the scope of Article 3 ECHR investigative duty does not extend to what comes after an investigation and it was conceded that the Defendant's response to a report is a matter of discretionary judgment. Notwithstanding that it is not for the court to dictate what policies or guidance a government should adopt, it is submitted that the systems duties under Article 3 will extend to implementation of public inquiry recommendations (and in failing to implement).

29. In D1914, Lang J went on to consider (at [273]) whether there were any breaches of the systems duties under Article 3 in relation to the Brook House Inquiry. The Judge was not satisfied that the Claimants had established an ongoing breach. At para 274 Lang J stated that : *….. the BHI was an investigation into events which took place 8 years ago, in 2017. Whilst the findings are clearly significant, the evidence is not current, and changes have taken place since then.*

30. The Claimant submits in relation to Recommendation 5 of the IICSA report that no changes have taken place. It is strongly arguable that the continuing use of pain compliance restraint techniques on children in the custodial estate amounts to inhuman and degrading treatment and is thus contrary to the systems duty in Article 3 ECHR. The Claimant is entitled to the orders that it seeks in this regard.

[9] See also ***R (BLZ) v Secretary of State for the Home Department and Leeds City Council*** **[2025] EWHC 153 (Admin)** Fordham J at [29]; ***R(MG) v SSHD*** **[2023] 1 WLR 284** Johnson J (at [6]); ***R (CSM) v Secretary of State for the Home Department 2021]*** **EWHC 2175 (Admin) (**at [71]) and ***Bevacqua and S v Bulgaria*** **(App no. 71127/01, 12 June 2008)** at [64] to [65] in relation to Article 8.

31. The findings of IICSA properly described that such methods as 'a form of child abuse.' **[303] [347]**. As detailed above, the position of the Secretary of State in the April 2025 progress update at paragraph 45 confirms that *'.... it is important that trained staff are able to use these techniques, as a last resort in an emergency, to bring an incident to a safe conclusion.'* Essentially, the Defendant's position is that a practice, which amounts to child abuse, is permissible as a last resort. That position is clearly problematic for the Defendant because Article 3 is drafted in absolute terms and contains no qualification.

32. It is not the Claimant's case that the use of physical force to restrain vulnerable children should be banned, where made necessary by the conduct of a detained child (***Bouyid v Belgium (2016 62 EHRR 32 at [88]***).[10] Rather, it is the failure to ban pain inducing techniques, which is unlawful and forms the basis of the Claimant's challenge under Ground 3.

33. The Secretary of State has acted irrationally by amending the CYPSE Policy at paragraph 5.28 to read: *Staff are not permitted to use restraint techniques which deliberately cause pain* **[377]**, but yet maintaining in the April 2025 update that those same restraint techniques by staff remain permissible. The Claimant asserts that the Secretary of State's adoption of a position, seemingly contrary to the policy CYPSE position, and which purported to give effect to Recommendation 5, is self-evidently unreasonable and amenable to judicial review.

34. The Secretary of State maintains at para 80 of the Summary Grounds **[97]** that the Claimant is out of time to seek a declaration as to the meaning of paragraph 5.28 of CYPSE. This submission is misplaced. The Claimant and the public at large were reasonably entitled to believe that Recommendation 5 had been implemented until the statements made in the April 2025 update. The declaration is sought on the basis that the Secretary of State has resiled (or sought to resile) from the policy that was introduced purportedly to implement Recommendation 5.

35. The Secretary of State further maintains that the Claimant does not have standing to bring a claim for a declaration about CYPSE and that this would be better considered in a case where there is some factual matrix to be considered. However, the Claimant seeks the declaration entirely in the context of the Secretary of State's stance on Recommendation 5 (upon which the Claimant clearly has standing). The Secretary of State cannot reasonably assert that the Claimant is not entitled to seek clarity in relation to a policy which purports to implement a key Inquiry recommendation when challenging a subsequent decision not to implement.

[10] See R (D1914) and others v SSHD [2025] EWHC at [109]

36. The Claimant maintains that the Secretary of State's conflicting position that pain inducing compliant techniques are permitted, notwithstanding having put into place a policy that states the contrary is irrational. The assertion by the Defendant at in the summary grounds that pain inducing compliance techniques are deemed reasonable with reference to the common law doctrine of necessity (or that the CYPSE amendment should be displaced by that doctrine) is misconceived. If, as the Inquiry found, the techniques amount to child abuse, it is difficult that such abuse could be justified or proportionate – not least where child abuse amounts to degrading treatment for the purpose of Article 3 ECHR, which is not subject to any common law qualification.

GROUND FOUR – THE FAILURE TO IMPLEMENT RECOMMENDATION SIX OF THE IICSA FINAL REPORT: CHILDREN ACT 1989.

37. It is clearly arguable that the Secretary of State has acted irrationally and unlawfully in failing to take reasonable steps to address a lacuna in the Children Act 1989, which discriminates against children in care and which is, in turn, inconsistent with the principle set out at Article 3 of the UN Convention of the Rights of the Child to apply the best interests of the child as a primary consideration.

38. Children in care are particularly vulnerable. The Inquiry stated the Final Report (at page 176) that the number of looked after children has increased every year since 2010 and that the circumstances that such children face makes looked after children particularly vulnerable to sexual abuse and exploitation[11] **[304]**. The Inquiry stated at page 177 that : *Prevailing prejudices concerning a person's vulnerability, such as social isolation and prior trauma, can be manifested as additional barriers for a looked after child who discloses sexual abuse. This makes it even more difficult for those children to get the help they need.* **[305]**

39. The Inquiry commented at page 178 of the Final Report on the regime under the Children Act 1989 and its impact on children in care: (emphasis added)

> *"The Children Act 1989 (the 1989 Act) separates the powers of courts from those of local authorities. Courts can make orders under section 8 of the 1989 Act to limit or mandate an aspect of parents 'exercise of their parental responsibility. A court has no such ability in respect of a child in care. Where a court finds that parents 'actions have caused a child to experience, or be at risk of, significant harm, it may make a care order so that a local authority effectively has 'overriding 'parental responsibility over that child.*

[11] At page 177

The local authority then has day-to-day care of, and control over, the child as their 'corporate parent'. Section 9 of the 1989 Act prevents section 8 orders being made against parents in respect of children who are the subject of a care order.

The effect of this legal regime is to create a separation of powers between courts and local authorities. Courts can make decisions about children who are not in care, but only local authorities can make decisions about children who are in care*."* **[306]**

40. The Inquiry went on to consider that children in care have limited ways of controlling the actions of a local authority. There is a power to ask the court to discharge a care order, but this has limited value where the child has no alternative carer. Children can bring Human Rights challenges but rarely do so. Furthermore, children in care can bring applications for judicial review, but this remedy is used little and posits a high threshold. [12]

41. The Inquiry concluded by making the following Recommendation on the issue:

Recommendation 6: Children Act 1989

The Inquiry recommends that the UK government amends the Children Act 1989 so that, in any case where a court is satisfied that there is reasonable cause to believe that a child who is in the care of a local authority is experiencing or is at risk of experiencing significant harm, on an application by or for that child, the court may:

• prohibit a local authority from taking any act (or proposed act) which it otherwise would be entitled to take in exercising its parental responsibility for the child; or

• give directions for the purpose of determining a specific question which has arisen, or which may arise, in connection with any aspect of the local authority's exercise of parental responsibility for a child

42. In the government's April 2023 response, the Secretary of State stated that she was considering whether the solution to the issue could be addressed through the Independent Review of Children's Social Care (Care Review) and National Panel Reviews or through the 'Stable Homes, Built on Love Strategy.' The government identified a number of concerns and bizarrely stated that *'it would enable the courts to have a say in local authority decisions'* – which (with respect) was the entire point of the recommendation for the purpose of protecting children from CSA and CSE. The government also raised potential funding issues and made a bare assertion that the changes could negatively influence children. **[217]**

43. The 2023 response was effectively superseded by subsequent statements that (i) 19. Alternatively 20 of the recommendations would be taken forward or implemented - See Statement of Facts and Grounds at paragraphs 26-31 **[35]** – **[37]** and (ii) the published

[12] See Pages 176 to 181 of the IICSA Final Report **[304].**

Oral Statement to Parliament dated 16 January 2025: *' So before Easter, the government will lay out a clear timetable for taking forward the 20 recommendations from the final IICSA [Independent Inquiry into Child Sexual Abuse] report.'* **[264]**

44. However, instead of taking the matter forward, the Secretary of State confirmed in the April 2025 update that the government has refused to implement Recommendation 6. The Update states as follows:

> *"46……The Government agrees that more should be done to ensure children's voices are heard in decision-making. Their rights in the Children Act 1989 must be respected, with children in care having clear and timely routes to raise concerns about any aspect of their care, including where they are experiencing or at risk of experiencing serious harm, and such concerns must be acted upon.*
>
> *47. To enable this strengthening of protections for children looked after by local authorities, we will introduce new National Standards for Advocacy for Children and Young People and revised statutory guidance on Providing Effective Advocacy for Children and Young People Making a Complaint under the Children Act 1989 in 2025. This does not need an amendment to the Children Act 1989, but this will include new standards on:*
>
> *• The provision of specialist non-instructed advocacy for children with complex needs and learning disabilities (as recommended by the Child Safeguarding Practice Review Panel's report on Safeguarding children with disabilities in residential settings).*
>
> *• Requirements for advocacy in the safeguarding of children – being clear on the role of advocates in the identification of concerns and the need to make direct referrals and to escalate where necessary"* **[261]**

45. The Claimant maintains that the proposed creation of national advocacy standards does bring about parity of legal protection through primary legislation for children in care. The problem identified by the Inquiry is an institutional one: "*The effect of this legal regime is to create a separation of powers between courts and local authorities. Courts can make decisions about children who are not in care, but only local authorities can make decisions about children who are in care."* The provision of advocacy services does not impact on the fundamental issue that the courts are unable to make orders concerning the welfare of children in care.

46. The Secretary of State relies on ***Wheeler [2008] EWHC 1409 (at [49])*** in the Summary Grounds and maintains that the Court cannot compel a government to introduce legislation to Parliament. This assertion is correct. However, the bare refusal of the Secretary of State to introduce legislation is not an answer to this ground of challenge. If, for whatever reason, the Secretary of State is reluctant to introduce legislation, there are indeed other means by which the prejudice that children in care face in the courts can be addressed. It might, for example, have been possible to introduce regulations or codes of practice by which local authorities are required to apply to discharge care orders where

it appears that the vulnerability of a child has been compromised by his or her status - and where the local authority reasonably holds the view that the court should intervene and make an appropriate order.

47. Whilst the Claimant would prefer that the Secretary of State gives effect to Recommendation 6 through amending the Children Act 1989, the Claimant nevertheless remains entitled to an order to compel the Secretary of State to take steps (through means which do not concern the introduction of any Bill into Parliament) to provide parity of legal protection for children in care and to provide a timetable for the implementation of those steps. The Claimant is additionally entitled to declaratory relief in terms that do not trespass impermissibly on the province of Parliament, thus not offending the principle in Wheeler.

GROUND ONE - BREACH OF LEGITIMATE EXPECTATION; GROUND SIX – FAILURE TO SET A TIMETABLE; GROUND FIVE - FAILURE TO IMPLEMENT RECOMMENDATIONS 2, 7, 8, AND 16

47. These grounds are taken together as they raise similar issues. The Defendant has acted unreasonably and/or in breach of a legitimate expectation in failing to implement the 20 Recommendations of the ICCSA report, in line with the public statement made by Suella Braverman MP, as Secretary of State for the Home Department on 22 May 2023 within the Forward to *Government Response to the Final Report of the Independent Inquiry into Child Sexual Abuse* policy paper, confirming she had *"**accepted the need to act on all but one of the Inquiry's recommendations**"*. The only recommendation which was not to be 'acted upon' was Recommendation 5 in relation to the prohibition of pain compliance techniques on children. However, as detailed below, the government subsequently implemented Recommendation 5 through an amendment to CYPSE in August 2023.

48. Furthermore, the published statement of 16 January 2025 of the Secretary of State for the Home Department: '***So before Easter, the government will lay out a clear timetable for taking forward the 20 recommendations from the final report***..*'* **[273]** (emphasis added) created a legitimate expectation. Additionally, the Prime Minister made the following statement on 30 April 2025: *'I strongly believe that we should implement the recommendations that have already been made. And that is what we are doing.* **[37]** (SFG para 31)

49. The statement by the Secretary of State on 16 January 2025 was clear and unambiguous and the circumstances in which it was made are such that it would be unfair to resile from the undertaking ***(Re Finucane's Application for Judicial Review [2019] UKSC 7; [2019]***

3 All ER 191 (at [62]). The expectations arising are (i) that a clear timetable would be provided and (ii) that the 20 recommendations were going to be taken forward.

50. Statements addressed to the public at large (or a subsection of it) may give rise to legitimate expectations (see ***Finucane*** at para 63). This includes statements made to, or answers given in, Parliament: ***R (Abbasi) v Secretary of State for Foreign and Commonwealth Affairs [2002] EWCA Civ 1598; [2003] UKHRR 76*** *at* ***[91]***; and ***R (British Civilian Internees (Far East Region)) v Secretary of State for Defence [2003] EWCA Civ 473; [2003] 3 WLR 80*** *at* **[2].** See also ***R (Reprotech (Pebsham) Ltd) v East Sussex CC [2002] UKHL 8; [2003] 1 WLR 348*** *at* **[34]** for the proposition that more weight might be placed on expectations of a fundamental human right, such that some rights are entitled to greater protection than others.

51. The Claimant does not accept the Defendant's reliance on ***Wheeler v Office of the Prime Minister [2008] EWHC 1409***. Whilst the court cannot compel the executive to introduce a bill into Parliament, the court can compel the Secretary of State to take forward the recommendations, as per the representation, through means that do not intrude on executive powers. The Claimant alternatively submits that the court can compel the Secretary of State to provide a timetable for taking forward the recommendations in any form without engaging the point in Wheeler.

52. Similarly, the Defendant's reliance on ***R v Secretary for Education and Employment ex p Begbie [2000] 1 WLR*** is misplaced. A statutory public Inquiry engages matters of public concern[13]. It is not 'essentially political'. Neither are the recommendations themselves, which promote safeguarding against CSA and CSE properly classified as 'macro-political'. There is nothing macro-political in the provision of a timetable.

53. As at February 2026 the Government has committed to taking forward Recommendations 8, 9, 10, 12, 13 and 20. The April 2025 Update does not provide a 'clear timetable' for taking forward the remaining 14 recommendations and none has since been provided. Rather, the dates provided in the April Update relate to steps that will be taken in relation to further consultation, monitoring, review or other action – but do not amount to any timetable as to the implementation of the recommendations. As matters stand the Claimant and those victims of survivors who she represents are unable to reasonably discern when any of the outstanding recommendations will be implemented. The Defendant has not established any overriding interest to justify the Claimant's expectation of, at the very least, a clear timetable.

[13] Section 1 Inquiries Act 2005.

Ground Five. Recommendations 2, 7, 8 and 16.

55. The court is referred to the Statement of Facts and Grounds at [59] to [62]. The Claimant does not pursue this ground in relation to Recommendations 12 and 20. As to Recommendation 2, - Establish Child Protection Authorities for England and Wales - the Government has stated that it will 'consult on a roadmap to a CPA' and that following consultation it will set out a clear timetable. The Progress Update contains no timetable for implementation of Recommendation 2. Furthermore, the stated commitment to create a Child Protection Authority is subject to consultation. **[257][258]**

56. Similarly, Recommendations 7 and 8 – Registration of care staff in Children's Homes and in young offender institutions and secure training centres - contain no timetables for implementation. The April 2025 update states that the government will continue to work to determine whether registration of care staff is the right approach by 2028/2029. Furthermore, the government will commit to an ongoing programme to determine the most suitable registration framework for the youth custody estate and will announce the decision on 'the merits of external registration by March 2026. **[263]** Essentially no timetable for taking forward the recommendations has been put forward, merely a timetable for a decision on whether the recommendations will be taken forward.

57. Recommendation 16- A national guarantee of specialist therapeutic support for CSA victims – The April 2025 update contains no timetable for implementation, merely a statement that the government has committed funding to the CSA Centre in 2025/26 and will double the funding provided for national services supporting adult survivors of CSA in 2025/2026. **[268]**

58. The Claimant submits that the Secretary of State's statement on 16th January 2025 gave rise to a legitimate expectation that these recommendations would be taken forward through implementation and that a timetable would be set for such implementation. Instead of providing a clear timetable, the Secretary of State has provided vague timelines for further consultation, review or other action which falls short of taking the recommendations forward or implementing them.

59. The Claimant submits that it has advanced an arguable case and that permission should be granted.

CHRISTOPHER JACOBS

11 FEBRUARY 2026