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Case Nos.: LV26C50301, LV26C50305, LV26C50306, LV26C50307, LV26C50308, LV26C50312, LV26C50315, LV26C50330, LV26C50332, LV26C50343, LV26C50344 and LV26C50356

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 17/11/2026

Before :

THE HONOURABLE MR. JUSTICE HAYDEN

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Cheshire East Borough Council v M and Others (Publication of Judgment)

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LV26C50301: **Ben Darlington Solicitors** for the **Mother**
LV26C50305: Jacqueline Thomas KC and Georgia Richardson instructed by **Creighton & Partners Solicitors LLP** for the **Mother**
LV26C50306: Ben Darlington Solicitors for the **Mother**
LV26C50307: Neil Christian instructed by **Franklins Law LLP** for the **Mother**
LV26C50308: Taryn Lee KC and Natasha Johnson instructed by **Bindmans LLP** for the **Mother**
LV26C50312: Ben Darlington Solicitors for the **Mother**
LV26C50315: Elizabeth McGrath KC and Andrew Duncan instructed by **Bindmans LLP** for the **Mother**
LV26C50330: Alison Easton KC and Judith Pepper instructed by **Bindmans LLP** for the **Mother**; **TV Edwards LLP** for the **Father**
LV26C50332: **Ben Darlington Solicitors** for the **Mother**
LV26C50343: Ben Darlington Solicitors for the **Mother**
LV26C50344: Shepherd Harris & Co for the **Mother**
LV26C50356: Kundert Solicitors LLP for the **Mother**

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Approved Judgment

This judgment was handed down remotely at 10am on 17th November 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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THE HONOURABLE MR. JUSTICE HAYDEN

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Mr. Justice Hayden :

1. On 26th June 2026, I handed down a judgment relating to an application to discharge Interim Care Orders made in these proceedings. I also set out guidance as to how the Court was likely to manage applications for interim orders across the interlinked cases. I further indicated why it was that I considered that any further application to discharge existing Interim Orders at this stage was unlikely to succeed. I made it clear that such applications would be considered on the papers only, unless there was an obviously arguable issue warranting oral argument. The scale, complexity, and interdependence of these proceedings demand firm and disciplined case management. It is essential that the litigation is kept securely on course, that its ambit remains proportionate, and that finite judicial and professional resources are directed towards the issues of real significance. In my judgement, the families, and most particularly the children, can only benefit from such an approach. Delay, disruptive litigation, and repetitive applications ultimately serve no party's interests and divert attention from the very serious issues which are at the heart of these proceedings.

2. Given that the judgment was confined almost entirely to procedural and case management issues, I was surprised when an application was made, geared to prevent its publication. The arguments advanced were wide ranging. The key features of which were:

    (i) publication of the judgment would place significant new information into the public domain (in fact, it was largely possible, by agreement, to excise any new or extraneous detail without compromising the integrity of the judgment);
    (ii) publication of the judgment would be likely to reheat the hostility to the community, and risk exposing children and parents to physical and emotional harm and potential public disorder;
    (iii) the allegations referred to in the judgment remain untested. It was argued that publication before findings of fact have been made serves little public interest while creating a substantial risk of prejudice and harm; and
    (iv) the Court should give greater weight, at this stage, to the Article 8 rights of the children and parents than to Article 10 freedom of expression rights.

3. Essentially, the central submission was that publication of a judgment containing serious but unproven allegations, in circumstances where families have been harassed by social media commentators, generated a real risk of harm to children and parents, which presently outweighed the public interest in immediate publication.

4. I rejected the application. Whilst I did not discount the possibility that local tensions might be reheated by the judgment, I concluded that it was insufficient to outweigh the Article 10 interests engaged. As I have already emphasised, the judgment under consideration was principally concerned with case management and the proper approach to Interim Care Orders. Much of the underlying information was already extensively in the public domain, largely through police briefings and media reporting. Whilst publication carried a potential for a 'flare up' of local tension, the incremental intrusion into private and family life was limited. By contrast, transparency, public confidence in the administration of justice, and the wider practical value of the judgment carried substantial weight. Applying the *"ultimate balancing test"*, I was satisfied that the weight fell decisively in favour of publication. The Article 8 concerns were ultimately too generalised and speculative to justify withholding a judgment of significant and practical importance to the management of the case.

5. I would add two further observations. Mr. Howe KC, on behalf of the Applicant, ultimately accepted that the judgment would necessarily have to be available to a wide range of individuals who might require access to it at short notice. These would include members of the Judiciary, who may be called upon urgently to determine an application for an Interim Care Order, all legal representatives presently instructed, any lawyers subsequently entering the case, the social workers involved, the parties themselves, and each of the children's Guardians. The circle of necessary recipients therefore is both extensive and elastic.

6. Against that background, I found the proposed restriction difficult to reconcile with practical reality. Ensuring that every person requiring access was properly identified, supplied with the judgment and permitted to use it, whilst simultaneously policing any limitation on its circulation, would be administratively burdensome and, in my view, fraught with the possibility of inconsistency and error. The proposal appeared to me to

generate a regime whose operation would be both cumbersome and inherently difficult to manage in practice. Indeed, it has proved to be so.

7. The second important consideration concerned the evidence of members of the AROPL community actively engaging with the public on issues arising from this case through livestream broadcasts. Some individuals were so extensively involved as to host podcasts which, at least periodically, were produced with considerable frequency, sometimes on a daily basis. Against that background, it appeared to me that there was, perhaps understandably, a desire to exert a measure of control over the flow of information into the public domain. However, that gives rise to an obvious difficulty. It seeks to vindicate and promote the Article 10 rights of one section of the public whilst, at the same time, constraining the Article 10 rights of others to participate in the same public discourse. In my judgement, that is an inherently unsustainable position. Freedom of expression cannot readily be invoked as both a sword and a shield in this way.

8. The application to prevent publication obviously required the Press to be notified. They attended and made submissions. I confess that I have wondered, on a number of occasions, whether this rather technical case management judgment would otherwise have slipped into the world largely unnoticed and unheralded had this application not been made.

9. My decision and the judgment were sent to each of the interlinked cases. In respect of that issue, I made the following observations:

> *"I recognise that M's asserted Article 8 rights also apply to other individuals within Webb House. Courts are used to making orders which have potential impact on the Convention rights of various categories and groups of individuals. It is unsustainable to suggest that everybody whose Convention rights are potentially engaged by a decision of a Court must be afforded the right to make representations. In any event, for all the reasons set out in this judgment, the identified disequilibrium between the competing rights in play is not realistically receptive to realignment."*

10. I was comfortable with the principle set out above, because the central factors which fell to be considered struck me as applying with equal force and weight to each of the members of Webb House, given the nature of the allegations and the need to ensure the effective management of this case. Nonetheless, but out of an abundance of caution, I agreed to consider any further written representations that any families wished to make. I had not anticipated more than three or four applications. In the end, I received fifteen separate sets of submissions. Some of these submissions were plainly collaborative, and there was considerable repetition. Five of the applications were made by the same solicitors. Inevitably, this generated delay, given that other ongoing issues within the proceedings had to be prioritised, not least matters relating to disclosure, which have the potential to be extremely complex.

11. Though I have read each of the submissions with care, many, indeed most, add little to the arguments advanced by Mr. Howe in the lead application. Few traverse the breadth of issues addressed in the comprehensive document prepared by Mr. Howe and Mr. Birch. It is neither necessary nor proportionate for me to engage individually with every point raised across the additional submissions. I have therefore confined myself to addressing those arguments which have not otherwise been advanced, or which require separate or further consideration.

12. In case number LV2650305, Ms. Jacqueline Thomas KC and Ms. Georgia Richardson address what they refer to as the *"international consequences"* of the publication of this judgment:

> *"12. On an international level, AROPL is the victim of persecution in at least 14 Muslim-majority countries. Membership of the organization is met with arbitrary arrest and detention, discrimination forced displacement, incitement to hatred, restrictions on worship, and vigilante violence. The publication of the details of the case will serve to reinforce that narrative.*
>
> *13. [M] is aware, as a … national, of the particular persecution in that region. The news of the raid emerging from the UK press outlets have already been translated and published in …, where*

> *[M] is aware that it was used to attack AROPL's legitimacy as a religion.*
>
> *14. [M] has two other children currently residing in [Europe] ... She would have ideally liked them to relocate to England with her but was prevented and they remain with their father. Whilst she cannot travel at present, she dearly hopes in the future that she will be permitted to travel to see her children. International travel may be hindered if she is associated publicly with AROPL, and more so if there is a published judgment of the Court setting out as yet unfounded allegations against them."*

13. Much of the analysis advanced in these submissions is, in truth, speculative. More significantly, it fails properly to engage with the reasoning and conclusions set out in my judgment. The focus of that judgment was, by design, procedural and legal. It was crafted so as to minimise any material which might properly be characterised as new, contentious, or potentially significant. Further, the submissions do not acknowledge a central feature of this case (discussed above), namely that members of the Webb House community have themselves placed information relating to these matters into the public domain. Nor is sufficient weight given to the fact that there are ongoing criminal investigations and proceedings which are both inevitably and appropriately the subject of ongoing public scrutiny and comment.

14. Concerns expressed by Ms. Thomas and Ms. Richardson as to tensions in the local community do not further advance those made by Mr. Howe.

15. In case number LV26C50306, no written submissions were provided by Counsel. Representations were instead advanced by the solicitors in a letter uploaded directly to the Portal. The substance of those submissions was broadly similar to that considered above, albeit expressed in different terms. Reference was made to the risk of what was described as *"real-world consequences"*, including 'doxxing', 'filming' and 'monitoring'. Whilst these allegations did not relate specifically to this family, it was said that M and her daughter feel unable to *"move freely within the local community"*. These category of concerns have all been considered in my judgment. I refer to them here to illustrate that, whilst the factual matrix may differ from family to family, the exercise of balancing the competing rights engaged by Articles 8 and 10 remains

essentially the same. The nuanced distinctions between individual cases do not alter the fundamental nature of that evaluative exercise, neither do they diminish the equal weight and cogency to be afforded to the competing Convention rights in each case.

16. In case LV26C50307, Mr. Christian, Counsel on behalf of M (endorsed by F), makes the following submission:

> *"The submissions made by Mr. Darren Howe KC (Leading Counsel for the mother in case LV26C50313) as set out in the draft judgment are adopted and cannot be improved upon."*

17. I am inclined to agree. However, I have decisively rejected those arguments. Inadvertently, Mr. Christian rather makes my point. The balancing test is broadly the same in each family with, inevitably, the same conclusion.

18. In LV26C50308, Ms. Taryn Lee KC and Ms. Natasha Johnson invite the Court to restrain from publishing the judgment at this stage, or alternatively, as I understand it, to postpone publication until the allegations in the linked proceedings have been determined. The central difficulty with this is the dynamic nature of the case, in which new parties are being joined in significant numbers on a reasonably regular basis. This is part of the reason why the judgment was written, i.e. to help those parties follow a streamlined procedure which enables the interlinked cases to progress efficiently and not to be deflected by applications which are, at this stage of the police investigation and on present disclosure, doomed to fail. The dissemination of the judgment to those who will need to see it becomes too complex and convoluted, as I have already discussed above. There has, in fact, been some confusion amongst Guardians and social workers as to whether they are entitled to see the judgment. Further, no mechanism for disclosure of the judgment to joining parties and professionals has been identified and certainly not any mechanism that strikes me as workable, see paragraphs 5 and 6 above.

19. As the Position Statement reads, M in this case would appear to have been particularly affected by what are described as *"protestors"* gathering outside the homes of other community members, following the raid in April 2026. I fully recognise that individual resilience varies and that some people will have been affected by the raid and its consequences more significantly than others. However, it is a very far leap from this to

contend that *"priority is being given to publishing the judgment over securing and ensuring the safety and welfare of the children involved across the cases"*. It is not necessary for me to respond in detail to this but there are two striking points, amongst others, set out in the judgment, which do require to be highlighted. Efficient case management calculated to avoid delay, and the listing of unmeritorious applications is keeping the children's timescales in focus and not permitting that timescale to be driven by the exigencies of the litigation. Moreover, and at risk of yet further repetition, the involvement of the community in broadcasting facts about this case greatly weakens any argument to resist the publication of a judgment designed to facilitate its efficient progress.

20. In LVC50315, Ms. Tara Vindis and Mr. Samuel Marks, on behalf of F, take a specific objection, namely the reference in my judgment to the existence of 41 linked cases. This, it is contended, puts new information into the public domain, which, it is said, may itself be inflammatory. The point was taken by Mr. Howe but bears revisiting. It will be obvious from this judgment that the figure is no longer accurate. It is, as I understand the submission, gently suggested that identifying the number of families involved may itself prove inflammatory within the local community. I am bound to say that I find that contention difficult to evaluate against the broader evidential landscape. The evidence indicates that the local community is already well aware that a substantial number of families were residing at Webb House. Moreover, the scale and visibility of the police operation was such that they were extensively recorded and disseminated, ensuring that the circumstances became firmly embedded in the public domain. Against that backdrop, I am not persuaded that the disclosure of the figure of 41 materially adds to what is already widely known, nor that it is capable of bearing the weight of concern sought to be placed upon it.

21. In any event, it was the number of the parties in the case which initially drove the necessity for the procedural judgment. To attempt to bowdlerise the judgment in order to conceal the size of the case undermines the coherency and integrity of the judgment itself. Furthermore, it goes beyond a concession to the Article 8 rights of the families and would, to my mind, mischaracterise the facts of the case. Ms. Vindis and Mr. Marks make the following suggestion:

> *"The important function of case management (and the legitimate purpose in publication to further the public's understanding of the same) identified in paragraph 32 of the judgment can be satisfied without reference to the specific number of cases."*

22. Though seductively worded, this submission does not withstand scrutiny. It is quite impossible *"to further the public's understanding"* of *"the important function of case management"* here, whilst simultaneously airbrushing the scale and complexity of the litigation out of the picture. The latter provides context for the former. To separate them would be both artificial and, as I have indicated, actively misleading.

23. Finally, in LV26C50330, Ms. Easton KC and Ms. Pepper highlight the need to consider Lord Steyn's *"ultimate balancing test"* in *Re S* [2005] 1 AC 593, which emphasises the parallel analysis of the competing rights and interests in play, in which neither right has precedence, alongside McFarlane LJ's observations in *Re W (A Child)* [2016] EWCA Civ 113 at paragraph 36:

> *"Throughout her submissions, Ms Gallagher repeatedly referred to the existence of a 'presumption of open justice' which, it was submitted, should govern the court's decision in the present case. With respect to Ms Gallagher, whose submissions were otherwise firmly argued from a cogent legal basis, any presumption or principle in favour of open justice which applies generally to court proceedings does not apply to proceedings that are held in private and which relate to children. The default position in such cases is to the contrary and is, as I have described, as a matter of statute and the rules, one which prohibits the publication of any information relating to the proceedings. That default position, which is designed to protect children, can, where appropriate, be modified by a judge upon the application of a party or the media. It has in any event been tempered by the President's transparency initiative, the purpose of which is to allow greater public access to, and understanding of, the work of the family courts."*

24. McFarlane LJ analyses how the *"presumption of open justice"* is dislodged where proceedings relating to children are held in private. This remains the case, notwithstanding it having been tempered by *"the President's transparency initiative"*

(see now Transparency Reporting Provisions incorporated into the Family Procedure Rules 2010 (Part 27) and Practice Direction 27B, together with the President's accompanying guidance). McFarlane LJ highlighted that attendance at private hearings remains subject to the overall restriction on publication imposed by the Administration of Justice Act, Section 12 and the specific restrictions on naming the child and or the child's school, established by the Children Act 1989, Section 97(2). This is referred to as the statutory *"default position"*. However, once an application is made to relax or permit publication, or where, as here, the judge's proposed anonymised publication on the National Archives is opposed, there is neither a presumption of transparency nor a greater weight to be afforded to the statutory default position, the exercise returns to Lord Steyn's *"ultimate balancing test"*, where the competing rights and interests have presumptive parity.

25. For completeness, I should add that I have also received written submissions in: LV26C50301, LV26C50312, LV26C50332, LV26C50343, LV26C50344 and LV26C50356. I am grateful to all those involved in drafting these submissions which reveal industry and effort. My failure to make reference to them in this judgment is no discourtesy but reflects my decided view that the ambit of the balancing test rests as stated in my judgment. The exercise, however, has been helpful further to test my conclusion that *"the identified disequilibrium between the competing rights in play is not realistically receptive to realignment"*, given the magnetic pull of the determining factors. Further and detailed scrutiny of the individual circumstances of the various families whilst it has greatly enhanced my understanding of their circumstances, does not deflect me from my conclusion that the ultimate balancing test drags firmly in the direction of publication of the judgment.