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From: Sarah Phillimore [REDACTED]
Sent: 19 October 2020 15:17
To: IRAL
Subject: Brief comment re the importance of Judicial Review

To whom it may concern

I am writing briefly in my role as member of the 'Fair Cop' organisation. Our website is here
<https://www.faircop.org.uk/>

Our founder member, Harry Miller, issued an application in judicial review against Humberside Police and the College of Policing with regard to challenge to the Hate Crimes Operational Guidance and the way in which it has been implemented. Mr Miller succeeded in his challenge that Humberside police had acted unlawfully; his challenge to the Guidance itself will now be subject to appeal. The initial judgment of Knowles J can be found here.
<https://www.judiciary.uk/wp-content/uploads/2020/02/miller-v-college-of-police-judgment.pdf>

We do not feel we are competent to attempt answers to questions on the technical aspects of judicial review itself, but are concerned to make it clear how we view the significance and importance of judicial review is as a mechanism for individuals to challenge unlawful State action. The importance of this remedy has been highlighted by not only Mr Miller's application, but subsequent applications relating to public bodies which have endorsed or produced guidance about the law relating to sex discrimination which is arguably unlawful and which has been the product of influence from partisan lobby groups.

We note for example the application in JR against the CPS for their guidance to schools relating to hate crimes and the recent challenge to the EHRC for failing to give accurate guidance about the implementation of the Equality Act 2010.

Without the opportunity to make an application for judicial review, the arguably irrational and unreasonable activities of such public bodies would go unchallenged and this cannot be a healthy or desirable position for any healthy democracy.

We are reassured by your comments that there are no proposals to 'do away' with judicial review and wanted to take this opportunity to emphasise how important we think it is.

regards

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