EQUALITY, FAIR TRIAL, AND ADMINISTRATIVE ACCOUNTABILITY SUBMISSION

(CA-2024-001342 / BV20D01752 – Nadia Zahmoul v HMCTS & MoJ)

Submitted by:
Nadia Zahmoul
Email: nadia@rosekross.com
Date: 31 October 2025

Submitted to:
Ministry of Justice
HM Courts & Tribunals Service
For oversight and record by:
House of Lords Autism Act 2009 Committee
Equality and Human Rights Commission
Parliamentary and Health Service Ombudsman

Subject:

Unlawful Revocation of Participation Measures, Procedural Bias, and Continuing Deflection by **HMCTS** and **MoJ** concerning systemic failure to uphold participation measures and equality-law duties under:

- Family Procedure Rules **Part 3A**
- **Equality Act 2010** (Sections 20 and 29)
- Article 6 and Article 14 **ECHR**

Purpose:

This submission consolidates all correspondence and evidence between 20 October and 31 October 2025, documenting the unlawful revocation of participation measures, procedural bias, and continuing administrative deflection by **HMCTS** and the **Ministry of Justice**. It is submitted for institutional accountability, public interest transparency, and formal record under the **Public Sector Equality Duty.**

SUBMISSION INDEX

No.	Title	Date	Description / Purpose
1	**Stage 3** Escalation Letter	30 Oct 2025	Formal Stage 3 escalation submitted to HMCTS and the MoJ detailing continuing deflection and failure to engage with administrative and equality-law breaches.
2	**Final Notice and Continuing Deflection** (Exhibit NZ-U)	31 Oct 2025	Narrative statement following the Stage 3 submission, summarising ongoing **institutional deflection and failure to engage.** Places the MoJ and HMCTS formally on notice regarding continuing breaches of equality and procedural duties.
3	Annex B: Misclassification Background Note	30 Oct 2025	Chronology of repeated misclassification of equality concerns as judicial issues, evidencing systemic accountability failure.
4	Court of Appeal Correspondence (Exhibit NZ-T)	29 Oct 2025	Letter from Master Bancroft-Rimmer / Mr Mohammed Hussain misclassifying equality-law issues under CPR 52.30.
5	**Stage 2** Escalation Letter	29 Oct 2025	Formal escalation requesting senior-level intervention and equality-compliance review.
6	Pre-Action Protocol Letter + Annex A	20 Oct 2025	Initial Pre-Action Protocol notice outlining breaches of FPR Part 3A, the Equality Act 2010, and Article 6 ECHR.
7	Follow-Up Pre-Action Letter	21 Oct 2025	Follow-up to the Pre-Action Protocol letter emphasising unlawful revocation of participation measures post-trial.
8	Urgent Escalation Letter	28 Oct 2025	Emergency correspondence to HMCTS and MoJ regarding continuing deflection and absence of substantive response.
9	Letter to **Autism Act 2009** Committee	24 Oct 2025	Submission to the House of Lords Autism Act Committee highlighting structural failures in enforcement of Part 3A duties and absence of accountability mechanisms.
10	Deflection Exhibits (NZ-U1 – NZ-U4)	28-30 Oct 2025	Supporting correspondence evidencing continued deflection: • CA-2024-001342-D Zahmoul v Zahmoul.pdf • Complaint – CA-2024-001342 (ref 76334099).pdf • Complaint (ref 76334099).pdf • Customer Feedback Portal.pdf

Section 1: Stage 3 Escalation Letter

(30 Oct 2025)

STAGE 3 ESCALATION LETTER

To:
Mr. Nick Goodwin, Chief Executive, HM Courts & Tribunals Service
Dr Jo Farrar CB OBE, Permanent Secretary, Ministry of Justice
Sarah Sackman MP, Minister of State for Courts and Legal Services
Alex Davies-Jones MP - Parliamentary Under-Secretary of State for Victims and Tackling Violence Against Women and Girls

Cc:
Civil Appeals Registry, Court of Appeal

From:
Nadia Zahmoul
Email: nadia@rosekross.com
Case No: CA-2024-001342 / BV20D01752

Date: 30 October 2025

Subject: Stage 3 Escalation - Systemic Equality, Law Breach and Administrative Deflection

Dear all,

1. Purpose of This Escalation

I write to lodge a **Stage 3** escalation regarding the continuing non-response and misclassification of my Pre-Action correspondence dated 20 and 21 October 2025, and my Stage 2 escalation of 29 October 2025.

On 29 October 2025, I received a communication from the Court of Appeal (Mr Mohammed Hussain, on behalf of Master Bancroft-Rimmer) which reclassified my filings as an application to reopen under CPR 52.30.

That procedural interpretation does not address—and cannot lawfully displace—the administrative and equality-law breaches raised in my Pre-Action correspondence.

The Court's letter concerns only the narrow jurisdictional issue under CPR 52.30, whereas my complaint concerns the administration of justice, specifically:

1. Unlawful revocation of participation measures post-trial in breach of **FPR Part 3A**;
2. Failure to maintain equality adjustments despite continuing disabilities (**autism and PTSD);**
3. Systemic **mischaracterisation of disability-related behaviours** as misconduct or bad character;
4. Institutional neglect by HMCTS and the MoJ in monitoring compliance with accessibility duties; and
5. Deflection of accountability by classifying equality-law breaches as judicial matters, leaving no route of redress.

These are **administrative and operational** failures that fall squarely within HMCTS and MoJ responsibilities—not judicial discretion.

2. Background of the Case

I have formal diagnoses of Autism Spectrum Disorder (ASD) and Post-Traumatic Stress Disorder (PTSD).

During the trial (19 - 28 February 2024), the High Court properly recognised my vulnerabilities and ordered participation measures under **FPR Part 3A**, including frequent breaks, restrictions on cross-examination, and pupil assistance in the witness box.

However, immediately after the trial concluded, all participation measures were revoked without notice, without a hearing, and without giving me an opportunity to be heard.

Between March and May 2024, I wrote repeatedly to the Court and to the respondent's counsel, explaining that I was experiencing a mental-health relapse and could not participate effectively without support. My requests were ignored.

By that time, my legal representation had ended (6 March 2025), leaving me completely unsupported as a litigant with recognised vulnerabilities.

Consequently, I was unable to participate in the post-trial stages - including the drafting of orders, submissions on costs, anonymization, and subsequent hearings - contrary to **FPR 3A.7–3A.9** and **PD3AA §§4.1–4.4**.

3. Mischaracterisation and Discriminatory Findings

The judgment of 18 April 2024 includes the following finding at paragraph 64:

"The wife's belief that the husband has vast hidden assets is so powerfully held, and such was her urgent need to impress that belief on the court, that at times everything she wished to say on the matter tried to emerge at once, causing her very obvious distress… I am satisfied she has become **obsessed** with demonstrating that in the context of this litigation."

This finding is unsupported by the oral evidence.

The trial transcript and attendance notes (NZ-R) record over twenty questions and references to my autism and PTSD during oral evidence. Despite this, the written judgment suppresses all reference to my disabilities and reinterprets my autistic communication traits - intensity, emotional expression, and difficulty regulating tone, movement, and language under stress - as "**obsession**" and character failure.

The Court was aware of my autism profile, having observed and accommodated it during the trial. It therefore knew, or ought to have known, that my communication and information-processing style were typical of an autistic profile, not evidence of bad character or mental instability.

This reasoning is discriminatory and contrary to the duties imposed by **FPR Part 3A, the Equality Act 2010 (ss.20 and 29), and Article 14 ECHR.**

The costs order of 24 May 2024 compounds this disability discrimination, attributing legal costs to "**disruptive behaviour in the court room**". This finding is unsupported by the oral evidence, and the judgement fails to mention my PTSD and autism symptoms and the impact of cognitive overload and anxiety on my presentation. The judgment of 8 May 2025 similarly characterizes me as "**obstructive**" and penalizes me.

The result is a judicial record that transforms my disabilities into false evidence of misconduct and bad character.

4. Failure of Institutional Response

Despite multiple submissions (20, 21, 28, and 29 October 2025), no acknowledgment or substantive response has been received from either **HMCTS** or the **MoJ**.

The only correspondence originated from the Court of Appeal, which addressed procedural matters under CPR 52.30 but not the equality and accessibility breaches raised.

This failure constitutes a continuing breach of the **MoJ's Public Sector Equality Duty (s.149 Equality Act 2010)** and **HMCTS's Reasonable Adjustments Policy**.

By refusing to engage administratively, both bodies have effectively denied me equal access to justice and **deprived me of the statutory protections Parliament intended for disabled litigants.**

5. Legal and Procedural Context

Under **FPR Part 3A** and **PD3AA**, the **Court** and **HMCTS** have a joint duty to identify, implement, and maintain participation measures for vulnerable parties throughout the **entirety of the proceedings.**

This duty extends beyond the trial to the making of orders, costs determinations, enforcement steps, and appeal proceedings.

The unlawful withdrawal of such measures after 6 March 2024 - when my legal representation ended - resulted in a downward mental health spiral and my complete procedural exclusion.

The resulting orders (18 April 2024, 24 May 2024, 8 May 2025) are **procedurally unsafe and discriminatory.**

This is not a judicial matter but an **administrative and policy failure under the oversight of HMCTS and the MoJ.**

6. Structural Deflection and Enforcement Gap

As detailed in **Annex B** (**Background Note: Misclassification of Equality-Law Breaches as Judicial Matters**), equality-law complaints within the court system are routinely deflected into the judicial sphere.

This deflection prevents oversight, leaves disabled individuals without remedy, and perpetuates discrimination under the guise of judicial independence.

The enforcement gap has been acknowledged in evidence before the **House of Lords Autism Act 2009 Committee**. **Minister of State for Care Stephen Kinnock MP** confirmed in August 2025 that:

"**There are no statutory powers of intervention**… a failure could only be considered by the courts using judicial review."

This statement underscores the governance flaw my case exposes: **there is no independent enforcement mechanism enabling vulnerable court users to challenge procedural discrimination when the courts themselves fail to comply with the law.**

7. Requested Actions

I now formally request that **HMCTS** and **the Ministry of Justice:**

1. Acknowledge this **Stage 3 escalation** in writing within **48 hours**.
2. Undertake a joint review (**Permanent Secretary** and **HMCTS Chief Executive**) to identify where and why procedural safeguards failed.
3. Provide a **substantive written response** within seven (7) days, addressing:
    a) Whether any internal equality-compliance audit was conducted post – 24 May 2024;
    b) What mechanism exists to enforce **FPR Part 3A** obligations post-trial;
    c) What remedial or disciplinary action will be taken regarding this mishandling; and
    d) What steps will be implemented to prevent recurrence.
    e) Confirm that this matter will be referred to the **Equality and Human Rights Commission** for independent oversight.

f) Acknowledge that **paragraph 64 of the 18 April 2024 judgment and paragraph xi of the 24 May 2024 costs order** are **unsubstantiated, discriminatory, and require formal correction or withdrawal**.

Failure to address these points will compel referral to the **Parliamentary and Health Service Ombudsman** and, if necessary, to **Parliament's Justice Committee** for systemic investigation.

8. Attachments

1. Stage 3 Escalation Letter and Annex B - Background Note: Misclassification of Equality-Law Breaches as Judicial Matters
2. Court of Appeal Correspondence (29 Oct 2025, Exhibit NZ-T)
3. Stage 2 Escalation Letter (29 Oct 2025)
4. Pre-Action Protocol Letter + Annex A (20 Oct 2025)
5. Follow-Up Letter (21 Oct 2025)
6. Urgent Escalation (28 Oct 2025)
7. Letter to the Autism Act 2009 Committee (24 Oct 2025)

Yours sincerely,

Nadia Zahmoul

Nadia Zahmoul

Email: nadia@rosekross.com

Case No: CA-2024-001342 / BV20D01752

Section 2: Final Notice and Continuing Deflection

Exhibit NZ - U

(31 Oct 2025)

FINAL NOTICE OF CONTINUING NON-COMPLIANCE

Equality Act 2010 – Section 149 (Public Sector Equality Duty)
Family Procedure Rules Part 3A – Vulnerable Parties and Participation Measures

Case No: CA-2024-001342 / BV20D01752

Date: 31 October 2025

From: Nadia Zahmoul

To:

Dr Jo Farrar CB OBE, Permanent Secretary of the Ministry of Justice

Mr. Nick Goodwin, Chief Executive, HM Courts & Tribunals Service

Sarah Sackman MP, Minister of State for Justice

Subject: Continuing Failure to Address Administrative and Equality-Law Breaches

Dear Mr. Goodwin, Dr Farrar, Ms. Sackman MP and Ms. Davies-Jones MP,

I refer to my Pre-Action Protocol letters of 20 and 21 October 2025, my Urgent Escalation of 28 October 2025, and my Stage 3 Escalation of 30 October 2025. To date, there has been no substantive or lawful response from either the **Ministry of Justice or HM Courts & Tribunals Service (HMCTS).**

My Stage 3 escalation of 30 October 2025 was a formal **equality-law escalation** and **Pre-Action notice** under the **Equality Act 2010, FPR Part 3A, and Article 6 ECHR.**

The response received on 30 October 2025 from the **HMCTS** User Investigations Team (Service Excellence and Delivery Division) (Ref 76334099) wrongly categorised this correspondence as a customer-feedback complaint. That administrative misclassification constitutes a continuing failure to recognise and discharge the **Ministry's Public Sector Equality Duty (s. 149 Equality Act 2010)** and **HMCTS's** operational duties to ensure accessibility for disabled court users.

1. Nature of the Misclassification

The issues raised in my escalation are statutory, not discretionary. They concern:

a) **Unlawful revocation** of participation measures post-trial,

b) Failure to maintain reasonable adjustments under **FPR Part 3A and PD 3AA**,

c) **Discriminatory mischaracterisation** of autism-related communication traits, and

d) Institutional neglect in equality-compliance monitoring.

These matters fall under the **administrative responsibility of HMCTS and the MoJ**, not the judiciary, and **cannot lawfully be processed within the customer-service channel.**

2. Continuing Breach of Statutory Duties

Instead of addressing these statutory failures, **HMCTS** has repeatedly deflected the matter by reclassifying my equality complaints as "judicial decisions" or "customer feedback". These responses evade the clear administrative and operational duties imposed on the **Ministry** and **HMCTS** under domestic and international law.

By diverting this matter into a generic complaint process, **HMCTS** has again avoided substantive engagement with its legal obligations under:

a) **Equality Act 2010**, ss. 20, 29 and 149 (Public Sector Equality Duty),

b) **Family Procedure Rules Part 3A** and **Practice Direction 3AA** (duty to identify and maintain participation measures for vulnerable parties); and

c) Article 6 **ECHR** (right to a fair hearing and effective participation).

This constitutes ongoing maladministration and a denial of my right to an effective administrative remedy.

3. Immediate Action Required

Unless a substantive response is received within **seven (7) days** of this notice - specifically addressing the administrative breaches and confirming what remedial steps will be taken - I will proceed to:

a) Initiate **Judicial Review** proceedings against **HMCTS** and **the Ministry of Justice** for breach of statutory duty and procedural unfairness;

b) Refer the matter to the **Equality and Human Rights Commission** (EHRC) for investigation under its enforcement powers; and

c) Notify the **Parliamentary and Health Service Ombudsman** of maladministration and failure of the Public Sector Equality Duty.

4. Purpose of this Notice

This notice formally places the **Ministry of Justice** and **HMCTS** on record that continued non-engagement constitutes **ongoing unlawful conduct under the Equality Act 2010 and represents a systemic denial of access to justice for disabled and neurodivergent court users.**

I therefore request written acknowledgment within **48 hours** and a full substantive reply within **seven (7) days**, confirming immediate escalation to the **Permanent Secretary's office**.

Yours sincerely,

Nadia Zahmoul

Nadia Zahmoul
Email: nadia@rosekross.com

Section 3: Annex B – Background Note: Misclassification of Equality-Law Breaches as Judicial Matters

(30 Oct 2025)

Annex B – Background Note: Misclassification of Equality-Law Breaches as Judicial Matters

Case Reference: CA-2024-001342 / BV20D01752
Prepared by: Nadia Zahmoul
Date: 30 October 2025

1. Structural Deflection Mechanism

When a litigant raises issues such as procedural unfairness, revocation of participation measures, or failure to provide reasonable adjustments, **HM Courts & Tribunals Service** (HMCTS) and the **Ministry of Justice** (MoJ) routinely classify them as judicial decisions.

This categorisation removes them from administrative review because judicial decisions fall under the doctrine of judicial independence. The standard **HMCTS** reply - "we cannot intervene in judicial decisions" - thereby closes the complaint without consideration of accessibility or equality obligations.

Such treatment is legally and procedurally wrong where the complaint concerns **administrative or operational** acts of omission, not the judge's exercise of discretion. It has the effect of **deflecting** legitimate **Equality Act 2010 and FPR Part 3A** complaints from scrutiny and denies disabled court users any administrative route to redress.

2. Why This Classification Is Wrong in This Case

The correspondence of 20 and 21 October 2025 and subsequent escalations concern:

1. **Unlawful revocation** of participation measures post-trial;
2. **Failure** to maintain adjustments for autism and PTSD;
3. **Mischaracterisation** of disability-related behaviours as misconduct;
4. Systemic neglect by **HMCTS** and **the MoJ** in monitoring equality compliance; and
5. Absence of any mechanism to enforce **Part 3A** post-trial.

These are operational and policy matters for which **HMCTS** and **MoJ** bear responsibility under **section 149 Equality Act 2010 (Public Sector Equality Duty).**
Judicial independence does not extend to administrative failures to implement or maintain required measures.

3. Legal Consequences of Misclassification

This practice produces the "**enforcement gap**" acknowledged in August 2025 evidence before the **House of Lords Autism Act Committee**. **Minister of State for Care Stephen Kinnock MP** confirmed:

"There are no statutory powers of intervention… a failure could only be considered by the courts using judicial review."

Accordingly, when courts themselves breach participation duties, no independent body can intervene. The result is a closed loop: **HMCTS** refuses complaints as "judicial," the **MoJ** disclaims responsibility, and judicial review - costly and inaccessible - becomes the sole theoretical remedy. **Procedural discrimination** therefore remains unremedied.

4. Institutional Motives Behind Deflection

The persistence of this misclassification appears institutionally driven by:

1. Risk avoidance – Acknowledging administrative failure would expose **HMCTS/MoJ** to Equality Act liability.
2. Boundary protection – Invoking judicial independence shields operational shortcomings from scrutiny.
3. Precedent control – Recognising administrative enforceability of **Part 3A** would compel systemic reform and oversight across all jurisdictions.

5. Distinguishing Judicial and Administrative Responsibility

Under FPR Part 3A and PD 3AA:

1. Judges must identify vulnerability and order suitable participation measures;
2. **HMCTS** must implement and sustain those measures administratively; and
3. The **MoJ** must monitor and ensure compliance through its equality and policy functions.

HMCTS's withdrawal or failure to maintain such measures is an **operational breach, not a judicial act**. By merging these distinct responsibilities, **HMCTS** and **MoJ** deprive vulnerable parties of any mechanism to challenge procedural exclusion.

6. Broader Implications and Required Reform

This misclassification exposes a **structural governance flaw**. Although the law on paper provides participation protections, **they are functionally unenforceable because the same institutions responsible for compliance determine their own accountability**.

The Zahmoul v Zahmoul case demonstrates the urgent need for:

1. A statutory, independent oversight body empowered to enforce **FPR Part 3A and Equality Act** duties;
2. A clear administrative boundary between judicial discretion and operational compliance; and
3. A rapid, accessible **enforcement mechanism** for **disabled and neurodivergent litigants** to secure participation support and equality adjustments.

Summary

Current **HMCTS/MoJ** practice converts equality-law breaches into "judicial" matters, neutralising accountability and **depriving autistic and disabled court users of the protections Parliament intended under the Equality Act 2010, the Autism Act 2009, and FPR Part 3A.** This systemic deflection constitutes a governance failure within the administration of justice.

Section 4: Court of Appeal Correspondence (Exhibit NZ-T)

(29 Oct 2025)

Nadia Zahmoul

Subject: CA-2024-001342-D Zahmoul v Zahmoul
Date: Wednesday, October 29, 2025 at 5:16:52 AM Mountain Daylight Time
From: Civil Appeals - CMSB <civilappeals.cmsB@justice.gov.uk>
To: Nadia <nadia@rosekross.com>

Good Afternoon

Your papers were referred to the Master Bancroft-Rimmer, of the Court of Appeal who has asked me to inform you of the following:

"You have filed an application notice seeking to reopen the decision of Lord Justice Moylan dated 23 December 2024 and the decision of Lady Justice King dated 4 August 2025. In addition, you apply to strike out parts of a High Court judgment and order, permission to rely on attendance notes and reinstatement of participation measures.

The order of Lady Justice King dated 4 August 2025 refused your first application to reopen the order of Lord Justice Moylan dated 23 December 2024. Pursuant to CPR 52.30(7) an order of a judge on an application to reopen is final and there is no right of appeal or review. It is not possible to reopen an order refusing an application to reopen so this part of your application notice should be removed.

If you wish to pursue a second application to reopen the order of Moylan LJ dated 23 December 2025 you must file:

- an amended application notice seeking permission to re-open, pursuant to CPR 52.30;
- Fee of £626 or an application for Help with Fees;
- if your application is based on fresh evidence which was not before Lord Justice Moylan or Lady Justice King on your first application to reopen, you should file a paginated and indexed bundle comprising the fresh evidence. The fresh evidence should be clearly marked as "FRESH EVIDENCE".

Your application cannot be issued until the above directions are complied with. You must file everything that you wish to rely on before the application is issued as there will be no opportunity to add to the papers once your application is issued. You should note that there is no jurisdiction to deal with the other parts of your application (in relation to strike out, attendance notes and participation measures) unless the Court makes an order reopening your application for permission to appeal.

Once issued this application will be referred to a Lord Justice for consideration on paper only. You will receive no further notification from this office until you are advised of his decision.

If your application is refused there is no further right to have the matter reconsidered at an oral hearing (please see the Court of Appeal decision in *Taylor v Lawrence* [2002] EWCA Civ 90 and CPR 52.30)."

Kind regards,

Mohammed H Hussain
Private Law - Administrative Officer
Court of Appeals (Civil Division), Private Law - CMSB |
Rm. E328 | Royal Courts of Justice|Strand|London|WC2A 2LL|DX 44456 Strand
T: 020 7947 7676
PERMA model of positive wellbeing:
Positive Emotion, Engagement, Relationships, Meaning & Accomplishments

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Section 5: Stage 2 Escalation

Letter (29 Oct 2025)

STAGE 2 ESCALATION LETTER

To:

Nick Goodwin – Chief Executive, HM Courts & Tribunals Service

Dr Jo Farrar CB OBE – Permanent Secretary, Ministry of Justice

Sarah Sackman MP - Minister of State for Courts and Legal Services

Alex Davies-Jones MP - Parliamentary Under-Secretary of State for Victims and Tackling Violence Against Women and Girls

Cc: Civil Appeals Registry – Court of Appeal

From:

Nadia Zahmoul

Email: nadia@rosekross.com

Case No: CA-2024-001342 / BV20D01752

Date: 29 October 2025

Subject: Stage 2 Escalation – Misclassification and Non-Response to Pre-Action Correspondence (CA-2024-001342 / BV20D01752)

Dear all,

I submit this **Stage 2** escalation under the HMCTS Complaints and Escalation Policy and the Pre-Action Protocol for Judicial Review, following the mishandling and non-response to my Pre-Action correspondence dated 20 and 21 October 2025 and my Urgent Escalation Letter of 28 October 2025.

These communications raised matters of administrative failure, equality-law breach, and procedural bias, not a judicial complaint. Despite being clearly identified as Pre-Action correspondence, they were misclassified by HMCTS as a judicial complaint, preventing a

substantive response. This constitutes maladministration and non-compliance with statutory equality duties.

1. Administrative and Equality Duties Engaged

The MoJ and HMCTS, as public authorities, are bound by:

• **Family Procedure Rules 2010, Part 3A and PD 3AA** – duty to identify and maintain participation measures for vulnerable parties;

• **Equality Act 2010, ss. 20, 29 and 149** – reasonable adjustments, non-discrimination, and the **Public Sector Equality Duty;**

• **Articles 6 and 14 ECHR** – fair trial and non-discrimination.

My case demonstrates that the High Court revoked participation measures post-trial without notice, without a hearing, and without regard for my disabilities despite its prior acknowledgment of my Autism and PTSD. The failure to maintain these measures breached **FPR 3A.7–3A.9** and **PD 3AA** §§ 4.1–4.4.

After my legal representation ended (6 March 2024) no intermediary or procedural support was provided. Repeated written requests for help - explaining that I was in crisis and unable to manage draft orders and cost orders - were ignored.

2. Mischaracterisation and Discriminatory Reasoning

The judgment of 18 April 2024 includes findings that misrepresent Autism-related behaviours as **misconduct**.

Paragraph 64 states:

"The wife's belief that the husband has vast hidden assets is so powerfully held, and such was her urgent need to impress that belief on the court, that at times everything she wished to say on the matter tried to emerge at once, causing her very obvious distress… I am satisfied she has become obsessed with demonstrating that in the context of this litigation."

This finding is uncorroborated by the oral evidence (Exhibit NZ-R) and ignores the court's awareness of my autistic communication profile—narrow focus, repetitive reasoning, sensory distress, and difficulty under adversarial pressure. Participation measures were in place during

trial, yet these were suppressed from the judgment and replaced with unsubstantiated findings of bad character.

Such reasoning constitutes **procedural bias, indirect discrimination,** and a **breach of the duty of equal participation** under **FPR Part 3A** and the **Equality Act 2010**.

3. Misclassification by HMCTS and Failure to Engage

On 28 October 2025 I was informed that HMCTS treated my Pre-Action submissions as a routine judicial complaint. This is factually and procedurally incorrect. My correspondence concerns administrative and systemic failures within HMCTS and the MoJ—not judicial decisions.

This continuing failure to engage demonstrates institutional avoidance of accountability for administrative acts and omissions squarely within HMCTS's remit.

4. Requested Institutional Actions

Accordingly, I respectfully request that:

a) This escalation be reviewed at senior management level under Stage 2 procedures;

b) The MoJ and HMCTS issue a written acknowledgment of administrative and equality breaches, with a formal apology;

c) A policy review be commenced to ensure continuing enforcement of participation measures post-trial;

d) A substantive written response be issued within seven (7) days of this letter.

Attached Documentation

1. Stage 2 Escalation Letter (29 Oct 2025)
2. HMCTS Correspondence & Rebuttal Summary
3. Pre-Action Protocol Letter + Annex A (20 Oct 2025)
4. Follow-Up Letter (21 Oct 2025)
5. Urgent Escalation Letter (28 Oct 2025)
6. Letter to Autism Act 2009 Committee (24 Oct 2025)

This escalation concerns the institutional responsibility of HMCTS and the MoJ for ensuring equal access to justice. I therefore request urgent review and written confirmation that these issues will be addressed at policy and operational level.

Yours sincerely,

Nadia Zahmoul

Email: nadia@rosekross.com

Case No: CA-2024-001342 / BV20D01752

Section 6: Pre-Action Protocol Letter + Annex A

(20 Oct 2025)

Pre-Action Protocol Letter

To:

Ministry of Justice (MoJ)

Her Majesty's Courts and Tribunals Service (HMCTS)

From: Nadia Zahmoul

Date: 20 October 2025

Subject: Formal Pre-Action Notice – Procedural Unfairness, Disability Discrimination & Systemic Failures in the Administration of Justice

Table of Contents

1. Introduction

This letter gives formal notice under the **Pre-Action Protocol for Judicial Review** and the **Equality Act 2010**.

It concerns multiple and continuing failures by **HMCTS** and the **Ministry of Justice**, whose officers and contracted agents have not fulfilled their statutory and procedural duties to ensure fairness, equality, and accessibility for disabled court users.

2. Background

I am a disabled litigant with confirmed diagnoses of **Autism Spectrum Condition (2025)** and **Post-Traumatic Stress Disorder (2013)**.

Between 2024 and 2025, I was involved in family proceedings before the High Court (Justice MacDonald) and subsequent appeals to the Court of Appeal.

Despite the courts' express awareness of my vulnerabilities and repeated medical confirmation, participation measures under **FPR Part 3A** were either inconsistently applied, prematurely revoked, or entirely ignored post-trial.

These failings culminated in discriminatory findings, procedural irregularities, and denial of my Article 6 ECHR right to a fair trial.

The outcome represents not a personal disagreement with judgment but **a systemic breakdown in how the justice system handles vulnerable and neurodivergent parties**, amounting to institutional discrimination and breach of statutory duty.

3. Procedural Failures and Equality Breaches

A non-exhaustive summary of breaches is set out below.

For detailed evidential references, see **Application for Review and Correction (CA-2024-001342)**.

Category	Description of Failure	Breach of Authority
Identification of Vulnerability	No proper assessment or record made under FPR 3A.5–3A.6.	FPR Part 3A / PD 3AA §§3–4
Continuity of Measures	Participation measures ended post-trial without review.	FPR 3A.7–3A.9; Equality Act 2010 s.20
Judicial Reasoning	Vulnerabilities omitted from written judgments; replaced by character findings ("obsessive", "disruptive").	Article 6 & 14 ECHR; Equality Act 2010 s.29

Category	Description of Failure	Breach of Authority
Medical Evidence	Reports by Dr Poyser (Mar 2025), Prof Libby (2022 & 2024) ignored or mischaracterised.	FPR 3A / PD 3AA; Fairclough v MoJ [2021] EWCA Civ 143
Administrative Handling	HMCTS failed to implement communication adjustments or accept digital filing formats despite requests.	Equality Act 2010 s.20 (Reasonable Adjustments)
Transparency & Records	Refusal to provide recorded transcript despite material relevance.	CPR 52.30; Article 6 ECHR
Accountability	No investigation or review by MoJ or HMCTS Equality Leads despite formal complaints.	Public Sector Equality Duty s.149 EA 2010

These omissions amount to **systemic failure of disability governance**, not merely judicial discretion.

4. Judicial and Administrative Oversight Failures

The Ministry of Justice and HMCTS bear statutory responsibility for:

- ensuring accessibility of courts and procedural fairness for disabled users;
- implementing the **Public Sector Equality Duty (s.149 EA 2010)**; and
- ensuring that judicial and administrative decision-making aligns with the **Autism Act 2009**, the **Equality Act 2010**, and the **Human Rights Act 1998**.

Both the High Court and the Court of Appeal failed to apply the **continuing duty** under FPR Part 3A beyond the courtroom.

The post-trial revocation of measures and refusal to adjourn proceedings during acute relapse (supported by Dr Poyser's March 2025 report) further demonstrate institutional inflexibility and disregard for medical evidence.

5. Public Interest and Systemic Accountability

This case is not an isolated matter but a **test case for systemic reform**.

It demonstrates how procedural rules and equality duties break down in practice, leaving autistic and disabled parties exposed to injustice and misrepresentation.

The issues raised fall squarely within the public interest:

- compliance with **FPR Part 3A** and **PD 3AA**;
- the implementation of the **Autism Act 2009**;
- and the duties of the MoJ and HMCTS under the **Equality Act 2010**.

Given the apparent institutional cover-up of these failings, external scrutiny by Parliament, the media, and advocacy organisations is essential to restore public confidence and accountability.

6. Relief and Remedy Sought

1. Formal acknowledgment of breach of the Equality Act 2010 and FPR Part 3A duties;
2. Written apology from HMCTS and the MoJ for failures of procedure and support;
3. Immediate policy review to ensure consistent implementation of Part 3A participation measures and autism adjustments;
4. Inclusion of these issues in the **Autism Act 2009 Committee's current review** of justice accessibility;
5. Compensatory or restorative steps for loss of fair hearing rights.

7. Parallel Proceedings

This correspondence accompanies and complements the **Application for Review and Correction (CA-2024-001342)** filed with the Court of Appeal.

The judicial application seeks redress within the appellate framework; this Pre-Action Letter concerns the **systemic and administrative accountability** of the MoJ and HMCTS.

Both routes are pursued concurrently to ensure transparency, given the judiciary's reluctance to acknowledge procedural wrongdoing.

8. Next Steps and Notice

Under the Pre-Action Protocol, I invite a **substantive response within 14 days** of receipt, indicating the steps the MoJ and HMCTS intend to take.

Should no satisfactory response be received, I reserve the right to commence proceedings for **Judicial Review and/or discrimination under the Equality Act 2010**.

Please confirm acknowledgment and designate a contact point for further correspondence.

Updated medical evidence relating to my recent relapse (since 26 September 2025) is available upon request.

Yours faithfully,

Signed: Nadia Zahmoul

Nadia Zahmoul

Email: Nadia@rosekross.com *Date:* 20 October 2025

Annex A – Breaches of the Autism Act 2009 and Related Equality Duties

1. Statutory Framework

The **Autism Act 2009** requires the Secretary of State to promote a national strategy for improving autism services and ensuring that public bodies implement reasonable adjustments for autistic individuals.

The **Public Sector Equality Duty (s.149 EA 2010)** further obliges all public authorities to eliminate discrimination and advance equality of opportunity.

2. Breaches Identified

1. **Failure to Provide Reasonable Adjustments:** Autism-specific measures recommended by clinicians (Dr Cheung, Prof Libby) were ignored.
2. **Failure to Train and Supervise Court Staff:** HMCTS did not ensure that staff handling communications with autistic litigants were appropriately trained.
3. **Failure to Implement Autism Strategy Within Justice Settings:** Contrary to the Statutory Guidance (2021 update to the Autism Act strategy).
4. **Failure to Ensure Data Collection and Monitoring of Adjustments:** No record kept of autism adjustments or follow-up reviews.
5. **Failure to Coordinate With Health Professionals:** No liaison with medical experts regarding participation needs before revoking measures.

3. Implications

These breaches illustrate systemic non-compliance with the Autism Act 2009 and Equality Act 2010, resulting in procedural unfairness, loss of trust, and institutional discrimination within the justice system.

The case is therefore submitted to the **Autism Act 2009 Select Committee** for consideration in its forthcoming review and recommendations.

Section 7: Follow-Up Pre-Action Letter – Unlawful Revocation of Participation Measures (21 Oct 2025)

FOLLOW-UP PRE-ACTION LETTER — UNLAWFUL REVOCATION OF PARTICIPATION MEASURES, PROCEDURAL BIAS & DISABILITY DISCRIMINATION

Date: 21 October 2025

Court of Appeal Case No. CA-2024-001342

To:

Ministry of Justice — public.enquiries@justice.gov.uk

HM Courts & Tribunals Service — contacthmcts@justice.gov.uk

Civil Appeals Registry — civilappeals.registry@justice.gov.uk

Cc:

Rt Hon David Lammy MP — Lord Chancellor and Secretary of State for Justice

House of Lords — Autism Act 2009 Committee

Parliamentary Justice Committee

Bcc: Selected Peers, MPs, advocacy organisations, and media (for transparency)

1. Purpose of this Letter

This correspondence is issued under the Pre-Action Protocol to give formal notice of unlawful conduct by HM Courts & Tribunals Service (HMCTS) and the Ministry of Justice (MoJ) in the administration of DH v RH (No 3) [2024] EWFC 79 and DH v RH (No 4) [2024] EWFC 114.

It concerns:

1. The revocation of participation measures under FPR Part 3A without notice or review;
2. The suppression of disability evidence and biased characterisation of autism-related behaviour; and
3. The resulting discriminatory findings forming the basis for adverse costs and reputational harm.

These acts breach FPR Part 3A, PD 3AA, Equality Act 2010 (ss 20 & 29), and Articles 6 & 14 ECHR.

2. Legal Framework

- FPR 3A.2 & 3A.7–3A.9 — Courts must identify, record, and keep under review participation measures throughout proceedings.
- PD 3AA §§ 4.1–4.4 — The duty to review measures continues "throughout proceedings."
- Equality Act 2010 ss 20–21 & 29 — Courts must anticipate and make reasonable adjustments.
- Articles 6 & 14 ECHR — Guarantee a fair hearing free from discrimination.
- Authorities: Re S (Vulnerable Party) [2022] EWFC 30; English v Emery Reimbold [2002] EWCA Civ 605; Griffiths v SS for Work & Pensions [2015] EWCA Civ 1265; Fairclough v SS for Justice [2021] EWCA Civ 143.

3. Chronology of Breach

Trial (19–28 Feb 2024). Justice MacDonald ordered participation measures — frequent breaks, restricted questioning, assistance in the witness box, screened seating. The transcript (NZ-R) records 22 references to PTSD and Autism.

Post-trial revocation. On or about 28 Feb 2024 all measures ceased without order, notice, or reassessment — contrary to FPR 3A.9(2). HMCTS later confirmed no order records the revocation.

Judgment 18 Apr 2024. 111 paragraphs; zero references to disability or Part 3A.

Paragraph 64 states:

"The wife's presentation in the witness box on the issue of alleged non-disclosure bordered on the concerning. Her belief that the husband has vast hidden assets is so powerfully held, and such was her urgent need to impress that belief on the court from the witness box, that at times everything she wished to say on the matter tried to emerge at once, causing her very obvious distress. However, whilst I accept that the wife very firmly believes that the husband has tens of millions of pounds in assets hidden and, I am satisfied, has become obsessed with demonstrating that in the context of this litigation, I must conclude that that belief is not borne out by the evidence before the court."

The transcripts of oral evidence disproves this: distress in the witness box reflects autism-related overload, not obsession. Removing all disability context created an evidentiary vacuum that enabled a fabricated inference of bad character.

Furthermore, the transcripts of oral evidence show that the question of "hidden assets" was put to the Applicant only once during cross examination:
Opposing Counsel: "*Let's move on to what you do think is important, the undisclosed assets. Do you think this is important?*
NZ: *Not strictly true, what is important is freedom from everything and justice."*

Costs Order 24 May 2024. Paragraph 10(xi) found *"the wife's behaviour … disruptive … her litigation misconduct is at the extreme end of the scale."* This flows directly from the same mischaracterisation.

Appeal 2024–2025. The Court of Appeal endorsed those findings without engaging the equality issues, thus ratifying bias and procedural unfairness.

4. Legal Breaches

Duty / Provision	Breach	Consequence
FPR 3A.7–3A.9 & PD 3AA §4	Failure to maintain and review participation measures	Denial of equal participation
Equality Act 2010 ss 20 & 29	Failure to adjust; adverse treatment of disability behaviour	Direct / indirect discrimination
Articles 6 & 14 ECHR	Failure to ensure effective participation	Procedural unfairness
Common law fairness	Suppression of material evidence	Biased judgment; unsafe findings

Indicators of Bias

1. Deletion of all disability references from judgment.
2. Insertion of pejorative terms ("obsessed," "disruptive").
3. Attributing courtroom distress to moral failing rather than impairment.
4. Costs linked explicitly to autism/PTSD manifestations.

A fair-minded observer (Porter v Magill [2002] 2 AC 357) would see a real possibility of bias.

Consequences

The revocation and mischaracterisation:

- rendered the proceedings procedurally voidable;
- produced discriminatory cost orders; and
- caused severe mental-health relapse (Dr Poyser 2025; Dr Hayse 2025).

A seven-day extension was not a reasonable adjustment for autism or PTSD; it did not ensure participation or equality of arms.

Requested Institutional Action

Within 13 days, the MoJ and HMCTS are requested to:

1. **Acknowledge receipt** and formally recognise breaches of **FPR Part 3A, PD 3AA**, and **ss 20 & 29 Equality Act 2010**.
2. **Issue a written apology** for failures of procedure, support, and reasonable adjustment.
3. **Open an internal investigation** into the unlawful revocation of participation measures after the February 2024 trial.
4. **Confirm whether any audit or oversight process exists** to ensure continuing compliance with FPR 3A after the conclusion of the trial, including review of judgments and orders where measures have been withdrawn or ignored.
5. **Establish a formal, independent enforcement mechanism** allowing vulnerable parties to request, review, and challenge non-compliance with participation measures and obtain immediate relief through independent oversight.
6. **Undertake a policy review** to secure consistent implementation of Part 3A measures and autism adjustments across all courts.
7. **Provide training and guidance** for judges and staff to recognise neurodivergent and trauma-related behaviours and distinguish them from misconduct.

8. **Include this case in the Autism Act 2009 Committee** review of access to justice and recommend creation of an enforcement mechanism for FPR Part 3A.
9. **Consider compensatory or restorative measures** for the loss of fair-hearing rights and resulting harm.
10. **Confirm accountability** within HMCTS and the judiciary for the suppression of disability evidence and state what measures will prevent recurrence.
11. **Acknowledge that the cumulative procedural and equality failures rendered the original proceedings unsafe.** The Applicant reserves her right to seek a re-trial or full rehearing before an impartial tribunal with appropriate participation measures in place, should the Ministry and HMCTS fail to provide an adequate remedy.
12. **Confirm what review or corrective mechanism exists for discriminatory or procedurally defective judicial findings. In particular, the Applicant seeks removal or correction of paragraph 64 of the judgment of 18 April 2024 and paragraph 10(xi) of the costs order of 24 May 2024,** which are unsupported by the evidence and result directly from the suppression of her diagnosed disabilities.

Public Accountability

This is a matter of **public interest** and **constitutional importance**. The MoJ and HMCTS are responsible for ensuring justice for disabled litigants. This letter is therefore shared with Parliament and the media to ensure transparency and scrutiny.

Sincerely,

Signed: Nadia Zahmoul

Nadia Zahmoul

Court of Appeal Case No. CA-2024-001342

Email: nadia@rosekross.com

Section 8: Urgent Escalation Letter – Procedural and Equality Breaches (28 Oct 2025)

URGENT ESCALATION – Non-Response and Systemic Breach of FPR Part 3A / Equality Act 2010

Case: CA-2024-001342 / BV20D01752

From: Ms Nadia Zahmoul (Litigant in Person) – Autism Spectrum Condition; PTSD

Date: 28 October 2025

To:

Permanent Secretary, Ministry of Justice

Chief Executive, HM Courts & Tribunals Service

Cc:

Civil Appeals Registry (Court of Appeal – Family)

Government Legal Department (for MoJ)

Secretary of State for Justice (The Rt Hon David Lammy MP)

Judicial Office

Autism Act 2009 Committee Secretariat

Dear Sir / Madam,

I write to escalate formally the matters raised in my Pre-Action Protocol Letter (20 October 2025) and Follow-Up Letter (21 October 2025) regarding serious procedural and equality breaches by the Ministry of Justice and HMCTS. To date, I have received no acknowledgment or response, contrary to the Pre-Action Protocol for Judicial Review and the duty of good administration.

This escalation concerns the unlawful revocation of Part 3A participation measures following the February 2024 trial and the suppression of autism- and PTSD-related evidence within the High Court's judgment and subsequent costs order. The Court's reasoning mischaracterised disability-related behaviour as misconduct ("obsessive" and "disruptive") despite extensive trial references to participation measures and vulnerabilities. These findings are uncorroborated by the oral

evidence and amount to procedural bias and discrimination under the Equality Act 2010, FPR Part 3A, and Articles 6 & 14 ECHR.

The Care Quality Commission confirmed on 24 October 2025 (Ref CAS-1128363-L9T8X4) that it has no jurisdiction over MoJ or HMCTS, evidencing the complete absence of an independent enforcement mechanism when the justice system fails to comply with disability duties.

- I therefore request, within **seven (7) days**:
- Acknowledgment and full written response to my 20 and 21 October letters;
- Formal admission of failure to maintain participation measures post-trial and a written apology;
- Confirmation of a review or audit process ensuring compliance with FPR Part 3A beyond the trial stage;
- Support for striking paragraphs 64 and 10(xi) from the judgments and reinstating proper participation measures; and
- Engagement with the Autism Act 2009 Committee to establish an independent enforcement mechanism for vulnerable court users.

Please treat this as a formal escalation notice. Copies are provided to the Court of Appeal, Judicial Office, and Autism Act Committee for oversight and accountability.

Yours faithfully,

Nadia Zahmoul

Nadia Zahmoul

Email: nadia@rosekross.com

Case No: CA-2024-001342 / BV20D01752

Section 9: Letter to the Autism Act 2009 Committee (House of Lords) (24 Oct 2025)

LETTER TO BARONESS ROCK – AUTISM ACT 2009 COMMITTEE

(Submission concerning systemic failures in implementation of the Autism Act 2009 and FPR Part 3A)

Nadia Zahmoul
Email: nadia@rosekross.com
Date: 24 October 2025

To:
Baroness Rock
Chair, Autism Act 2009 Committee
House of Lords
London SW1A 0PW

Subject: Systemic Failures in the Implementation of FPR Part 3A and the Autism Act 2009: Request for Inclusion in the Committee's Final Report

Dear Baroness Rock,

I write to submit evidence to the Autism Act 2009 Committee concerning systemic failures in the family-justice system's compliance with the **Autism Act 2009**, the **Equality Act 2010**, and the Family Procedure Rules Part 3A ("**FPR 3A**"). My case exemplifies how the courts' disregard for participation duties toward autistic and vulnerable parties results in unlawful discrimination and denial of a fair trial.

Although the Committee's deadline for evidence has passed, I respectfully request that this submission be accepted for inclusion in the final report, as it provides direct, material evidence of the enforcement gap acknowledged by Ministers.
The issues it raises go to the heart of the Committee's inquiry and demonstrate the urgent need for enforceable safeguards and independent oversight in the administration of justice for autistic people.
My experience shows how, in the absence of an actionable mechanism for enforcement, the protections envisaged by the Autism Act 2009 remain theoretical. The Family Court's failure to

uphold my participation rights under **FPR Part 3A** and the **Equality Act 2010** led to discriminatory findings, an unbalanced trial process, and irreversible harm.

I remain available to provide oral or written evidence at short notice.

1. Procedural Background

I was a litigant in person before the High Court (Family Division) and later the Court of Appeal. Both courts had confirmed that I have diagnosed Autism Spectrum Condition (ASC) and Post-Traumatic Stress Disorder (PTSD), supported by extensive medical evidence. Participation measures were granted at trial under **FPR 3A** and **PD 3AA**, including regular breaks, limits on cross-examination, and the presence of a support person.

After the final hearing in February 2024, however, all participation measures were revoked without notice or review, contrary to **FPR 3A.7 – 3A.9** and **PD 3AA §§ 4.1 – 4.4**. This unlawful withdrawal of adjustments rendered me unable to participate effectively in the post-trial and costs proceedings. The court ignored my repeated written requests for an intermediary, communication assistance, or clarification of procedural steps. I was left without legal representation after 6 March 2024, and my emails to the court and opposing counsel, explaining my inability to function due to relapse and distress, went unanswered. Despite clinical confirmation that my impairments continued to affect my daily functioning, I was left without communication support or intermediary assistance.

This failure resulted in my exclusion from critical procedural steps, including submissions on costs and the drafting of final orders.

The trial record of oral evidence contains more than 20 references to my autism and PTSD, yet the post-trial process and judgments omitted all mention of my disabilities. The only "adjustment" afforded was a seven-day extension for submissions — a measure wholly inadequate for someone who, without an intermediary, could not meaningfully participate or even manage basic correspondence.

The subsequent judgments of 18 April 2024, 24 May 2024, and 8 May 2025 omitted all reference to my disabilities, despite their repeated acknowledgment during the trial itself.

2. Systemic Breach of the Continuing Duty under FPR Part 3A

FPR Part 3A imposes a continuing duty on the court to identify, implement, and review participation measures for vulnerable parties throughout the proceedings—not only during trial. By treating its duty as ending when oral evidence concluded, the court misapplied the law. The revocation of measures post-trial denied me the ability to understand, communicate, or take part in the ongoing process.

The result was not simply administrative oversight but procedural discrimination, contrary to **sections 20 and 29 of the Equality Act 2010** and **Articles 6 and 14 ECHR**. The Equality and Human Rights Commission's 2019 guidance (Fairness in Court Proceedings for Litigants with Disabilities) explicitly recognises that failure to maintain appropriate adjustments amounts to unlawful discrimination.

3. Mischaracterisation and Discriminatory Reasoning

The judgment of 18 April 2024 includes findings that **misrepresent disability-related behaviour as moral or character failings.**

Paragraph 64 states:

"The wife's belief that the husband has vast hidden assets is so powerfully held, and such was her urgent need to impress that belief on the court, that at times everything she wished to say on the matter tried to emerge at once, causing her very obvious distress… I am satisfied she has become **obsessed** with demonstrating that in the context of this litigation."

The Court was fully aware of my autism profile and of the reasonable adjustments required to support my participation. The attendance notes and oral record show that the Court was aware

that I exhibit autistic traits of communication and information processing style: narrow and intense focus, heightened emotional expression under stress, rule-based reasoning, and repetitive verbal emphasis when attempting to clarify complex factual issues.

Despite this knowledge, paragraph 64 makes a finding that is uncorroborated by the oral evidence. There is no evidence that my belief regarding hidden assets was obsessive or irrational. Rather, my presentation was consistent with my diagnosed Autism Spectrum Condition and PTSD under adversarial pressure. The Court had all the evidence necessary to attribute my presentation in the witness box to my autism and PTSD, yet instead it misattributed my behaviour to **bad character** and **emotional instability** and made **adverse findings**.

This constitutes a fundamental mischaracterisation of disability-related behaviour, inconsistent with the medical record, the transcript, and the participation measures the Court itself had ordered. The suppression of all reference to my disabilities in the final judgments—despite more than twenty references to them during oral evidence—creates an evidential vacuum upon which unfounded and discriminatory findings were constructed. The deliberate omission of my diagnosed Autism and PTSD from the judgment created an artificial narrative of misconduct where none existed, reversing the meaning of my vulnerabilities into evidence of fault.

The resulting reasoning is inconsistent with the principles of fairness established in Re S (Vulnerable Party: Fairness of Proceedings) [2022] EWFC 30 and English v Emery Reimbold & Strick Ltd [2002] EWCA Civ 605, and represents a breach of **FPR Part 3A**, the **Equality Act 2010** (ss 20 and 29), and **Articles 6 and 14 ECHR**.

4. Ministerial Confirmation of the Enforcement Gap

This systemic gap was expressly confirmed by **Minister of State for Care Stephen Kinnock MP** in his August 2025 statement to your Committee:

“There are no statutory powers of intervention… a failure could only be considered by the courts using judicial review.”

This acknowledgement by the Minister demonstrates that the current statutory framework lacks both enforcement and remedy, leaving autistic litigants without recourse when the justice system itself fails.

This statement captures the very problem my case exposes — that autistic and disabled individuals have no practical route of redress when the courts themselves fail to meet their duties. Judicial review is neither accessible nor timely for vulnerable parties already facing procedural exclusion.

5. Core Insight and Takeaway

The law on paper does not translate into protection in practice. The **Autism Act 2009** and **FPR Part 3A** provide a framework, but no mechanism of enforcement. My case demonstrates that once participation measures are revoked or ignored, there is no rapid mechanism for relief — no independent body to intervene, no accountability framework, and no sanction for non-compliance.

Without an actionable mechanism, the law's safeguards remain theoretical, and justice for vulnerable and neurodivergent individuals remains contingent on judicial discretion rather than enforceable right.

6. Request for Action

In light of the above, I respectfully request that the Committee:

1. Include this evidence in the Committee's final report as an example of systemic failure under the **Autism Act 2009** and **FPR Part 3A**;

2. Acknowledge the enforcement gap and recommend creation of a formal mechanism enabling vulnerable parties to request, review, and challenge non-compliance with **FPR Part 3A;**

3. Recommend independent oversight—separate from HMCTS—to audit compliance and monitor reasonable adjustments;

4. Advise the Ministry of Justice to issue clear guidance recognising that judicial discretion does not override equality obligations; and

5. Recognise the public interest in ensuring that the courts themselves are subject to the same equality standards they are bound to apply.

7. Attachments

1. Pre-Action Protocol Letter (20 October 2025)
2. Follow-Up Letter (21 October 2025)
3. Application and Evidence Bundle (CA-2024-001342)
4. Relevant Judgments (18 April 2024; 24 May 2024; 8 May 2025) in the bundle.
5. Letter from the Minister of State for Care dated 5 August 2025 to the Chair of the Committee

Thank you for your attention to this matter. I remain available to provide oral or written evidence on short notice.

Yours sincerely,

(signed)

Nadia Zahmoul

Nadia Zahmoul
Email: nadia@rosekross.com
Date: 24 October 2025

Section 10: Continuing Deflection Summary

Exhibit NZ-U

(28-31 Oct 2025)

Purpose of Exhibit

This exhibit records the four institutional responses received following the Applicant's Stage 3 Escalation. Each communication demonstrates continued deflection by HMCTS and MoJ—re-framing clear administrative and Equality Act breaches as *judicial matters* and diverting them to customer-feedback or complaints channels instead of triggering any equality-compliance process.

These responses evidence an ongoing breach of:

- **FPR Part 3A & PD3AA** – failure to maintain participation measures post-trial;
- **Equality Act 2010 s.20 and s.149** – failure to make and monitor reasonable adjustments and to meet the Public Sector Equality Duty; and
- **Article 6 ECHR** – denial of equal and effective access to justice.

Summary of Correspondence

Ref / Exhibit	Date	Originating Body / Author	Description of Deflection
NZ-U1	29 Oct 2025	Court of Appeal (Master Bancroft-Rimmer / Mr Mohammed Hussain)	Misclassified equality complaint as an application under CPR 52.30; no reference to FPR Part 3A or Equality Act duties.
NZ-U2	28 Oct 2025	HMCTS (Customer Feedback Team)	Treated substantive equality complaint as a "judicial decision issue" outside HMCTS scope; redirected to judiciary instead of administrative review.

Ref / Exhibit	Date	Originating Body / Author	Description of Deflection
NZ-U3	30 Oct 2025	MoJ (Customer Service Team)	Repeated HMCTS position; provided no mechanism for enforcement or redress under s.149 Equality Act.
NZ-U4	30 Oct 2025	HMCTS Customer Feedback Portal	Duplicate portal confirmation; no record of internal equality or accessibility assessment.

Observations

1. All four responses ignore the **administrative and equality-law dimension** of the complaint.
2. None acknowledge the statutory **continuing duty to maintain participation measures** post-trial.
3. The pattern of deflection substantiates the need for an **independent enforcement mechanism** for vulnerable litigants under Part 3A and the Equality Act 2010.

Attached Documents:

NZ-U1 – CA-2024-001342-D Zahmoul v Zahmoul.pdf

NZ-U2 – Complaint – CA-2024-001342 (ref 76334099).pdf

NZ-U3 – Complaint (ref 76334099).pdf

NZ-U4 – Customer Feedback Portal.pdf

Nadia Zahmoul

Subject: CA-2024-001342-D Zahmoul v Zahmoul
Date: Wednesday, October 29, 2025 at 5:16:52 AM Mountain Daylight Time
From: Civil Appeals - CMSB <civilappeals.cmsB@justice.gov.uk>
To: Nadia <nadia@rosekross.com>

Good Afternoon

Your papers were referred to the Master Bancroft-Rimmer, of the Court of Appeal who has asked me to inform you of the following:

"You have filed an application notice seeking to reopen the decision of Lord Justice Moylan dated 23 December 2024 and the decision of Lady Justice King dated 4 August 2025. In addition, you apply to strike out parts of a High Court judgment and order, permission to rely on attendance notes and reinstatement of participation measures.

The order of Lady Justice King dated 4 August 2025 refused your first application to reopen the order of Lord Justice Moylan dated 23 December 2024. Pursuant to CPR 52.30(7) an order of a judge on an application to reopen is final and there is no right of appeal or review. It is not possible to reopen an order refusing an application to reopen so this part of your application notice should be removed.

If you wish to pursue a second application to reopen the order of Moylan LJ dated 23 December 2025 you must file:

- an amended application notice seeking permission to re-open, pursuant to CPR 52.30;
- Fee of £626 or an application for Help with Fees;
- if your application is based on fresh evidence which was not before Lord Justice Moylan or Lady Justice King on your first application to reopen, you should file a paginated and indexed bundle comprising the fresh evidence. The fresh evidence should be clearly marked as "FRESH EVIDENCE".

Your application cannot be issued until the above directions are complied with. You must file everything that you wish to rely on before the application is issued as there will be no opportunity to add to the papers once your application is issued. You should note that there is no jurisdiction to deal with the other parts of your application (in relation to strike out, attendance notes and participation measures) unless the Court makes an order reopening your application for permission to appeal.

Once issued this application will be referred to a Lord Justice for consideration on paper only. You will receive no further notification from this office until you are advised of his decision.

If your application is refused there is no further right to have the matter reconsidered at an oral hearing (please see the Court of Appeal decision in *Taylor v Lawrence* [2002] EWCA Civ 90 and CPR 52.30)."

Kind regards,

Mohammed H Hussain
Private Law - Administrative Officer
Court of Appeals (Civil Division), Private Law - CMSB |
Rm. E328 | Royal Courts of Justice|Strand|London|WC2A 2LL|DX 44456 Strand
T: 020 7947 7676
PERMA model of positive wellbeing:
Positive Emotion, Engagement, Relationships, Meaning & Accomplishments

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Nadia Zahmoul

Subject: Complaint - CA-2024-001342 (ref: 76334099)
Date: Tuesday, October 28, 2025 at 10:03:41 AM Mountain Daylight Time
From: HM Courts and Tribunals Service <replies@optic.justice.gov.uk>
To: Nadia <nadia@rosekross.com>

NOTE: Please do not edit the subject line when replying to this email.

Dear Ms Zahmoul

Thank you for your recent Pre-Action Protocol Letter dated 20 October 2025, follow up letter dated 21 October 2025 and follow up letter dated 28 October 2025

I am the Delivery Manager and I am acknowledging receipt but responding within our complaints process.

The HMCTS complaints procedure is intended for complaints regarding administrative functions. It is inappropriate to use the complaints procedure to challenge a judicial decision.

That saying, I see that you were informed as below on the 15 September 2025

Your papers were referred to the Jurisdiction Lawyer, Mrs Levey, of the Court of Appeal who has asked me to inform you of the following:

'I refer to the appellant's notice filed by you seeking permission to appeal the costs judgment of Mr Justice MacDonald dated 24 May 2024.

You have already sought permission to appeal the order dated 24 May 2024 arising from both the substantive judgment and costs judgment of Mr Justice MacDonald in this Court under case reference CA-2024-001342.

Your permission to appeal application was refused by order of Lord Justice Moylan on 23 December 2024.

Furthermore, your application for permission to re-open the decision of Lord Justice Moylan dated 23 December 2024 was refused by Lady Justice King by order dated 4 August 2025.

As it is not possible to appeal the same decision twice in this Court, no action will be taken on your appellant's notice.

This matter is at an end in this Court.'

Master Meacher reviewed the above direction and you were informed that the contents was correct on 22 September 2025.

Although clearly disappointing, this matter is now at an end and on this occasion, I have found no evidence of maladministration.

If you're unhappy with my response

HMCTS operates three stage complaints handling procedure. If you remain dissatisfied with our reply, you can ask a senior manager, Ray Harrison to review your complaint by replying to this email/by writing to the below address. You must explain simply and clearly what parts of the response you've received you do not agree with and would like reviewed.

Mr Ray Harrison

Operations Manager

Civil Appeals Office

Royal Courts of Justice,

Strand, London

WC2A 2LL

You must explain simply and clearly what parts of the response you've received you do not agree with and would like reviewed.

Yours sincerely,

S Walker

Sharon Walker
Delivery Manager
RCJ Civil Appeals Office, Civil Appeals | HMCTS | Civil Appeals Office, Royal Courts of Justice, Strand, London WC2A 2LL

IMPORTANT NOTE: Please do not edit the subject line when replying to this email. Any emails sent to this email address (replies@optic.justice.gov.uk) that are not about your complaint will not reach their intended recipient and won't be replied to. If you need to submit an application or require an update on your case, this must be sent to the court or tribunal managing your case using their approved enquiries in-box. Contact details are available at Find a court or tribunal - GOV.UK (www.gov.uk).

Nadia Zahmoul

Subject: Complaint (ref: 76334099)
Date: Thursday, October 30, 2025 at 10:04:51 AM Mountain Daylight Time
From: HM Courts and Tribunals Service <customerinvestigations@optic.justice.gov.uk>
To: Nadia <nadia@rosekross.com>

NOTE: Please do not edit the subject line when replying to this email.

Dear Ms Zahmoul,

Thank you for escalating your complaint received on 30 October 2025 to the User Investigation Team. Whilst we usually aim to respond within 15 working days, we're currently experiencing high volumes of work, and you may have to wait longer than normal for a reply. You do not need to chase us for an update; your complaint has been logged on our system and you will get a response. Thank you for your patience.

User Investigations Officer

S Dixon

User Investigations Team | Service Excellence and Delivery Division | Operations Directorate | 102 Petty France | London SW1H 9AJ |

Here is how HMCTS uses personal data about you.

IMPORTANT NOTE: Please do not edit the subject line when replying to this email. Any emails sent to this email address (replies@optic.justice.gov.uk) that are not about your complaint will not reach their intended recipient and won't be replied to. If you need to submit an application or require an update on your case, this must be sent to the court or tribunal managing your case using their approved enquiries in-box. Contact details are available at Find a court or tribunal - GOV.UK (www.gov.uk).

Review response (email)

Email message

To	nadia@rosekross.com
Subject	Complaint
Cc	
From	HM Courts and Tribunals Service<replies@optic.justice.gov.uk>

*Password **Onneneta8-** will be sent by separate email*

Dear Ms Zahmoul

More information about your complaint

Thank you for your recent Pre-Action letter dated letter of 29 October 2025 but we are responding within our complaints handling process. I'm sorry to hear you're still dissatisfied with the first complaint response letter we sent you.

I can see you were dissatisfied with the following:
unlawful revocation of participation measures under FPR Part 3A, the procedural bias, and the systematic suppression of evidence of my Autism and PTSD in DH v RH (No 3) [2024] EWFC 79 and DH v RH (No 4) [2024] EWFC 114.. S

I have reviewed all the details. Based on the information, and as previously informed, our complaints procedure is intended for complaints regarding administrative functions.

We only handle the administration for courts and tribunals. We're always impartial and we don't have any influence over a judge's decision. So I cannot comment on or review their decision for you.

If you'd like to appeal the judge's decision

You could consider appealing, but we recommend getting legal advice and checking your options first.

You can:

- get free, impartial advice from your local Citizen's Advice office
- call Civil Legal Advice on 0345 345 4 345 - they'll be able to help you find advice services in your area.

If you're unhappy with my response

HMCTS operates a three stage complaints handling procedure. If you remain dissatisfied with our reply, you can ask the User Investigations Team to review your complaint at the final stage of the complaints procedure by emailing userinvestigations@justice.gov.uk or by writing to: HM Courts & Tribunals Service, User Investigations Team, 6th Floor (6.12), 102 Petty France London, SW1H 9AJ - again, you must explain simply and clearly what parts of the response you've received you do not agree with and would like reviewed.

Yours sincerely,

Ray Harrison
Operations Manager
RCJ Civil Appeals Office, Civil Appeals | HMCTS | Civil Appeals, Royal Courts of Justice, Strand, London WC2A 2LL
Phone:

HM Courts & Tribunals Service

IMPORTANT NOTE: Please do not edit the subject line when replying to this email. Any emails sent to this email address (replies@optic.justice.gov.uk) that are not about your complaint will not reach their intended recipient and won't be replied to. If you need to submit an application or require an update on your case, this must be sent to the court or tribunal managing your case using their approved enquiries in-box. Contact details are available at Find a court or tribunal - GOV.UK (www.gov.uk).

About this request

Issued by	HM Courts and Tribunals Service
Status	Submitted on 30/10/2025 11:28
Request reference	G157229528
Context	Complaint 76334099