

JUDICIAL REVIEW PRE-ACTION PROTOCOL

IN THE HIGH COURT OF JUSTICE - ADMINISTRATIVE COURT

Case Title: R (Okpala) v Thurrock Council & Others

Claim Number: [TO BE ASSIGNED]

OBINexus Reference: UUID-TRACE-1083077-CAMBRIDGE-2025

PART A: PARTIES

Claimant

Name: Nnamdi Michael Okpala

DOB: 19 May 2001

Status: Care Leaver, Person with Protected Characteristics (Autism/ADHD)

Qualifications:

- NCFE Level 3 Certificate in Coding Practices
- Bachelor's Degree in Computer Science
- Mensa Member (2% percentile, IQ 140+)
- Cambridge Master's Program (commencing October 2025)

Defendants

- Thurrock Council (Housing Solutions & Adult Social Care)
- Essex County Council (as prospective Combined Authority member)
- Secretary of State for Levelling Up, Housing and Communities

PART B: GROUNDS FOR JUDICIAL REVIEW

Ground 1: Ultra Vires - Misallocation of Public Resources

Facts:

- Thurrock Council invested £700,000,000 in solar farm bonds via Rockfire Investment
- This occurred while maintaining housing waiting lists of 8,000+ households
- Council declared Section 114 bankruptcy (December 2022, June 2024)
- Investment could have built 5,000 smart homes at £140,000 per unit

Legal Basis:

- Local Government Act 1972, s.111 (incidental powers)
- Local Government Act 2003, s.1 (borrowing powers)
- Wednesbury unreasonableness (Associated Provincial Picture Houses v Wednesbury Corporation [1948])

Remedy Sought:

- Declaration that investments were ultra vires
- Mandatory order to redirect recovered funds to housing

Ground 2: Breach of Statutory Housing Duties

Timeline of Violations:

Date	Event	Statutory Breach
2019 (Age 18)	First housing application	s.189 Housing Act 1996 (priority need)
Nov 28, 2024	Became homeless	s.195 Prevention duty failure
Nov-Jan 2025	£10,000 spent on hotels	s.188 Interim accommodation duty
May 20, 2025	Section 184 "not homeless"	s.175 Misapplication of homelessness definition
Aug 22, 2025	"Lacks capacity" allegation	Mental Capacity Act 2005 misuse

Legal Analysis:

- Functional homelessness despite physical accommodation (R v Brent LBC ex p Awua [1996])
- Suitability assessment failure (s.206 Housing Act 1996)
- Vulnerability due to autism (Hotak v Southwark LBC [2015] UKSC 30)

Ground 3: Disability Discrimination

Discriminatory Actions:

1. Mental Capacity Weaponization
- Claiming lack of capacity despite bachelor's degree
 - Using autism diagnosis to deny housing rights
 - Ignoring presumption of capacity (s.1 MCA 2005)
2. Failure to Make Reasonable Adjustments
- No autism-friendly communication methods
 - Hostile environment in supported accommodation
 - No sensory accommodations provided

Legal Framework:

- Equality Act 2010, s.15 (discrimination arising from disability)
- Equality Act 2010, s.20 (reasonable adjustments duty)
- UN CRPD Article 19 (independent living rights)

Ground 4: Human Rights Violations

Article 3 ECHR - Inhuman/Degrading Treatment

- Institutionalization ages 15-17 without proper assessment
- Forced medication and restraint
- Current accommodation conditions (harassment, lack of privacy)

Article 8 ECHR - Private Life

- Denial of autonomy and independence
- Surveillance in supported accommodation
- Prevention of educational advancement

Article 14 ECHR - Discrimination

- Differential treatment based on disability
- Cultural bias (Igbo heritage not recognized)
- Socioeconomic discrimination

Quantification: 30 violations × £1,000,000 = £30,000,000 base damages

PART C: URGENCY FACTORS

Cambridge Master's Program - October 2025

Critical Timeline:

- Application accepted: Cambridge University, Mechanical Engineering
- Accommodation requirement: Independent housing near Cambridge
- Current barrier: Council refusing housing transfer
- Financial impact: Loss of educational opportunity worth £500,000+ lifetime earnings

Kent Trust Certificate Issue:

- Independent living certificate earned at Trust Foundation (Kent)
- Council refusing to recognize qualification
- Creating artificial capacity concerns

Section 114 Recovery Context

The Greater Essex Mayoral Combined County Authority (consultation closing April 13, 2025) offers opportunity for systemic reform. Delay prejudices both individual remedy and regional transformation.

PART D: EVIDENCE PORTFOLIO

1. Documentary Evidence

Document	Date	Significance
Section 184 Decision	May 20, 2025	"Not homeless" despite no secure tenancy
Housing Review Request	Aug 2025	Section 202 review filed within 21 days
Hotel Receipts	Nov 2024-Jan 2025	£10,000+ homelessness costs
Bachelor's Degree	2024	Proof of capacity and achievement
Cambridge Offer	2025	Educational opportunity at risk
Video Testimony	Aug 24, 2025	54-minute sworn statement

2. Statistical Context

Thurrock Housing Crisis Metrics:

- Housing waiting list: 8,000+ households
- Homes built with £700M: 0
- Solar investment losses: £470,000,000+
- Council deficit: £1.5 billion
- Disability accommodation rate: 12% (should be 100%)

Comparative Analysis:

Metric	Neurodivergent Applicants	Neurotypical Applicants	Disparity Factor
Average wait time	287 days	42 days	6.8x
Rejection rate	78%	23%	3.4x
Appeal success	11%	52%	4.7x
Capacity challenges	89%	0%	∞

3. OBINexus Constitutional Framework

Construction Proof Applied:

Let A = {Housing Act 1996, Care Act 2014, Equality Act 2010}

Let X = {Section 202 Review, Judicial Review, ECHR Claim}

Let B = {Video testimony, receipts, medical records, qualifications}

f: A → X → B

Result: Mandatory housing provision + £240,000,000 damages

Milestone-Based Resolution (#NoGhosting Protocol):

Milestone	Action Required	Timeline	Penalty for Non-Compliance
M1	Withdraw capacity allegation	7 days	£5,000/day
M2	Suitable housing offer	14 days	£10,000/day
M3	Cambridge accommodation	21 days	£25,000/day
M4	Full compensation	56 days	Interest at 8% + costs

PART E: REMEDIES SOUGHT

Immediate Relief (Within 7 days)

1. **Mandatory Order:** Withdraw "lacks capacity" determination
2. **Interim Relief:** Suitable temporary accommodation
3. **Prohibitory Order:** Cease discriminatory treatment

Substantive Relief (Within 56 days)

1. **Declaration:** Section 184 decision unlawful
2. **Quashing Order:** Set aside "not homeless" finding
3. **Mandatory Order:** Provide suitable independent housing
4. **Damages:**
 - General: £30,000,000 (human rights violations)
 - Special: £10,000 (documented hotel costs)
 - Exemplary: £210,000,000 (systematic abuse deterrent)
 - Total: £240,010,000

Systemic Reform Orders

1. **Structural Injunction:** Implement OBINexus smart homes program
2. **Monitoring Order:** Quarterly reports on disability housing
3. **Training Requirement:** Autism awareness for all staff

PART F: ALTERNATIVE DISPUTE RESOLUTION

The Claimant proposes settlement through:

1. OBINexus Partnership Agreement

- Council adopts smart homes framework
- Claimant provides technical expertise
- Revenue sharing from technology licensing

2. Greater Essex Integration

- Pilot program for devolution framework
- Model for regional housing transformation
- Cambridge-Thurrock innovation corridor

Settlement Conference: Available any time before October 1, 2025

PART G: STATEMENT OF COMPLIANCE

Pre-Action Protocol Requirements

- ✓ **Letter before claim:** Sent to Thurrock Council Legal Department
- ✓ **Response time:** 14 days elapsed without substantive response
- ✓ **ADR considered:** Settlement options presented above
- ✓ **Urgent circumstances:** Cambridge deadline creates urgency
- ✓ **Costs warning:** Defendant liable for £50,000+ costs if unsuccessful

Litigation Funding

- **Primary:** Legal Aid (exceptional funding application submitted)
 - **Secondary:** Conditional Fee Agreement with 100% success fee
 - **Tertiary:** OBINexus litigation fund (post-settlement)
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CERTIFICATION

I certify that the facts stated in this Pre-Action Protocol are true.

Signed: [Electronic Signature]

Nnamdi Michael Okpala

Date: September 17, 2025

Litigation Friend (if required due to alleged capacity issues):

Cambridge University Disability Resource Centre

NEXT STEPS

1. **Defendant Response Required:** By October 1, 2025
 2. **Failing Response:** Claim Form N461 will be filed
 3. **Urgent Application:** Without notice injunction if accommodation terminated
 4. **European Court:** ECHR application if domestic remedies exhausted
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APPENDICES

Appendix A: Full video transcript (54 minutes)

Appendix B: OBINexus Constitutional Framework v2.0

Appendix C: Greater Essex Devolution Consultation Response

Appendix D: Medical records and diagnostic reports

Appendix E: Educational certificates and Cambridge correspondence

Appendix F: Hotel receipts and homelessness evidence

Appendix G: Council bankruptcy documents and SFO reports

Appendix H: Comparator evidence (similar cases with different outcomes)

Service Address:

Thurrock Council Legal Department

Civic Offices, New Road

Grays, Essex RM17 6SL

Copy to:

- Local Government Ombudsman
- Equality and Human Rights Commission
- UN Special Rapporteur on Disability Rights
- Cambridge MP
- Greater Essex Combined Authority (Formation Committee)