

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12663-2024

## **BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

CLAIRE LETITIA PARRY

Respondent

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Before:

Ms A Kellett (Chair)

Mr U Sheikh

Ms L Hawkins

Date of Hearing: 1 April 2025

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## **Appearances**

Andrew Bullock, Counsel, in the employ of the Solicitors Regulation Authority, The Cube, 199 Wharfside Street, Birmingham, B1 1RN for the Applicant.

The Respondent did not attend and was not represented.

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## **JUDGMENT**

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## **Allegations**

1. The allegations against the Respondent, Claire Letitia Parry (“the Respondent”), made by the Applicant are that, while in practice as a Solicitor and the sole practitioner at CLP Care Funding Solicitor (CLP), (“the Firm”):
  - 1.1 Between 28 April 2016 and 20 December 2023, she failed to cooperate with the Legal Ombudsman and failed to comply with their directions and in doing so she thereby breached any or all of Principles 2, 6 and 7 of the SRA Principles 2011 (“the 2011 Principles”) and corresponding 2019 Principles for conduct after 25 November 2019 (namely Principles 2 and 5), failed to achieve Outcome 10.6 of the Code of Conduct 2011, and breached Paragraph 7.3 of the Code of Conduct for Solicitors 2019.
  - 1.2 Between 4 July 2023 and 18 January 2024, failed to cooperate with the SRA investigation into this matter and in doing so she thereby breached any or all of Principles 2 and 5 of the SRA Principles 2019 and Paragraph 7.3 Code of Conduct for Solicitors 2019.

## **Executive Summary**

2. The Applicant alleged that the Respondent failed to cooperate with the Legal Ombudsman between 2016 and 2023 regarding client complaints and did not comply with their directions for refunds and compensation. Additionally, the Respondent failed to cooperate with the SRA’s own investigation into this matter between 2023 and 2024, breaching several SRA principles (including lack of integrity) and conduct codes from both 2011 and 2019.
3. The Respondent did not engage, and the Tribunal proceeded in her absence, having been addressed on service and the relevant legal principles. The Tribunal found the allegations of misconduct proven, excluding a lack of integrity, noting potential personal difficulties experienced by the Respondent and significant delays in the matter. Ultimately, the Tribunal issued a reprimand and ordered the Respondent to pay £2,500 in costs.

## **Sanction**

4. [The Respondent was made subject to a Reprimand.](#)

## **Documents**

5. The Tribunal considered all the documents in the case which were contained in the electronic bundle.

## **Preliminary Matters**

### Proceeding in Absence

6. There had been little to no engagement from the Respondent prior to and following the issuing of proceedings. She had not submitted an Answer or response to the allegations.

7. A non-compliance hearing was held on 25 September 2024. The Respondent did not attend and provided no explanation for her non-attendance.
8. Mr Bullock provided the Tribunal with details of the efforts made to engage the Respondent at her last known postal and email address and confirmed that service of the proceedings had been made in accordance with the rules. At previous stages of the SRA investigation there had been intermittent contact with the Respondent who had made some reference to ill-health and other matters of a personal nature, however, she provided no supporting evidence to the Applicant regarding this assertion and made no applications to adjourn the Substantive Hearing.

### The Tribunal's Decision

9. The Tribunal found that the Respondent had been served correctly with the proceedings and notified of the date of the hearing. There had been no discernible engagement from the Respondent, save for a few requests by her to the Applicant for extensions of time, which though granted yielded nothing further from the Respondent. There had been no application from the Respondent to adjourn the hearing.
10. With respect to proceeding in her absence the Tribunal considered the applicable case law as set out in General Medical Council v Adeogba; General Medical Council v Visvardis [2016] EWCA Civ 16231 which in turn approved the principles set out in R v Hayward, R v Jones, R v Purvis QB 862 [2001], EWCA Crim 168 [2001] namely that proceeding in the absence of the Respondent was a discretion which a Tribunal should exercise with the utmost care and caution bearing in mind the following factors:
  - The nature and circumstances of the Respondent's behaviour in absenting herself from the hearing;
  - Whether an adjournment would resolve the Respondent's absence;
  - The likely length of any such adjournment;
  - Whether the Respondent had voluntarily absented herself from the proceedings and the disadvantage to the Respondent in not being able to present her case.
11. The Tribunal considered the factors set out in Jones and Adeogba in respect of what should be considered when deciding whether or not to exercise the discretion to proceed in the absence of the Respondent. The Tribunal noted that the Respondent had been served with notice of the hearing under Rule 13(5) SDPR 2019 and the Tribunal had the power under Rule 36 SDPR 2019, if satisfied service had been effected, to hear and determine the application in the Respondent's absence.
12. The Tribunal found the Respondent to have been served correctly and the little engagement from her thereafter indicated that she was aware of the proceedings. The Tribunal decided that an adjournment, of any length, would not resolve her absence. The Respondent had a duty to engage but had not done so and there was nothing to suggest that she would attend a hearing on a future date. Despite the hint within the papers that there were issues of personal difficulty being faced by the Respondent there was no evidence that these were presently of a degree and nature preventing her

attendance. The Tribunal concluded that the Respondent had voluntarily absented herself.

13. The Tribunal considered that the facts underpinning the allegations were nearly 10 years old and concluded it was in the public interest for the case to be concluded without further delay. The Tribunal was satisfied it was appropriate for it to exercise its power under Rule 36 SDPR 2019 to hear and determine the application in the Respondent's absence.

### **Factual Background**

14. The Respondent is a solicitor having been admitted to the Roll on 2 February 2003. She was the sole practitioner at CLP Care Funding Solicitor (CLP). CLP ceased trading in 2016. CLP specialised in the provision of expert advice about 'Care Funding' issues concerning the elderly and disabled. The Respondent does not hold a current practising certificate.

### **Findings of Fact and Law**

15. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under Section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent's right to a fair trial and to respect for their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
16. The Tribunal had due regard to the following and applied the various tests in its fact-finding exercise:

#### **Integrity**

The matters set at paragraphs 97 to 107 of [Wingate v SRA \[2018\] EWCA Civ 366](#),

**NOTE:** While all the evidence was carefully considered the Tribunal does not refer to each and every piece of the evidence or submissions in its judgment and findings.

17. **Allegation 1.1 - Between 28 April 2016 and 20 December 2023 she failed to cooperate with the Legal Ombudsman and failed to comply with their directions and in doing so she thereby breached any or all of Principles 2, 6 and 7 of the SRA Principles 2011 ("the 2011 Principles") and corresponding 2019 Principles for conduct after 25 November 2019 (namely Principles 2 and 5), failed to achieve Outcome 10.6 of the Code of Conduct 2011, and breached Paragraph 7.3 of the Code of Conduct for Solicitors 2019.**
  - 1.2 **Between 4 July 2023 and 18 January 2024, failed to cooperate with the SRA investigation into this matter and in doing so she thereby breached any or all of Principles 2 and 5 of the SRA Principles 2019 and Paragraph 7.3 Code of Conduct for Solicitors 2019.**

## The Applicant's Case

### [Hyperlink to REDACTED R12](#)

- 17.1 The allegations related to two main areas of misconduct:
- 17.2 Failure to cooperate with the Legal Ombudsman (LeO) and comply with their directions between 28 April 2016 and 20 December 2023.
- 17.3 Failure to cooperate with the SRA investigation into this matter between 4 July 2023 and 18 January 2024.

### Failure to Cooperate with LeO (Allegation 1.1):

- 17.4 The allegations stemmed from a complaint made by Mr P to LeO in 2015 regarding poor legal service provided by the Respondent. On 14 April 2016, LeO made a final decision directing the Respondent to refund £500 to Mr P and pay a further £200 in compensation for "frustration and inconvenience". It was submitted that the Respondent allegedly failed to respond to LeO's communications throughout their investigation into Mr P's complaint and did not respond to the final decision letter or subsequent letters. Further, the Respondent did not pay the directed refund or compensation to Mr P.
- 17.5 There were repeated attempts by LeO to contact the Respondent at her former address between March 2016 and December 2023 (this address was also the address of the Firm), including sending letters on multiple dates.
- 17.6 LeO obtained a Court Order in 2017 to recover the award but attempts to execute it were unsuccessful as the Respondent had moved. Despite identifying the Respondent's new address in 2022, LeO's attempts to engage with her were again unsuccessful. LeO closed its case on 7 February 2023, and Mr P was referred to the SRA Compensation Fund.
- 17.7 There had been a previous SRA Adjudication decision in June 2017 against the Respondent, which included findings of failure to fully cooperate with LeO in relation to remedies for four complaints and it was submitted that these matters were closely related to the similar circumstances set out in the present allegation.
- 17.8 While the Respondent contacted LeO in November/December 2023 after interaction with the SRA, she failed to respond to subsequent voicemails and an email from LeO.
- 17.9 It was said that the Respondent's lack of engagement prevented Mr P and another client, Mrs C (whose case was also subject to the previous SRA decision), from receiving the full compensation awarded by LeO. While the SRA Compensation Fund reimbursed the fees paid on account, it could not cover the compensation for poor service. There was a significant delay in Mr P in receiving his refund. Mr P only received this refund in 2023, eight years after he had paid this sum to the Respondent.
- 17.10 It was submitted that the Respondent's clients had been vulnerable. CLP specialised in care funding for the elderly and disabled, suggesting their clients were likely to be

vulnerable and at a difficult time of their lives. The Respondent's actions were seen as undermining the trust these individuals had in the legal profession.

Failure to Cooperate with the SRA Investigation (Allegation 1.2):

- 17.11 Following LeO's referral, the SRA attempted to contact the Respondent by email and post in July 2023. Initial attempts were unsuccessful. While the Respondent eventually responded to an email in July 2023, she failed to provide substantive responses to requests for clarification regarding the unpaid LeO award and her lack of engagement. Subsequent communication involved requests for extensions and unfulfilled promises to respond.
- 17.12 The SRA Compensation Fund paid out £900 to Mr P and Mrs C (representing the fees paid on account). Attempts by the SRA costs recovery team to recover this sum from the Respondent were unsuccessful due to her lack of cooperation and the disproportionate cost of pursuing legal action. This sum was written off by the SRA.
- 17.13 The Respondent provided limited explanations for her lack of response, including being unaware of enforcement action, being unwell, and issues with her phone and internet service. The Applicant noted that some of these excuses were contradicted by the timeline of events and previous contact at her former address.
- 17.14 The Respondent failed to provide income details despite being warned that a default salary would be used for calculating any potential financial penalty. Even when the Respondent alluded to health concerns, she failed to engage with the Applicant, or the health signposting information provided.
- 17.15 It was submitted that the Respondent's current lack of cooperation mirrored her conduct during the previous SRA investigation in 2016 and 2017.
- 17.16 In the present matter, the Applicant sent the Respondent a Notice Recommending Referral to the Tribunal on 19 March 2024, inviting representations.
- 17.17 The Respondent requested and was granted an extension but failed to provide any representations.
- 17.18 The Applicant notified the Respondent on 29 July 2024 of the intention to add breaches of Principles 2 and 5 to the Rule 12 statement. No response was received.
- 17.19 On 30 April 2024, an Authorised Decision Maker of the SRA decided to refer the Respondent's conduct to the Solicitors Disciplinary Tribunal.

The Respondent's Case

- 17.20 The Respondent had not engaged in the proceedings and had not served an Answer or response to the allegation. The Respondent's position with respect to the allegations was therefore not known though as set out below there was some indication that the Respondent had been experiencing life difficulties at the time.

### The Tribunal's Findings

- 17.21 The Tribunal reviewed all the material before it. It had been presented with clear evidence of the Respondent's failure to engage with both LeO and the SRA. Accordingly, the Tribunal found both allegations proved to the requisite standard, namely on the balance of probabilities, save that it did not find that the lack of engagement amounted to a lack of integrity.
- 17.22 Wilful failure to comply with professional and regulatory obligations is no defence to any charge of misconduct, arising from a failure to engage with the Ombudsman and /or the Regulator. However, this case raised factual issues causing the Tribunal to exercise caution with respect to allegation of lack of integrity, which, ultimately it did not find proved, and to adopt a nuanced consideration of her conduct.
- 17.23 There was little doubt that the Respondent's conduct would have eroded public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, however, standing back and viewing the conduct contextually, the facts did not substantiate that the Respondent had lacked integrity. There was a disproportionality between what the Respondent had done and the weight of the allegations which had been pleaded. The Tribunal found there to be hints and clues within the Applicant's material pointing towards the Respondent having experienced a difficult and possibly traumatic episode in her life at the relevant time of the allegations and which may have caused her to make poor choices.
- 17.24 Further, this was also a case where there had been a significant delay in resolving matters such that by the time of the second allegation, the failure to engage with the Regulator, the Respondent had not had a practising certificate for almost six years and the initial issue in question had occurred seven years previously. The Tribunal questioned whether matters could have been resolved by another method i.e. retained in-house by the Applicant.
- 17.25 In conclusion, the Tribunal found Allegations 1.1 and 1.2 proved in full, save for lack of integrity.

### **Previous Disciplinary Matters**

18. There were no previous findings.

### **Mitigation**

19. The Respondent had not engaged and did not attend. There was no mitigation.

### **Sanction**

20. The Tribunal considered the Guidance Note on Sanction (11th Edition June 2022) ("the Sanctions Guidance") and the proper approach to sanctions as set out in Fuglers and others v SRA [2014] EWHC 179. In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.

21. In the absence of any information from the Respondent her motivation for the misconduct could not be determined and neither could it be said whether it had been planned or spontaneous. She had not breached a position of trust. However, she had had direct control over actions and as an experienced solicitor she should not have conducted herself in the way that she did.
22. There appeared to be present none of the aggravating factors set out in the Sanctions Guidance, no dishonesty, no concealment, no criminal activity, no bullying or preying upon the vulnerable. She had been of hitherto good character with an unblemished disciplinary record. Harm was relatively low and limited in nature
23. Something however, had gone seriously wrong with the Respondent and this may have been attributable to difficulties in her life of which the Tribunal saw glimpses from the papers.
24. As to sanction, the Tribunal adopted a '*bottom up*' approach. The misconduct was too serious for no order; however, a Reprimand was seen as the fairest and most proportionate sanction. A Reprimand will be imposed where the Tribunal has determined that the seriousness of the Respondent's misconduct justifies a sanction at the lowest level and that the protection of the public and the reputation of the legal profession does not require a greater sanction.
25. Given the low harm, that the Respondent did not have a practising certificate and had not practised since 2017 and lack of integrity had not been found, a sanction of greater severity would have been disproportionate in all the circumstances.

### **Costs**

26. Mr Bullock submitted that as a matter of principle the Applicant was entitled to its proper costs. It had proved its case, though not lack of integrity. The Applicant had pursued its case in a reasonable and proportionate way and followed all directions.
27. The quantum of costs claimed by the Applicant was set out in its itemised statement of costs dated 24 March 2025 in the total sum of £8,129.50. Mr Bullock submitted that this was a reasonable and proportionate sum given a case of this nature, though the Applicant was prepared to reduce its costs to £7,219.15 to take into account that the hearing had taken one day only.
28. The Respondent had not engaged and there was no evidence of her means.

### **Tribunal's Decision on Costs**

29. The Tribunal considered it right for the Applicant to have some of its costs and as usual in dealing with costs applications the Tribunal adopted a 'broad brush' approach and looked at matters in the round.
30. The Tribunal found that costs could have been held to a lower level had there been an earlier analysis of the real harm caused by the Respondent's misconduct and the matter kept in-house by the Applicant. There was no information as to the Respondent's finances, however, given that she was no longer practising and in 2017 she had not been



able to pay for her Practising Certificate it was a reasonable inference that she was of limited means.

31. The Tribunal saw no benefit to any party in making an order, which had no prospect of being paid within a reasonable time and to this end it set the costs at £2,500.

**Statement of Full Order**

32. The Tribunal ORDERED that the Respondent CLAIRE LETITIA PARRY, solicitor, be REPRIMANDED and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £2,500.00.

Dated this 8<sup>th</sup> day of April 2025  
On behalf of the Tribunal

*A. Kellett*

Ms A. Kellett  
Chair