SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 | Case No. 12935-2026

BETWEEN

TERESA ANDERSON | Applicant

and

SOLICITORS REGULATION AUTHORITY LTD | Respondent

Before:

Mrs L Murphy (in the chair)
Mr M N Millin
Ms L Hawkins

Date of Hearing: 12 August 2026

Appearances

Patrick Hill, counsel of Cloth Fair Chambers 39-40 Cloth Fair, London EC1A 7NT, for the Applicant.

Matthew Cassells, counsel in the employ of Blake Morgan LLP, Apex Plaza, Forbury Road, Reading RG1 1AX, for the Respondent.

JUDGMENT ON AN APPLICATION FOR REVIEW OF AN ORDER MADE UNDER SECTION 43 OF THE SOLICITORS ACT 1974

Background

1. By an application received on 24 April 2026, Ms Anderson applied to the Tribunal for the review of a section 43 Order made by the SRA. The Order was imposed by an SRA Adjudicator on 14 January 2026 following Ms Anderson's conviction, on 28 May 2024 at Barnstaple Magistrates' Court, for harassment contrary to section 2(1) and (2) of the Protection from Harassment Act 1997. The harassment was particularised as a course of conduct between 22 March 2020 and 21 August 2022 involving emails, social media posts, and the use of her former husband's home address on personal financial accounts.

2. The Adjudicator determined that the conviction was such that it would be undesirable for Ms Anderson to be involved in legal practice, imposed a section 43 Order, directed publication, and ordered her to pay costs of £300.

3. Ms Anderson applied for an internal SRA review of that decision on 4 February 2026. On 30 March 2026, the SRA Adjudication Panel dismissed the review, finding no material flaw in the Adjudicator's decision and no new information that would have had a material influence on the outcome. Ms Anderson thereafter lodged her application with the Tribunal. Although her notice referred to section 46 of the Solicitors Act 1974, the parties and the Tribunal proceeded on the basis that the application was properly one for review under section 43(3), and the SRA took no procedural point in relation to that error.

4. The Tribunal was therefore concerned with a review rather than a rehearing. The agreed legal framework required the Tribunal to consider whether the SRA's decision was wrong, or unjust because of a serious procedural or other irregularity. The Tribunal considered the documentary evidence before it, including the Adjudicator's decision, the internal review decision, the relevant SRA guidance, and the parties' written and oral submissions.

Preliminary Matters

<u>Application to adduce additional evidence</u>

5. Mr Hill applied for permission to rely on two character references which had not been before the original Adjudicator. The references had not yet been uploaded to the Tribunal bundle pending determination of the application. Mr Hill submitted that the Tribunal could receive fresh material where the interests of justice required it and that the proposed references, from a serving police officer and an appropriate adult, went to her professional duties and role. The Tribunal, it was submitted, might be assisted by the material, particularly where the Adjudicator's decision had referred to the risk that clients might not receive proper advice and to the vulnerability of clients.

6. Mr Cassells opposed the application. The references were more appropriate to an application for revocation of the Order. Admitting such evidence on a review would risk collapsing the distinction between a review and a revocation application. Mr Cassells further submitted that the evidence had not been before the decision-makers whose decisions were under review and that any assessment of what they might have done had the material been available would be speculative.

7. The Tribunal determined that the purpose of the hearing was to review the decision made by the SRA by reference to the material before the decision-maker. The proposed references had not been before the Adjudicator or the Adjudication Panel and the Tribunal was not satisfied that it would be assisted by admitting character evidence which post-dated, or was additional to, the material considered below. The application to adduce that evidence was therefore refused.

The Application

<u>The Applicant's Submissions</u>

8. Mr Hill advanced five grounds in support of the application. He submitted, by reference to section 43(1)(a) of the Solicitors Act 1974, that the relevant question was whether Ms Anderson's conviction was *"such that"* it would be undesirable for her to be involved in legal practice. He relied on *R (Solicitors Regulation Authority) v Solicitors Disciplinary Tribunal and Ali* [2013] EWHC 2584 (Admin), in which the section 43 jurisdiction was described as regulatory rather than penal and as existing *"to safeguard the public and the [Law] Society's reputation by ensuring that a person is currently only employed where a satisfactory level of supervision has been organised"*. He further relied on *Solicitors Regulation Authority v Solicitors Disciplinary Tribunal (Arslan, interested party)* [2016] EWHC 2862 (Admin) as establishing that the Tribunal's task was one of review, namely whether the decision was wrong, or unjust by reason of a serious procedural or other irregularity. Mr Hill submitted that *"wrong"* meant what it said and did not import a Wednesbury rationality test. He emphasised that, as the decisions below had been made on the papers and no oral evidence had been heard, the Tribunal was in as good a position as the Adjudicator and the Adjudication Panel to evaluate the material and determine whether the decision should stand.

9. Ground 1 was that the offence had been wrongly characterised as *"serious"*. A central tenet of Mr Hill's submissions was that the SRA had failed to consider the seriousness of the offence. He submitted that the SRA's guidance, *"How we regulate non-authorised persons,"* required consideration of the type of offence, the seriousness of the offence and the circumstances in which it took place, and expressly recognised that the SRA *"may not always decide it is necessary to impose a s.43 Order on the basis of a conviction."* He submitted that the Adjudication Panel had itself accepted that *"it is not inevitable that every case of proven harassment will meet the threshold for imposing a s.43 order."* It was therefore necessary for the Adjudicator and the Panel to identify what took this particular case over the threshold. Mr Hill submitted that they had failed to do so and had not properly applied the SRA's guidance to the facts of the offence.

10. Mr Hill submitted that the conviction sat at the bottom end of the statutory hierarchy under the Protection from Harassment Act 1997. It was a summary-only offence under section 2, carrying a maximum sentence of six months' imprisonment, and did not involve stalking, putting a person in fear of violence, serious alarm, or distress, racial or religious aggravation, violence, or dishonesty. He relied on the sentence imposed, namely a fine of £750 after a contested trial, as the only objective evidence of the criminal court's assessment of seriousness. He submitted that the District Judge was required to follow the statutory sentencing guidelines and that it was therefore a proper exercise to consider the sentence when assessing seriousness. He submitted that the SRA and the Panel had failed to grapple with the statutory framework, the Protection

from Harassment Act hierarchy, the sentencing guideline, and the significance of the fine imposed.

11. Mr Hill also relied on the SRA Enforcement Strategy. He submitted that the version of the Strategy included in the bundle did not mention harassment in the way relied upon by the SRA. He submitted that, in any event, the Strategy required a proportionate and fact-specific assessment and that the SRA was *"less likely to be concerned about behaviour which is at a low-level in terms of seriousness."* The Strategy's reference to allegations of harassment and criminal behaviour as *"inherently more serious than others"* did not relieve the SRA of the obligation to apply the common factors affecting seriousness, including intent and motivation, harm and impact, vulnerability, role and experience, patterns of behaviour and remediation. Mr Hill submitted that the SRA's failure to assess those factors, or to weigh them properly, was material and significant. On the facts, he submitted that the case pointed away from seriousness: there was no dishonesty or lack of integrity, no finding of intent to harass, no vulnerable victim, no abuse of professional position, no identified harm, no repetition, and no pattern of misconduct.

12. Ground 2 was that the SRA had wrongly conflated seriousness with "insight" and "remorse". Mr Hill submitted that section 43(1)(a) directs attention to whether the criminal offence itself is such as to make involvement in legal practice undesirable. He argued that a person's attitude after conviction might be relevant to future risk or mitigation but could not make the offence itself more serious. He submitted that the Strategy treated "expressions of apology," "regret" and "remorse" as mitigating features which "might be indicative of reduced or low future risk;" they were not constituents of seriousness. He further submitted that Ms Anderson accepted the conviction and did not ask the Tribunal to go behind it. What mattered was the contextual background and the singular nature of the offence. He submitted that the practical demonstration of conduct, including compliance with the restraining order and the absence of repetition, was more significant than the SRA's assessment of insight and remorse.

13. Ground 3 was that the SRA had given no real weight to the type of offence, its circumstances, and its timing. Mr Hill submitted that the offence arose wholly from the acrimonious breakdown of an 18-year marriage, involved no dishonesty, violence, vulnerable client, abuse of trust, professional role, or connection with legal practice, and had ended before Ms Anderson became involved in legal practice. He relied on *Gregory v Law Society* [2007] EWHC 1724 (Admin), in which Hughes LJ explained that section 43(1)(a) enables an order where a criminal offence of dishonesty may justify a conclusion that employment in a solicitors' firm is undesirable, even if the offence has no connection with the person's work. Mr Hill submitted that the present case was far removed from such circumstances. He contended that the further away the conduct was from Ms Anderson's core professional duties, the more attenuated was any regulatory case that her future involvement in legal practice was undesirable.

14. In relation to private life and context, Mr Hill relied on the Enforcement Strategy's statement that the SRA's *"key role is to act on wrongdoing which relates to an individual or a firm's legal practice"* and that *"the closer any behaviour is to professional activities, or a reflection of how a solicitor might behave in a professional context, the more seriously we are likely to view it."* He submitted that the conduct was

not wholly irrelevant because it arose in private life, but that the private-life context was an important part of the proportionality and undesirability assessment. He submitted that the decision-makers had failed properly to weigh the circumstances of the marital breakdown, Ms Anderson's mental health, and the absence of any professional nexus. He further submitted that the asserted risk to clients required a series of speculative leaps and was not a logical conclusion from the conviction.

15. Ground 4 concerned rehabilitation and subsequent developments. Mr Hill submitted that the restraining order expired on 27 May 2026 without breach and that the conviction became spent on 28 May 2026. He relied on section 4(1) of the Rehabilitation of Offenders Act 1974, which provided that a rehabilitated person *"shall be treated for all purposes in law as a person who has not committed or been charged with or prosecuted for or convicted of or sentenced for the offence"*. He accepted that a regulator may in principle have regard to a spent conviction for protective purposes but submitted that departure from the statutory policy of rehabilitation required a protective need which was absent here. He submitted that the Tribunal could and should take account of the position as it stood at the hearing, including the expiry of the restraining order, the spent conviction, and the absence of any repeat misconduct. He submitted that those matters were relevant to whether the decision could properly stand and to the proportionality of maintaining the Order.

16. Ground 5 was that the Order was disproportionate. Mr Hill submitted that, because a section 43 Order was regulatory and protective rather than penal, it must be justified by a protective need and go no further than that need required. He relied on the Strategy's commitment to *"take action that is proportionate to the risk"* and to *"consider the available sanctions and controls in turn, starting with the least restrictive."* He submitted that neither the Adjudicator nor the Panel had properly considered less restrictive outcomes, such as taking no action, advice, or warning, or explained why the most restrictive control available in respect of a non-authorised person was necessary. He further submitted that the risk to clients was, at best, speculative. The Order, he submitted, had a severe practical effect because Ms Anderson's sole income derived from work for an SRA-regulated firm and the SRA had declined to determine the pending permission application until the review was resolved. He submitted that the Order was unnecessary and disproportionate, particularly where the Legal Aid Agency was aware of the conviction and content for her to continue as a police station representative. Accordingly, an indefinite control order was, in the circumstances, a disproportionate and unnecessary response to a spent, out-of-character, summary only conviction, that, objectively, sat at the lower end of criminal conduct of that nature and was dealt with by way of a fine.

17. Mr Hill submitted that for the reasons detailed, both individually and cumulatively, the decision to impose the Order was wrong and should be quashed, or alternatively, varied.

<u>The Respondent's Submissions</u>

18. Mr Cassells opposed the application, submitting that it was without merit and should be dismissed. Mr Cassells contended that the Tribunal's task was one of review, not rehearing, and that the decision under review should not be disturbed unless it was shown to be wrong or unjust because of a serious procedural or other irregularity. It

submitted that it was not enough for Ms Anderson to show that another decision-maker might have reached a different conclusion.

19. In relation to the correct approach to the review, Mr Cassells submitted that there was no material difference between the parties as to the applicable test. The Tribunal's task was a review, not a rehearing, and the decision should be accorded appropriate respect. He submitted that the language of *"wrong"* did not create an invitation for the Tribunal simply to substitute its own view. Rather, the question was whether the decision fell outside the bounds of reasonable disagreement. It was not sufficient for Ms Anderson to show that another decision-maker might have reached a different conclusion, or that the Tribunal might itself have taken a different view at first instance. The decision under review had to be shown to be wrong or unjust because of a serious procedural or other irregularity.

20. As to Ground 1, Mr Cassells submitted that the Applicant's arguments about the statutory hierarchy, the fine imposed and the availability of more serious harassment offences did not establish that the SRA's decision was wrong. He accepted that the conviction was not at the most serious end of criminal conduct but submitted that the relevant question was whether it was sufficiently serious for regulatory purposes. Harassment was serious even without a criminal element, and criminal behaviour was serious in its own right; where, as here, the two came together, the Adjudicator was entitled to treat the matter as serious. The conduct was not properly characterised as a private domestic matter. It was a course of conduct which had crossed the threshold into criminal sanction, and Mr Cassells submitted that such conduct transcended private life and was capable of engaging public confidence in the delivery of legal services.

21. Mr Cassells further submitted that the Adjudicator and the Panel had been entitled to rely on the duration and nature of the offending. The conviction involved repeated behaviour over a period of more than two years and in multiple forms, including emails, social media posts, and the use of the victim's address on personal financial accounts. That prolonged course of conduct was relevant to seriousness and to the assessment of Ms Anderson's judgment. The fact that the case could have been worse, or that the sentence imposed was a fine, did not answer the regulatory question. Sentencing guidelines addressed punishment by the criminal court; they did not determine the SRA's assessment of whether unrestricted involvement in legal practice was undesirable. Mr Cassells submitted that attempting to work backwards from the sentence to infer the criminal court's view of regulatory seriousness was speculative and did not demonstrate that the SRA's conclusion was outside the bounds of reasonable disagreement.

22. As to Ground 2, Mr Cassells submitted that the Applicant's attitude to her offending was a relevant consideration when assessing undesirability. Section 43(1)(a) referred to a conviction *"which is such"* as to make involvement in legal practice undesirable, and that permitted consideration not only of the bare offence but also of what the offending and the Applicant's response to it revealed about future risk and regulatory suitability. He submitted that, in a borderline case, insight, reflection and remorse could properly affect whether the matter fell on one side or the other of the regulatory threshold. The Adjudicator was therefore entitled to consider the absence of insight and remorse, including whether that absence gave rise to concern about Ms Anderson's ability to exercise judgment and give appropriate advice to vulnerable clients. On that basis,

Ground 2 failed because the SRA had not treated insight and remorse as freestanding punishment, but as relevant to the protective assessment required by section 43.

23. As to Ground 3, Mr Cassells submitted that the SRA had properly considered the type, circumstances, and timing of the conduct. He rejected the submission that the conduct should be materially discounted because it arose from personal circumstances or the breakdown of a marriage. The reality, he submitted, was that the Applicant's case invited the Tribunal to accept that the vicissitudes of life had caused her to behave as she did. In the absence of reflection, insight or remorse, the SRA was entitled to be concerned that similar personal pressures might again affect her judgment. Mr Cassells also submitted that the conduct was not merely a private-life matter: it had resulted in a criminal conviction and involved a prolonged course of harassment. The Adjudicator was entitled to regard that prolonged lack of judgment as relevant to Ms Anderson's role as a police station representative and to the confidence the public could have in legal services.

24. As to Ground 4, Mr Cassells submitted that the expiry of the restraining order, the spent status of the conviction and any further positive material about Ms Anderson's character were matters more appropriate to an application for approval or revocation of the Order. The Tribunal was reviewing whether the Adjudicator's decision was right when it was made. Subsequent developments did not of themselves show that the original decision was wrong or unjust. Mr Cassells submitted that Ms Anderson could make a separate application for revocation, at which point the SRA could consider the updated material and any evidence of rehabilitation. Ground 4 therefore failed because it sought to introduce matters which might be relevant to a future revocation application but did not undermine the correctness of the decision under review.

25. As to Ground 5, Mr Cassells submitted that the Order was proportionate. Its purpose was protective, not punitive. It did not permanently prevent Ms Anderson from working in legal practice but required prior written approval so that the SRA could assess the proposed working environment, supervision, and safeguards. That mechanism, he submitted, was an appropriate regulatory response to a conviction which demonstrated a prolonged lapse of judgment and an absence of insight. The indefinite nature of the Order did not make it disproportionate, because it would remain in force only until it was appropriate to revoke it. Ms Anderson could apply for approval to work under suitable conditions and, in due course, apply for revocation if the Order was no longer necessary. Mr Cassells submitted that the Order therefore struck a proper balance between Ms Anderson's position and the need to protect the public and maintain confidence in the provision of legal services.

26. Accordingly, for the reasons detailed, the application should be dismissed.

<u>The Tribunal's Findings</u>

27. The Tribunal reminded itself that this was a review and not a rehearing. The question was not whether the Tribunal would have reached the same decision as the SRA at first instance, but whether the decision to impose the section 43 Order was wrong, or unjust because of a serious procedural or other irregularity. The Tribunal gave appropriate weight to the fact that the decision under review was an evaluative regulatory decision

taken by the SRA, whilst recognising that it was required to scrutinise the reasoning and the material before the decision-makers with care.

28. The Tribunal considered the written material and the oral submissions of Mr Hill and Mr Cassells. It reviewed the original Adjudicator's decision of 14 January 2026, the internal review decision of 30 March 2026, the relevant SRA guidance, including the Enforcement Strategy, the guidance relating to non-authorised persons and the guidance concerning criminal convictions, and the authorities to which it had been referred. The application was advanced on five grounds, each of which the Tribunal addressed in turn.

29. Ground 1 concerned seriousness. The Tribunal accepted that it was necessary for the SRA to consider the type and seriousness of the offence and the circumstances in which it occurred, and that not every conviction for harassment would necessarily justify a section 43 Order. The Tribunal also accepted that the offence was not at the highest end of the criminal spectrum and that the sentence imposed was a fine rather than a custodial or community sentence. Those matters were relevant to the assessment, but they were not determinative of the regulatory question before the SRA.

30. The Tribunal was satisfied that the SRA did consider the nature and seriousness of the conviction. The Adjudicator and the Adjudication Panel were entitled to take into account that the conviction arose from a course of conduct over a lengthy period, from 22 March 2020 to 21 August 2022, and involved more than one form of behaviour, including emails, social media posts, and use of the victim's address on personal financial accounts. The Tribunal did not accept that the SRA was required to treat the criminal sentence as conclusive of regulatory seriousness. Sentencing guidelines govern punishment by the criminal court; the SRA was required to consider whether the conviction was such that Ms Anderson's involvement in legal practice should be controlled. The Tribunal was not persuaded that the SRA failed to apply its guidance or that its conclusion on seriousness fell outside the permissible range of regulatory judgment. Ground 1 was therefore rejected.

31. Ground 2 concerned insight and remorse. The Tribunal did not accept Mr Hill's submission that insight and remorse were irrelevant to the section 43 assessment, or that they could only be considered as matters of mitigation. The statutory question was whether the conviction was such that it would be undesirable for Ms Anderson to be involved in legal practice. That assessment was protective and forward-looking. The Tribunal was satisfied that the SRA was entitled to consider what Ms Anderson's response to the conviction revealed about her judgment, reflection, and future risk. The Tribunal did not agree that the absence of remorse, in the particular circumstances, had a bearing on the risk that clients, including vulnerable clients, might not receive appropriate advice. Such a finding, the Tribunal found, was highly speculative and tenuous. The Tribunal determined that the SRA had not treated the absence of remorse as an additional punishment; it had properly considered it as part of the regulatory assessment of undesirability. Ground 2 was therefore rejected.

32. Ground 3 concerned the type, circumstances, and timing of the conduct. The Tribunal accepted that the conduct arose in the context of an acrimonious marital breakdown, that Ms Anderson had relied on her personal circumstances and mental health at the material time, and that the conduct pre-dated her accreditation and work as a police

station representative. The Tribunal also accepted that the conduct did not involve dishonesty, misuse of client money, violence towards clients, or misconduct in legal practice. Those were matters capable of weighing in Ms Anderson's favour.

33. However, the Tribunal was satisfied that the SRA had regard to those matters and was entitled to conclude that they did not outweigh the regulatory concerns arising from the conviction. The conduct was not properly to be regarded as irrelevant to legal practice merely because it arose in a personal context. It had resulted in a criminal conviction for harassment following a prolonged course of conduct. The SRA was entitled to regard the sustained nature of that conduct as demonstrating a lack of judgment over a significant period. The Tribunal was not persuaded that the SRA failed to consider the type, circumstances, or timing of the conduct, or that it gave those matters no real weight. Ground 3 was therefore rejected.

34. Ground 4 concerned the subsequent expiry of the restraining order and the spent status of the conviction. The Tribunal accepted that the restraining order had expired without breach and that the conviction had become spent. Those were matters which would be relevant to a future application for approval to work in legal practice, or to an application for revocation of the section 43 Order. Those matters were highly likely to weigh in Ms Anderson's favour on any of the applications detailed. They did not, however, demonstrate that the SRA's decision was wrong when made. The Tribunal's function on this application was to review the decision under section 43(3), not to determine afresh whether the Order should now be revoked in light of subsequent events. Ground 4 was therefore rejected.

35. Ground 5 concerned proportionality. The Tribunal was satisfied that the SRA had considered whether a section 43 Order was an appropriate and proportionate response. The Order was protective rather than punitive. It did not permanently prevent Ms Anderson from working in legal practice but required prior written approval before she could do so. That requirement enabled the SRA to consider the proposed role, working environment, supervision, and safeguards. In the Tribunal's judgment, the SRA was entitled to conclude that such a control was proportionate in light of the conviction, the prolonged nature of the conduct and the concerns as to judgment and insight. The fact that the Order created an additional hurdle for Ms Anderson did not make it disproportionate. She remained able to seek approval to work under appropriate conditions and, if circumstances justified it, to apply in due course for revocation. Ground 5 was therefore rejected.

36. The Tribunal was not persuaded that the SRA failed to apply the relevant guidance, failed to consider material matters, took into account irrelevant matters, or reached a conclusion outside the bounds of reasonable regulatory judgment. The Adjudicator and the Adjudication Panel had considered the conviction, the circumstances in which it arose, the applicable guidance, Ms Anderson's representations, and the protective purpose of a section 43 Order. The Tribunal was not satisfied that the decision was wrong, nor that it was unjust because of any serious procedural or other irregularity.

37. The application was accordingly dismissed, and the section 43 Order was confirmed.

Costs

38. Mr Cassells applied for costs in the sum of £3,411.24. The Respondent was a necessary party in response to the application and had successfully defended it. Mr Hill submitted that there were no observations as regards quantum. As to Ms Anderson’s means, she had incurred the cost of pursuing the application, which, it was submitted, had been properly made and brought. She had no income and would not have any income unless and until any application for permission to work was granted by the SRA. Mr Hill invited the Tribunal not to exercise its discretion to award costs.

39. The Tribunal determined that costs should follow the event. The SRA had successfully resisted the application and there was no reason to depart from the usual position. The Tribunal considered the sum claimed, £3,411.24, and was satisfied that it was reasonable and proportionate having regard to the nature of the application, the issues raised and the work required to respond to them. The Tribunal therefore ordered Ms Anderson to pay the SRA’s costs in the full amount claimed. In making that order, the Tribunal took account of the submissions made on Ms Anderson’s current means. It considered that the SRA’s Costs Recovery team would be able to consider Ms Anderson’s financial position once appropriate information had been provided and would come to a suitable arrangement regarding recovery of the costs.

Statement of Full Order

40. The Tribunal ORDERED that the application of TERESA ANDERSON for review of a s.43 Order be DISMISSED and it further Ordered that the Applicant do pay the costs of and incidental to the response to this application fixed in the sum of £3,411.24.

Dated this 25th day of August 2026
On behalf of the Tribunal

L Murphy

L Murphy
Chair