03-08-2025

To: report@sra.org.uk
Cc: [redacted]@sra.org.uk

Subject: Application for Review – RGC-000[redacted] (Porter / O'Connor) – Failure to Apply Threshold Test and Mischaracterisation of Complaints

Dear Sir/Madam,

Re: Request for Review under the SRA's Application, Notice, Review and Appeal Rules
Reference: RGC-000[redacted]

Subject(s): Claire Porter and Sean O'Connor – Solicitors, Herefordshire Council

I write to request a formal review of your decision dated 31 July 2025, which declined to take regulatory action against Ms Claire Porter and Mr Sean O'Connor following my complaints.

This request is submitted under the SRA Application, Notice, Review and Appeal Rules, specifically Rule 3.4, which permits review "on application of the person who is the subject of the decision." I am the original complainant and therefore the party directly affected by this regulatory decision.

The request is based on the following grounds:

- Misapplication of the SRA's Threshold Test (Stages 2 and 3)
- Factual misrepresentation of the scope of the complaints
- Failure to engage with key documentary evidence
- Contradiction of SRA policy on investigatory thresholds, especially where complainants lack institutional access

1. Mischaracterisation of Complaint Scope

Your decision framed the matter exclusively as an "allegation of dishonesty," concluding that no further action was possible. This misrepresents the substance of my complaints, which raised multiple distinct breaches of the SRA Principles, including:

- Procedural abuse: Deliberate miscategorisation of a Subject Access Request (SAR) as a Freedom of Information Request (FOI), obstructing evidence for tribunal proceedings.
- **Strategic misuse of a "vexatious" policy** to evade legal obligations and suppress democratic rights.

- Discriminatory and ableist language ("your inability to accept this"), breaching Principle 6.
- Failure to secure or disclose surveillance data, in breach of UK GDPR and internal policy.
- Abuse of legal position within a public body, undermining public confidence and breaching Principles 1 and 2.

None of these issues depend solely on proving dishonesty, and the complaints were supported with documentary evidence, internal emails, and procedural timelines.

2. Threshold Test – Misapplication of Stages 2 and 3

Stage 2 – Is the breach sufficiently serious?

Yes. The allegations concern:

- A pattern of obstructive conduct
- Breaches of statutory data rights
- Repeated policy manipulation to suppress legitimate contact
- Unprofessional and discriminatory language
- Solicitors acting on behalf of a local authority, where regulatory expectations are higher

Your Enforcement Strategy states that patterned misuse of legal mechanisms and harm to the administration of justice elevate seriousness. These elements are present and supported by evidence.

Stage 3 – Is the breach capable of proof?

Yes. Your response stated:

"The evidence provided does not support the allegation of dishonesty or suggest that there would be any additional evidence that we could obtain."

This contradicts your own Threshold Test guidance:

"We always consider carefully if there are lines of investigation we can explore in order to substantiate serious concerns."

You were made aware that key evidence (e.g. internal correspondence, flawed legal decision record, and access logs) remains within Herefordshire Council — yet no further enquiries were made. The

assertion that no additional evidence "could be obtained" is speculative and contrary to the SRA's investigatory powers.

3. Contradiction of Published Policy

Your **"Reporting a Solicitor"** guidance confirms the SRA investigates:

- Misleading conduct
- Discrimination
- Seriously reckless behaviour
- Obstructing the administration of justice

My complaints fall squarely within these categories. Yet your decision letter fails to mention these criteria, focusing narrowly on dishonesty alone.

4. Clarification on Review Rights

Your decision states:

"Under our rules, you do not have the right to appeal or review this decision."

This is materially misleading. While not all decisions carry a statutory right of appeal, the **SRA's Application, Notice, Review and Appeal** Rules provide that:

Rule 3.4: "Subject to rule 3.3, the SRA may review all or part of any of the regulatory decisions set out in annex 1 on the application of the person who is the subject of the decision."
Rule 4.2: "A decision may be materially flawed where... the SRA failed to take into account relevant considerations or took into account irrelevant considerations; or there has been a breach of the SRA's procedures or the rules of natural justice."

I submit this request on the basis of:

- Failure to apply the Threshold Test appropriately
- Failure to engage with material evidence
- Misrepresentation of the complaints' scope
- Unwillingness to pursue further investigatory avenues despite known data control gaps

Accordingly, a review is both permitted under Rule 3.4 and necessary under Rule 4.2 due to material procedural flaws.

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Request for Action

I respectfully request:

1. A formal reconsideration of decision RGC-000[redacted], under Rule 3.4
2. That the review be conducted by a senior officer not previously involved, in line with conflict safeguards
3. That the matter be assessed under your Strategic or Patterned Misconduct pathway, where appropriate
4. A written explanation of how the SRA intends to ensure fair and accountable outcomes in light of this procedural failure

Please confirm receipt and advise on the timeframe for formal review.

Sincerely



Mr C. Bury