Neutral Citation Number: [2022] EWHC 1048 (QB)

Case No: QB-2014-006315 and QB-2014-006316

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 06/05/2022

Before :

THE HONOURABLE MR JUSTICE SAINI

- -

Between :

(1) NURSING AND MIDWIFERY COUNCIL
(2) NORTH BRISTOL NHS TRUST **Applicants**

- and -

ALVIDA HARROLD **Respondent**

- -
- -

Adam Solomon QC (instructed by **Fieldfisher LLP** for the First Applicant and **DAC Beachcroft** for the Second Applicant) for the **Applicants**
Alvida Harrold did not appear and was not represented

Hearing date: 3 May 2022

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Approved Judgment

Covid-19 Protocol: This judgment was handed down remotely. The date and time for hand-down was deemed to be 10:30am on Friday 6 May 2022.

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THE HONOURABLE MR JUSTICE SAINI

MR JUSTICE SAINI :

This judgment is in 5 parts as follows:

I. Overview

1. This is my judgment on an application to extend a general civil restraint order ("GCRO") against Mrs Alvida Harrold ("Mrs Harrold"), the Respondent, for a further two year period from 5 May 2022. The application is made by an Application Notice dated 6 April 2022, issued jointly by the Nursing and Midwifery Council ("the NMC"), represented by Fieldfisher LLP, and the North Bristol NHS Trust ("the Trust"), represented by DAC Beachcroft LLP. I will refer to them collectively as "the Applicants".

2. Mrs Harrold was employed by the Trust as a Grade E nurse until her dismissal in December 2005. After her dismissal, the Trust referred Mrs Harrold to her professional body, the NMC, which struck her off its register on 22 October 2009. She remains struck off (having failed in her appeal to the High Court in 2016). Her refusal to accept this fact is the thread which runs through her complaints. As I describe in more detail below, Mrs Harrold has been litigating or attempting to litigate about that fact and related matters since the striking-off. Her conduct involves wide-ranging allegations of dishonesty or discrimination on the part of anyone who opposes her position. She also refuses to accept the result of any proceedings which have been concluded against her.

3. The original GCRO was made pursuant to CPR 3C PD and the inherent jurisdiction of the Court. Its terms prevented Mrs Harrold from issuing any claim or making any application in the Employment Tribunal, the Employment Appeal Tribunal, any County Court or the High Court without first obtaining the permission of a nominated High Court Judge. A GCRO in these terms was first made against Mrs Harrold by Laing J on 9 May 2016, renewed by Foskett J on 7 May 2018, by Warby J on 6 November 2018 and most recently by Chamberlain J on 6 May 2020.

4. My outline of the facts below is taken from the earlier judgments of the High Court (in particular, Laing J's judgment [2016] EWHC 1078 (QB), and Chamberlain J's judgment [2020] EWHC 1108 (QB)), as supplemented by the updates provided in the witness statement dated 6 April 2022 of Vanessa Taylor-Byrne of DAC Beachcroft acting for the Trust, and the witness statement of Richard Kenyon, a partner at Fieldfisher acting for the NMC. I have also received a witness statement from Mrs Harrold, as I describe further below.

II. Procedural matters

5. The GCRO made by Chamberlain J will expire on 5 May 2022. At the conclusion of the hearing before me on 3 May 2022, I made a further GCRO for 2 years, with my

reasons to follow. Mrs Harrold had notice of the hearing but did not attend. A few days before the hearing she applied in writing to adjourn the hearing for what she called a "further substantive" hearing to investigate claimed breaches by the NMC of earlier orders. As to her reasons for seeking an adjournment, Mrs Harrold said in an email sent on 29 April 2022 to the Court that she would not be able to attend the hearing set for 3 May 2022 "due to work commitments". She gave no particulars as to the nature of that commitment or as to whether she had sought permission to attend the hearing from her employer. Mrs Harrold also said in her email that she wanted, at what she termed a "substantive hearing", to raise with the court "…the continuing abuse of the court process by the claimants and their legal team". The day before the hearing before me, she sent an email to the court asking for an adjournment for additional reasons. She said "…the court may need to deal with the application as a case of abuse of the High Court jurisdiction processes. The court will need a longer time than 2hrs.30mins to hear all the issues as set out in my witness statement dated 29 April 2022". She also said that she was seeking legal advice. Having carefully considered Mrs Harrold's application for an adjournment and having heard from Leading Counsel for the Applicants, I explained at the outset of the hearing that I was not satisfied her reasons justified any adjournment. In my judgment, the time estimate was appropriate, and Mrs Harrold has been aware of the hearing for some time. Further, the GCRO I made at the conclusion of the hearing makes express provision for her to apply to the Court to set aside or vary the GCRO. Given the history, I was not willing to allow the GCRO to lapse and to allow Mrs Harrold the freedom to bring proceedings, without judicial scrutiny, until a further hearing on an unspecified date.

6. Although she did not attend the hearing, Mrs Harrold made a detailed witness statement dated 29 April 2022 opposing the application to extend the GCRO. I have taken that into account, and I have also considered the two Employment Tribunal decisions she sent to the Court (concerning her partially successful victimisation claim against the Trust in 2011 as more fully described in Laing J's judgment). Mrs Harrold's statement was detailed and clearly presented. Regrettably, the contents of her statement (and the updated evidence of the Applicants) show that she has every intention to seek to continue to litigate matters in a way which has led to a number of judges extending the GCRO. She also continues to make wholly inappropriate and unjustified allegations of wrongdoing against the applicants' legal teams including their Leading Counsel, Mr Solomon QC, and Solicitors. These have led to lengthy regulatory processes before the Solicitors Regulation Authority ("SRA") and the Bar Standards Board ("BSB") which have shown the complaints to be wholly without merit. Those complaints were plainly vexatious. I will return to these matters below.

7. For completeness and before turning to the application itself, I note that a recommendation was made on 6 May 2020 by Chamberlain J that the Attorney General should consider making an "*all proceedings*" order under s. 42 of the Senior Courts Act 1981. Such an order would not be time limited (unlike a GCRO) and would apply to all courts. That recommendation was expressly endorsed by Lewison LJ on 21 May 2021 who explained (when refusing permission to appeal against Chamberlain J's order): "it is clear that [the Applicants] have been put to considerable expense by the need to renew the GCRO from time to time". The Attorney General issued a claim for such an order on 18 March 2022. It is not known when the matter will be heard.

III. Legal Principles

8. CPR 3C PD provides as follows at §4.10:

> "The court may extend the duration of a general civil restraint order, if it considers it appropriate to do so, but it must not be extended for a period greater than two years on any given occasion."

9. In Chief Constable of Avon and Somerset Constabulary v Gray [2016] EWHC 2998 (QB), at [7], Warby J provided guidance as to the applicable legal principles. I have applied those principles supplemented by the observations of Turner J in Sheikh v Page [2017] EWHC 1772 (QB):

> "…where an application to extend a GCRO is made the court would normally expect to see some evidence relating to matters relevant to the period which has elapsed since the GCRO was made or most recently extended as the case may be. Otherwise, the important safeguard of limiting the duration of the period of the making or extension of a GCRO to two years would be liable to be circumvented."

IV. Factual Outline

10. Although my focus must be on potential for vexation in the future (based on what has happened since the GCRO), I need to set out the historic matters in order for the renewal application to be put in context. Mrs Harrold's past conduct provides a strong indication as to how she is likely to behave in future. I will seek to follow a chronological approach below but at points will need to divert from that to make the narrative easier to follow.

11. Mrs Harrold brought a series of claims against the Trust and the NMC, most but not all of which failed (one claim against the Trust succeeded but all claims against the NMC failed). The first substantive consideration of the GCRO was by Laing J: [2016] EWHC 1078 (QB). I will adopt but not repeat the abbreviations used by Laing J who reviewed the entire history and whose findings bind the parties.

12. The essential facts as found by Laing J were as follows. Mrs Harrold had brought a series of 15 claims against the NMC, the Trust and others, mostly in the Employment Tribunal, including for discrimination, victimisation and unfair dismissal, the last two of which had been stayed pending determination of the application for a GCRO. She also brought appeals and sought review of some decisions and the resulting costs orders. The proceedings had for the most part been determined against her. Laing J summarised in some detail at [38]-[52], Mrs Harrold's successful victimisation claim against the Trust (called "the seventh claim" in the judgment) arising from its referring her to the Trust. The judge also described the negative findings made by the Employment Tribunal about some of the Trust's evidence but noted that the ET held that it "was always proper for [the Trust] to refer [Mrs Harrold] to the NME": [39].

13. The Employment Tribunals did not have occasion to consider whether the many claims that failed were totally without merit ("TWM"), because there was no jurisdictional reason for them to do so. Laing J however had to consider that question. She found that many of Mrs Harrold's claims, both against the NMC and against the Trust, had been TWM. The fourteenth and fifteenth claims either sought to revive grievances in respect

of which decisions had already been made or made claims which were not remotely likely to succeed: they too were TWM. Laing J concluded that the test for the making of a GCRO was met. A 2 year GCRO was made. An application for permission to appeal to the Court of Appeal against Laing J's decision was itself refused as TWM by Sales LJ in September 2017.

14. On the basis of Laing J's findings that the fourteenth and fifteenth claims were TWM, the Trust and the NMC applied to the Employment Tribunal to list those claims for dismissal. Mrs Harrold resisted that application. EJ Livesey granted the application, dismissed the claims and ordered Mrs Harrold to pay a contribution towards the Trust's and the NMC's costs.

15. Mrs Harrold's appeal against her striking off by the NMC was dismissed by Jay J following a hearing at which she was represented by counsel: R (On the application of Harrold) v Nursing and Midwifery Council [2016] EWHC 3027 (Admin). Jay J set out the background to (and reasons for) her striking-off, namely that her behaviour was "fundamentally incompatible with being on the Register". I note that Jay J also referred to the "plethora of litigation" brought by Mrs Harrold as "betokening a continuing lack of insight" and being a factor relevant to her strike off. As to the underlying facts summarised by Jay J, he noted that Mrs Harrold was employed by the Trust until her dismissal in December 2005. She had been signed off sick since June 2004. On 17 November 2006, the Trust, somewhat belatedly, referred to her regulatory body, the NMC, because she had written an open letter dated 31 August 2004 to "all the patients on the dialysis unit". The letter complained of the conduct of Mrs Harrold's unit manager who had made her life intolerably difficult and stressful. It asserted that her unit manager, if not management in general, had subjected her to "harassment and victimisation" and that in truth there were no problems with the nursing care she had provided. The letter also stated that she had raised a formal complaint about the manager's outrageous behaviour and was expecting a favourable outcome. At the end of the letter she stated, "please ensure that everyone see [sic] this letter." Jay J dismissed Mrs Harrold's appeal against the finding of misconduct by the Conduct and Competence Committee (CCC) of the NMC and its decision on sanction (striking-off). The CCC held that she committed misconduct in a number of respects: (1) putting her own concerns before considerations of the health and welfare of patients; (2) taking action which had the potential to cause significant distress to patients; (3) failing to observe professional boundaries and, (4) failing to cooperate with colleagues. The CCC further found on the same occasion that the appellant's fitness to practise was impaired. It found there was no evidence of remorse, contrition, apology or willingness to learn from past mistakes. Instead, it held that Mrs Harrold had embarked on a course of extensive litigation against the Trust. Permission to appeal against Jay's dismissal of her appeal was refused by Sales LJ.

16. In due course, the Applicants applied to extend the original 2 year GCRO made by Laing J for a further 2 years. On 4 May 2018, Foskett J granted an extension of the GCRO for an initial period of 6 months after which he directed it would continue for a further period of 18 months unless Mrs Harrold had by a particular date set out in writing why it was no longer required. In due course, Mrs Harrold filed written submissions which were considered by Warby J, without a hearing. By Order of 7 November 2018, Warby J directed that the GCRO remain in place until 6 May 2020. He gave reasons for that Order, which included the following:

> "The thrust of the Respondent's submission is that the original GCRO of 2016 was obtained fraudulently. The arguments and evidence in support of that submission have all the flavour of the kind of vexatious conduct that must have been the foundation of the GCROs against this Respondent. But I do not need to determine whether those arguments have any merit. They are backward-looking arguments. As such they are not reasons why a GCRO should not be imposed or 'is not required' for the future."

17. Mrs Harrold made a complaint to the NMC on 28 October 2018, copied to the Minister of State for Health, in which she sought to raise matters decided against her in the Employment Tribunal and by Jay J in the appeal against the decisions to strike her off the NMC's register. On 5 August 2019, Mrs Harrold emailed the NMC's Chief Executive to request a review of the order striking her off the NMC's register, complaining *inter alia* that the NMC's decision was vitiated by a failure to consider a letter dated 20 September 2004. This complaint had already been ventilated before and rejected by Jay J.

18. The NMC declined to review the decision. This caused Mrs Harrold to respond, on 22 October 2019, that "application will be made to the High Court in due course to set out the false evidence and misrepresentations that were made by the NMC and [the Trust] to mislead the court during the High Court proceedings in 2016 and 2018". On 22 March 2020, Mrs Harrold sent a further letter to the NMC's Chief Executive indicating her view that the failure to review her striking off amounted to harassment contrary to the Protection from Harassment Act 1997.

19. Picking up matters in the High Court, on 16 November 2018, Mrs Harrold made representations to the Court responding to Warby J's Order of 6 November 2018 and providing reasons why the GCRO should not have been extended by him. On 28 February 2019, Mrs Harrold made two further sets of submissions. The aim of these submissions, which were addressed to both Warby and Laing JJ, was to show that the decisions to make the GCRO and to extend it were wrong. On 10 March 2019, Mrs Harrold emailed the Court indicating that these submissions had been intended to support an application to set aside or revoke the GCRO. On 28 July 2019, Mrs Harrold notified the Court that an application would be made to reopen the decision to refuse permission to appeal the GCRO made by Laing J.

20. It appears that nothing further was heard until February 2020. On 22 February 2020, Mrs Harrold emailed Ms George (an employed barrister at DAC Beachcroft who was also to become the target of vexatious BSB complaints in due course). Mrs Harrold attached a witness statement explaining why in her view the GCRO should be discharged and asking for a response within 7 days. DAC Beachcroft responded on behalf of the Trust that unless and until an application to discharge the GCRO was granted by the Court, the Trust was not required to and would not respond. On 5 March 2020, Mrs Harrold emailed Ms George again seeking a full response to her witness statement dated 2 March 2020 and indicating her belief that the GCRO had been made "as a direct result of the deliberately false, inaccurate and incorrect evidence and misrepresentation that was made to the court to mislead it during the hearing in April 2016". She went on to allege that "[f]alse evidence was further submitted to the court during the application to extend the GCRO in November 2018". She sought a full

response by no later than 12 March 2020, failing which an application would be made to the High Court for an order that such a response be provided.

21. On 5 March 2020, Mrs Harrold wrote to the court seeking permission to make an application to Laing J to discharge the GCRO. On 6 March 2020, Mrs Harrold sent a further letter to the Court enclosing a further copy of her witness statement dated 2 March 2020. She was advised that any application to discharge the GCRO had to be made by application notice. The application notice was issued and was supported by a bundle running to some 500 pages. It was in due course considered by Chamberlain J at the same time as the application by the Applicants to extend the GCRO.

22. Following a contested hearing, Chamberlain J made the GCRO which is due to lapse on 5 May 2022: [2020] EWHC 1108 (QB).

Post-hearing events

23. In the normal way, Chamberlain J's clerk distributed a draft of his judgment for typographical corrections. By email of 4 May 2020, Mrs Harrold corresponded with the judge's clerk and Mr Solomon in respect of the draft and sought an order that all her old complaints be referred to the Attorney General. Mrs Harrold made proposed amendments to the draft order which can fairly be described as tendentious. Mrs Harrold's ongoing correspondence with the judge thereafter, demanding that the Court cause the NMC to review her strike off, or provide reasons if it refused, are further evidence of Mrs Harrold's continuing obsession with this lost cause.

24. Unfortunately, matters did not stop there. I was taken to a letter of 6 May 2020 which Mrs Harrold emailed to Chamberlain J, asserting that his judgment contained "*offensive comments*". She accused Mr Solomon of dishonesty and misleading the Court and encouraging others to do so; and she accused Chamberlain J of failing to "*deal with this complaint honestly*". Mrs Harrold also accused the Judge of bias and of "*assisting your mate Adam Solomon*". She stated that the extent of the bias shown towards the author of this document meant that the judgment "*is not worth handing down*" and said "*…this is a not an old boy's club, this is the Royal Courts of Justice*". Mrs Harrold added that she believed Chamberlain J's decision in the proceedings was made with "*bias towards your pal Mr Adam Solomon and his clients"*. She asked that Chamberlain J read out this letter in open court after he had handed down his judgment.

25. This letter demonstrates a clear link between Mrs Harrold's inability to accept the judgment of the Court, with her ongoing desire to re-litigate historic matters (aligned to the allegations against the Applicants' legal teams). Following the judgment being handed down, Mrs Harrold sent a number of emails on 7 May 2020, stating that she wanted "*a rehearing by a different judge*" and that "*the hearing was totally unfair and I will not accept this judgment*".

26. By an email dated 13 May 2020, Mrs Harrold contacted Mr Solomon making repeated accusations of lying and misleading the Court, and demanding responses. Later that day, Mrs Harrold forwarded that email to the Court, and demanded that it be sent to various named members of the judiciary, demanding an investigation into his alleged dishonesty by the President of the QBD, and asserting that the matter would be referred to "*other agencies".* On 13 May 2020, the clerk to Chamberlain J politely informed

Mrs Harrold that the Judge considered further correspondence with him, or other judges who had made orders in her case, inappropriate.

27. Mrs Harrold wrote to state that she had filed an appeal against the order of Chamberlain J, by letter dated 28 June 2020. That letter also repeated her allegations of dishonesty, and alleged that she had been the subject of racist treatment and referred to Black Lives Matter. Mrs Harrold further stated that she would be making a complaint to the Department of Health.

28. Ms Taylor-Byrne sets out in her witness statement the progress of Mrs Harrold's appeal against the GCRO made by Chamberlain J. I note from Mrs Harrold's Amended Appellant's Skeleton Argument that she remained committed to bringing the same claims of discrimination (which she had lost) and alleging that the only reason for the order being made by Chamberlain J was due to the Applicants' fraud (and that of their legal teams). Mrs Harrold also repeated her criticisms of Laing J's judgment.

29. Lewison LJ refused permission to appeal by order dated 21 May 2021, noting Mrs Harrold's "very serious breach of the rules" in respect of the appeal, but nonetheless determining it substantively, and holding that an appeal "would have no real prospect of success". Lewison LJ also said that Mrs Harrold's repeated attempts to re-open the merits of Laing J's judgment (after permission to appeal had been refused by Sales LJ in September 2017) were "a collateral attack on the refusal of permission to appeal; and is an abuse of the process of the courts".

30. Mrs Harrold's conduct reflects an attitude of refusing to accept the finality of decisions. As Mrs Harrold said herself, she will not accept the judgment of the Chamberlain J. The evidence amply demonstrates that she will continue to exploit any opportunities to challenge previous decisions made against her. This has been, and continues to be, a drain on the resources of the Court and has significant time and cost implications for the Trust and the NMC. Substantial costs orders remain unpaid.

31. Finally, since the extension of the GCRO by Chamberlain J, Mrs Harrold has continued to seek to reargue matters and to make baseless allegations of discrimination and wrongdoing. These matters are summarised by the Applicants in their evidence and include the following:

    (a) On 8 January 2021, Mrs Harrold contacted the NMC seeking a review of the decision to strike her off the register made by the Conduct and Competence Committee on 22 October 2009. The letter, copied to Michelle Donelan MP includes the following paragraph:

        > "I wish to inform you that I have contacted my local MP Michelle Donelan to seek her assistance with this matter and a copy of this letter will be sent to her. I will ask her further to refer this issue to the Equalities Minister Kemi Badenoch and to the Department of Health to seek their intervention into the unfair and unlawful treatment of me by the NMC."

    (b) The NMC responded by letter on 12 February 2021. The response includes the following:

> "My letter to you dated 21 October 2019 confirmed that we had considered the evidence you had submitted up to the date of that letter. As such, we would only consider any evidence you feel is new and relevant which came to light after 21 October 2019. On receipt of any evidence, we would then decide whether the information would have been likely to change our initial decision if it was available at the time. Your letter dated 8 January 2021 does not make reference to new evidence that has become available after 21 October 2019."

(c) On 30 March 2021, Mrs Harrold wrote to the NMC following their response on 12 February 2021. In that letter Mrs Harrold confirmed that she had no new or further evidence but still wished to pursue her application for a review of the strike off application. She alleged that:

> "…the continuing failure of the NMC to deal with my strike off application for a review under Article 30(7) of the NMC Order 2001 in light of the ET decision dated 18 April 2011 and 1 December 2011 is a "continuing act" of unlawful direct racial discrimination and victimization and/or aiding and abetting of unlawful discrimination and or victimization."

(d) On 7 September 2017 the NMC had sent out an alert, as it was legally obliged to do, via the Internal Market Information (IMI) System about the restriction on Mrs Harrold's NMC registration. Mrs Harrold appealed that alert. However, following the United Kingdom's departure for the European Union, from 1 January 2021 the UK ceased to be a signatory to the IMI System of information sharing between EU member states. As a result, the NMC wrote to Mrs Harrold to ask whether she wished to pursue her appeal given that the EU alert had been removed.

(e) On 12 April 2021, Mrs Harrold emailed the NMC to say that not only did she wish to continue her appeal against the alert but also wanted to appeal the decision to send the alert notwithstanding her appeal and while the appeal decision was still outstanding.

(f) On 13 May 2021 the NMC responded to Mrs Harrold's letter of 30 March 2021 pointing out, again, that in the absence of any new evidence there were no grounds for reviewing her strike off.

(g) On 26 May 2021, the NMC emailed Mrs Harrold with a view to scheduling her appeal of the IMI System alert. Mrs Harrold responded the same day by email to the NMC requesting information about her appeal of the IMI System alert and stating that she wanted to delay the appeal pending an appeal against the decision to send the alert before her appeal against it had been determined.

(h) On 3 June 2021, Mrs Harrold contacted the NMC indicating she was drafting submissions to be sent to the Attorney General's Office and requested a response to her previous email on 26 May 2021, ideally by 4 June 2021.

(i) On 6 June 2021, Mrs Harrold contacted the NMC requesting information under the Data Protection Act 2018. Mrs Harrold stated this information was required to be included in her submissions to the Attorney General.

(j) On 27 June 2021 Mrs Harrold wrote to Mr Ben Wesson at the NMC yet again complaining that he had failed to respond to her review of the strike off decision but yet again failing to provide any new evidence which might form the basis of such a review. I note that as an indication of her refusal to move on from this issue Mrs Harrold says: "*I have been requesting that you refer the matter to a panel to conduct a review since 2012*." She finished the letter: "*Finally please provide me with a timeline when the review process will commence. I am seeking a response to this letter no later 12 the July 2021. Please be aware that this letter is being copied to my MP, Michelle Donelan, the Attorney General Office and the Department of Health*."

(k) On 10 October 2021, Mrs Harrold informed the NMC that she had lodged a complaint to the Information Commissioner's Office on 11 August 2021 for alleged failures by the NMC to provide her with documents under the Data Protection Act 2018.

(l) On 11 October 2021, the NMC informed Mrs Harrold that her EU Alert appeal has been conceded on the basis that:

> "…the UK has now left the EU, and the NMC no longer has access to the IMI system and the NMC's previously issued alert. Without a copy of the EU alert the NMC has no evidence to confirm the details were correct and therefore could not defend the appeal against the issue of the EU alert. Please note in conceding your appeal, the AR is not accepting any grounds which you set out in your notice of appeal."

(m) In light of its decision, on the alert appeal the NMC requested in its letter that Mrs Harrold withdraw her EU alert appeal so that the NMC could bring her EU alert appeal to a close with no need for a hearing or meeting.

(n) On 13 October 2021, Mrs Harrold contacted the NMC by email with a disclosure request under the Data Protection Act 2018. In the same email Mrs Harrold indicated that she objected to the NMC's decision to concede the alert appeal without seeking or requiring her make any representation, and that it was further evidence of unlawful racial discrimination, victimisation and racial harassment under the Equality Act 2010.

(o) On 13 November 2021, Mrs Harrold contacted the NMC by email making yet another application for a review of her strike off sanction.

(p) On 17 January 2022, Mrs Harrold again wrote to the NMC regarding her application for review of her strike off order.

Regulatory complaints: the BSB and the SRA

32. Mrs Harrold has conducted what can fairly be described as a campaign against the legal representatives of the Applicants. This has involved making the most serious allegations against them, including repeated allegations of dishonesty and of misleading the Court. Although I am not directly concerned with regulatory matters, these matters are still relevant to an assessment of Mrs Harrold's conduct, and her likely actions in the future as against the Applicants (were she to be free of the filtering process of a GCRO). Chamberlain J declined on jurisdictional grounds to extend the GCRO to restrain her from making regulatory complaints without permission:[39]-[46]. The Applicants do not go behind that but have provided evidence of the regulatory complaints.

33. In refusing to extend the GCRO to cover complaints to legal regulators, Chamberlain J at [45] noted that there was no evidence that the processes of the relevant legal regulators were, as a matter of practice, unable to deal with vexatious complaints. Chamberlain J explained that where it is obvious that a complaint lacks merit, it may be possible for it to be rejected as unfounded without referring it to the legal professional concerned. He said that in other cases, it may be possible to reject the complaint after considering a brief response from the professional. He noted that although a number of complaints were made in this case against Mr Solomon and Ms George, each was rejected relatively quickly. The experience of Mr Solomon since Chamberlain J's observations suggests that matters were not so straightforward when one considers the BSB's handling of the complaints against him. I will begin however with the historic position.

34. On 15 January 2018, Mrs Harrold sent an email to Ms George complaining that she and Mr Solomon were dishonest. On the same date, she complained to Mr Solomon's Chambers, raising the same points as had been rejected by the Employment Tribunal. On 9 January 2018, she complained to the managing partner at Fieldfisher about a Mr Johnson, who then had conduct of the matter on behalf of the NMC. He too was accused of dishonesty. There were further complaints in February and March 2018 about the legal team instructed against her. These complaints were copied to the BSB and SRA.

35. On 7 August 2018, Mrs Harrold submitted a complaint to the BSB about Ms George. The complaint was rejected. On 17 October 2018, Mrs Harrold made a further such complaint. On 22 October 2018, she sent a letter to DAC Beachcroft making a complaint to them about Ms George. DAC Beachcroft declined to investigate on the basis that the allegations were the same as those forming the basis of the complaint rejected by the BSB. Mrs Harrold was not content with this and wrote again to DAC Beachcroft, which again declined to investigate.

36. In addition, Mrs Harrold made a formal complaint to the BSB in January 2018 about Mr Solomon. This was rejected in May 2018. She made a further complaint in August 2018, which was treated as a request for a review of the decision to dismiss the first complaint. The review upheld the dismissal in October 2018. Sadly, matters did not rest there.

37. My attention was drawn to Mrs Harrold's lengthy complaint to the BSB made in December 2020 about Mr Solomon. It was alleged that he had misled the Court in respect of the proceedings before Jay J in 2016. The complaint was plainly vexatious and misconceived. It was the third complaint Mrs Harrold had made about him to the BSB, in addition to her many complaints about him to his chambers. I am surprised that

the BSB felt unable to determine her complaint summarily given her previous vexatious complaints to the BSB; and the fact that they had been warned in advance that Mrs Harrold would continue to make such complaints. The BSB conducted a lengthy investigation lasting almost 1 year, requiring various responses and documents from Mr Solomon. Mr Solomon argued before me that none of this should have happened and the BSB should not have "facilitated her abuse" by conducting the lengthy investigation which he also termed "baroque". The BSB is not before me and I cannot comment on this matter beyond observing that I can see the force of Mr Solomon's submission. Given the terms of earlier judgments of the High Court it is somewhat surprising that the BSB (unlike the SRA- see below) were not able to dismiss summarily the complaints. The position may however have been complicated by the fact that Mr Solomon is, as he told me at the hearing, is a member of the Board of the BSB and that possibly required more detailed independent consideration of the complaint.

38. The eventual conclusion of the BSB in November 2021 was that there "was no evidence of a breach of the Handbook". That did not stop Mrs Harrold's complaints, whether to his Chambers and, again, to the BSB. Having received 7 reports arising from this litigation from Mrs Harrold, the BSB rather belatedly decided that it would no longer investigate her complaints and would not respond to Mrs Harrold's communications.

39. Mr Solomon was not alone in being a victim of a campaign by Mrs Harrold. On 20 September 2021, Mrs Harrold emailed Michael Chissick, Managing Partner of Fieldfisher LLP attaching a complaint against Colin Gibson (Head of the firm's Dispute Resolution Department) and Mr Keynon. The matter was passed to Tom Rider, a partner and the firm's outgoing General Counsel, acting as Fieldfisher's Complaints Partner. Mr Rider reviewed Mrs Harrold's complaint and responded to her on 8 November 2021 addressing the complaints and stating that he did not uphold any element of her complaints. Mr Rider considered them to be entirely without foundation or any merit. On 14 November 2021, Mrs Harrold emailed Mr Rider stating that she rejected his comments "in its (sic) entirety". Mrs Harrold finished her email by stating: "For all these reasons I reject your conclusion and a copy of this email will be forwarded to the SRA". I will return to the SRA's response below.

40. On 15 November 2021, Mrs Harrold emailed Mr Rider again, this time attaching a letter responding to his comments. The letter included the following: "I have rejected your response in its entirety because you and your firm are fully aware that all the solicitors who were involved in representing the NMC from 2012 were involved in a conspiracy with the barrister Adam Solomon in assisting the NMC to lie and mislead all court proceedings in both the lower and High Courts to cover up the outcome of the ET decision which held on 18 April 2011 that I was unlawfully victimized by the North Bristol NHS Trust when the referral was made in 2006. The cover up was to remove the new evidence that became available after the strike off sanction was made to allow me to apply for a review of the strike off under Article 30(7) of the NMC Order 2001…It is therefore clear that this barrister along with the solicitors employed by Field-fisher are dishonest and corrupt. They misled proceeding both in the ET, EAT and the High Court for the benefit at the behest of their client, the NMC. They also assisted Mr Solomon during these court proceedings by helping him to advance falsehoods in order to deceive these courts further. These lawyers then abused the court and its inherent jurisdiction for protecting itself from vexatious litigation by instigating proceedings that they then deliberately deceived and misled. There is therefore no doubt

in my mind that there will have to be an investigation into the dishonest conduct of these lawyers."

41. On 21 September 2021, Mrs Harrold contacted the SRA raising concerns regarding Mr Keynon and Colin Gibson (as she said she would do). The letter is not before me, but I have been provided with the response from the SRA to Mrs Harrold which is contained in an email dated 14 December 2021. The Investigation Officer at the SRA noted in that email that he could not identify a breach of the SRA standards or requirements that warrants a regulatory investigation.

42. On 21 February 2022, Mrs Harrold responded to the Investigation Officer at the SRA. In that email she stated the following:

    (i) "As you are well aware these solicitors are crooks who have been allowed to corrupt judicial proceedings in the employment and High Court with their lies and dishonest conduct over many years."

    (ii) "You have told me that you will not investigate my complaint about these two lawyers' dishonest conduct. However this goes to show that the SRA is not fit for purpose as it allows dishonest lawyers to escape investigation into misconduct and go unpunished when they deliberately mislead court proceedings and corrupt judicial processes. Further, I believe your own attitude and behaviour towards me for making a complaint about these two corrupt solicitors is a disgrace to any organization. You have told me that any further complaints I make will lay on file and will not be responded to but I am telling you that I am making a formal complain about your own conduct which I also believe to be corrupt and that is the reason why you appear to be treating me with contempt for making a complaint about these two corrupt to their regulatory body. I therefore wish to have my complaint about these two solicitors to proceed and for a formal complaint into your conduct to be investigated."

43. Standing back from this history of engagement with the regulators, I consider the Applicants are right to argue that her only reason for attacking the legal representatives is to further vex and harass the Applicants in an analogous manner to bringing further proceedings which are TWM, in circumstances in which she is prevented from bringing claims or making applications in Courts or Tribunals by the GCRO. On the material before me, Mrs Harrold's allegations against the various legal teams are false and baseless. I will not dignify her more recent allegations of wrongdoing in her witness statement of 29 April 2022 by citing them, but they are essentially repeated allegations of the most serious wrongdoing. They have no foundation in fact. This case is a good example of the need for regulators of legal professionals to be astute in identifying litigants who abusively use regulatory process in order to pursue complaints about the outcome of legal proceedings as opposed to any genuine claims of professional misconduct. It is important that summary processes be in place to deal with such situations.

V. Extension: is it "appropriate" to grant an extension?

44. I have already expressed my views as to certain aspects of Mrs Harrold's conduct above. The Applicants submitted that the *appropriateness* test was amply met. They argued that the history since Chamberlain J's GCRO established a likelihood that Mrs Harrold would bring further vexatious claims. They also relied upon the contents of her most recent witness statement of 29 April 2022 as evidencing her desire to make further claims or applications designed to relitigate matters that have been finally decided against her. I accept these submissions.

45. I also consider it to be clear on the evidence before me that Mrs Harrold had sought to use complaints against the legal teams of the NMC and the Trust as an alternative means of relitigating the matters which the GCRO prevented her from litigating in court, a form of *proxy war* to evade the terms of the GCRO. She intends to do so in part by making allegations of fraud and dishonesty against members of the NMC's and the Trust's legal teams, for which there is no basis in fact.

46. Her main written statement of 29 April 2022 in opposition to extension of the GCRO is to the effect that the NMC is using that process to somehow protect itself from scrutiny of its own breach of the "NMC Rules". However, were she to have any complaint with merit (which, on the material before me, I doubt), the GCRO provides a process for her to seek permission to bring any proper claims. The GCRO does not in itself protect the NMC or indeed the Trust from facing a proper claim. A GCRO is not a bar on the bringing of any proceedings. It imposes a permission filter. Permission filters are a well-established feature of civil and criminal procedure. As the courts have indicated, they are most common as a way of controlling the use of appeal mechanisms. The court would not refuse Mrs Harrold permission to bring a claim of substance with arguable merit. Nor does the GCRO prevent her from revealing so-called "cover ups" by the legal teams (of which in fact I consider there is no evidence).

47. Applying the test in CPR 3C PD §4.10, in my judgment it is "appropriate" to extend the GCRO. Like Chamberlain J, I have concluded that given the number of courts and tribunals in which Mrs Harrold has sought to litigate, a GCRO (as opposed to a different form of order) is as necessary now as it was when made by Laing J and extended by a number of High Court judges. Given the length of time for which Mrs Harrold has been litigating and her enthusiasm for litigating the points already decided against her, an order for the maximum duration of 2 years is justified. Since the bulk of her claims have been brought in the Employment Tribunal, it is also necessary to make an order pursuant to the inherent jurisdiction, preventing her from litigating in that forum or in the Employment Appeal Tribunal without the permission of the High Court. That is in addition to the usual order pursuant to CPR 3C PD, which requires the permission of the High Court for any claim in a county court or the High Court. I will direct that the GCRO makes provision for her to apply to vary or to set it aside given that she did not attend the hearing.