



## **Simon Whiting**

### **Employee**

**7022383**

**[Employee-related decision Date: 15 July 2023](#)**

### **Decision - Employee-related decision**

Outcome: Control of non-qualified staff (Section 43 / Section 99 order)

Outcome date: 15 July 2023

Published date: 24 July 2023

### **Firm details**

#### **Firm or organisation at time of matters giving rise to outcome**

Name: Whatley Weston & Fox

Address(es): 15-16 The Tything Worcester WR1 1HD England

Firm ID: 59343

#### **Firm or organisation at date of publication**

Name: Bradley Saul Solicitors

Address(es): Market Chambers 2 Market Street Chipping Norton OX7 5NQ

Firm ID: 365517

### **Outcome details**

This outcome was reached by SRA decision.

#### **Reasons/basis**

#### **Summary of decision**

The SRA has put restrictions on where and how Mr Whiting can work in an SRA regulated firm. It was found that:

Mr Whiting has acted dishonestly because:

- On 21 October 2021, he told a client that he had signed the client's divorce petition and it had been filed in court when that was untrue.
- On 1 December 2021, he told the same client that the divorce petition had been filed in court when that was untrue.



- On 20 January 2022, he told another client that a payment of a court fee was awaiting authorisation when that was untrue.
- On 31 January 2022, he told the same client that his application for child custody had been sent to the court when that was untrue.

Mr Whiting's conduct was dishonest.

By virtue of the above, it is undesirable for Mr Griffith to be involved in a legal

practice without the SRA's prior written consent.

### **The facts**

- Mr Whiting is a Chartered Legal Executive Lawyer.
- Between October 2021 and March 2022, Mr Whiting worked in the private client department of a firm called Whatley Weston & Fox which, on 1 January 2022, merged with Hallmark Hulme LLP and then closed. Mr Whiting continued to work at Hallmark Hulme LLP until he terminated his employment in February 2022, leaving the firm in March 2022.
- Mr Whiting acted for two clients. In October 2021, one client instructed Mr Whiting to sign and file a divorce petition for him. In December 2021, the other client instructed him to apply to the court for a child custody order.
- On 21 October 2021, Mr Whiting told the first client that he had signed the divorce petition which had been sent to the court, when neither fact was true.
- On 1 December 2021, he confirmed to the first client that his divorce petition had been filed on 21 October 2021, when it had not been.
- On 20 January 2022, Mr Whiting told the second client that a court fee for the application for a custody order was waiting authorisation when it was not. On 31 January 2022, he told the same client that the application had been sent to the court when it had not been.

### **Our decision on outcome**

An order pursuant to section 43(2) of the Solicitors Act 1974 was imposed as Mr Whiting's conduct meant that it was undesirable for him to be involved in a legal practice without the SRA's prior approval.

This was because Mr Whiting's conduct was serious.

Mr Whiting was also ordered to pay costs of £1,350.

### **What our section 43 order means**

To make an order pursuant to section 43 that with effect from the date of the letter or email notifying Mr Whiting of this decision:

- i. no solicitor shall employ or remunerate her in connection with his/her practice as a solicitor;
- ii. no employee of a solicitor shall employ or remunerate him in connection with the solicitor's practice;
- iii. no recognised body shall employ or remunerate him;
- iv. no manager or employee of a recognised body shall employ or remunerate him in connection with the business of that body;
- v. no recognised body or manager or employee of such a body shall permit him to be a manager of the body; and
- vi. no recognised body or manager or employee of such a body shall permit him to have an interest in the body

except in accordance with the SRA's prior written permission

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