



David Hawkins

Employee

824085

[Employee-related decision Date: 11 December 2023](#)

Decision - Employee-related decision

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

Outcome date: 11 December 2023

Published date: 4 January 2024

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: DW Solicitors

Address(es): 262a Wellingbrough Road Northampton NN1 4EJ

Firm ID: 351483

Outcome details

This outcome was reached by SRA decision.

Decision details

Agreed outcome

1.1 David Hawkins , a former employee of DW Solicitors (the Firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. to the SRA making an order under section 43 of the Solicitors Act 1974 (a section 43 order) in relation to David Hawkins that, from the date of this agreement:
 - I. no solicitor shall employ or remunerate him in connection with his 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



- VI. no recognised body or manager or employee of such body shall permit him to have an interest in the body except in accordance with the SRA's prior permission
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £600.00

Reasons/basis

Admissions

3.1 David Hawkins makes the following admissions which the SRA accepts:

- a. that he was posting the incorrect monies received to the different client ledgers, which led to a shortfall in client account. Resulting in the firm being in breach of the SRA Account rules
- b. that he failed to adjust his monthly salary to reflect the salary advancements he had received, which resulted in nine months of double salary;
- c. that his conduct set out above in (b) was dishonest

4. Why a section 43 order is appropriate

4.1 The SRA's Enforcement Strategy and its guidance on how it regulates non-authorised persons, sets out its approach to using section 43 orders to control where a non-authorised person can work.

4.2 When considering whether a section 43 order is appropriate in this matter, the SRA has taken into account the admissions made by David Hawkins.

4.3 The SRA and David Hawkins agree that a section 43 order is appropriate because:

- a. David Hawkins is not a solicitor
- b. His employment or remuneration at the Firm means that he was involved in a legal practice
- c. Timely and accurate accounting is of fundamental importance to clients to safeguard their money. The SRA Accounts rules are in place for this reason. Mr Hawkins' actions caused the firm to be in breach of the accounts rules and put client money at risk. It is therefore not desirable for a bookkeeper who acts in this way to be involved in legal practice.
- d. Dishonest conduct is not compatible with legal practise. Mr Hawkins acted dishonestly in paying himself his full salary having already taken advances. Therefore, David Hawkins's conduct in relation to that act or default makes it undesirable for him to be involved in a legal practice

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