Solicitors Regulation Authority

Rafikul Ashrafi
Employee
830469

Employee-related decision Date: 29 March 2023

Decision - Employee-related decision

Outcome: Approval of employment (section 43)

Outcome date: 29 March 2023

Published date: 4 April 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Freshfields Bruckhaus Deringer LLP

Address(es): 100 Bishopsgate, London EC2P 2SR

Firm ID: 484861

Outcome details

This outcome was reached by SRA decision.

Decision details

1. Agreed outcome

1.1 Mr Rafikul Ashrafi (Mr Ashrafi), a former employee of Freshfields Bruckhaus Deringer LLP (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 him 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 £300.

2. Summary of facts

2.1 Mr Ashrafi was employed by the firm from 19 December 2019. He was employed as an eBilling Administrator to prepare and manually upload eBills to the firm’s clients as well as reviewing invoices for compliance with client regulations. As part of this work Mr Ashrafi had access to the firm's computer systems.

2.2 The police carried out an investigation of Mr Ashrafi’s possession of indecent images of children. The investigation found that, between 21 November 2018 and 23 June 2019, and therefore before he worked in his role at the firm, Mr Ashrafi had been in possession of:

i. 109 videos and
ii. 17 photographs

2.3 On 19 May 2021, Mr Ashrafi pleaded guilty to, and was convicted for, offences of:

i. 1 count of voyeurism
ii. 2 counts of making indecent photographs/pseudo photographs of a child.

2.4 Mr Ashrafi was sentenced to:

i. A 3-year community order to be served on each count concurrently
ii. 150 hours of compulsory unpaid work
iii. 25 day rehabilitation requirement.

2.5 He was also ordered to sign the Sex Offender Register for 5 years and was made subject of a Sexual Harm Prevention Order for 5 years.

2.6 The following day, on 20 May 2021, the firm became aware of Mr Ashrafi’s conviction and terminated his employment with immediate effect and also contacted the SRA to report the matter.

3. Admissions

3.1 Mr Ashrafi makes the following admissions which the SRA accepts; that, his convictions for voyeurism and making indecent photographs/pseudo photographs of a child mean that it is undesirable for him to be involved in a legal practice.

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 Mr Ashrafi.

4.3 The SRA and Mr Ashrafi agree that a section 43 order is appropriate because:

a. Mr Ashrafi is not a solicitor
b. His employment by the firm, a recognised body, means that he was involved in a legal practice.
c. He has been convicted of an offence which makes it undesirable for him to be involved in a legal practice.

4.4 The offence makes it undesirable for Mr Ashrafi to be involved in a legal practice because:

a. Mr Ashrafi's role was to prepare bills, upload those bills to client files and review invoices to ensure the firm complied with various regulations. He would have been expected to act at all times with integrity and in a way that upheld the public trust in the firm's delivery of legal services.
b. He has been convicted of serious criminal offences following repeated behaviour towards vulnerable minors over a significant period of time. Although he did this prior to working at the firm, it is undesirable for him to be involved in legal practice. Being convicted of such serious criminal offences is likely to damage public confidence in the safe delivery of legal services.

5. Publication

5.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory process. Mr Ashrafi agrees to the publication of this agreement.

6. Acting in a way which is inconsistent with this agreement

6.1 Mr Ashrafi agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7. Costs

7.1 Rafikul Ashrafi agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

Reasons/basis

Mr Ashrafi was convicted of a matter that made it undesirable for him to work in legal services. He agreed to accept a s43 Order by way of an RSA.

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