

# Amy Hannah Whiting

## Employee

### 669948

[Employee-related decision Date: 18 September 2020](#)

## Decision - Employee-related decision

Outcome: Approval of employment (section 43)

Outcome date: 18 September 2020

Published date: 27 October 2020

## Firm details

### Firm or organisation at date of publication

Name: Blacks Solicitors LLP

Address(es): City Point 29 King Street LEEDS LS1 2HL

Firm ID: 419628

## Outcome details

This outcome was reached by SRA decision.

### Decision details

Blacks Solicitors LLP have been granted permission under Section 43 of the Solicitors Act 1974 to employ Amy Whiting, subject to the following conditions:

1. Ms Whiting's work is at all times supervised by Charlotte Hart.
2. Ms Whiting's employment at Blacks Solicitors LLP is limited to that as provided by the firm to the us within the following documents:
  - application form completed by Nicholas Dyson and Amy Whiting dated 17 July 2020
  - email from the firm to us dated 10 September 2020.
3. Any proposed variation to Ms Whiting's duties, or arrangements as to her supervision are notified to us in advance of the change taking place and that the variation must not take place until permission is granted by us.
4. Ms Whiting shall not have any responsibility for or be involved in the training or supervision of any other employee at Blacks Solicitors LLP.



5. This approval will lapse if Ms Whiting's employment with the firm is terminated.
6. This approval and the conditions attached to it are subject to review at the absolute discretion of the SRA.

#### **Reasons/basis**

Amy Whiting was made subject to an order under Section 43 of the Solicitors Act 1974 on 16 July 2020. In accordance with Section 43 of the Solicitors Act 1974, any solicitor wishing to employ or remunerate her in connection with their practise as a solicitor must obtain the SRA's approval. The SRA is satisfied that the above employment will not put public confidence in the administration of justice and the provision of legal services or the interests of clients at risk.

**Employee-related decision Date: 16 July 2020**

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

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

Outcome date: 16 July 2020

Published date: 30 July 2020

### **Firm details**

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

Name: Blacks Solicitors LLP

Address(es): City Point, 29 King Street, Leeds, West Yorkshire, LS1 2HL

Firm ID: 419628

### **Outcome details**

This outcome was reached by SRA decision.

#### **Reasons/basis**

##### **1. Agreed outcome**

1.1 Amy Hannah Whiting, an employee of Blacks Solicitors LLP (the Firm), agrees to the following outcome to the investigation of her 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 Ms Whiting that, from the date of this agreement:
  - i. no solicitor shall employ or remunerate her in connection with his practice as a solicitor
  - ii. no employee of a solicitor shall employ or remunerate her in connection with the solicitor's practice
  - iii. no recognised body shall employ or remunerate her
  - iv. no manager or employee of a recognised body shall employ or remunerate her in connection with the business of that body
  - v. no recognised body or manager or employee of such a body shall permit her to be a manager of the body
  - vi. no recognised body or manager or employee of such body shall permit her to have an interest in the bodyexcept in accordance with the SRA's prior permission
- b. to the publication of this agreement
- c. she will pay the costs of the investigation of £300.

## **2. Summary of facts**

2.1 Ms Whiting worked as a paralegal in the Firm's property department. Ms Whiting acted for a client on the sale of new build houses being constructed on an estate.

2.2 In January 2019, on the sale of one of the houses, Ms Whiting's client provided her with a plan of the property. The plan included a detached garage. Ms Whiting provided that plan to the buyers' solicitor.

2.3 Ms Whiting's client subsequently sent her an updated plan of the property which did not include the garage. Ms Whiting did not send the updated plan to the buyers' solicitor. Exchange of contracts took place on the basis of the original, incorrect, plan.

2.4 The use of the incorrect plan later came to light. Ms Whiting told the Firm and her client that she had sent the revised plan to the buyers' solicitor. To cover up her error in not having done so, Ms Whiting created and backdated a letter to the buyers' solicitor purporting to enclose the updated plan.

2.5 The Firm conducted an internal investigation which resulted in a written warning for Ms Whiting, and reported the issue to the SRA.

## **3. Admissions**

3.1 Ms Whiting admits that her conduct set out above 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 Ms Whiting and the following mitigation which she has put forward:

- a. She has significant experience working with firms of solicitors and there have been no other concerns about her professional conduct.
- b. She has admitted her conduct and has expressed remorse for her actions.
- c. At the time of the conduct she had been under a lot of pressure due to volume of work and was dealing with very difficult personal circumstances.
- d. The Firm considered her conduct, offered additional support and decided to keep her in her post.
- e. She has been working hard since the incident to honour the trust placed in her by the Firm and there have been no other incidents or concerns.

4.3 The SRA and Ms Whiting agree that a section 43 order is appropriate because:

- a. Ms Whiting is not a solicitor
- b. by virtue of her employment and remuneration at the Firm she was involved in a legal practice
- c. by misleading the client and the purchaser's solicitors and by fabricating a letter to cover up her error, she has occasioned or been party to an act or default in relation to a legal practice. Ms Whiting's conduct in relation to those acts or defaults make it undesirable for her to be involved in a legal practice.

4.4 Ms Whiting's conduct makes it undesirable for her to be involved in a legal practice because it shows that she has been dishonest and may mislead her clients.

## **5. Publication**

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

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

6.1 Ms Whiting agrees that she will not deny the admission made in this agreement or act in any way which is inconsistent with it.

## **7. Costs**

7.1 Ms Whiting 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.

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