

# Peter Walmsley

## Solicitor

### 267743

*Sanction Date: 12 May 2022*

#### *Decision - Sanction*

Outcome: Rebuke

Outcome date: 12 May 2022

Published date: 24 May 2022

#### *Firm details*

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

Name: Clyde & Co LLP

Address(es): The St. Botolph Building, 138 Houndsditch, London EC3A 7AR

Firm ID: 460690

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

Name: Horwich Farrelly Limited

Address(es): Alexander House, Talbot Road, Old Trafford, Manchester M16 0SP

Firm ID: 817849

#### *Outcome details*

This outcome was reached by SRA decision.

#### *Decision details*

##### *1. Agreed outcome*

1.1 Peter Walmsley, a solicitor formerly of Clyde & Co ('the Firm'), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority ('SRA'):

- (a) he is rebuked;
- (b) to the publication of this agreement; and
- (c) he will pay the costs of the investigation of £600.

### *Reasons/basis*

2.1 Mr Walmsley was a member of the Firm at the material time (in November 2017), but is no longer.

2.2 At a work-related event on 23 November 2017, Mr Walmsley failed to have sufficient regard for the well-being of a female trainee solicitor ('AB') employed by the Firm, and by that failure caused her to experience discomfort and distress, as further described below.

2.3 The event was attended by the Firm's clients and other senior staff of the Firm.

2.4 The event started with colleagues and clients meeting at a local Christmas market. The party then moved on to a number of bars and participated in a pre-arranged activity.

2.5 In the course of the evening, AB discussed with Mr Walmsley (and with others present) work related matters.

2.6 At around 22.00, some of those present decided to go back to the hotel they were staying at. AB was made aware that the remaining members of the group, which included both clients and colleagues from the Firm, were moving onto another bar.

AB decided to join them and the group proceeded to a local venue that offered late night drinking, ('the Club').

2.7 At this stage in the evening, the group consisted of AB, Mr Walmsley, two male senior associates from the Firm (including one of AB's previous supervisors), and two members of the client organisation – one male and one female.

2.8 The Club was a venue licensed for late-night drinking and also had a sexual entertainment licence. The Club was staffed by women wearing underwear, who were visible to customers including AB, Mr Walmsley and the rest of their party, in the open areas and were available to customers for private dances in a separate area to where the party was seated.

2.9 Neither Mr Walmsley nor AB realised the nature of the Club until prior to entry. Mr Walmsley was also unaware that AB had even entered the Club until he saw her inside. He did not ask or encourage her to go to the Club, he had not visited the Club before, and it was not his choice of venue.

2.10 AB felt immediately uncomfortable upon entering the Club. However, she felt obliged to stay for a short period, primarily because she did not want to embarrass the clients of the Firm. She had never been to that kind of venue before. AB was told by one of the clients present that this was a venue where men could pay for private dances (and that took place in a separate area). There is no suggestion that Mr Walmsley paid for a private

dance or interacted with anyone outside of the immediate party. She was not pressurised to stay by Mr Walmsley.

2.11 The party was seated at a booth, with Mr Walmsley sitting close to AB. At one point, and without prior warning, Mr Walmsley placed his hand around her waist. This was done openly, and without any improper or sexual motivation on his part. However, this was unwanted by AB and it compounded her discomfort, particularly in view of the environment they were in.

2.12 AB felt unable to challenge Mr Walmsley's unwanted behaviour because of his seniority and the presence of clients. She moved away from Mr Walmsley because she felt uncomfortable with his arm around her. When she returned to the booth area, Mr Walmsley put his arm around her waist again (and, again, there is no suggestion that he had any improper or sexual motivation in doing so). After having another drink, AB left the Club.

2.13 Mr Walmsley was unaware at the time of AB's discomfort, and that his arm around her waist was unwanted.

2.14 The Firm investigated Mr Walmsley's conduct in this regard.

2.15 AB experienced, and subsequently received treatment for, anxiety which she attributed partly to the incident.

### **3. Admissions**

3.1 Mr Walmsley makes the following admissions which the SRA accepts:

(a) Although Mr Walmsley did not choose the Club as a venue to visit, and although he was unaware that AB was a member of the party entering the Club, once he realised she had entered the Club he ought to have taken reasonable steps:

1. to ensure she was not discomforted and/or otherwise adversely affected by the nature of the venue (as in fact was the case);
2. to ensure her well-being and welfare were not placed at risk by her presence in a venue of the nature;
3. to ensure that his actions, in placing his arm around her, did not exacerbate her feelings of discomfort at being present at the venue.

(b) In acting, and failing to act, in the manner set out above, he failed to carry out his role in the Firm in a way that encouraged equality of opportunity and respect for diversity, in breach of Principle 9 of the SRA Principles 2011, and this, in turn, led to a failure to maintain the trust the

public places in him and in the provision of legal services, in breach of Principle 6 of the SRA Principles 2011.

#### **4. Why a written rebuke is an appropriate outcome**

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Walmsley and the following mitigation which he has put forward:

- a) Mr Walmsley, after the events of 23 November 2017, discovered that AB had felt uncomfortable that night and apologised to her as soon as he discovered this.
- b) The progression of the evening was unplanned and the choice of venue was inadvertent.
- c) Like others that night, Mr Walmsley had been drinking but has since taken action to prevent his behaviour from being detrimentally impacted by alcohol when in the presence of colleagues or staff.
- d) This matter was referred to the SRA in June 2018. Mr Walmsley has cooperated fully and promptly with the SRA throughout.

4.3 The SRA considers that a written rebuke is the appropriate outcome because:

- (a) Mr Walmsley's failure to take appropriate action was detrimental to AB
- (b) he should have taken steps to check on the welfare of AB
- (c) his seniority and intoxication were aggravating factors

4.4 A rebuke is appropriate to uphold the public confidence in the solicitors' profession and provision of legal services. Any lesser sanction would not provide a credible deterrent to Mr Walmsley and the wider profession. Achieving credible deterrence plays a key role in maintaining professional standards and upholding public confidence.

#### **5. Publication**

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

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

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

6.2 If Mr Walmsley denies the admissions or acts in a way which is inconsistent with this agreement, the conduct which is subject to this agreement may be considered further by the SRA. That may result in a disciplinary outcome or a referral to the Solicitors

Disciplinary Tribunal on the original facts and allegations.

6.3 Denying the admissions made or acting in a way which is inconsistent with this agreement may also constitute a separate breach of principles 2 and 5 of the Principles and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

## **7. Costs**

7.1 Mr Walmsley agrees to pay the costs of the SRA's investigation in the sum of £600. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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