

Dene McClean

Employee

538267

Employee-related decision Date: 25 May 2021

Decision - Employee-related decision

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

Outcome date: 25 May 2021

Published date: 28 May 2021

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: CarsonKaye Limited / SperrinLaw Limited

Address(es): 154-160 Fleet Street, London, EC4A 2DQ / Tallis House, 2 Tallis Street, London, EC4Y 0AB

Firm ID: 612599 / 627652

Outcome details

This outcome was reached by SRA decision.

Decision details

1. Agreed outcome

1.1 Mr Dene McClean, a former police station representative and consultant at CarsonKaye Limited, 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 On 21 September 2020 at Southwark Crown Court, Mr McClean entered guilty pleas to two counts of the following:

Without authority he transmitted/caused transmission of an image/sound from inside a prison for simultaneous reception outside, contrary to section 40D(1)(b) of the Prison Act 1952.

2.2 On 22 December 2020 he was sentenced to a period of 42 weeks immediate custody.

2.3 Mr McClean's conviction relates to prison attendances in connection with his previous role at CarsonKaye Limited during the period 23 September 2016 to 28 September 2017. At the time of his conviction, he worked as a consultant at Sperrin Law Limited.

3. Admissions

3.1 Mr McClean makes the following admission which the SRA accepts:

- a. That his conviction for the offences listed at paragraph 2.1 above means 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 McClean and the following mitigation which he has put forward:

- a. He reported his arrest and subsequent charge to the SRA.
- b. He has fully co-operated with the SRA's investigation.

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

- a. Mr McClean is not a solicitor
- b. Mr McClean was undertaking work for CarsonKaye Limited (at the time of the conduct that resulted in his conviction) and Sperrin Law Limited (at the time he was convicted) in the name of, or under the direction and supervision of a solicitor. This means that he was involved in a legal practice.
- c. Mr McClean 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 McClean to be involved in a legal practice because the public expects people who conduct work for law firms by attending clients in custody to comply with the laws relating to communications with them. By communicating with a prisoner client by mobile phone, Mr McClean has not acted lawfully, and his actions have undermined trust in the provision of legal services and the solicitors' profession.

5. Publication

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

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

6.1 Mr McClean 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 Mr McClean 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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