

Victoria Phillips

Solicitor

451605

Agreement Date: 30 March 2023

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 30 March 2023

Published date: 4 April 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Deloitte LLP

Address(es): 1 New Street Square, London, EC4A 3HQ

Firm ID: 646135

Firm or organisation at date of publication

Name: Thought Machine Group Limited

Address(es): 7-11 Herbrand Street, London, WC1N 1EX

Firm ID: 809384

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Miss Phillips, a solicitor, agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority (SRA):

- a. she is fined £1,400
- b. to the publication of this agreement
- c. she will pay the costs of the investigation of £300.

2. Summary of facts



2.1 On 25 December 2020, Miss Phillips spent the day at her mother's address and had been drinking alcohol. Later that day she decided to drive her car home but as she was manoeuvring it, she made contact with a nearby parked car, causing minor damage to it. The police attended the scene and after providing a positive sample of breath she was charged with drink driving.

2.2 On 27 January 2021, she pleaded guilty at Sussex (Eastern) Magistrates' Court.

2.3 The sentence was:

- a. disqualified from driving for 24 months, reduced by 24 weeks subject to completion of a course approved by the Secretary of State
- b. fined £1650.

2.4 Miss Phillips was also ordered to pay:

- a. a victim surcharge of £165
- b. costs of £135 by 10 February 2021.

2.5 On 26 February 2021, Miss Phillips notified the SRA of her conviction.

3. Admissions

3.1 Miss Phillips admits, and the SRA accepts, that by virtue of her conduct and conviction she failed to behave in a way that upholds public trust and confidence in her and the solicitors' profession in breach of Principle 2 of SRA Principles.

4. Why a fine is an appropriate outcome

4.1 The SRA's Enforcement Strategy and its topic guide on driving with excess alcohol convictions 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 Miss Phillips and the following mitigation which she has put forward:

- a. she promptly notified her conviction to the SRA and cooperated fully with its investigation
- b. she has completed the driving awareness course and paid the fine
- c. she paid for the parked car to be repaired.



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

- a. the conduct had the potential to cause significant harm to other road users
- b. she was solely responsible and culpable for her conduct
- c. there was a reckless disregard of the risk of harm.

4.4 A fine is appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. Any lesser sanction would not sufficiently address the conduct and provide a credible deterrent to Miss Phillips and others. A financial penalty therefore meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules.

5. Amount of the fine

5.1 The amount of the fine has been calculated in line with the SRA's published guidance on its approach to setting an appropriate financial penalty (the Guidance).

5.2 Having regard to the Guidance, the SRA and Miss Phillips agree that the nature of the misconduct was low because the conduct did not form a pattern of behaviour. The Guidance gives this type of misconduct a score of one.

5.3 The SRA considers that the impact of the misconduct was medium because, the incident caused moderate loss by way of the damage to the parked car, which was later rectified by Miss Phillips. The Guidance gives this level of impact a score of four.

5.4 The nature and impact scores add up to five. The Guidance indicates a broad penalty bracket of £1,001 to £5,000 is appropriate.

5.5 In deciding the level of fine within this bracket, the SRA has considered the mitigation at paragraph 4.2 above which Miss Phillips has put forward.

5.6 Considering the factors set out in the Enforcement Strategy including the impact of the conduct, it is agreed that a fine at the lower end of the bracket is appropriate. On balance the SRA considers that the basic penalty should be reduced to £1,400. This reduction reflects the mitigation set out within paragraph 4.2 above.

6. Publication

6.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Miss Phillips agrees to the publication of this agreement.

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

7.1 Miss Phillips agrees that she will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7.2 If Miss Phillips 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.

7.3 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.

8. *Costs*

8.1 Miss Phillips 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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