

Ben Moore

Employee

663051

Employee-related decision Date: 10 May 2021

Decision - Employee-related decision

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

Outcome date: 10 May 2021

Published date: 13 May 2021

Firm details

Firm or organisation at date of publication

Name: Ramsdens LLP

Address(es): Oakley House, 1 Hungerford Road, Edgerton, Huddersfield,
HD3 3AL

Firm ID: 440420

Outcome details

This outcome was reached by SRA decision.

Decision details

1. Agreed outcome

1. Ben Moore, a former employee of Ramsdens 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
 - 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

- a. to the publication of this agreement
- b. he will pay the costs of the investigation of £300

2. Summary of facts

1. Between 17 June 2013 and 20 June 2019 Mr Moore was employed by the firm as a probate manager in its private client department.
2. In or around April 2016, Mr Moore was instructed by a client (Mr B) then aged 92 years, to draft his Will. Mr Moore was subsequently instructed on three further matters by Mr B.
3. In February 2018 Mr B gave Mr Moore a gift of £20,000 by cheque (the gift). Mr Moore accepted the gift without informing the firm, thereby breaching its 'Anti-Bribery and Corruption Policy'.
4. In April 2019, West Yorkshire Police investigated allegations of financial abuse by third parties against Mr B. During this investigation, Mr Moore told the police about the gift he had received from Mr B. Mr Moore was not a suspect in the police investigation and did not face any charges in respect of it.
5. The police reported Mr Moore's conduct to the SRA and, in the course of the SRA's investigation, the firm was informed about the gift.
6. The firm's disciplinary panel concluded that Mr Moore's actions in accepting the gift constituted serious misconduct and on 20 June 2019 his employment was terminated.

3. Admissions

1. Mr Moore admits that:
 - a. He accepted the gift from Mr B, a client of the firm.
 - b. He did not consider it necessary to advise Mr B to seek independent legal advice before he accepted the gift.
 - c. He did not tell the firm about the gift.

4. Why a section 43 order is appropriate



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.
2. When considering whether a section 43 order is appropriate in this matter, the SRA has taken into account the admissions made by Mr Moore.
3. During the firm's investigation, Mr Moore said:
 - a. He initially refused to accept the gift but did so on Mr B's insistence.
 - b. He considered himself to be a friend of Mr B, having assisted him on many personal matters.
 - c. He has had no similar friendships with other clients.
4. During the SRA investigation Mr Moore said:
 - a. At the time Mr B made the gift, he was not an active client of the firm.
 - b. The gift was made by Mr B in his capacity as a friend, not as a client.
5. The SRA and Mr Moore agree that a section 43 order is appropriate because:
 - a. Mr Moore is not a solicitor.
 - b. His employment at the firm, a recognised body, means that he was involved in legal practice.
 - c. By accepting the gift in breach of the firm's policies, Mr Moore has occasioned or been party to an act or default in relation to a legal practice. Mr Moore's conduct in relation to that act or default makes it undesirable for him to be involved in a legal practice.
6. Mr Moore's conduct makes it undesirable for him to be involved in a legal practice because as an experienced probate manager, he is aware that his clients are often elderly and can be vulnerable. Mr Moore was in a position of trust, had a detailed knowledge of Mr B's finances and did not advise him to take independent legal advice about the gift. He accepted the gift in breach of the firm's policy, failed to tell the firm about it and the firm only became aware of the gift during the police investigation.

5. Publication

1. The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory

process. Mr Moore agrees to the publication of this agreement.

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

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

7. Costs

1. Mr Moore 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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