

# Anthony Hood

## Employee

### 147405

*Agreement Date: 4 November 2020*

#### *Decision - Agreement*

Outcome: Regulatory settlement agreement

Outcome date: 4 November 2020

Published date: 27 November 2020

#### *Firm details*

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

Name: The Barrington Law Partnership

Address(es): Barrington Chambers, Victoria Avenue, Bishop Auckland, DL14 7JH

Firm ID: 74369

#### *Outcome details*

This outcome was reached by SRA decision.

#### *Decision details*

##### *1. Agreed outcome*

1.1 Mr Anthony Hood (Mr Hood), a former employee of The Barrington Law Partnership (BLP), agrees to the following outcomes 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:
- b. no solicitor shall employ or remunerate him in connection with his practice as a solicitor
- c. no employee of a solicitor shall employ or remunerate him in connection with the solicitor's practice
- d. no recognised body shall employ or remunerate him
- e. no manager or employee of a recognised body shall employ or remunerate him in connection with the business of that body
- f. no recognised body or manager or employee of such a body shall permit him to be a manager of the body
- g. 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. he is fined £2,000

- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £600.

#### *Reasons/basis*

### *2. Summary of Facts*

#### *The estate of Mr B*

2.1 Nigel Davis Solicitors (NDS) acted for Mrs A in the winding up of her partnership business. Mr Hood acted for the estate of Mrs A's former business partner, Mr B. NDS reported to the SRA that Mr Hood repeatedly misled them when he stated he had submitted paperwork to HMRC and the Probate Registry to obtain the Grant of Probate. Mr Hood had not submitted any such paperwork.

2.2 Mr Hood's failure to submit paperwork to HMRC and the Probate Registry and his misleading statements to NDS caused delay in the winding up of Mrs A's business but no financial loss.

#### *The estate of Mr C*

2.3 Mr Hood acted in the administration of the estate of Mr C. On 21 and 30 August 2018 he arranged for a total of five cheques (totalling £35,000) to be paid to legatees of the estate of Mr C. Mr C's estate had not yet been finalised and there were insufficient funds at that time to make the payments to the legatees. Mr Hood arranged for these cheques to be paid from three other estates he was dealing with. The cheques were drawn from two separate branch offices so suspicions about the payments would not be raised.

2.4 All monies have been returned to the rightful estates.

### *3. Admissions*

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

- a. in stating he had submitted relevant paperwork to HMRC and the Probate Registry to another firm when he had not he breached Principles 2 and 6 of the SRA Principles 2011
- b. by using money from other estates to fund payments to the legatees of the estate of Mr C he breached Principles 2, 4, 6 and 10 of the SRA Principles 2011 and Rule 20.1 of the SRA Accounts Rules 2011
- c. by requesting cheques from two separate offices so that his conduct in relation to the estate of Mr C would not be discovered he breached Principles 2 and 6 of the SRA Principles 2011
- d. that his conduct as set out above was dishonest.

### *4. Why the agreed outcome is appropriate*

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 Hood and the following mitigation which he has put forward:

- a. his own medical conditions and other difficult personal circumstances during the time leading up to his actions left him unable to concentrate or deal with confrontation or clients

- b. his belief that he could have been considered weak or a failure if he asked for help when he needed it
- c. he is not employed and has not worked in any capacity since September 2018.

#### 5. Section 43 Order

5.1 The SRA and Mr Hood agree that a Section 43 Order is appropriate because:

- a. Mr Hood is not a solicitor
- b. by virtue of his employment or remuneration at BLP he was involved in a legal practice
- c. by his actions in saying that he had submitted relevant paperwork to HMRC and the Probate Registry when he had not; paying legatees of Mr C's estates from other clients' estates and requesting cheques from two separate offices so suspicions would not be raised, Mr Hood has occasioned or been party to an act or default in relation to a legal practice. Mr Hood's conduct in relation to the acts or defaults makes it undesirable for him to be involved in a legal practice.

5.2 Mr Hood's conduct makes it undesirable for him to be involved in a legal practice because it was dishonest, lacked integrity and put client money at risk. It is imperative that people who work in legal services can be trusted and relied upon to deal openly and honestly with everyone they interact with. Mr Hood's behaviour has undermined those principles.

#### 6. Fine

6.1 The SRA considers that a fine is appropriate to maintain professional standards, uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. For the following reasons a financial penalty meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules:

- a. His admissions as set out in paragraph 3.1 represent a serious breach of our standards
- b. Mr Hood's conduct had potential to cause significant harm. If the conduct had gone undetected, there was a risk that the monies would not be repaid to the estates from which they came
- c. Mr Hood had direct responsibility for his conduct
- d. Mr Hood's conduct was planned or pre-meditated. He chose the estates from which he would pay the legatees and he chose to get cheques requested from two separate offices.

#### 7. Amount of the fine

7.1 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).

7.2 Having regard to the Guidance, the SRA and Mr Hood agree that the nature of the misconduct was high because Mr Hood's conduct was intentional and formed a pattern of misconduct. The Guidance gives this type of misconduct a score of three.

7.3 The SRA considers that the impact of the misconduct was low because it caused inconvenience but no loss and had no other direct material impact. The Guidance gives this level of impact a score of two.

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

7.5 In deciding the level of fine within this bracket, the SRA has considered Mr Hood's mitigation as stated at paragraph 4.2.

7.6 Mr Hood has cooperated with the SRA investigation, his conduct caused inconvenience to others but no actual financial loss occurred. This is because the firm replaced the money and recovered the money itself once the estates were finalised. On that basis, a fine at the lower end of the bracket is appropriate. In determining the amount of the fine, the fact that Mr Hood misled another firm and sought to conceal his actions in relation to the estate of Mr C are aggravating factors. For these reasons, and to create a credible deterrent to Mr Hood and others the SRA considers a basic penalty of £2,500, which is towards the middle of the bracket, to be appropriate.

7.7 The SRA considers that the basic penalty should be reduced to £2,000. This reduction takes account of the prompt admissions made by Mr Hood to the SRA.

7.8 Mr Hood has not made any financial gain or received any other benefit as a result of his conduct. Therefore, no adjustment is necessary to remove this and the amount of the fine is £2,000.

#### *8. Publication*

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

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

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

9.2 If Mr Hood 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.

9.3 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 SRA Principles.

#### *10. Costs*

10.1 Mr Hood 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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