

Thomas Rhys Phillips

Solicitor

475275

Agreement Date: 6 December 2023

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 6 December 2023

Published date: 22 December 2023

Firm details

No detail provided:

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Thomas Rhys Phillips (Mr Phillips), a Solicitor, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. Mr Phillips has breached Principle 2 of the SRA Principles 2019 which refers to acting in a way that upholds public trust and confidence in the solicitors' profession.
- b. Mr Phillips agrees to the publication of this agreement pursuant to Rule 9.2 of the SRA Regulatory and Disciplinary Procedure Rules
- c. Mr Phillips will pay a financial penalty in the sum of £1,500 pursuant to Rule 3.1(b) of the SRA Regulatory and Disciplinary Procedure Rules
- d. Mr Phillips will pay the costs of the investigation of £300 pursuant to Rule 10.1 and Schedule 1 of the SRA Regulatory and Disciplinary Procedure Rules.

2. Summary of Facts

2.1 On 16 July 2022, Mr Phillips was charged of an offence contrary to section (5)(1)(a) of the Road Traffic Act and Schedule 2 to the Road Traffic Offences Act 1988.



2.2 Mr Phillips attended North Hampshire Magistrates Court and pleaded guilty to the charge on 2 August 2022 and was convicted of drink driving.

2.3 Mr Phillips was banned from driving for a period of 18 months and was issued with a fine in the amount of £2,500. In addition, he was ordered to pay costs in the sum of £85 and a victim surcharge in the sum of £1,000.

2.4 Mr Phillips reported the details of his conviction to the SRA on 2 August 2022.

3. Admissions

3.1 Mr Phillips admits, and the SRA accepts, that by driving having consumed a level of alcohol in excess of the legal limit, resulting in a conviction for that offence, he has breached Principle 2 of the SRA Principles 2019 which states:-

“You act... in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.”

4. Why a fine is an appropriate outcome

4.1 The SRA's Enforcement Strategy, and 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 Mr Phillips and the following mitigation which he has put forward:

- a. This was an isolated incident and Mr Phillips has no previous convictions
- b. Mr Phillips promptly reported the incident to the SRA and has cooperated fully with our investigation
- c. Mr Phillips has shown remorse for his conduct and insight into the ethical standards expected of him as a solicitor and
- d. No harm was caused to property or persons as a result of Mr Phillips' conduct

4.3 The SRA and Mr Phillips agree that a financial penalty is the appropriate outcome because:

- a. Mr Phillips drove a vehicle when the level of alcohol in his blood was above the prescribed legal limit. Therefore, he disregarded the risk or potential risk of harm to others
- b. Mr Phillips had direct control and responsibility for his conduct and



- c. A public sanction is required to uphold public trust and confidence in delivery of legal services by SRA authorised persons

4.4 A financial penalty is appropriate to sanction the regulated person for a breach of standards, to maintain professional standards and to uphold public confidence in the solicitors' profession.

4.5 A financial penalty is also intended to deter the individual and others from similar behaviour in the future. Any lesser sanction would not provide a credible deterrent to Mr Phillips or others.

4.6 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 that was in place prior to 30 May 2023 (the Guidance).

5.2 Having regard to the Guidance, the SRA and Mr Phillips agree that the nature of the misconduct was low because he fully cooperated with our investigation and demonstrated accountability and remorse for his own actions. 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 his conduct had the potential to give rise to a moderate risk of harm. 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 £1,001.00 to £5,000.00 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 Mr Phillips has put forward:

- a. This was an isolated incident and Mr Phillips has no previous convictions
- b. Mr Phillips promptly reported the incident to the SRA and has cooperated fully with our investigation
- c. Mr Phillips has shown remorse for his conduct and insight into the ethical standards expected of him as a solicitor and
- d. No harm was caused to property or persons as a result of Mr Phillips' conduct

5.6 On this basis, the SRA considers that the admission of direct responsibility for the offence and the remorsefulness shown indicates a fine at the lower end of the bracket. However, this must be balanced against the

fact that the misconduct had the potential to cause moderate risk of harm. The SRA considers a basic penalty of £2,000, towards the lower end of the bracket, to be appropriate.

5.7 The SRA considers that the basic penalty should be reduced to £1,500. This reduction reflects the fact that Mr Phillips has accepted full responsibility for his actions, plead guilty to the offence and reported his own misconduct to the SRA on the date of his conviction.

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. Mr Phillips agrees to the publication of this agreement.

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

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

7.2 If Mr Phillips denies the admissions above 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.

7.4 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 3.2 of the Code of Conduct for Firms.

8. Costs

Mr 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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