

# Christopher Peak

## Solicitor

### 106386

*Agreement Date: 6 January 2023*

#### *Decision - Agreement*

Outcome: Regulatory settlement agreement

Outcome date: 6 January 2023

Published date: 9 January 2023

#### *Firm details*

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

Name: Madge Lloyd & Gibson

Address(es): 34 Brunswick Road, Gloucester, GL1 1JW

Firm ID: 58346

#### *Outcome details*

This outcome was reached by agreement.

#### *Decision details*

##### 1. Agreed outcome and undertakings

1.1 Mr Christopher George Peak, a solicitor and former registrar to the Diocese of Gloucester, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. He undertakes to apply to remove his name from the Roll of Solicitors (the Roll) within 14 days of the date of this Agreement and further undertakes that he will never apply to be re-admitted to the Roll
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £1,350.

##### 1.2 Mr Peak provides the following undertakings to the SRA:

- a. he undertakes to apply to remove his name from the Roll within 14 days of the date of this Agreement
- b. he undertakes never to apply to be re-admitted to the Roll

c. he will not:

- i. be employed or remunerated by a solicitor in connection with a solicitor's practice
- ii. undertake work in the name of, or under the direction or supervision of a Solicitor
- iii. be employed or remunerated by a recognised body
- iv. be employed or remunerated by a manager or employee of a recognised body in connection with that body's business
- v. be a manager of a recognised body
- vi. have or intend to acquire an interest in such a body

without such solicitor or recognised body seeking prior approval from the SRA.

*Reasons/basis*

## *2. Summary of Facts*

2.1 Mr Peak acted as the registrar to the Diocese of Gloucester between 11 January 1985 and 30 November 2012. The role of registrar is a specific public office which was allowed for under the Ecclesiastical Judges and Legal Officers Measure 1976. This stipulated that: 'For every diocese there shall be an office the holder of which shall be known as the registrar of the diocese, and the holder of that office shall also be the legal adviser to the bishop of the diocese.' It also stipulated that the duties of a registrar were to: 'perform the functions conferred or imposed by or under any enactment or Canon on such registrar or on the registrar of the consistory court of the diocese and the functions previously performed by the Bishop's legal secretary.'

2.2 Mr Peak's instructions under this role at the relevant time were set out in statute under the Legal Officers (Annual Fees) Order 1991, which required the office holder to advise both the Bishop of Gloucester (in his official capacity) and other members of the clergy within the diocese. Liability for his fees was apportioned between the bishop and the Diocesan Board of Finance. He therefore had a solicitor-client relationship with both the bishop and the diocese.

2.3 In December 1992 Peter Ball, then the bishop of Gloucester, was arrested and charged with allegations of sexual abuse following receipt of information from a complainant who had been a member of Mr Ball's congregation. Mr Ball asked Mr Peak to act for him in a personal capacity in relation to the police enquiry and Mr Peak agreed to do so. Under that retainer, he was obliged to advise Mr Ball in respect of potential criminal allegations and act in his best interests. This put Mr Peak in conflict with his

duties towards the diocese, which were broadly to protect its interests and that of its congregation. If the allegations against Mr Ball were true then he presented a real risk to the congregation and it was in the diocese's best interests for him to be removed from the Church altogether, whereas it was in Mr Ball's best interests to receive as lenient an outcome as possible and return to his ministry.

2.4 Mr Ball was arrested on 14 December and Mr Peak attended at his police interview. Mr Peak continued to act for Mr Ball, often also taking instructions from his brother. Mr Peak accepts that he explained the definition of the offences of indecent assault and gross indecency to Mr Ball when he advised him and that Mr Ball confirmed that he had committed those offences.

2.5 In February 1993, Mr Peak wrote to the CPS encouraging them to issue Mr Ball with a caution. He told the CPS that Mr Ball had signed a deed in escrow confirming that he would resign his post as bishop, and assured them that this would be put into effect if he was cautioned.

2.6 Mr Ball was given a caution on 8 March 1993 and announced his resignation the same day. However, no disciplinary action was taken by the Church and Mr Ball was not placed on the Church's list of clergy about whom there were concerns (the effect of which would have been to curtail his future ministry within the Church). As a result of campaigning by Mr Ball and his brother, Mr Ball was gradually allowed to carry out services within the Church in his capacity as a retired bishop. This included working with children and young men.

2.7 In 2012, the Archbishop of Canterbury decided to recall all the information about Mr Ball to Lambeth Palace so that it could be reviewed centrally. As a result of the review, some reports were located which had referred to Mr Ball's abuse of boys and young men. They were considered to be new evidence and referred to Sussex Police, which opened an investigation. When the police informed the original complainant about Mr Ball that they were looking at the matter again, he committed suicide. Mr Ball was arrested in November 2012 but subsequently de-arrested over concerns about his age and health. The resulting publicity caused a number of other victims to come forward.

2.8 Mr Ball used various legal challenges to delay his trial until late 2015, when he admitted to two indecent assaults and a charge of misconduct in public office. He was sentenced to 32 months in prison. Mr Ball was released on license on 3 February 2017 and died in June 2019.

### *3. Admissions*

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



- a. in December 1992, while acting as the registrar for the Diocese of Gloucester, Mr Peak agreed to represent Peter Ball, then the Bishop of Gloucester, in a personal capacity regarding allegations that he had sexually abused members of his congregation. He therefore acted where there was a conflict or a significant risk of a conflict between the interests of those two clients and so breached:
  - i. Rules 1(a), 1(c) and 1(d) of the Solicitors Practice Rules 1990 ('the SPRs')
  - ii. Principle 11.01 of the Law Society's Guide to the Professional Conduct of Solicitors (fifth edition) ('the Guide').

#### *4. Why removal from the Roll is an appropriate outcome*

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 Peak and the following mitigation which he has put forward:

- a. there is no evidence that Mr Peak deliberately broke the rules
- b. the conduct took place in 1992 and the SRA has received no other reports or complaints about Mr Peak's conduct
- c. Mr Peak has now retired and so the risk of repeat misconduct is low.

4.3 The SRA considers that removal from the Roll is the appropriate outcome because:

- a. although Mr Ball had resigned as bishop, he was gradually allowed an increasingly prominent role in the church which eventually included school visits. It appears that there was at least one further victim after Mr Ball was cautioned, which indicates that he still presented a risk to parishioners. The victims who had complained to the church or police before the caution had to wait years to see any real justice, which will have caused significant emotional distress. The original complainant committed suicide upon learning that the case had been reopened. Actual harm was therefore caused to parishioners as a result of the failure of the Church to take effective action against Mr Ball, which is partly attributable to Mr Peak's inability to advise them to do so because of his conflict of interests

- b. following Mr Ball's imprisonment, two independent reviews have been commissioned to investigate why he was not convicted sooner. Both reviews have been published online and discuss Mr Peak's involvement in some detail, including the role he played in pressing the CPS for a caution when the concerns were first investigated, and his conflicting duties to Mr Ball and the diocese. This will have had a significant detrimental impact on the standing of the profession
- c. Mr Peak had direct control and responsibility for his own behaviour. It was his choice to agree to act for Mr Ball in a personal capacity in his criminal case, where the conflict (or risk of conflict) should have been apparent to him
- d. Mr Peak wilfully or recklessly disregarded the risk of harm and his regulatory obligations when agreeing to act in a conflict (or alternatively failing to properly consider the risk of a conflict arising)
- e. following the Enforcement Strategy, the above factors would ordinarily warrant a referral to the Solicitors Disciplinary Tribunal. However, in light of the undertakings offered by Mr Peak, the SRA does not consider it is necessary, proportionate or in the public interest to pursue the allegation to trial.

## *5. Publication*

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

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