

# **SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12246-2021

## **BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

HELEN MATHIAS HANCOCK

Respondent

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Before:

Mr J P. Davies (in the chair)

Ms A. Horne

Mr P. Hurley

Date of Hearing: 15 November 2021

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## **Appearances**

There were no appearances as the matter was dealt with on the papers.

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## **JUDGMENT ON AN AGREED OUTCOME**

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## **Allegations**

1. The allegations made by the Solicitors Regulation Authority Limited (SRA) and admitted by the Respondent were that:

- 1.1 On 9 July 2014 by driving after consuming alcohol over the prescribed limit she breached Principle 6 of the SRA Principles 2011 (“the 2011 Principles”).

The Applicant relies upon the Respondent’s conviction for the offence, dated 1 October 2014, of driving a motor vehicle after consuming so much alcohol that the proportion of it her blood, namely 98 milligrams of alcohol in 100 millilitres of blood, exceeded the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988, as evidence that the Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

- 1.2 On 13 November 2019 by failing to provide a specimen of breath to the police in the course of an investigation into whether she had committed an offence the Respondent breached all or any of Principles 1, 2 and 6 of the 2011 Principles.

The Applicant relies upon the Respondent’s conviction for the offence, dated 28 November 2019, of failing to provide a specimen of breath in the course of an investigation into whether they had committed an offence under section 3A, 4, 5 or 5A, without reasonable excuse to do so contrary to section 7(6) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988, as evidence that the Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

- 1.3 On 13 November 2019 by failing to stop after an accident the Respondent breached Principles 1, 2 and 6 of the SRA Principles 2011.

The Applicant relies upon the Respondent’s conviction for the offence, dated 28 November 2019, of failing to stop after an accident whereby damage was caused to another vehicle, contrary to section 170(4) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988, as evidence that the Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

- 1.4 Failed to report her convictions, referred to in allegations 2.1, 2.2 and 2.3 above, to the SRA, in circumstances where she had an obligation to comply with her legal and regulatory obligations and deal with her regulators in an open, timely and co-operative manner, the Respondent breached any or all of:

- 1.4.1 From 1 October 2014 until 24 November 2019: Outcome 10.3 of the Solicitors Code of Conduct 2011 (“the 2011 Code”) and Principles 6 and 7 of the 2011 Principles; and

- 1.4.2 From 28 November 2019 onwards: Rule 7.6(a) of the SRA Code of Conduct for Solicitors 2019 (“the 2019 Code”) and Principle 2 of the SRA Principles 2019 (“the 2019 Principles”).

2. In the Rule 12 Statement, further allegations were made that:
  - The Respondent's conduct as set out and admitted at paragraphs 1.1 and 1.4.1 above breached Principle 2 of the 2011 Principles; and
  - The Respondent's conduct as set out and admitted at paragraph 1.4.2 above breached Principles 1 and 5 of the 2019 Principles.

However, in light of the contents of the Respondent's Answer to the Rule 12 Statement dated 13 October 2021, the SRA now considered that it was not proportionate nor was it in the public interest to pursue the Principle breaches detailed at paragraph 2 above.

3. The SRA was satisfied that the admissions and proposed outcome satisfied the public interest having regard to the gravity of the matters alleged.

### **Documents**

4. The Tribunal had before it the following documents:-
  - Rule 12 Statement and Exhibit JQ1 dated 2 September 2021
  - Respondent's Answer to the Rule 12 Statement dated 13 October 2021
  - Statement of Agreed Facts and Proposed Outcome dated 11 November 2021

### **Background**

5. The Respondent was a solicitor having been admitted to the Roll in December 1988. She was employed by Simmons & Simmons as a Partner from 1996 to February 2005. She re-joined Simmons & Simmons as a Partner in December 2012 until she left in April 2019. She was then employed in house as a Director of Legal Affairs with a water utility company (an SRA authorised body) from May 2019, and on 30 May 2019 became Company Secretary. The Respondent held an unconditional practising certificate for the practice year 2020/21.
6. On 14 November 2019, the SRA received a notification regarding the arrest of the Respondent, which stated that the Respondent was arrested on 13 November 2019 on suspicion of the offence of failing to provide a specimen of breath. A witness saw that the Respondent was involved in a road traffic collision and then left the scene. When located, the Respondent refused to provide a specimen of breath for a breath test and did so again later on in the police station. The Respondent was charged with the offences of:
  - Failing to provide a specimen of breath for analysis; and
  - Being the driver of a vehicle that failed to stop after a road accident.
7. The Respondent pleaded guilty to both offences and was convicted on 28 November 2019.
8. During the course of the investigation, in a letter dated 14 January 2020, the Respondent provided the Applicant with references and evidence of character, as appended to the

Rule 12 Statement. In that letter, the Respondent stated “my first conviction for driving with excess alcohol was in 2014”. This was the first notification the Applicant had received of the Respondent’s first conviction in 2014 for drink driving.

9. The Police Disclosure Officer confirmed that the Respondent had admitted, and had been convicted of, an offence of drink driving in 2014. The Respondent admitted that she had been convicted of the offences, and that she had failed to report her convictions to the SRA.

### **Application for the matter to be resolved by way of Agreed Outcome**

10. The parties invited the Tribunal to deal with the Allegations against the Respondent in accordance with the Statement of Agreed Facts and Outcome annexed to this Judgment. The parties submitted that the outcome proposed was consistent with the Tribunal’s Guidance Note on Sanctions.

### **Findings of Fact and Law**

11. The Applicant was required to prove the allegations on the balance of probabilities. The Tribunal had due regard to its statutory duty, under section 6 of the Human Rights Act 1998, to act in a manner which was compatible with the Respondent’s rights to a fair trial and to respect for her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
12. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent’s admissions were properly made.
13. The Tribunal considered the Guidance Note on Sanction (8<sup>th</sup> Edition – December 2020). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. The Tribunal found that the Respondent had failed to report to the SRA her convictions as alleged and admitted. The Tribunal noted that the Respondent had been unaware of the need to report her 2014 conviction, and had intended to report her 2019 conviction, but had not yet done so when the prosecuting authority notified the SRA. As a result of the convictions and her reporting failures, the Respondent had breached the Principles as alleged and admitted. The Tribunal noted, however, that the Respondent had pleaded guilty to the criminal charges at the first available opportunity, and had completed the sentences imposed. The Tribunal also noted that the Respondent’s medical conditions were a factor in her offending.
14. The Tribunal considered that the Respondent’s misconduct was too serious for the imposition of no order or a reprimand. The Tribunal determined that in all the circumstances, a financial penalty was the appropriate sanction. The Tribunal assessed the Respondent’s misconduct as more serious, falling at the top end of its Indicative Fine Band 3, which had a fine range from £7,501 - £15,000. The Tribunal considered that a fine in the sum of £15,000 as proposed by the parties was proportionate, reflecting the seriousness of the Respondent’s misconduct. Accordingly, the Tribunal approved the application for matters to be dealt with by way of an Agreed Outcome.

**Costs**

15. The parties agreed costs in the sum of £1,286.00. The Tribunal considered those costs to be appropriate and proportionate. Accordingly, the Tribunal ordered costs be paid by the Respondent in the agreed amount.

**Statement of Full Order**

16. The Tribunal Ordered that the Respondent, HELEN MATHIAS HANCOCK solicitor, do pay a fine of £15,000.00, such penalty to be forfeit to Her Majesty the Queen, and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,286.00.

Dated this 1<sup>st</sup> day of December 2021

On behalf of the Tribunal

A handwritten signature in black ink, appearing to read 'J P Davies', is written over a horizontal line.

J P Davies  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**01 DEC 2021**

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IN THE MATTER OF THE SOLICITORS ACT 1974

SOLICITORS REGULATION AUTHORITY

Applicant

HELEN MATHIAS HANCOCK

Respondent

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STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME

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1. By its application dated 2 September 2021 and the statement made pursuant to Rule 12 (2) of the Solicitors (Disciplinary Proceedings) Rules 2019 which accompanied that application, the Solicitors Regulation Authority ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal making four allegations of misconduct against Helen Mathias Hancock.

**ADMISSIONS**

2. The Respondent admits that:

Allegation 1

- 2.1 On 9 July 2014 by driving after consuming alcohol over the prescribed limit she breached Principle 6 of the SRA Principles 2011.

The Applicant relies upon the Respondent's conviction for the offence, dated 1 October 2014, of driving a motor vehicle after consuming so much alcohol that the proportion of it her blood, namely 98 milligrams of alcohol in 100 millilitres of blood, exceeded the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988 as evidence that the

Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

#### Allegation 2

2.2 On 13 November 2019 by failing to provide a specimen of breath to the police in the course of an investigation into whether she had committed an offence the Respondent breached all or any of Principles 1, 2 and 6 of the SRA Principles 2011.

The Applicant relies upon the Respondent's conviction for the offence, dated 28 November 2019, of failing to provide a specimen of breath in the course of an investigation into whether they had committed an offence under section 3A, 4, 5 or 5A, without reasonable excuse to do so contrary to section 7(6) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988, as evidence that the Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

#### Allegation 3

2.3 On 13 November 2019 by failing to stop after an accident the Respondent breached Principles 1, 2 and 6 of the SRA Principles 2011.

The Applicant relies upon the Respondent's conviction for the offence, dated 28 November 2019, of failing to stop after an accident whereby damage was caused to another vehicle, contrary to section 170(4) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988, as evidence that the Respondent was guilty of that offence and relies upon the findings of fact upon which that conviction was based as proof of those facts.

#### Allegation 4

2.4 Failed to report her convictions, referred to in allegations 2.1, 2.2 and 2.3 above, to the SRA, in circumstances where she had an obligation to comply with her legal and regulatory obligations and deal with her regulators in an open, timely and co-operative manner, the Respondent breached any or all of:



- 2.4.1 From 1 October 2014 until 24 November 2019: Outcome 10.3 of the Solicitors Code of Conduct 2011 and Principles 6 and 7 of the SRA Principles 2011; and
- 2.4.2 From 28 November 2019 onwards: Rule 7.6(a) of the SRA Code of Conduct for Solicitors 2019 and Principle 2 of the SRA Principles 2019.

3. In the Rule 12 Statement, further allegations were made that:

3.1 The Respondent's conduct as set out and admitted at paragraph 2.1 and 2.4.1 above breached Principle 2 of the 2011 Principles; and

3.2 The Respondent's conduct as set out and admitted at paragraph 2.4.2 above breached Principles 1 and 5 of the 2019 Principles.

4. However, in light of the contents of the Respondent's Answer to the Rule 12 (2) Statement dated 13 October 2021 the SRA now considers that the admissions made by the Respondent it is not proportionate and in the public interest to pursue the Principle breaches at 3.1 – 3.2 above.

5. The SRA is satisfied that the admissions and proposed outcome satisfy the public interest having regard to the gravity of the matters alleged.

### **AGREED FACTS**

6. The following facts and matters, which are relied upon by the SRA in support of the allegations set out within paragraph 2 of this statement, are agreed between the SRA and the Respondent

#### Professional details

7. The Respondent, who was born June 1964 is a solicitor having been admitted to the Roll on 1 December 1988.

8. The Respondent was employed by Simmons & Simmons as a Partner from 1996 to February 2005. She re-joined Simmons & Simmons as a Partner in December 2012 until she left in April 2019. She is now employed in house as a Director of Legal

Affairs by a water utility company (an SRA authorised body) (SRA ID: 64498) since May 2019 and on 30 May 2019 became Company Secretary.

9. The Respondent holds a 2020/21 practising certificate free from conditions.

### Background

10. On 14 November 2019, the SRA received a Common Law Notification of Police Involvement (Notification) from the Occupational Disclosures Co-Ordinator at South Wales Police regarding the arrest of the Respondent.
11. The notification stated that the Respondent was arrested on 13 November 2019 on suspicion of the offence of failing to provide a specimen of breath. A witness saw the Respondent was involved in a road traffic collision and then left the scene. When located, the Respondent refused to provide a specimen of breath for a breath test and also later in the police station. The Respondent was charged with the offences of:
  - 11.1 Failing to provide a specimen of breath for analysis contrary to s7(6) of the Road Traffic Act 1988 and schedule 2 to the Road Traffic Offenders Act 1988; and
  - 11.2 Being the driver of a vehicle that failed to stop after a road accident.
12. The Respondent pleaded guilty to both offences and was convicted on 28 November 2019.
13. During the course of the investigation, in a letter dated 14 January 2020, the Respondent provided the Applicant with references and evidence of character, as appended to the Rule 12 Statement. In that letter, the Respondent states "*my first conviction for driving with excess alcohol was in 2014*". This was the first notification the Applicant had received of the Respondents first conviction in 2014 for drink driving.
14. The Disclosure Officer at South Wales Police (Witness A in the Rule 12 Statement) confirmed to the Applicant that the Respondent was also convicted of a drink driving offence in 2014 following her involvement in a road traffic collision contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offender Act 1988. The Respondent pleaded guilty and was convicted of the offence.

15. The Respondent admits the convictions and that she had not reported any of them to the SRA.

16. The conduct occurred on 9 July 2014 and 13 November 2019.

Allegation 1 – On 9 July 2014 by driving after consuming alcohol over the prescribed limit she breached Principles 2 and 6 of the SRA Principles 2011.

17. On 1 October 2014, the Respondent was convicted of driving a vehicle on a road after consuming alcohol that a proportion of it in her blood, namely 98 milligrams of alcohol in 100 millilitres of blood, exceeded the prescribed limit contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offences Act 1988. The Respondent pleaded guilty to the offence.

18. The Respondent was sentenced on 1 October 2014 as follows:

18.1 Fined £2,000;

18.2 To pay a victim surcharge of £120;

18.3 To pay costs of £85.00 to the Crown Prosecution service; and

18.4 Disqualified from holding or obtaining a driving licence for 12 months.

18.5 The conduct occurred on 9 July 2014.

19. A copy of the Memorandum of Entry on a Register at Cardiff Magistrates Court, which proves that the Respondent was convicted of the offence in question by virtue of Rule 32(1) Solicitors (Disciplinary Proceedings) Rules 2019, is appended to the Rule 12 Statement.

20. Witness A provided a summary of the Police MG5 document as well as the conviction data from the Police National Computer. An extract of the MG5 is exhibited to Witness A's statement and appended to the Rule 12 Statement states:

*"I can confirm that Ms Hancock was convicted of drink driving in 2014 following her involvement in a road traffic collision. On this occasion she willingly gave a specimen of breath and admitted the offence to officers. She received a £2000 fine and disqualified from driving for 12 months (reduced if course completed)"*

Allegation 2 - On 13 November 2019 by failing to provide a specimen of breath to the police for analysis during the course of an investigation the Respondent breached Principles 1, 2 and 6 of the SRA Principles 2011.

Allegation 3 - On 13 November 2019 by failing to stop after an accident whereby damage was caused to another vehicle the Respondent breached Principles 1, 2 and 6 of the SRA Principles 2011.

21. On 28 November 2019 the Respondent was convicted of failing to provide a specimen of breath when suspected of having driven a vehicle and having been required to provide a specimen of breath for analysis pursuant to section 7 of the RTA 1988 in the course of an investigation into whether they had committed an offence under section 3A, 4, 5 or 5A thereof, she failed without reasonable excuse to do so contrary to section 7(6) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
22. On 28 November 2019 the Respondent was convicted for failing to stop after an accident whereby damage was caused to another vehicle contrary to section 170(4) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
23. The Respondent pleaded guilty to both offences.
24. The Respondent was sentenced on 28 November 2019 as follows:
  - 24.1 Custodial sentence of 8 weeks suspended for 12 months;
  - 24.2 Disqualified for holding or obtaining a driving licence for 4 years;
  - 24.3 Rehabilitation Activity Requirement: to comply with any instructions of the responsible officer to attend appointments or to participate in any activity required by the responsible officer up to a maximum of 20 days;
  - 24.4 Unpaid work requirement: Carry out unpaid work for 60 hours within the next 12 months;
  - 24.5 To pay victim surcharge of £122; and
  - 24.6 To pay costs of £85 to the Crown Prosecution Service.
25. A copy of the Memorandum of Entry on a Register at Cardiff Magistrates Court, which proves that the Respondent was convicted of the offences in question by virtue of Rule 32(1) Solicitors (Disciplinary Proceedings) Rules 2019, is appended to the Rule 12 Statement.

26. The alleged conduct occurred on 13 November 2019.

27. The District Judge's sentencing remarks from the court file are reproduced in the Memorandum of Entry in the Register at Cardiff Magistrates Court. It states:

*“Committed to prison for 8 weeks suspended for 12 months. Reason: Offence so serious. Reason for custody: 2nd offence of same nature, collision, blatant refusal to provide specimen, fail to stop is an aggravating feature, crosses custody threshold but prepared to suspend because of excellent references, would lose job and home and you are a role model to your two children and nephew who you support”.*

28. In an extract from the MG5 exhibited to Witness A's statement (appended to Rule 12), Witness A states:

*“On the 13th November 2019 Ms Hancock was arrested for the offence of failing to provide a specimen of breath. The DP (Detained Person) was seen by a witness to be driving all over the road including on the wrong side, narrowly missing curbs and stopping in the middle of the road, that the DP narrowly missed crashing into a wall whilst driving over roundabout. Moments later, DP hit a parked vehicle causing damage and causing the DP's vehicle to ricochet backwards. The DP then drove around the damaged vehicle and continued her journey.*

*Officers stated that the DP appeared intoxicated, unsteady on her feet and smelt of alcohol. She was asked to provide a specimen of breath but refused on several occasions, resulting in her arrest for said offence.*

*At the station, the DP refused to accompany officers to the intoxyliser machine, giving no medical reason for the refusal. She was then charged for the failing to provide a specimen of breath and failure to stop after an accident. She was found guilty on the 28th November 2019. She received a suspended imprisonment of 8 weeks, suspended for 12 months, disqualified from driving for 4 years, an unpaid work requirement and a rehabilitation requirement.”*

Allegation 4 – she failed to report her convictions, referred to in allegations 1.1, 1.2 and 1.3 above, to the SRA, in circumstances where she had an obligation to comply with her legal and regulatory obligations and deal with her regulators in an open, timely and co-operative manner, the Respondent breached any or all of:

From 1 October 2014 until 24 November 2019: Outcome 10.3 of the Solicitors Code of Conduct 2011 and Principles 2, 6 and 7 of the SRA Principles 2011;

From 28 November 2019 onwards: Rule 7.6(a) of the SRA Code of Conduct for Solicitors 2019 and Principles 1, 2 and 5 of the SRA Principles 2019.

29. The Respondent did not report her convictions to the SRA following:

29.1 her conviction on 1 October 2014 at Cardiff and the Vale of Glamorgan Magistrates' Court; and

29.2 her convictions on 28 November 2019 at Cardiff Magistrates' Court.

30. Despite the Respondent's convictions in 2014 for a drink driving offence, and despite being sentenced to a suspended custodial sentence for the second conviction of a similar nature in 2019, she failed to report them to her regulator.

31. In relation to the first offence, the Respondent's position is that she had no intention of deceiving the SRA or anyone else and was honestly under the misapprehension that it was not an offence which required reporting to the SRA.

32. The Respondent states she had every intention of reporting the second offence having been informed by the District Judge on that occasion that she was required to do so, and also aware that the police would report the offence to the SRA so there was no incentive for her to not make the report. The Respondent states her immediate concern was to address her chronic anxiety and depression and "*get through Christmas without resorting to alcohol*".

33. The convictions were disclosed to the SRA by way of notification by the police and the Respondent's previous conviction for drink driving in 2014 was disclosed to the Investigation Officer during the course of the investigation by the Respondent.

34. The application provisions of the SRA Principles 2011 (Part 2(5)) confirm that SRA Principles 1, 2, and 6 apply to solicitors in relation to activities which fall

outside their practice, whether undertaken as a lawyer or in some other business or private capacity (see Annex 1 to Rule 12 Statement)

## **MITIGATION**

35. The following points are advanced by way of mitigation on behalf of the Respondent. Their inclusion in the Agreed Outcome does not amount to adoption of such points by the SRA but the SRA accepts that account can properly be taken of the following points in assessing whether the proposed outcomes represent a proportionate resolution of the matter.
36. The Respondent pleaded guilty at the first opportunity on both occasions;
37. The Respondent admitted the misconduct at an early stage and has demonstrated significant remorse and insight;
38. References were provided to the SRA which speak highly of the Respondents character both in and out of work (pages X30 to X41 of the Rule 12 bundle), the panel is invited to review these when considering the proposed Agreed Outcome;
39. The Respondent completed all aspects of the sentences imposed;
40. There were no passengers in the car on either occasion;
41. The conviction and disqualification has not impacted upon her work as a solicitor;
42. The Respondent suffers from a number of significant medical conditions set out in the Rule 12 exhibits at pages X25 to X29 and X31 to X36 of the Rule 12 bundle. But for those medical conditions, the misconduct would not have occurred;
43. The Respondent has sought professional help dealing with and managing her medical conditions;
44. The Respondent's medical condition has not impacted upon her work as a solicitor.

## **AGREED OUTCOME**

45. In agreeing these sanctions, account has been taken of the Solicitors Disciplinary Tribunal Guidance Note on Sanctions 8th Edition (“the Guidance Note”).

46. The Respondent has admitted the allegations as set out above.

47. The SRA considers, in the light of the admissions made in this document, that a hearing on the balance of Allegation 2.1 (breach of Principle 2 of the SRA Principles 2011) and Allegation 2.4.1 (breach of Principle 2 of the 2011 Principles) and Allegation 2.4.2 (breach of Principles 1 and 5 of the 2019 Principles) is not proportionate or in the public interest.

48. The parties agree that the seriousness of the matters admitted by the Respondent, necessitate that the Respondent should be fined the sum of £15,000.00

49. With respect to costs, it is further agreed that the Respondent should pay the SRA’s costs of this matter agreed in the sum of £1,286.00.

### **Explanation as to why such an order would be in accordance with the Tribunal's sanctions guidance**

50. The sanction outlined above is considered to be in accordance with the Tribunal’s sanctioning guidance.

51. For the purposes of these proceedings, the Respondent has admitted the allegations set out above and in the Applicant’s Rule 12 statement.

52. The admitted allegation at 2.1 above arose from the Respondent’s conviction for driving after consuming alcohol over the prescribed limit.

53. The admitted allegation at 2.2 – 2.3 above arose from the Respondent’s conviction for failing to provide a specimen of breath to the police in the course of an investigation into whether she had committed an offence and failing to stop after an accident.

54. The admitted allegation at 2.4 above arose from the Respondent’s failure to report her convictions to the SRA.



55. The level of culpability in respect of the allegations above is moderate due to:

55.1 The Respondent having direct control and responsibility for the circumstances giving rise to the conduct.

55.2 The conviction of a solicitor for serious criminal offence and driving while intoxicated and increasing the danger to the public.

55.3 A solicitor would be expected to comply with any lawful request made by a member of law enforcement. A member of the public would not expect a solicitor to be convicted and act in a way that constitutes a criminal offence. Such conduct will inevitably impair the reputation of the profession given the degree of trust which is placed in members of the profession by the public.

55.4 The Respondent admits acting without integrity and recognises that any failure to act with integrity is serious.

55.5 The Respondent is a qualified and experienced solicitor and can reasonably be expected to be aware of the important requirements the SRA, as her regulator, places upon the profession and her duty to report her convictions. The Applicant notes the Respondent's submission that she mistakenly believed she did not need to report the conviction in 2014 and intended to notify the SRA in respect of the November 2019 offences but her illness (described in detail within the Rule 12 bundle) prevented her from doing so in a timely fashion.

55.6 The Applicant further notes the factors which indicate the Respondent's culpability is reduced on account of ill-health at the time of the offences and the absence of any pre-meditated behaviour. The Respondent's culpability is therefore reduced and assessed as moderate.

56. It is recognised that the Respondent's misconduct did not involve dishonesty or ulterior motivation on the part of the Respondent as set out in the Respondent's mitigation above.

57. As to the level of harm caused, driving in such a manner resulting in two criminal convictions risks the safety of other members of the public. The Applicant notes that no harm was caused to any members of the public on this occasion. The Applicant also notes the Respondent's submission that she has worked hard to address her alcohol addiction, her mental ill health and physical and emotional wellbeing since her conviction in November 2019 and has not drunk alcohol since 13 November 2019.

58. The principle factors that aggravate the seriousness of the Respondent's misconduct are:

58.1 This is the Respondents second offence of the same nature;

58.2 There was a collision in both offences;

58.3 The seriousness of the 2019 conviction is illustrated by the fact that the District Judge stated that the offences passed the custody threshold although the sentence was suspended due to the Respondents personal mitigation.

58.4 Failed to report conviction in 2014 and again in 2019, despite, by her own admission, being told by the Judge that she had a duty to report her conviction.

59. The principle factors that mitigate the seriousness of the Respondent's misconduct are:

59.1 The Respondent pleaded guilty at first opportunity and apologised to the court on the day of the hearing. She explains the circumstances of that evening (13 November 2019) and provides an extensive background of the circumstances leading up to her conviction together with her plea in mitigation bundle provided to the court (appended to the Rule 12 Statement).

59.2 She is remorseful for her behaviour and accepts full responsibility for her behaviour;

59.3 Open admissions have been made by the Respondent in relation to each allegation.

59.4 Evidence of ill health is appended to the Rule 12 Statement in the form of a letter from her Consultant Psychiatrist dated 15 March 2021. The letter states that the Respondent has struggled for a very long time with mental ill health, suppressing past events and trying to "cope" but which resulted in significant stress and distress over the years. Her levels of anxiety escalating, peaking and resulting in this behaviour and the conviction for a criminal offence. The letter further states that the Respondent fully recognises the seriousness of her actions now and that she needed to address her drinking problem and the deeper issues that has caused her to become alcohol dependent, but at the time of the second offence and failure to report the consultant psychiatrist's view is that *"it became increasingly impossible over time for her to continue under such stress however Mrs Hancock did not recognise this at the time and had she done so I believe she would have taken action and sought help much sooner"*.

59.5 Appended to the Rule 12 Statement are Mrs Hancock's medical records between 2007 to 2019 which confirm she has suffered from depression, has a long

history of mental health problems, alternating doses of medication for depression over the years, and in 2015 was diagnosed with breast cancer, underwent a mastectomy and chemotherapy. In 2018 her mood significantly worsened and dosage increased for depression, then worsened in 2019 and culminated in her returning to alcohol in an attempt to ease symptoms but which led to conviction for a criminal offence.

60. In the circumstances, the seriousness of Respondent's misconduct is such that a Reprimand would not be a sufficient sanction but neither the protection of the public nor the protection of the reputation of the legal profession justifies a strike off or a suspension. It is therefore proportionate and in the public interest that the Respondent should be fined.
61. With respect to the appropriate level of the fine, the Tribunal imposed a £16,000 fine in the analogous case of *SRA v Julie Dawn Sheldrake* [Case No.11964-2019]. Here, the Respondent was convicted for similar offences of failing to provide a specimen of breath in breach of Principles 2 and 6 of the 2011 Principles, and for driving whilst over the prescribed limit in breach of Principles 1, 2, and 6 of the 2011 Principles.
62. Taking account of these matters, together with the seriousness of the misconduct committed by the Respondent, the case should be regarded as falling into "*Level 3: Conduct Assessed as more serious*". The appropriate fine for conduct assessed as falling within Level 3 is £7,501 - £15,000.
63. The Parties consider that in light of the admissions set out above and taking due account of the mitigation put forward by the Respondent, the proposed outcome represents a proportionate resolution of the matter which is in the public interest.
64. In all the circumstances of the case, it is therefore proportionate and in the public interest that the Respondent should be fined the sum of £15,000.

Head of Legal upon behalf of the SRA

Date: 11 November 2021

.....  
Helen Mathias Hancock

Date: