

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12391-2022

## **BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD. Applicant

and

RICHARD WINTERS First Respondent

SIVA WINTERS Second Respondent

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Before:

Mr R Nicholas (in the chair)

Mr B Forde

Mr R Slack

Date of Decision: 13 February 2023

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## **Appearances**

Victoria Sheppard-Jones, barrister of Capsticks LLP for the Applicant.

Jonathan Goodwin, solicitor-advocate of Jonathan Goodwin Solicitor Advocate Ltd for the First and Second Respondents.

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**JUDGMENT**

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## **Allegations**

1. The allegation against the Respondents, was that, while in practice as the Owners and Partners at Winters and Co. solicitors (“the Firm”):
  - 1.1 Between 30 April 2018 and December 2019, they breached the Approval of Employment decision dated 30 April 2018, by permitting Oliver Winters to undertake work outside the scope of the Approval and in doing so they thereby breached any or all of: Principles 2, 6 and 7 of the SRA Principles 2011 so far as the conduct pre dated 25 November 2019, and Principles 2 and 5 of the SRA Principles 2019 so far as the conduct occurred on or after 25 November 2019.
2. The allegation is alleged separately as against the First and Second Respondent.

## **Documents**

3. The Tribunal considered all of the documents in the case which included an agreed electronic hearing bundle.

## **Application for leave to submit an application for approval of a proposed Agreed Outcome out of time**

4. Rule 25(1) of the SDPR 2019 states that:
 

“25.—(1) The parties may up to 28 days before the substantive hearing of an application (unless the Tribunal directs otherwise) submit to the Tribunal an Agreed Outcome Proposal for approval by the Tribunal.”
5. In this case, the deadline was 19 January 2023.
6. On 3 February 2023 at 17.28 hours, the parties submitted an application for consideration of a proposed Agreed Outcome in this matter. In that application, the only reference to the deadline was as follows:
 

“We note that that this application for an Agreed Outcome is made less than 28 days prior to the listed hearing. No discourtesy is intended to the Tribunal.”
7. The differently constituted panel of the Tribunal had considered this matter on 7 February 2023. It noted that the reason for the deadline of 28 days in the SDPR was to avoid a situation whereby substantive hearings were potentially adjourned at very short notice due to late service of applications for approval of Agreed Outcomes. The Tribunal had recognised that there can be situations where there is a good reason for the application to be made out of time, but no reasons at all had been provided in this case. There had not been an application to extend the deadline before it expired and the application did not disclose any information which would have enabled the Tribunal to determine if there was a good reason for the fact that it was served less than two weeks before the substantive hearing.

8. The Tribunal sitting on 7 February had therefore refused to grant leave for the proposed Agreed Outcome to be considered. The parties had been granted liberty to provide an explanation for the lateness of the application, should they wish to pursue the matter and have the proposed Agreed Outcome considered.
9. Following that decision, the SRA provided an email to the Tribunal later that day, which stated as follows:

“Firstly, the parties apologise again for the delay in submitting the proposed agreed outcome to the Tribunal for their consideration. No discourtesy was intended to the Tribunal. The parties were mindful of the timeframe within which to serve a proposed Agreed Outcome. It was identified at an early stage, and confirmed upon receipt of the Answer, that this case may be capable of a proposed Agreed Outcome. To that end, the parties have been in discussions regarding an Agreed Outcome in these proceedings since November 2022.

Whilst those discussions were on a without prejudice basis, the parties can assure the Tribunal that they were working together to try and reach an outcome that reflected the seriousness of the misconduct, in line with the Tribunal’s guidance on sanctions. It has unfortunately taken the parties some time to reach such an agreement on the level of sanction and costs now outlined in the proposed document. These discussions were also subject to a short delay over the Christmas period, with discussions resuming in January 2023.

To assist the Tribunal, the parties can confirm that an agreement on the proposed sanction and costs was reached on 27 January 2023, with a document produced and signed by all parties by 3 February 2023.

In the circumstances, and to avoid the need for this matter to proceed to a hearing in light of the admissions made, the parties respectfully request that the Tribunal reconsider the application for an agreed outcome to be filed out of time.”

10. The Tribunal therefore agreed to reconsider the matter on 13 February 2023. The parties were asked to attend in order to assist the Tribunal, which they duly did.

#### Submissions of the parties

11. Ms Sheppard-Jones told the Tribunal that discussions had commenced in November 2022. The SRA had waited for the Respondent’s Answers to be served before entering into those discussions. These were provided on 16 November 2022. The parties had discussions during November and December, with a little time lost over the Christmas break. The discussions resumed in January 2023 and towards the end of that month, agreement was reached. The application was then lodged on 3 February. There was a short delay between the agreement being reached and the application being made. Ms Sheppard-Jones was unable to explain why that was, but assured the Tribunal that the parties had not left matters until the last minute.
12. Ms Sheppard-Jones told the Tribunal that the parties had not sought to seek directions to allow additional time as, at that point, it was not known if an agreement would be reached. Such an application would therefore have been speculative and premature.

13. Mr Goodwin agreed with Ms Sheppard-Jones' submissions and stressed that no discourtesy had been intended towards the Tribunal.

#### The Tribunal's Decision

14. The Tribunal was satisfied that the parties had been in discussions from an early stage and it recognised that sometimes these sorts of discussions could take some time. It recognised that the Christmas break had intervened. The 28-day limit was there for a reason and it was right that the parties provide as full an explanation as they were able to, when this deadline was missed. The parties in this case had now done so and the Tribunal was content to grant leave for the proposed Agreed Outcome to be considered.

#### **Application for approval of the proposed Agreed Outcome**

15. The parties invited the Tribunal to dispose of the matter by way of approval of the Statement of Agreed Facts and Proposed Outcome ("the Agreed Outcome") appended to this Judgment.
16. The Respondents admitted the Allegations in full and the proposal was a fine of £8,000 in respect of each Respondent and a contribution to the SRA's costs in the sum of £12,000 on a joint and several basis.
17. The Tribunal noted that the Respondents had admitted to acting without integrity. It invited the parties to address it on why it felt that the proposed sanction was sufficient in light of those admissions.
18. Mr Goodwin referred to the mitigation set out at paragraph 41 of the Agreed Outcome. One point related to the delay in proceedings. The anonymous report had been made to the SRA in August 2019 and the matter had been hanging over the Respondents' heads since October 2019. They were both in the latter stages of their careers, having previously had 40 and 43 years of exemplary conduct. Mr Goodwin submitted that the financial impact of the fines and costs was significant. The stigma of these matters was hardly the way they wanted to end their careers. Mr Goodwin reminded the Tribunal that these matters involve their son. The Respondents had both made full and proper admissions.
19. Mr Goodwin submitted that the assessment of where culpability and the level of seriousness fell was subjective, while the test for integrity was objective. This was not a dishonesty case.
20. Ms Sheppard-Jones told the Tribunal that when reaching the proposed outcome, the SRA had referred to the Tribunal's Guidance Note on Sanction. The culpability was quite high due to the Respondents' level of experience. There was no harm caused, albeit there was a risk of harm. The proposed outcome took account of the mitigation, in what Ms Sheppard-Jones described as a "slightly unusual" case.
21. In response to a query from the Tribunal, Ms Sheppard-Jones confirmed that the assessment of harm included harm to the reputation of the profession.

## **Findings of Fact and Law**

22. The Applicant was required by Rule 5 of The Solicitors (Disciplinary Proceedings) Rules 2019 to prove the allegations to the standard applicable in civil proceedings (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 their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
23. The Tribunal noted the Respondents had both made full admissions to the Allegations. The Tribunal was satisfied those admission were properly made, based on the documentary evidence presented.
24. In considering sanction, the Tribunal referred to its Guidance Note on Sanctions (10<sup>th</sup> edition – June 2022).

### The Majority Decision

25. The two solicitor members of the Tribunal were satisfied that the proposed sanction met the seriousness of the misconduct. The majority did not consider that the misconduct was so serious as to require a suspension and it agreed that it fell within the 'more serious bracket for a financial penalty'. The majority considered that the mitigation was an important factor in reaching this assessment. The majority further recognised that the totality of the sums to be paid in fines and costs represented a substantial and significant amount in the context of two solicitors who were approaching the end of their careers. The majority took account of their previously unblemished career and accepted that the impact of these findings would be heavily felt. In all the circumstances, a financial penalty was appropriate and the level of that penalty had been correctly identified by the parties.
26. The majority was therefore content to approve the Agreed Outcome in the terms proposed.

### The Dissenting Opinion

27. The lay member of the Tribunal considered that the matters were of a greater level of seriousness than was reflected in the proposed sanction. The s43 Order relating to the Respondents' son had been made because he had been found to have acted dishonestly. He had been fortunate to be granted permission to work in a firm following that Order, and there were strict rules in place which governed his employment. It was the responsibility of the Respondents to be meticulous in ensuring the rules were complied with. They should have been much more astute in ensuring the conditions were adhered to. The failure to do so was a serious matter. The risk of harm was high and in view of the fact that the person being supervised was the son of both respondents, the harm to the reputation of the profession was especially significant.
28. The lay member was of the view that the only appropriate sanction in this case was a short period of suspension.

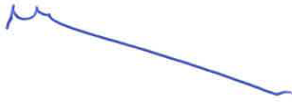
**Costs**

29. The Tribunal noted the agreement between the parties in relation to costs and was content to approve that in the terms proposed.
30. The element of the Agreed Outcome relating to sanction was therefore approved by majority decision. The remaining elements of the Agreed Outcome, namely the admissions and the costs, were approved unanimously.

**Statement of Full Order**

31. The Tribunal Ordered that the Respondent, RICHARD WINTERS, solicitor, do pay a fine of £8,000.00, such penalty to be forfeit to His Majesty the King, and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £12,000.00, such costs to be paid on a joint and several basis with the Second Respondent.
32. The Tribunal Ordered that the Respondent, SIVA WINTERS, solicitor, do pay a fine of £8,000.00, such penalty to be forfeit to His Majesty the King, and it further Ordered that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £12,000.00, such costs to be paid on a joint and several basis with the First Respondent.

Dated this 23<sup>rd</sup> day of February 2023  
On behalf of the Tribunal



R Nicholas  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**23 FEB 2023**

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

And

RICHARD WINTERS

First Respondent

SIVA WINTERS

Second Respondent

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STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME

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1. By its application dated 12 October 2022, and the statement made pursuant to Rule 12 (2) of the Solicitors (Disciplinary Proceedings) Rules 2019 which accompanied that application, the Solicitors Regulation Authority Limited ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal making an allegation of misconduct against the First and Second Respondent.

The allegation

2. The allegation against the First and Second Respondent, made by the SRA is that: -

- 1.1 Between 30 April 2018 and December 2019, they breached the Approval of Employment decision dated 30 April 2018, by permitting Oliver Winters to undertake work outside the scope of the Approval and in doing so they thereby breached any or all of:

Principles 2, 6 and 7 of the SRA Principles 2011 so far as the conduct pre dated 25 November 2019, and

Principles 2 and 5 of the SRA Principles 2019 so far as the conduct occurred on or after 25 November 2019.

3. The allegation is advanced separately as against the First and Second Respondents.

4. The First and Second Respondent admit this allegation in full.
5. Where the evidence has been quoted, the reference in the exhibit to the Rule 12 statement has been provided.

**Agreed Facts**

6. The following facts and matters, which are relied upon by the SRA in support of the allegation, are agreed between the SRA and the First and Second Respondent.
7. The First Respondent, who was born on 8 August 1948, is a solicitor having been admitted to the Roll of Solicitors on 15 January 1980. He, along with the Second Respondent, who is his wife, are the Owners and Partners of Winters and Co. solicitors ("the Firm"). At the time of the misconduct, the First Respondent was also the Compliance Officer for Finance and Administration ("COFA") at the Firm.
8. The Second Respondent, who was born on 5 December 1955, is a solicitor having been admitted to the Roll of Solicitors on 1 May 1982. At time of the misconduct, the Second Respondent was also the Compliance Officer for Legal Practice ("COLP") at the Firm.
9. At the time of the misconduct, both Respondents held practising certificates free from conditions.
10. Oliver Winters is the son of the First and Second Respondent. He is an unadmitted person.
11. Between May 2015 and May 2017, Oliver Winters was employed as an Administrative Assistant at Memery Crystal LLP ("Memery"), where he worked on a number of commercial lettings matters. He completed his Legal Practice Course whilst employed at Memery and was due to start a training contract with them in September 2017. However, in May 2017 it transpired that Oliver Winters had informed a client that leases had been completed when this was not the case, and that he had taken steps to fabricate the leases by transposing signatures of relevant parties onto the leases to give the impression they had signed the document. Following an internal investigation at Memery, Oliver Winters was dismissed.
12. Memery reported the matter to the SRA on 23 May 2017.



13. On 16 March 2018, following an investigation by the SRA, an Adjudicator found that Oliver Winters had breached Principles 2, 4, 5 and 6 of the SRA Principles 2011 and that he had acted dishonestly. Oliver Winters was rebuked, made subject to an order under s43 of the Solicitors Act 1974 ("the s43 Order") and ordered to pay costs in the sum of £600.

14. The terms of the s43 Order were that:

- (i) no solicitor shall employ or remunerate him in connection with his/her 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 him;
  - (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; and
  - (vi) no recognised body or manager or employee of such a body shall permit him to have an interest in the body
- except in accordance with a Society permission.

15. Whilst the SRA investigation into Oliver Winters was underway, he commenced employment at his parents' Firm.

16. Prior to the Adjudicator delivering their decision in March 2018, the First Respondent applied to the SRA on 16 October 2017, for Approval of Employment for Oliver Winters at the Firm in the event that a section 43 Order be imposed. The application set out the proposed employment of Oliver Winters at his parents' firm in the role of "Legal clerk", and included details of the nature of the work that it was proposed Oliver Winters would undertake and who at the Firm would supervise him.

17. In the "Job description" section of the application form, it stated,

*"Assisting with conveyancing matters. Including taking instructions from clients. Correspondence and communications with third party solicitors. Preparation of contracts, dispositions. All matters up to and post completion including registration of title. All under direct supervision of my self (sic)."*

18. The First Respondent signed the declaration at section 6 of the form, that he would supervise the proposed employee *"at all times and in accordance with any conditions imposed."*

19. Whilst the First Respondent completed the form and provided his details as the designated contact for the application, the application is for the relevant firm to employ the prospective individual. Furthermore, the following declaration in Section 6 of the application was ticked,

*"I understand that the Managers in the practice are liable in professional conduct for the employee's acts or omissions".*

20. Therefore, as the Co-owner and Partner of the Firm, the Second Respondent was party to the application that was made.

21. On 19 April 2018, the SRA disclosed to the First Respondent and Oliver Winters its recommendation to grant Approval of Employment subject to the following conditions,

*"2.1.1 Mr Winters' work will be directly supervised and reviewed by Richard Winters.*

*2.1.2 In Richard Winters' absence from the office, Mr Winters will be supervised by Siva Winters.*

*2.1.3 In the absence of both Richard Winters and Siva Winters, Mr Winters will not attend the office.*

*2.1.4 Mr Winters' work is limited to that described by Richard Winters in his application form dated 16 October 2017.*

*2.1.5 Mr Winters will not be responsible for supervising any staff regardless of their role or job title.*

*2.1.6 Mr Winters will not be responsible for handling office or client money or be a signatory to the firm's client account.*

*2.1.7 This approval is given on the basis that the terms of the job description and supervision arrangements, as outlined in the original application of 16 October 2017 and the subsequent correspondence, will be adhered to. Any subsequent proposed amendments must be notified to us for approval."*

22. On 23 April 2018, Oliver Winters emailed the SRA and advised that,

*"Having discussed the matter with Siva and Richard Winters, I am in agreement with the conditions stated in your email of the 19 April."*

23. On 23 April 2018, the SRA granted Approval of Employment of Oliver Winters ("the Approval") subject to the conditions that had been set out in the SRA's recommendation of the 19 April 2018.

24. The Approval further stated that,

*"This approval is given on the basis that the terms of the job description and supervisions arrangements, as outlined in the original application of 16 October 2017 and the subsequent correspondence, will be adhered to. Any subsequent proposed amendments must be notified to us for approval."*

25. The reasoning provided for in the Approval as to why the conditions were necessary, included that the supervision would "mitigate any risk to public confidence" and that,

*"Mr Winters can only work in the ways described in Richard Winters' application form. If Winters and Co wish to make any changes to Mr Winters' current employment, they will need to seek our application (sic) first."*

26. On 30 April 2018, the SRA separately emailed Oliver Winters and the First Respondent attaching the Approval decision.

27. The SRA did not receive any requests for proposed amendments to the Approval.

28. The conduct in this matter came to the attention of the SRA on 28 August 2019, when a member of the public anonymously reported concerns to the SRA that Oliver Winters was working in breach of the conditions attached to his Approval at the Firm.

29. The SRA wrote to Oliver Winters on 29 October 2019 in relation to the Approval.

30. It was the email in response from Oliver Winters dated 10 November 2019, but received by the SRA on 22 November 2019 that alerted the SRA to the fact that Oliver Winters had been working on matters other than conveyancing. Oliver Winters stated in his email that,

*"I sometimes have occasion to work on other matters also, such as litigation and probate work."*

31. As a result of the information provided to the SRA by Oliver Winters that he worked on non-conveyancing matters, the SRA wrote to the First Respondent on 7 January 2020 and requested among other things, *"a list of all non-conveyancing client matters where Oliver undertook work, to include matters where he was not the main fee earner"* and to provide a *"copy of all time recording ledgers for the matters referred to"* in that list.

32. The First Respondent replied on 11 January 2020 and attached screenshots of Oliver Winters' calendar, sample work undertaken by Oliver Winters, sample progress sheets and time recording ledgers. The information provided confirmed that Oliver Winters had worked on non-conveyancing matters.

33. On 4 February 2020, the SRA wrote to Oliver Winters and asked him to describe the nature of his involvement in non-conveyancing matters at the Firm.

34. On the same date, the SRA also issued a Production Notice pursuant to s44B of the Solicitors Act 1974 to the First and Second Respondents, which required them to provide the full client files for ten client matters that were entries on the First Respondent's list of non-conveyancing matters.

35. On 17 February 2020, Oliver Winters responded to the request of 4 February 2020 and advised that,

*"On any non-conveyancing matters this would usually include drafting documents and corresponding with clients. For example, for a few clients I took instructions on the content of witness statements and typed these up."*

36. The First Respondent responded to the Production Notice on 23 February 2020 and provided electronic copies of the client files for the ten requested matters.

37. A review of the ten client files revealed that Oliver Winters worked across all ten cases, only one of which was related to a conveyancing matter. The nature of the ten matters included: Probate, Litigation, Power of Attorney, Commercial disputes, Wills, and Divorce. The type of work conducted by Oliver Winters included meeting and corresponding with clients; corresponding with solicitors, Counsel and the Court and drafting key documents and forms. On at least two matters Oliver Winters was the fee earner. Oliver Winters' work on one of the matters pre dated the imposition of the Approval but importantly his work on

all ten matters continued after the Approval decision was in place, up until he left the Firm's employment in December 2019. On one case Oliver Winters was still sending correspondence in January 2020, after he had apparently left the Firm.

38. On 9 September 2020, having reviewed the client files, the SRA made further enquiries with the First Respondent including requesting him to "*confirm whether you were aware of the nature and content of the files worked on by Oliver Winters, in particular the non-conveyancing matters you have listed and sent to us previously.*"

39. The First Respondent replied on 13 September 2020 and stated,

*"Yes I was aware of the work being done by Oliver Winters; as noted previously we would meet to discuss all active files frequently. The files he worked on were either allocated by myself or by Siva Winters."*

40. Oliver Winters was working on a number of non-conveyancing matters for the entirety of the time the Approval of the Employment was in place and the First and Second Respondents were aware of the same. Oliver Winters involvement in those matters was significant and on at least two cases he was named the person with conduct of the file. Such work was in direct breach of the Approval of Employment decision.

#### **Mitigation**

41. The following points are advanced by way of mitigation on behalf of the First and Second Respondents, but their inclusion in this document does not amount to adoption or endorsement of such points by the SRA:

41.1. The First and Second Respondent offer their genuine and sincere apology for that which has occurred. Nothing said within this section should be interpreted as the First and Second Respondent seeking to go behind the admission, properly made, to the allegation. It is not. The First and Second Respondents accept, and admit, that they breached the Approval of Employment decision dated 30 April 2018 by permitting their son, Oliver Winters, to undertake work outside the scope of the Approval.

41.2. However, that which occurred was inadvertent, in error, and the result of misunderstanding, and not the result of any conscious or deliberate action on the part of the First and/or Second Respondent. There was a genuine oversight on the part of

the First and Second Respondents to seek the required approval from the SRA in relation to other work beyond the job description in the application dated 16 October 2017.

41.3. The First Respondent is 74 years of age having been born [redacted] 1948. He was admitted as a solicitor on 15 January 1980 and, other than the present proceedings, is a person of exemplary and unblemished character and career of 43 years qualification.

41.4. The Second Respondent is 67 years of age having been born [redacted] 1955. She was admitted as a solicitor on 1 May 1982 and, other than the present proceedings, is a person of exemplary and unblemished character and career of 40 years qualification.

41.5. The First and Second Respondents accept and recognise, with deep regret, they will have the stigma of being sanctioned by the Solicitors Disciplinary Tribunal and which is not the career legacy they dreamt of upon qualification.

41.6. The First and Second Respondents are truly sorry for their actions and factors mitigating the seriousness of the identified breach include:

- The First and Second Respondent's cooperated with the SRA investigation throughout and provided prompt representations in response to the request for information from the SRA.
- The First and Second Respondent's have cooperated and made prompt admissions within the SDT proceedings.
- Genuine insight into their failings, to include open and frank admissions within the SDT proceedings, as set out in this document.
- Remorse, genuine insight, and acceptance of their error of judgement.
- The Approval of Employment of Oliver Winters related to their son, Oliver Winters. The First Respondent wrote to the investigating officer at the SRA dated 10 November 2019 confirming that Oliver was to leave their employment by the end of November 2019. There is no risk of repetition.
- There has been inordinate, and unexplained, delay on the part of the SRA investigation, prior to the commencement of proceedings before the SDT. The SRA investigation commenced following an anonymous report to the SRA dated 28 August 2019. The SRA first contacted the First and Second

Respondents by letters dated 29 October 2019 seeking their explanation. The First Respondent responded promptly by email dated 11 November 2019. By email dated 20 August 2020 an Authorisation Officer at the SRA wrote to Oliver Winters confirming that following his notification he no longer worked at Winters and Co, the SRA terminated the approval with effect from December 2019. There is no risk of repetition. No further correspondence was sent to the First and Second Respondent until 4 November 2021, attaching the Notice recommending referred to the SDT. No explanation has been provided by the SRA for the delay.

- The factual position can be described as historical with the events, the subject of the allegations, dating back to 2019, some 3 years ago.

#### **Penalty proposed**

42. It is therefore proposed that the First and Second Respondent should each be fined the sum of £8,000.00.

43. With respect to costs, it is further agreed that the First and Second Respondent should pay the SRA's costs of this matter agreed in the total, joint sum of £12,000.00.

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

44. In respect of culpability, both the First and Second Respondents were experienced solicitors and had direct control over the circumstances that gave rise to the misconduct.

45. There is no evidence that any harm was caused by the Respondents' misconduct in breaching the Approval decision. However, the risk of harm is a relevant consideration. The purpose of the s43 Order and the subsequent Approval decision was to protect the public from any further misconduct of Oliver Winters, who had been found to have acted dishonestly whilst employed at his previous law firm. In breaching the Approval decision, the First and Second Respondent undermined the public protection purpose of that regulatory safeguard.

46. The principle factors that aggravate the seriousness of the misconduct are the number of cases that Oliver Winters worked on, over a significant period of time, in breach of the Approval decision.

47. The principle factors that mitigate the seriousness of the misconduct are the First and Second Respondents' co-operation with the investigation and their open and frank admissions at an early stage.
48. In the circumstances, the seriousness of the 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 Respondents' should be fined.
49. Bearing in mind the Principle breaches, and the analysis of the seriousness of the misconduct set out above, the case should be regarded as falling at the lower end of a Level 3 fine (conduct assessed as more serious).
50. In all the circumstances of the case, it is therefore proportionate and in the public interest that the First and Second Respondents should each be fined the sum of £8,000.00.

Signed: Richard Winters

Dated: 3/2/2023

Signed: Siva Winters

Dated: 3/2/2023.

Signed:

Dated: