

IN THE MATTER OF HEATHER FRANCES HEAD,  
A person (not being a solicitor) employed or remunerated by a solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

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Mr A G Ground (in the chair)  
Mr R Nicholas  
Mr G Fisher

Date of Hearing: 11th January 2007

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## FINDINGS

of the Solicitors Disciplinary Tribunal  
Constituted under the Solicitors Act 1974

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An application was duly made on behalf of the Law Society by Robert Simon Roscoe, solicitor of the Supreme Court of Judicature and partner in the firm of Victor Lissack Roscoe & Coleman, 70 Marylebone Lane, London, W1U 2PQ on 15th May 2006 that an order be made by the Tribunal directing that as from a date to be specified in such order no solicitor should except in accordance with permission in writing granted by the Law Society for such a period and subject to such conditions as the Society might think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, Mrs Heather Frances Head of Navena Avenue, Fleetwood, a person who was or had been a legal secretary/clerk to a solicitor, or that such other order might be made as the Tribunal should think right.

The allegations were that the Respondent had been guilty of conduct of such a nature that in the opinion of the Law Society it would be undesirable for her to be employed by a solicitor in connection with his or her practice. The particulars were:-

- (a) That whilst employed as a secretary with Messrs Taylor Poole, solicitors, of 61-63 Highfield Road, South Shore, Blackpool, Lancashire, FY4 2JE, the Respondent deliberately misled the partners of the firm as to the true position in connection with monies which were required from her and her husband in respect of conveyancing matters in which the firm was acting on her behalf.
- (b) That in the course of enforcement proceedings in respect of monies owed by the Respondent and her husband to Messrs Taylor Poole, solicitors, of 61-63 Highfield Road, South Shore, Blackpool, Lancashire, FY4 2JE, the Respondent deliberately attempted to mislead the Sheriff's Office and the partners of the firm as to the true position in connection with monies due to be paid by her and her husband in respect of conveyancing matters in which the firm had acted on her behalf.

The application was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 11th January 2007 when Robert Simon Roscoe appeared as the Applicant. The Respondent did not appear and was not represented.

The evidence before the Tribunal included the admissions of the Respondent contained in her letter addressed to the Applicant dated 18th October 2006 (this letter is set out in full below under the heading "The Submissions of the Respondent").

At the conclusion of the hearing the Tribunal made the order sought, adopting the form as set out in the Access to Justice Act 1990 as follows:-

The Tribunal Orders that as from 11th day of January 2007 no solicitor, Registered European Lawyer or incorporated solicitor's practice shall, except in accordance with permission in writing granted by the Law Society for such period and subject to such conditions as the Society may think fit to specify in the permission, employ or remunerate in connection with the practice as a solicitor, Registered European Lawyer or member, director or shareowner of an incorporated solicitor's practice Heather Frances Head of Navena Avenue, Fleetwood, a person who is or was a clerk to a solicitor and the Tribunal further Order that she do pay the costs of and incidental to this application and enquiry fixed in the sum of £3,300.

**The facts are set out in paragraphs 1 to 8 hereunder:-**

1. The Respondent, who was not a solicitor, was employed as a legal secretary by Messrs Taylor Poole, solicitors of 61-63 Highfield Road, South Shore, Blackpool, Lancashire, FY4 2JE ("the firm").
2. The Respondent commenced employment at the firm on 20th March 2001. Her employment was terminated on 15th April 2002.
3. On 25th November 2001 the Respondent and her husband instructed the firm in connection with the sale of their own property and the purchase of a new property. The original purchase fell through but the Respondent and her husband then instructed the firm to act in the purchase of another property. A completion date for both properties was set for 5th April 2002 and the firm issued Mr and Mrs Head with a completion statement showing £7,494.16 to be due from them to complete the purchase. That sum was not received from Mr and Mrs Head prior to completion.

4. The Respondent told the firm's partner, Mr David Taylor, that she and her husband had arranged for £7,139 to be sent from their account with the Abbey National to the firm's account. The Respondent arranged for the firm to receive a faxed letter which purported to be a copy of a document on Abbey National headed paper entitled "Internal Memorandum". This document, dated 5th April 2002, purported to confirm that on 4th April 2002 the Abbey National had sent £7,139 from the Respondent's joint account with her husband to that of the firm, that the process would take three days and that the firm's account would be credited with the sum on 8th April 2002. Because the Respondent and her husband had a mortgage with Abbey National, they had access to its letterhead. The memo faxed to the firm was a fake.
5. Mr Taylor relied on what the Respondent told him and on the copy memorandum that was received. To assist the Respondent Mr Taylor arranged for the firm to lend the Respondent and her husband the balance of purchase monies. Completion took place but the firm never received £7,139 from Abbey National and subsequently discovered that the memorandum was a fake or forgery. The Respondent's employment was terminated on 15th April 2002. The Respondent was unable to pay the monies owed to the firm and it was not until extensive court proceedings were concluded in 2004 that the firm recovered their money.
6. In 2003, during the enforcement proceedings, the Sheriff's Office copied to Mr Taylor a faxed letter received by the Sheriff's Office which purported to originate from the London Scottish Bank/Building Society. The faxed document gave the mobile telephone number of the sender/writer, Mrs Osborn, on behalf of London Scottish. The letter purported to indicate that funds were to be made available to Mr and Mrs Head, which proved not to be the case.
7. Upon receipt of the copy letter Mr Taylor telephoned the mobile number given in the letter and was answered by Mrs Head whose voice and style of response he immediately recognised. Mr Taylor said "Is that you, Heather?". Mrs Head disconnected the call without responding to his question.
8. The firm reported the matter to the Lancashire Constabulary who charged the Respondent with offences of obtaining property by deception, making a false instrument and using a false instrument. The Respondent had been prepared to accept a criminal caution in respect of all matters and the Crown Prosecution Service arranged for a criminal caution to be administered to the Respondent with her consent and upon her acceptance of her misconduct and thereafter offered no evidence in relation to the criminal charges before the court.

### **The Submissions of the Applicant**

9. In her letter to the Law Society dated 8th December 2003, the Respondent explained she had worked in solicitors' offices for many years. She asserted that Mr Taylor had sent the completion monies without her having made any request. That was not accepted as a true statement. The Respondent denied that she set out with the intention of deceiving or stealing. She accepted that there had been a shortfall in the purchase monies needed and went on to say, inter alia, "Unfortunately I found myself in a situation which was totally out of my control and I panicked ... I found myself caught in a web of lies which I seemed unable to put a stop to".

**The Submissions of the Respondent  
(The beforementioned letter from the Respondent to the Applicant dated 18th October 2006)**

10. “I write with regard to your letter dated 29th September 2006 and note the contents. I am unsure as to why you have not received my previous letters but would confirm as follows.

As regards the whole incident I admit all the allegations. My only comment is that as stated to the relevant authorities none of my actions were premeditated. I was put in a situation where monies had been sent without my knowledge and on returning to work and finding out this, and having just found out that there would be a shortfall, I panicked and acted totally out of character. I never had any intention of stealing any monies from Taylor Poole and the whole matter completely snow balled. I was in a very stressed state and now struggle to clearly remember all the exact details as I did suffer a breakdown after this time.

All the monies were subsequently repaid to Taylor Poole and I have tried to move on with my life and certainly have no intention or wish to ever work in a solicitors office ever again.”

**The Tribunal’s Findings**

11. The Tribunal found the allegations to have been substantiated and indeed they had been admitted by the Respondent, contrary to earlier denials made to the Law Society. It was clear to the Tribunal that the Respondent had behaved in a seriously dishonest fashion to serve her own ends and, indeed, had accepted a criminal caution administered by the Crown Prosecution Service in respect of the criminal matter alleged against her thereby accepting her misconduct in relation to the criminal charges before the Court.
12. It was important that only persons of the utmost integrity were employed within the solicitors’ profession. The Tribunal considered that in order to protect the public and the solicitors’ profession the Respondent should not be permitted to be employed by a solicitor in his or her practice, or by other persons regulated by the Law Society, without the Law Society’s consent first obtained.
13. It was further right that the Respondent should pay the costs of and incidental to the application and enquiry. The sum sought by the Applicant was in the Tribunal’s view entirely reasonable and in order to save the expenditure of further time and money on this matter the Tribunal ordered the Respondent to pay the Applicant’s costs in the fixed sum of £3,300.

DATED this 22nd day of March 2007  
On behalf of the Tribunal

A G Ground  
Chairman

