

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No 12519-2023

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD. Applicant

and

JASVINDER SINGH GILL Respondent

Before:

Ms A Banks (in the chair)

Mr B Forde

Mr P Hurley

Date of Consideration: 20 & 21 May 2024

Appearances

Mr James Counsell KC, instructed by Capsticks LLP of 1 St George Road, London, SW19 4DR, for the SRA.

Mr Selva Ramasamy KC instructed by Kingsley Napley LLP, 20 Bonhill Street, London EC2A 4DN, for the Respondent.

JUDGMENT ON AN AGREED OUTCOME

Allegations

1. The allegations set out in the Rule 12 Statement were as follows:
 - 1.1 In about October 2015, when in a position of seniority and authority over Person A, a female employee who had started work for the Firm [REDACTED], he behaved in an inappropriate way by initiating a sexual relationship with her after inviting her out to a pub lunch and then requesting her to come to his office and kissing her on the lips. In so acting, the Respondent acted in breach of Principles 2 and 6 of the SRA Principles 2011 ('the 2011 Principles') and a failure to achieve Outcome 11.1 of the SRA Code of Conduct 2011 ('the 2011 Code').
 - 1.2 In November 2019, prior to a work-related event in Bristol, when in a position of seniority and authority over Person B, a female employee, who had started work for the Firm [REDACTED], he behaved in an inappropriate way by:
 - 1.2.1 Returning to his hotel bedroom with her to order a take-away pizza;
 - 1.2.2 Changing into his loungewear in the bathroom of his hotel room and getting on to the bed, while Person B was sitting on the bed, waiting for the pizza that they had ordered;
 - 1.2.3 Asking her if she wanted an alcoholic drink with her pizza. In so acting, his conduct amounted to a breach of Principles 2 and 6 of the 2011 Principles and a failure to achieve Outcomes 2.1 and 11.1 of the 2011 Code.
 - 1.3 Between approximately April 2019 and October 2020, when in a position of seniority and authority over Person C, a female employee who had started working for the Firm [REDACTED], he behaved in an inappropriate way by initiating a sexual relationship with her.
 - 1.3.1 By leaning in and initiating a kiss on the lips whilst in the office with the door closed;
 - 1.3.2 On a consensual basis, in the office, engaging in kissing on several occasions and behaving in a flirtatious way with physical touching and, on one occasion, putting his hand on her knee during a kiss; and
 - 1.3.3 Taking part in consensual sexual intercourse with her on the desk on two occasions.

In so far as his behaviour took place before 25 November 2019, it was in breach of Principles 2 and 6 of the 2011 Principles and amounted to a failure to achieve Outcomes 2.1 and 11.1 of the 2011 Code.

In so far as his behaviour took place on or after 25 November 2019, his behaviour was in breach of Principles 2 and 5 of the SRA Principles 2019 (the '2019 Principles') and amounted to a failure to achieve Rules 1.1 and 1.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

- 1.4 On various dates between October 2015 and September 2020, he behaved inappropriately towards female employees, in the Firm's offices, by:
- 1.4.1 Telling Person A, during the course of their sexual relationship in a private conversation, that he preferred female employees to wear open toe shoes, stockings and not tights and short skirts, describing this dress as "proper office attire" (or words to that effect);
 - 1.4.2 Telling Person D that there was a "preferred" office dress code (or words to that effect) of skirts, rather than trousers and high heels, asking her what she thought of stockings and, on a separate occasion, asking her when she was going to wear a dress (or words to that effect);
 - 1.4.3 Making a joke to Person B, [REDACTED] about a child looking up her skirt;
 - 1.4.4 In the context of their sexual relationship, commenting on how much he loved the summer when he saw Person C wearing a short, flowery summer dress with no tights; and
 - 1.4.5 On a number of occasions, again in the context of his sexual relationship with Person A coming into her room, which she shared with Person B, and stroking her hair and giving her a shoulder massage, in the presence of Person B.

In so far as his behaviour took place before 25 November 2019, it was in breach of Principles 2, 6 and 9 of the 2011 Principles and amounted to a failure to achieve Outcomes 2.1, 2.4 and 11.1 of the 2011 Code.

In so far as his behaviour took place on or after 25 November 2019, his behaviour was in breach of Principles 2 and 5 of the SRA Principles 2019 (the '2019 Principles') and amounted to a failure to achieve Rules 1.1 and 1.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

- 2 His conduct, as described above:
 - 2.1 Was inappropriate because, as the Respondent accepts, behaving in this way to junior female employees, when there was an inherent power imbalance between himself, as the senior partner of the Firm and a solicitor in his forties, and each of them, as more junior and younger colleagues, may have prevented them from refusing to engage with him and/or from refusing his requests; and
 - 2.2 Save in respect of his conduct described in Allegation 1.2, was sexually motivated.
- 3. The Respondent admitted the allegations in their entirety.

Documents

- 4. The Tribunal had the following documents before it :-
 - Rule 12 Statement dated 27 November 2023 [Amended 8/9 May 2024]

- Statement of Agreed Facts and Proposed Outcome 20 May 2024

Background

5. The Respondent was aged between 41 and 46 years at the relevant time. He is a solicitor who was admitted to the Roll on 1 December 1999 and he holds a current practising certificate, free from conditions.

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

6. 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 Sanction.

Findings of Fact and Law

7. 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 their private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
8. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.
9. The Tribunal considered the Guidance Note on Sanction (10th edition). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
10. The Tribunal observed that it is not an arbiter of morals and human frailty, it makes decisions regarding the conduct expected of solicitors and it does so in order to maintain the reputation of the public and to protect the public.
11. The Tribunal noted that the Respondent was an experienced and well-regarded solicitor who had built a thriving business, yet, admittedly, he had conducted himself towards more junior staff in a way which was wrong and inappropriate.
12. The Respondent's conduct had not been a matter relating to his private life alone as it had been tied closely to his practise as a solicitor and in fact arose from within the work environment itself. The Respondent had, on repeated occasions, used his position of influence and authority in the workplace to create situations in which office relationships, sexual in intent, were initiated and pursued by him.
13. His motivation had been a sexual one and his conduct placed the female employees who he had picked upon with the no doubt unsettling dilemma that rebuffing him would or could count against them in their continuing employment within the firm and the resultant difficulties of leaving the firm and seeking new employment.

14. The Tribunal noted the Respondent's mitigation to which it had been directed and to matters relating to his health which it was said may have been a contributing factor to the misconduct. Even with the benefit of the mitigation applied in his favour, the Respondent's misconduct could only be viewed as extremely concerning and very serious. The Tribunal considered that a solicitor acting with integrity, and occupying the position the Respondent did within the firm, would have realised that relationships brought about by the power imbalance, clearly manifest here, was totally unacceptable within the professional environment of the workplace and deeply unsettling for the staff in general, and female staff in particular.
15. The factual circumstances in this case and the Tribunal's assessment of the seriousness of the misconduct required that a fixed term of suspension was the appropriate sanction in this case and that nothing less was needed to protect reputation of the legal profession.
16. The issue of health and its impact upon the Respondent's continued practice was a matter which the Tribunal considered required the necessity of appropriately drafted conditions/restrictions.
17. In granting the Agreed Outcome the Tribunal also permitted attendant applications upon:
 - Application to make the application for an Agreed Outcome less than 28 days before the hearing.
 - Anonymity for witnesses A, B, C and D and persons E and F.
 - The admission of expert medical evidence.
 - In the event that the Agreed Outcome was allowed the Applicant requested permission to re-amend the allegations contained within the Rule 12 Statement in line with the allegations which approved as part of the agreed outcome, pursuant to Rule 24.
 - That matters relating to the Respondent's health be subject to a privacy direction.
18. In reaching its decision on the applications the Tribunal weighed up the position reached by the parties as to the admissions, also the fact that neither party objected to the applications being made or granted.
19. The Tribunal considered that to grant the applications was in the interests of justice for the following interlaced reasons:
20. The Respondent's admissions, although made at a late stage, were to be viewed as the Respondent reaching a level of insight on his conduct, from which change could come. The medical evidence had been necessary to provide the Tribunal with objective evidence as to matters directly linked to causation and the contributing factors to the misconduct. Its admission was required to assist it in ensuring that the correct level of sanction had been identified, and it had been right for this evidence to be admitted for this purpose. It was appropriate for details of the Respondent's health related issues to

be withheld from the public gaze and the Tribunal directed their continued privacy save only for anodyne references to unparticularised issues of health in general.

21. It was right therefore that the allegations accurately reflected the admitted factual matrix and to this end the Rule 12 Statement required the amendments sought by the parties.
22. Finally, the Respondent had spared witnesses the ordeal of attending at the Tribunal to give evidence. Their accounts had not been challenged by him and the circumstances of the case and their involvement required the preservation of their anonymity.

Costs

23. The costs of this matter payable by the Respondent to the SRA were agreed in the sum of £85,501.10.

24. Statement of Full Order

1. The Tribunal Ordered that the Respondent, Jasvinder Singh Gill, solicitor, be suspended from practice as a Solicitor for the period of 24 months to commence on the 21st day of May 2024 and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £85,501.10.
2. Upon the expiration of the fixed term of suspension referred to above, Mr Gill shall be subject to restrictions which shall remain in force indefinitely by the Tribunal as follows:
 - 2.1 The Respondent must provide to the SRA, before the expiry of his suspension and, thereafter, each year, at the same time as he lodges his annual application for a practising certificate, a medical report (such report having been prepared no more than 3 months before it is provided) from a registered medical practitioner in the field of medicine which the parties have agreed (“the agreed practitioner”), addressing the following:
 - 2.1.1 that he is continuing to receive and engage with any treatment recommended (but not necessarily provided) by the agreed practitioner, identifying what that treatment consists of;
 - 2.1.2 that he is continuing to respond positively to the treatment being provided;
 - 2.1.3 if the report identifies any risks to employees, partners, clients, third parties or the public, such risks to include (but not being limited to) those identified in Regulation 7.2 of the Authorisation of Individuals Regulations, namely that:
 - 2.1.4 he is or may be unsuitable to undertake certain activities or engage in certain business practices or arrangements and/or;
 - 2.1.5 that he may put at risk the interests of employees, partners, clients, third parties or the public, in respect of his continued practice;

then the report should identify how the Respondent proposes to address those risks and should provide an assessment from the agreed practitioner as to how effective those proposals are likely to be.

3. In the event that the Respondent decides to change his practising arrangements, then:
 - 3.1 prior to accepting any such new position, he shall inform his new employer, equity partner[s] or owner[s] of the restrictions set out within this order; and
 - 3.2 shall inform the SRA of his changed practising arrangements.
4. At all times, that the Respondent shall keep his professional commitments under review and limit his practice in accordance with any medical advice which he has received and shall inform the SRA of any such review and limitation.
5. For the purposes of complying with condition 3 above, the Respondent shall disclose any relevant medical advice to the equity partner[s], employer[s] or owner[s] of the practice where he is working and the SRA.
6. Either party shall have the right to apply to the Tribunal to vary or rescind these restrictions at any time after the expiry of the 24-month suspension period.

Dated this 31st day of May 2024
On behalf of the Tribunal

A Banks

A Banks
Chair

JUDGMENT FILED WITH THE LAW SOCIETY
31 MAY 2024

BEFORE THE SOLICITORS DISCIPLINARY TRIBUNAL

Case No: 12519-2023

IN THE MATTER OF THE SOLICITORS ACT 1974 (as amended)

AND IN THE MATTER OF:

SOLICITORS REGULATION AUTHORITY LIMITED

Applicant

and

JASVINDER GILL

Respondent

STATEMENT OF AGREED FACTS AND OUTCOME

Please note: the contents of this document of necessity refer in some detail to the Respondent's health in mitigation in the passages highlighted in underlined text at paragraph 52, below. Although a direction for privacy has not been made by the Tribunal in these proceedings to date, the Tribunal may wish to consider whether the sensitive details concerning the Respondent's health are published as part of any agreed outcome.

Introduction/ Executive Summary

1. By an Application, dated 27 November 2023, and an amended statement made by Lyndsey Farrell on behalf of Solicitors Regulatory Authority Limited ("the SRA"), pursuant to Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2019 dated 8 May 2024, the SRA has brought proceedings before the Tribunal raising allegations of professional misconduct against the Respondent. The matter has been listed for a substantive hearing before the Tribunal to commence on 20 May until 2 June 2024.
2. Having reviewed the position which he adopted and which was set out in his Answer, dated 1 February 2024, and having taken advice from his solicitors and Leading Counsel, the Respondent is now prepared to make admissions

which are acceptable to the SRA and, subject to the Tribunal's approval, to accept a sanction of a suspension of 24 months, which the parties consider is in line with the Tribunal's Guidance Note on Sanctions [Guidance Note on Sanctions - 10th Edition - Solicitors Disciplinary Tribunal \(solicitortribunal.org.uk\)](https://www.solicitortribunal.org.uk/guidance-note-on-sanctions-10th-edition-solicitors-disciplinary-tribunal)

3. For its part, the SRA is prepared to seek leave of the Tribunal to amend the allegations by way of a separate application under Rule 24 when seeking the Tribunal's approval of this statement. This separate application is made on the basis that the SRA takes the view that a full trial of any outstanding allegations not admitted would be unlikely to make a material difference to sanction, and it would, therefore, be disproportionate and not in the public interest to proceed to trial.

Statement of Agreed Facts and Admissions

4. The SRA has given very careful consideration to the Respondent's position and the concessions and admissions he has made.
5. In considering the wording of the statement of agreed facts and the appropriate sanction, the SRA has had in mind (and invites the Tribunal to have in mind), the fact that the SRA has experienced difficulties in ensuring the attendance of three of its witnesses. In respect of Person C, who indicated that she would not be prepared to give evidence, a different tribunal has already ruled that, as a result, the SRA could not rely upon her witness statement and accordingly the SRA has proceeded on the basis of the Respondent's admissions. Two other witnesses have also expressed an unwillingness or, at least, a reluctance to attend, leading to the SRA having to consider whether to take steps to compel their attendance. Consistent with the SRA's duty of disclosure, the Respondent has been made aware of these difficulties.
6. In these circumstances, and although the SRA considers that the allegations were properly brought on the evidence, the SRA is now prepared not to proceed with allegations which go beyond that which is set out below.
7. Accordingly for the purposes of agreeing a disposal, the parties are agreed on the following facts:

1.1 *In about October 2015, when in a position of seniority and authority over **Person A**, a female employee who had started work for the Firm [REDACTED] [REDACTED] he behaved in an*

inappropriate way by initiating a sexual relationship with her after inviting her out to a pub lunch and then requesting her to come to his office and kissing her on the lips;

In so acting, the Respondent acted in breach of Principles 2 and 6 of the SRA Principles 2011 ('the 2011 Principles') and a failure to achieve Outcome 11.1 of the SRA Code of Conduct 2011 ('the 2011 Code').

1.2 *In November 2019, prior to a work-related event in Bristol, when in a position of seniority and authority over **Person B**, a female employee, who had started work for the Firm [REDACTED] [REDACTED], he behaved in an inappropriate way by:*

- 1.2.1 *returning to his hotel bedroom with her to order a take-away pizza;*
- 1.2.2 *changing into his loungewear in the bathroom of his hotel room and getting on to the bed, while Person B was sitting on the bed, waiting for the pizza that they had ordered;*
- 1.2.3 *asking her if she wanted an alcoholic drink with her pizza.*

In so acting, his conduct amounted to a breach of Principles 2 and 6 of the 2011 Principles and a failure to achieve Outcomes 2.1 and 11.1 of the 2011 Code.

1.3 *Between approximately April 2019 and October 2020, when in a position of seniority and authority over **Person C**, a female employee who had started working for the Firm [REDACTED] [REDACTED], he behaved in an inappropriate way by initiating a sexual relationship with her:*

- 1.3.1 *by leaning in and initiating a kiss on the lips whilst in the office with the door closed;*
- 1.3.2 *on a consensual basis, in the office, engaging in kissing on several occasions and behaving in a flirtatious way with physical touching and, on one occasion, putting his hand on her knee during a kiss; and*
- 1.3.3 *taking part in consensual sexual intercourse with her on the desk on two occasions.*

In so far as his behaviour took place before 25 November 2019, it was in breach of Principles 2 and 6 of the 2011 Principles and amounted to a failure to achieve Outcomes 2.1 and 11.1 of the 2011 Code.

In so far as his behaviour took place on or after 25 November 2019, his behaviour was in breach of Principles 2 and 5 of the SRA Principles 2019 (the '2019 Principles') and amounted to a failure to achieve Rules 1.1 and 1.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

1.4 On various dates between October 2015 and September 2020, he behaved inappropriately towards female employees, in the Firm's offices, by:

- 1.4.1 telling Person A, during the course of their sexual relationship in a private conversation, that he preferred female employees to wear open toe shoes, stockings and not tights and short skirts, describing this dress as "proper office attire" (or words to that effect);*
- 1.4.2 telling Person D that there was a "preferred" office dress code (or words to that effect) of skirts, rather than trousers and high heels, asking her what she thought of stockings and, on a separate occasion, asking her when she was going to wear a dress (or words to that effect);*
- 1.4.3 making a joke to Person B, in the presence of another secretary about a child looking up her skirt;*
- 1.4.4 in the context of their sexual relationship, commenting on how much he loved the summer on seeing Person C wearing a short, flowery summer dress with no tights; and*
- 1.4.5 on a number of occasions, again in the context of his sexual relationship with Person A coming into her room, which she shared with Person B, and stroking her hair and giving her a shoulder massage, in the presence of Person B.*

In so far as his behaviour took place before 25 November 2019, it was in breach of Principles 2, 6 and 9 of the 2011 Principles and amounted to a failure to achieve Outcomes 2.1, 2.4 and 11.1 of the 2011 Code.

In so far as his behaviour took place on or after 25 November 2019, his behaviour was in breach of Principles 2 and 5 of the SRA Principles 2019 (the '2019 Principles') and amounted to a failure to achieve Rules 1.1 and 1.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

2 *His conduct, as described above:*

2.1 was inappropriate because, as the Respondent accepts, behaving in this way to junior female employees, when there was an inherent power imbalance between himself, as the senior partner of the Firm and a solicitor in his forties, and each of them, as more junior and younger colleagues, may have prevented them from refusing to engage with him and/or from refusing his requests; and

2.2 Save in respect of his conduct described in Allegation 2, was sexually motivated.

Professional details

8. The Respondent was aged between 41 and 46 years at the time of these events. He is a solicitor who was admitted to the Roll on 1 December 1999 and he holds a current practising certificate, free from conditions.
9. The Respondent was described on the Firm's website at the time of drafting the Rule 12 Statement dated 27 November 2023, as a '*Senior Partner – with overall responsibility for the day to day management of the firm and for ensuring high levels of client satisfaction*'.

Agreed Allegation 1.1 - In about October 2015, when in a position of seniority and authority over Person A, a female employee who had started work for the Firm [REDACTED], he behaved in an inappropriate way by initiating a sexual relationship with her after inviting her out to a pub lunch and then requesting her to come to his office and kissing her on the lips

10. It is agreed that the Respondent's conduct was inappropriate because, in behaving in this way towards a junior female employee, there was an inherent power imbalance between himself as the senior partner of the Firm and a solicitor in his forties, and Person A, [REDACTED] which may have prevented Person A from refusing to engage with him and/or from refusing his requests. It is agreed that the Respondent's conduct in respect of Person A was sexually motivated.

Principles

11. It is further agreed that the Respondent's admitted misconduct was in breach of the following Principles.

Principle 2

By using his position of authority in the Firm to pursue a junior member of staff with the intention of initiating a sexual relationship, in the circumstances described above, the Respondent failed to act with integrity, i.e. with '*moral soundness, rectitude and steady adherence to an ethical code*'.¹ In behaving in the manner set out at Allegation 1.1, the Respondent abused his position notwithstanding the fact that the relationship was a consensual one.

Principle 6

12. The Respondent failed to behave in a way that maintained the trust the public had placed in him and the provision of legal services. Members of the public would not expect a solicitor to use his position of authority in the Firm to initiate sexual contact with a junior member of staff. It follows that the Respondent breached Principle 6.

Code of Conduct

13. It is further agreed that the admitted misconduct constituted a failure by the Respondent to achieve Outcome 11.1 under the Code of Conduct, which mandates that '*you do not take unfair advantage of third parties in either your professional or personal capacity*'.

Agreed Allegation 1.2: In November 2019, prior to a work-related event in Bristol, when in a position of seniority and authority over Person B, a female employee, who had started work for the Firm [REDACTED] [REDACTED] [REDACTED] he behaved in an inappropriate way by returning to his hotel bedroom with her to order a take-away pizza; changing into his loungewear in the bathroom of his hotel room and getting on to the bed, while Person B was sitting on the bed, waiting for the pizza that they had ordered and asking her if she wanted an alcoholic drink with her pizza.

14. It is agreed that the Respondent's conduct was inappropriate because he should not have allowed himself to be in a hotel bedroom with a junior employee, during a work-related trip and there was an inherent power balance between himself as the senior partner of the Firm and a solicitor in his forties and Person B, [REDACTED] [REDACTED] which may have prevented Person B from refusing to engage with him and/or from refusing his requests.

Principles

¹ *Hoodless v Financial Services Authority* [2003] UKFSM FSM007

15. It is further agreed that the Respondent's admitted misconduct was in breach of the following Principles.

Principle 2

By allowing himself to be in his hotel room with Person B, offering her an alcoholic drink, changing into loungewear in the bathroom and then getting on to the bed, whilst she was sitting on the bed, the Respondent failed to act with integrity, i.e. with *'moral soundness, rectitude and steady adherence to an ethical code'*. In behaving in the manner set out at Allegation 1.2, the Respondent abused his position and behaved inappropriately.

Principle 6

16. The Respondent failed to behave in a way that maintained the trust the public had placed in him and the provision of legal services. Members of the public would not expect a solicitor to use his position of authority in the Firm to behave in the way admitted in allegation 1.2 with a junior member of staff in a hotel room. It follows that the Respondent breached Principle 6.

Code of Conduct

It is further agreed that the admitted misconduct constituted a failure by the Respondent to achieve Outcome 2.1 and 11.1 under the Code of Conduct, which mandates that *'you do not discriminate unlawfully, or victimise or harass anyone in the course of your professional dealings'* and *'you do not take unfair of third parties in either your professional or personal capacity'*.

Agreed Allegation 1.3 - Between approximately April 2019 and October 2020, when in a position of seniority and authority over Person C, a female employee who had started working for the Firm [REDACTED], he behaved in an inappropriate way by initiating a sexual relationship with her; by leaning in and initiating a kiss on the lips whilst in the office with the door closed; on a consensual basis, in the office, engaging in kissing on several occasions and behaving in a flirtatious way with physical touching and, on one occasion, putting his hand on her knee during a kiss; and taking part in consensual sexual intercourse with her on the desk on two occasions.

17. It is agreed that the Respondent's conduct was inappropriate because, in behaving in this way towards a junior female employee, there was an inherent power balance between himself as the senior partner of the Firm and a solicitor in his forties and Person C, [REDACTED], which may have meant that she felt powerless to refuse his advances, for example for

fear that it may have adversely affected her job or career prospects and Person C from refusing to engage with him.

Principles

18. It is further agreed that the Respondent's admitted misconduct was in breach of the following Principles.

Principle 2

19. The conduct took place in the Firm's office when the Respondent and Person C were carrying out their respective roles in the Firm. By using his position of authority in the Firm to pursue a very junior member of staff with the intention of initiating a sexual relationship, in the circumstances described above, the Respondent failed to act with integrity, i.e. with '*moral soundness, rectitude and steady adherence to an ethical code*'. In behaving in the manner set out at Allegation 1.3, the Respondent abused his position notwithstanding the fact that the relationship was a consensual one. The Respondent, as senior partner, was or ought to have been aware of the requirement to act appropriately towards colleagues at all times, and particularly he must or ought to have been aware of his responsibility to behave appropriately to people who were junior to him and who may have felt constrained as to how they could respond to his advances.

Principle 6

20. The Respondent failed to behave in a way that maintained the trust the public had placed in him and the provision of legal services. Members of the public would not expect a solicitor to use his position of authority in the Firm to initiate sexual contact with a junior member of staff. It follows that the Respondent breached Principle 6.

Code of Conduct

21. It is further agreed that the admitted misconduct constituted a failure by the Respondent to achieve Outcome 2.1 and 11.1 under the Code of Conduct, which mandate that '*you do not discriminate unlawfully, or victimise or harass anyone in the course of your professional dealings*' and '*you do not take unfair of third parties in either your professional or personal capacity*'.

22. It is agreed that the Respondent's conduct in respect of Person C was sexually motivated.

Agreed Allegations 1.4

Allegation 1.4.1: On various dates between October 2015 and September 2020, he behaved inappropriately towards female employees, in the Firm's offices, telling Person A, during the course of their sexual relationship in a private conversation, that he preferred female employees to wear open toe shoes, stockings and not tights and short skirts, describing this dress as "proper office attire" (or words to that effect);

23. The Respondent admits that this comment was made in the Firm's offices and it is agreed that the Respondent's conduct was sexually motivated.

Allegation 1.4.2: On various dates between October 2015 and September 2020, he behaved inappropriately towards female employees, in the Firm's offices, telling Person D that there was a "preferred" office dress code (or words to that effect) of skirts, rather than trousers and high heels, asking her what she thought of stockings and, on a separate occasion, asking her when she was going to wear a dress (or words to that effect);

24. The Respondent admits that this comment was made in the Firm's offices and it is agreed that the Respondent's conduct was sexually motivated.

Agreed Allegation 1.4.3: On various dates between October 2015 and September 2020, he behaved inappropriately towards female employees, in the Firm's offices, making a joke to Person B, in the presence of another secretary about a child looking up her skirt

25. The Respondent admits that he inappropriately made a joke to Person B about a child looking up a secretary's skirt in the Firm's offices and it is agreed that the Respondent's conduct was sexually motivated.

Agreed Allegation 1.4.4: On various dates between October 2015 and September 2020, he behaved inappropriately towards female employees, in the Firm's offices, in the context of their sexual relationship, commenting on how much he loved the summer on seeing Person C wearing a short, flowery summer dress with no tights

26. The Respondent admits that this comment was made to Person C in the Firm's offices and it is agreed that the Respondent's conduct was sexually motivated.

Agreed Allegation 1.4.5: On various dates between October 2015 and September 2020, he behaved inappropriately towards female employees, in the Firm's offices, on a number of occasions, again in the context of his sexual relationship with Person A coming into her room, which she shared with Person

B, and stroking her hair and giving her a shoulder massage, in the presence of Person B

27. The Respondent admits that this conduct took place in the Firm's offices and it is agreed that the Respondent's conduct was sexually motivated.

Principles

28. It is further agreed that the Respondent's admitted misconduct in relation to each of the Allegations at paragraph 1.4 was in breach of the following Principles.

Principle 2

In using sexually inappropriate language to and about female colleagues, whilst in the office, in the circumstances described above, the Respondent, as a solicitor, failed to act with integrity, i.e. with '*moral soundness, rectitude and steady adherence to an ethical code*'. The Respondent, as senior partner, was aware of the requirement to act appropriately towards colleagues at all times, and, in particular, he must or ought to have been aware of his responsibility to behave appropriately to people who were junior to him and who may have felt constrained as to how they could respond to his comments. In behaving in the manner set out at Allegations 1.4.1 to 1.4.5, the Respondent abused his position and behaved inappropriately.

Principle 6

29. The Respondent failed to behave in a way that maintained the trust the public had placed in him and the provision of legal services. Members of the public would not expect a solicitor to behave in the manner set out in Allegation 1.4 in an office setting where he should have been setting an example for others to follow.

Principle 9

30. The Respondent failed to behave in a way which encourages equality of opportunity and respect for diversity and inclusion. As a senior partner, the Respondent should have driven the standards for equality, opportunity and inclusion and by acting in the way that he did, he caused female members of staff to feel uncomfortable and failed to encourage equality, diversity and inclusion.

Code of Conduct

31. It is further agreed that the admitted misconduct constituted a failure by the Respondent to achieve Outcomes 2.1, 2.4 and 11.1 under the Code of Conduct,

which mandates that *'you do not discriminate unlawfully, or victimise or harass anyone in the course of your professional dealings'*; *'your approach to recruitment and employment encourages equality and respect for diversity'* and *'you do not take unfair of third parties in either your professional or personal capacity'*.

32. It is agreed that the Respondent's conduct as set out in Allegation 1.4 was sexually motivated.

Mitigation (not agreed)

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

52.1. [Redacted]

52.2. [Redacted]

52.3. [Redacted]

52.4. [Redacted]

[Redacted]

- 58.1. The Respondent has admitted the misconduct and the breaches alleged such that a contested hearing has been avoided, resulting in the complainants not having to go through the difficult process of giving evidence.
- 58.2. The Respondent shows insight into his misconduct and is engaging in therapy.
- 58.3. Previous good character with no regulatory history

Costs

59. As noted above, subject to the approval of this Agreed Outcome, it is agreed that the Respondent will contribute to the SRA's costs of the Application and Enquiry, including VAT. The agreed figure will be provided to the Tribunal when the parties are in a position to know how long the hearing will last.

Signed:



Date: 20 May 2024

Signed:



On behalf of Solicitors Regulation Authority Limited

Date: 20 May 2024