

# SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12604-2024

**BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

MATTHEW ROY CHURCH

Respondent

---

Before:

Mrs C Evans (in the chair)

Ms C Rigby

Mr A Lyon

Date of Hearing: 08 November 2024

---

**Appearances**

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

---

**JUDGMENT ON AN AGREED OUTCOME**

---

## Allegations

The allegations made against Mr Church were that whilst in practice as a solicitor at Harvey Copping & Harrison LLP (“the Firm”):

- 1.1 Between 4 June 2021 and 2 December 2021, he caused or allowed Lasting Powers of Attorney for his clients Persons A1, B1 and C1 to be submitted to the Office of the Public Guardian (“the OPG”) which were purportedly signed and dated by the donors and attorneys on the dates stated in the Lasting Powers when he knew or ought to have known that the dates on the Lasting Powers were misleading. And that in doing so he breached:
  - 1.1.1 Principle 2 of the SRA Principles 2019 (“the Principles”);
  - 1.1.2 Principle 4 of the Principles;
  - 1.1.3 Principle 5 of the Principles; and
  - 1.1.4 Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code for Solicitors”).
  
- 1.2 On 15 February 2022, he informed Person A2 that the application for the Lasting Power of Attorney had been submitted to the OPG 20 weeks earlier when he knew or ought to have known that such an assertion was misleading. And that in doing so he breached:
  - 1.2.1 Principle 2 of the Principles;
  - 1.2.2 Principle 4 of the Principles;
  - 1.2.3 Principle 5 of the Principles; and
  - 1.2.4 Paragraph 1.4 of the Code for Solicitors.
  
- 1.3 On 28 June 2021, he informed Person C2 that the application for the Lasting Power of Attorney had been submitted to the OPG 14 weeks earlier when he knew or ought to have known that such an assertion was misleading. And that in doing so he breached:
  - 1.3.1 Principle 2 of the Principles;
  - 1.3.2 Principle 4 of the Principles;
  - 1.3.3 Principle 5 of the Principles; and
  - 1.3.4 Paragraph 1.4 of the Code for Solicitors.
  
- 1.4 On 3 May 2022, he informed the Firm that he had met with Person A1 in December 2021, knowing that the Firm would provide that information to the OPG in response to questions, when he knew or ought to have known that such an assertion was misleading. And that in doing so he breached:
  - 1.4.1 Principle 2 of the Principles;
  - 1.4.2 Principle 4 of the Principles;
  - 1.4.3 Principle 5 of the Principles; and
  - 1.4.4 Paragraph 1.4 of the Code for Solicitors.
  
- 2 As an alternative to the Allegations at 1.2, 1.3 and 1.4 that Mr Church breached Principle 4 of the Principles, the allegations are advanced on the basis that his conduct was reckless. Recklessness is alleged as an aggravating feature of the Respondent’s misconduct but is not an essential ingredient in providing the allegations.

3. Mr Church's admissions are detailed in the Statement of Agreed Facts and Outcome appended to this Judgment. That document details, amongst other things, that Mr Church admitted that his conduct as regards allegations 1.1, 1.2 and 1.3 was dishonest. Accordingly, given that recklessness was alleged in the alternative to dishonesty, recklessness was not admitted in relation to those allegations. Mr Church denied that his conduct was dishonest as regards allegation 1.4 but admitted that it was reckless. The Tribunal determined that this was a proper admission to make and did not consider that it was either proportionate or in the interests of justice for the matter to proceed to a hearing on the denied breach of Principle 4 in relation to allegation 1.4. Accordingly, the Tribunal accepted the admissions made.

### **Documents**

4. The Tribunal had before it the following documents:-
  - Rule 12 Statement and Exhibit HP1 dated 17 May 2024
  - Statement of Agreed Facts and Outcome dated 6 November 2024

### **Background**

5. Mr Church, who was born in 1995, was aged 26 at the time of these events. He was admitted to the Roll in September 2019. Having qualified with the Firm, Mr Church was employed as a solicitor in the Firm's Wills and Probate Department in their Canvey Island office. He did not hold a current practising certificate.

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

6. The parties invited the Tribunal to deal with the Allegations against Mr Church 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**

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 Mr Church'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 Mr Church's admissions were properly made.
9. The Tribunal considered the Guidance Note on Sanction (10<sup>th</sup> edition – June 2022). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. Given the admissions made in relation to dishonest conduct, the Tribunal determined that the only appropriate and proportionate sanction was to strike Mr Church off the Roll. Accordingly, the Tribunal approved the sanction proposed in Agreed Facts and Outcome document submitted.

**Costs**

10. The parties agreed costs in the sum of £1,000, taking into account Mr Church's limited means. The Tribunal found the agreed costs to be reasonable and proportionate in the circumstances and accordingly ordered Mr Church to pay costs in the agreed sum.

**Statement of Full Order**

11. The Tribunal ORDERED that the Respondent, MATTHEW ROY CHURCH, solicitor, be STRUCK OFF the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,000.00.

Dated this 5<sup>th</sup> day of December 2024

On behalf of the Tribunal

*C. Evans*

Mrs C Evans  
Chair

**JUDGMENT FILED WITH THE LAW SOCIETY**  
**5 DECEMBER 2024**

**IN THE SOLICITORS DISCIPLINARY TRIBUNAL  
AND IN THE MATTER OF THE SOLICITORS ACT 1974**

**Case No: 12604-2024**

**BETWEEN:**

**SOLICITORS REGULATION AUTHORITY LIMITED      Applicant**

**v**

**MATTHEW ROY CHURCH      Respondent**

---

**STATEMENT OF AGREED FACTS AND OUTCOME**

---

1. By a statement made by Hannah Pilkington on behalf of the Applicant, the Solicitors Regulation Authority Limited (the "SRA") pursuant to Rule 12 of the Solicitors (Disciplinary Proceedings) Rules 2019 dated 17 May 2024 ("the Rule 12 statement"), the SRA brought proceedings before the Tribunal making allegations of misconduct against the Respondent, including allegations of dishonesty.
2. The Respondent is prepared to make admissions to the allegations and facts pleaded in the Rule 12 Statement, including in respect of dishonesty. The admissions are set out at paragraph 4 below. Subject to the Tribunal's approval, the Respondent is also prepared to submit to a striking-off order.
3. The SRA has considered the admissions being made and whether those admissions, and the outcomes proposed in this document, meet the public interest having regard to the gravity of the matters alleged. For the reasons explained in more detail below, and subject to the Tribunal's approval, the SRA is satisfied that the admissions and outcome do satisfy the public interest.

**ADMISSIONS**

4. The Respondent admits that whilst in practice as a solicitor at Harvey Copping & Harrison LLP ("the Firm"):
  - 4.1. Between 4 June 2021 and 2 December 2021, he caused or allowed Lasting Powers of Attorney for his clients Persons A1, B1 and C1 to be submitted to the Office of the Public Guardian ("the OPG") which were purportedly signed and dated by the donors and attorneys on the dates stated in the Lasting Powers when he knew or ought to have known that the dates on the Lasting Powers were misleading.

And that in doing so he breached:

- 4.1.1. Principle 2 of the SRA Principles 2019 (“the Principles”);
  - 4.1.2. Principle 4 of the Principles;
  - 4.1.3. Principle 5 of the Principles; and
  - 4.1.4. Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code for Solicitors”).
- 4.2. On 15 February 2022, he informed Person A2 that the application for the Lasting Power of Attorney had been submitted to the OPG 20 weeks earlier when he knew or ought to have known that such an assertion was misleading.

And that in doing so he breached:

- 4.2.1. Principle 2 of the Principles;
  - 4.2.2. Principle 4 of the Principles ;
  - 4.2.3. Principle 5 of the Principles; and
  - 4.2.4. Paragraph 1.4 of the Code for Solicitors.
- 4.3. On 28 June 2021, he informed Person C2 that the application for the Lasting Power of Attorney had been submitted to the OPG 14 weeks earlier when he knew or ought to have known that such an assertion was misleading.

And that in doing so he breached:

- 4.3.1. Principle 2 of the Principles;
- 4.3.2. Principle 4 of the Principles;
- 4.3.3. Principle 5 of the Principles; and
- 4.3.4. Paragraph 1.4 of the Code for Solicitors.

## **AGREED FACTS**

5. The Respondent was born on 3 June 1995. The Respondent was aged 26 at the time of these events. He is a solicitor who was admitted to the Roll on 2 September 2019. The Respondent was initially employed as a trainee solicitor at the Firm. Upon qualification, the Respondent was employed as a solicitor in the Firm’s Wills and Probate Department in their Canvey Island office. This is where he was employed at the time of the alleged misconduct. The Respondent does not currently hold a practising certificate.

## **Background**

6. Whilst at the Firm, the Respondent was involved in preparing Lasting Powers of Attorney for the following clients:
- 6.1. Person A1;
  - 6.2. Person B1; and

6.3. Person C1.

7. In or around August or September 2021, Person A2 approached the Firm with a view to obtaining a Health and Welfare Lasting Power of Attorney for his mother, Person A1.
8. On 2 August 2021, Person B1 telephoned the Firm in order to set up both Health and Welfare, and Financial Lasting Powers of Attorney for himself and his wife.
9. The Respondent left the Firm of his own volition on 2 March 2022, having secured alternative employment with another local firm of solicitors.

**Allegation 1.1 – caused or allowed Lasting Powers of Attorney for his clients to be submitted to the OPG which were purportedly signed and dated by the donors and attorneys on the dates stated in the Lasting Powers when he knew or ought to have known that the dates on the Lasting Powers were misleading.**

*Person A1*

10. The Respondent was allocated Person A1's matter to progress and a meeting was subsequently arranged between Person A1, Person A2 and the Respondent at a Care Home on 24 September 2021, for the Lasting Power of Attorney to be signed. The Care Home was the permanent residence of Person A1.
11. On 24 September 2021, the Health and Welfare Lasting Power of Attorney that had been prepared by the Respondent was signed by Person A1 and Person A2. It was done so in the presence of the Respondent at the Care Home.
12. The Respondent advised Person A2 that he could expect the final Lasting Power of Attorney in December 2021. Neither Person A1 nor Person A2 saw the Respondent again after signing the document on 24 September 2021.
13. On 15 February 2022, Person A2 spoke to the Respondent to express his concern about the behaviour of Person A1's siblings and the fact that they may try to argue that Person A1 did not have mental capacity when she signed the Lasting Power of Attorney given that four days after signing the document, on 28 September 2021, Person A1 failed a mental capacity assessment.
14. The attendance note of the call between the Respondent and Person A2 on 15 February 2022, drafted by the Respondent, reads as follows:

*"[Person A2]. I have chased the OPG. I was on hold for a long time. They told me they are still clearing the backlog of applications. Now that the case has reached 20 weeks the promised turnaround time it will be expedited and should hear back shortly. This is why it is important people get them in as soon as possible."*
15. On 18 February 2022, the Respondent sent a letter to Person A2 confirming that in his view Person A1 had the necessary capacity to make a Lasting Power of Attorney on 24 September 2021. In respect of the application itself the letter stated:

*“We have lodged the application with the Office of the Public Guardian (OPG) appointing her son [name] to be the sole attorney, and we expect the registered document back shortly. As you may be aware, due to Covid-19, the backlog of applications have caused a severe delay at the OPG. We are therefore waiting longer than usual for the registration of such documents.”*

16. The letter was sent to Person A2 to be presented at an upcoming ‘Best Interest Meeting’ with Social Services, concerning Person A1.

Person A2 received the Health and Welfare Lasting Power of Attorney on 8 April 2022. The document was dated 25 March 2022 by the OPG office and was sent under cover of letter dated 7 April 2022. Person A2 immediately upon receiving the Lasting Power of Attorney noticed that the signatures were dated incorrectly; they were dated 2 December 2021 and not 24 September 2021. Person A2 confirms:

- 16.1. It is his belief that the signature on the Lasting Power of Attorney is not the signature of his mother (Person A1); and
- 16.2. Whilst the signature on the Lasting Power of Attorney could be his, “he absolutely did not sign a second LPA on 2 December 2021”.
17. Upon receiving the Lasting Power of Attorney, Person A2 immediately notified the Firm of his concerns around the dates. The new date appearing on the Lasting Power of Attorney (2 December 2021) caused issues for Person A2 in trying to assist Person A1 given that the signatures on the document now post-dated a mental capacity assessment that Person A1 undertook and failed on 28 September 2021.
18. After Person A2 reported his concerns to the Firm, a review of the file took place and it was discovered that:
- 18.1. The Respondent met with both Person A1 and Person A2 at the Care Home on 24 September 2021. The Respondent had completed a Health and Welfare Lasting Power of Attorney, which had been signed by both Person A1 and Person A2 and witnessed by the Respondent who also completed a Certificate of Capacity. The Lasting Power of Attorney had been sent to the Office of the Public Guardian for registration by post the same day.
- 18.2. On 26 November 2021, the Office of the Public Guardian sent a letter to the Firm which identified a problem with the execution of the Lasting Power of Attorney that meant it could not be registered. The letter outlined:

*“The date the donor signed section 9 of the LPA has been amended. The donor must initial material amendments on this section of the instrument so we can identify they are aware of the change. The LPA is invalid and cannot be registered.*

*The law doesn’t allow an LPA to be amended and countersigned, because it is a legal document (a ‘deed’) that cannot be changed after it has been made. This is to protect the original intentions of the donor if they lose their mental capacity. So*



*you cannot correct this problem by changing the document you have already submitted.*

***The donor will need to make a new LPA instead.”***

- 18.3. There was nothing on the file to suggest the client had been made aware of the issue concerning the execution of the original LPA.
- 18.4. The Lasting Power of Attorney had been re-dated on 2 December 2021, had not been signed by the client on that day, and had been submitted to the Office of the Public Guardian the same day.
- 18.5. There were no appointments in the Respondent’s diary for 2 December 2021 nor were there any attendance notes on file to support the signing of the document by Person A1 or A2 on this day.

*Person B1*

19. Person B1, together with his wife Person B2, had a meeting with the Respondent on 9 August 2021 with a view to processing the Lasting Powers of Attorney. Section 5 and section 9 of the Lasting Power of Attorney application form is signed by Person B1 and dated 9 August 2021<sup>1</sup>.
20. On 10 January 2022, Person B1 paid the Firm £1200 for the Lasting Powers of Attorney over the telephone via credit card.
21. Person B1 subsequently discovered on 29 April 2022 that the signatures on his Lasting Power of Attorney application had been dated 15 November 2021. Person B1 confirmed that he did not re-sign the document on 15 November 2021. The Respondent did not visit Person B1’s house after 27 September 2021. He did not see or have any correspondence with the Respondent on 15 November 2021.
22. Following a review of the file it was discovered that:
  - 22.1. All the documents for the LPAs were duly signed and witnessed and these were sent to the Office of the Public Guardian for registration on 8 September 2021;
  - 22.2. On 15 November 2021, three letters were received by the Firm dated 9 November 2021, from the Office of the Public Guardian which confirmed both of Person B2’s Lasting Powers of Attorney and Person B1’s Lasting Power of Attorney for Property and Financial Affairs had been received and the requisite notices had been given. A fourth letter was also received from the Office of the Public Guardian the same day which identified an issue in section 10 of the document. The letter stated:

---

<sup>1</sup> Whilst it is noted that Person B1 recalls the Respondent visiting him and his wife at his home address on 27 September 2021 and him signing the Lasting Powers of Attorney, no such documents have been recovered and in any event the applications were sent to the Office of the Public Guardian for registration on 8 September 2021.

***“The certificate provider has made a material amendment to their section of the LPA and they have not initialled the change – the date on section 10 has been amended.***

*The donor or certificate provider must initial material amendments on this section of the instrument so we can identify they are aware of the change.*

- *This certificate provider [the Respondent] – the same one named in the LPA – should fill in, sign and date a new section 10.*
- *Then the attorneys Person B2 and Person B3 should fill in new section 11s.*
- *Then the applicant Person B1 should fill in a new section 15.*
- *Send these signed and dated sections to us.*

***Remember, the order of signing is important: the attorneys must sign after the certificate provider...***

*.... We cannot accept an amended version of the documents you have sent before, because an LPA is a legal document (a ‘deed’) that cannot be changed after it has been made. This is to protect the original intentions of the donor if they lose their mental capacity.”*

- 22.3. There was nothing on the file to suggest the client had been made aware of the issue concerning section 10 of the document.
- 22.4. Pages 11, 12 and 13 from the original signed LPA are all on the file, together with copies of the new pages 11, 12, 13 and 20, which show as having been signed and dated on 15 November 2021. There is also a copy of a letter that was sent to the Office of the Public Guardian dated 15 November 2021, enclosing “*newly signed section 11, 11s and 15 as requested*”.
- 22.5. There were no appointments in the Respondent’s diary for 15 November 2021 nor were there any attendance notes on file to support the signing of the document by Person B1 or B2 taking place on this day.

#### *Person C1*

23. On 5 March 2021, the Respondent met with Person C1 and his son, Person C2, regarding the administration of his wife’s estate. During this meeting the Respondent took instructions for the preparation of Lasting Powers of Attorney for both Property and Finance and Health and Welfare. Person C2 and Person C3 were to be appointed as attorneys.
24. The Respondent met with Person C1 and Person C2 again on 12 March 2021, when the documents were signed by both of them. The documents were thereafter sent out to Person C3 to sign at her home address and following their return, they were sent to the Office of the Public Guardian for registration on 25 March 2021.

25. On 4 June 2021, the firm received a letter from the Office of the Public Guardian dated 1 June 2021, which identified an issue with Person C1's Lasting Power of Attorney for Property and Financial Affairs. The letter outlined the following:

***"The applicant did not sign section 15.***

*Please ask [Person C1] to sign and date a new section 15 – Post the section to us as soon as possible so we can register the LPA.*

*We can't accept an amended version of the documents you've sent before, because an LPA is a legal document (a 'deed') that cannot be changed after it has been made. This is to protect the original intentions of the donor if they lose their mental capacity."*

26. The file contains a copy of section 15 which purportedly shows that Person C1 signed and dated it on 4 June 2021, and that it was sent to the Office of the Public Guardian on 9 June 2021. The covering letter sending this document to the Office of the Public Guardian is incorrectly dated 9 March 2021, however the Firm's computer system shows that the letter was created/last amended on 9 June 2021.
27. There is no record on the Firm's file that the Respondent met with, or indeed even spoke to Person C1 on 4 June 2021, and there is no appointment recorded in his electronic diary.
28. On 28 June 2021, Person C2 telephoned the Firm to enquire as to the progress of the Lasting Power of Attorney for Property and Finance as he needed to produce a copy to his bank. The attendance note of that call retained on the Firm's file reads as follows:

*"Advised I have just received his Dad's H&W LPA. Explained it is usual for H&W to arrive first and the P&F follows after.*

*I called OPG for an update. They said it is on its way and that they are currently experiencing waiting times of 15 weeks and our application was made 14 weeks ago<sup>2</sup>".*

29. Susan Shepard of the Firm spoke to Person C2 on 27 April 2022. Person C2 was not aware that his father had been asked to re-sign his Lasting Power of Attorney but stated he would have expected to have known if he had as his father is not mobile and would not have been able to get to the Firm's offices on his own.

### **NON-AGREED MITIGATION**

30. The Respondent advances the following points by way of mitigation but their inclusion in this document does not amount to acceptance or endorsement of such points by the SRA. The Respondent states that he:

---

<sup>2</sup> It is unclear from the handwriting whether the note reads 14 or 16 weeks. The figure of 14 weeks is outlined as this more closely corresponds with the date upon which the original documents were sent to the OPG on 25 March 2021.

- 30.1. gained no material personal benefit from this;
- 30.2. during the COVID period, dealt with abnormal working conditions and arranging meetings were difficult, handling paperwork was challenging for the firm, which did not have modern paperless systems. It was a chaotic working environment.
- 30.3. was newly qualified with 1-2 years PQE.
- 30.4. had no issues in other areas of his work. He has a completely clean record in and out of the workplace.
- 30.5. felt poorly trained, learned poor habits from retiring supervisors, and had almost non-existent supervision following qualification.
- 30.6. Had no problems in relation to any LPAs since joining the new firm.

**PROPOSED SANCTION INCLUDING EXPLANATION OF WHY SUCH ORDER WOULD BE IN ACCORDANCE WITH THE TRIBUNAL'S GUIDANCE NOTE ON SANCTION**

31. Subject to the Tribunal's approval, it is agreed that the Respondent should be struck off the Roll of Solicitors. Absent exceptional circumstances, this is the "normal and necessary penalty in cases of dishonesty": *SRA v Sharma* [2010] EWHC 2022 (Admin), per Coulson J at [13]. There are no exceptional circumstances here.
32. The sanction outlined above is considered to be in accordance with the Tribunal's Guidance *Note on Sanctions* (10th edition) taking into account the guidance set out in *Fuglers & Ors v Solicitors Regulation Authority* [2014] EWHC 179 (as per Popplewell J) and as set out in the guidance at paragraphs 8 and 48.
33. The misconduct giving rise to the allegations is very serious and of the highest level. Given the nature of the alleged misconduct, lesser sanctions such as a Restriction Order, Reprimand, Fine, or Suspension would not be adequate or suitable. To safeguard the integrity of the legal profession, it is necessary to prevent the Respondent from continuing to practise, consistent with similar previous decisions reached in other cases. The protection of the public from risk of harm and the protection of the reputation of the legal profession justifies striking off the Roll.
34. This assessment takes into account that the level of the Respondent's culpability in respect of the allegations above is high as:
  - 34.1. The Respondent acted in a way to conceal errors that he had made;
  - 34.2. The conduct cannot be described as spontaneous, and was repeated;
  - 34.3. The Respondent acted in breach of a position of trust;
  - 34.4. The Respondent had direct control of or responsibility for the circumstances giving rise to the misconduct;
  - 34.5. The Respondent was a solicitor and was aware, or should have been aware, of the relevant Rules and Principles.

35. As to the harm caused, the admitted failures and breaches of the Code and Principles caused loss and harm to vulnerable people who had placed trust in the Respondent and caused the Court of Protection to be misled or created a risk of misleading the Court. In addition, it is considered that there was significant harm to the reputation of the profession as a result. Further, the harm was foreseeable.
36. As to the principal factors which aggravate the seriousness of the misconduct:
  - 36.1. The Respondent's conduct was dishonest;
  - 36.2. The misconduct was deliberate, occurred over a period of time, and was repeated;
  - 36.3. The nature of the clients seeking LPAs in these cases and for whom the Respondent acted;
  - 36.4. The Respondent ought reasonably to have known that the conduct complained of was in material breach of obligations to protect the public and the reputation of the legal profession.
37. As to the principle factors which mitigate the seriousness of the misconduct:
  - 37.1. The Respondent has made open and frank admissions at an early stage and fully co-operated with the applicant SRA.

## **COSTS**

38. Subject to the approval of this Agreed Outcome Proposal, and taking into account the Respondent's financial circumstances and limited financial means, the SRA is agreeable to the following order as to costs being made: £1,000.00. The SRA is satisfied that this is a reasonable and proportionate contribution by the Respondent in all the circumstances.

Signed: ...

Oliver Sweeney

Head of Legal & Enforcement

On behalf of the SRA

Dated: 20 August 2024

Signed:

Matthew Roy Church

Respondent

Dated: 23.8.2024