

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12694-2024

BETWEEN:

SOLICITORS REGULATION AUTHORITY LTD.

Applicant

and

OLIVER JAMES SAXON

Respondent

Before:

Mr E Nally (in the chair)

Mr J Johnston

Dr S Bown

Date of Hearing: 26 June 2025

Appearances

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

JUDGMENT ON AN AGREED OUTCOME

Allegations

The allegations against Oliver Saxon, made by the SRA were that while in practice as a Director and Owner at Tyto Law Limited (“the Firm”)

1. Between 24 June and 28 July 2021, as manager and COLP of the Firm, he failed to ensure that the Firm complied with an order under S43 of the Solicitors Act 1974 that no recognised body should employ or remunerate Mr. Ben Moore, an unadmitted person, except in accordance with the permission of the SRA. By so doing he has breached the following professional standards: Paragraph 2.1 of the SRA Code of Conduct for Firms, Paragraph 9.1 of the SRA Code of Conduct for Firms, Principles 2 and (from 28 July 2021 only) 5 of the SRA Principles 2019
2. Failed to provide accurate information to the SRA in an application form. dated 28 July 2021, seeking its permission for the Firm to employ Mr Moore. By so doing he has breached the following professional standards: Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs, Principles 2 and 5 of the SRA Standards
3. From 28 July 2021 until 24 September 2021 as Manager and COLP of the Firm, he caused or permitted the Firm to continue to employ or remunerate Mr. Moore in knowing contravention of an Order under Section 43 Solicitors Act 1974. By so doing he has breached the following professional standards: S43 (2) (1) of the Solicitors Act 1974, Paragraph 2.1 of the SRA Code of Conduct for Firms, Paragraph 9 of the SRA Code of Conduct for Firms, Principles 2 and 5 of the SRA Principles 2019
4. As Manager and COLP of the Firm, failed to ensure that the conditions imposed by the SRA on the approval of employment of Mr Moore by the Firm dated 24 September 2021 were met. By so doing he has breached the following professional standards: Paragraph 2.1 of the SRA Code of Conduct for Firms, Paragraph 2.3 of the SRA Code of Conduct for Firms, Paragraph 9 of the SRA Code of Conduct for Firms and Principle 2 of the SRA Principles 2019
5. Mr Saxon admitted the allegations.

Documents

6. The Tribunal had before it the following documents:-
 - Rule 12 Statement and Exhibit TKD1 dated 3 October 2024
 - Respondent's Answer
 - Applicant's Schedule of Costs
 - Statement of Agreed Facts and Proposed Outcome dated 18 June 2025

Background

7. Mr Saxon, who was born in 1987, was a solicitor having been admitted to the Roll in May 2012. He was the Director and Owner of the Firm. He was also the COLP, COFA, MLRO and MLCO of the Firm and held these roles at the time of the conduct. Mr Saxon held a current unconditional Practising Certificate.

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

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

Findings of Fact and Law

9. 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 Mr Saxon's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
10. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that Mr Saxon's admissions were properly made.
11. The Tribunal considered the Guidance Note on Sanction (11th edition – February 2025). In doing so the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed. The Tribunal determined that the seriousness of the misconduct was such that sanctions such as No Order, a Reprimand and a Fine were not proportionate to the level of Mr Saxon's misconduct. The Tribunal determined that a short period of suspension was proportionate and appropriate. Accordingly, the Tribunal was satisfied that the proposed sanction of suspension for the period of one month was proportionate and accurately reflected the seriousness of the misconduct.
12. The Tribunal determined that it was appropriate for the suspension to commence on 1 August 2025 so as to give Mr Saxon sufficient time to find a replacement for his period of suspension in order to protect current clients of the Firm.

Costs

13. The parties had agreed costs in the sum of £4,000 + VAT. The Tribunal determined that the agreed costs were reasonable. Accordingly, it ordered Mr Saxon to pay costs in the sum of £4,800 that being the total sum inclusive of VAT.

Statement of Full Order

14. The Tribunal Ordered that the Respondent, OLIVER JAMES SAXON, solicitor, be suspended from practice as a solicitor for the period of 1 month to commence on the 1st day of August 2025 it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £4,800.00.

Dated this 10th day of July 2025
On behalf of the Tribunal

E. Nally

E Nally
Chair

Number:12694-2024

IN THE MATTER OF THE SOLICITORS ACT 1974

SOLICITORS REGULATION AUTHORITY LTD

Applicant

OLIVER SAXON

Respondent

STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME

1. By its application dated 3 October 2024, and the statement made pursuant to Rule 12 (2) of the Solicitors (Disciplinary Proceedings) Rules 2019 which accompanied that application, the Solicitors Regulation Authority Ltd ("the SRA") brought proceedings before the Solicitors Disciplinary Tribunal making four allegations of misconduct against the Respondent.

The allegations

2. The allegations against Oliver Saxon, made by the SRA within that statement were that:

While in practice as a Director and Owner at Tyto Law Limited ("the Firm")

1. *Between 24 June and 28 July 2021, as manager and COLP of the Firm, he failed to ensure that the Firm complied with an order under S43 of the Solicitors Act 1974 that no recognised body should employ or remunerate Mr. Ben Moore, an unadmitted person, except in accordance with the permission of the SRA.*

By so doing he has breached the following professional standards:

Paragraph 2.1 of the SRA Code of Conduct for Firms, Paragraph 9.1 of the SRA Code of Conduct for Firms, Principles 2 and (from 28 July 2021 only) 5 of the SRA Principles 2019

2. *Failed to provide accurate information to the SRA in an application form, dated 28 July 2021, seeking its permission for the Firm to employ Mr Moore.*

By so doing he has breached the following professional standards:

Paragraph 1.4 of the SRA Code of Conduct for Solicitors, RELs and RFLs, Principles 2 and 5 of the SRA Standards

3. *From 28 July 2021 until 24 September 2021 as Manager and COLP of the Firm, he caused or permitted the Firm to continue to employ or remunerate Mr. Moore in knowing contravention of an Order under Section 43 Solicitors Act 1974.*

By so doing he has breached the following professional standards:

S43 (2) (1) of the Solicitors Act 1974, Paragraph 2.1 of the SRA Code of Conduct for Firms, Paragraph 9 of the SRA Code of Conduct for Firms, Principles 2 and 5 of the SRA Principles 2019

4. *As Manager and COLP of the Firm, failed to ensure that the conditions imposed by the SRA on the approval of employment of Mr Moore by the Firm dated 24 September 2021 were met.*

By so doing he has breached the following professional standards:

Paragraph 2.1 of the SRA Code of Conduct for Firms, Paragraph 2.3 of the SRA Code of Conduct for Firms, Paragraph 9 of the SRA Code of Conduct for Firms and Principle 2 of the SRA Principles 2019

3. The Respondent admits each of these allegations.

Agreed Facts

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

4.1 The Respondent who was born on 4 April 1987, is a solicitor having been admitted to the Roll on 15 May 2012. He is the Director and Owner of Tyto Law Limited ("the Firm"). He is also the COLP, COFA, MLRO and MLCO of the Firm and held these roles at the time of the conduct.

4.2 The Respondent holds a current Practising Certificate which is not subject to any conditions.

Background

4.3 On 12 January 2022 the SRA received a report from Mr Keith Hurst, concerning the employment of Mr Ben Moore ("Mr Moore") by the Respondent's Firm. It was alleged that the Firm had employed Mr Moore in breach of conditions which had been placed on Mr Moore's employment under Section 43 of the Solicitors Act 1974 ("the Act").

4.4 On 24 September 2021, an authorised officer at the SRA had granted the Firm approval under Section 43 of the Act to employ Mr Moore as a Legal Assistant. The approval was subject to conditions.

(1) Any recognised body wishing to employ or remunerate Mr Moore required approval to do so because Mr Moore had entered into a Regulatory Settlement Agreement with the SRA on 10 May 2021 where he agreed to be made subject to a Section 43 Order because of previous misconduct. Whilst working at Ramsdens LLP, Mr Moore had accepted a gift of £20,000 from an elderly client who had instructed him to prepare a will. Mr Moore did not tell Ramsdens about the gift, and he did not advise the client to seek independent legal advice.

- (2) The approval had been granted following an application for permission to employ Mr Moore, made by the Respondent, as designated contact and as Compliance Officer for Legal Practice ('COLP') for the Firm. Within that application form the job description was confirmed as follows:

"Business development, drafting of wills and probate applications, not taking client instructions, not handling any client money or office monies, all work supervised by Oliver Saxon."

4.5 The application further confirmed that Mr Moore would be working from the Firm's office.

4.6 When asked for details on the form of any work that Mr Moore had undertaken since being subject to the Section 43 order, the Respondent answered "none"

4.7 When asked whether any of the firm's managers or employees had ever worked with Mr Moore, the Respondent ticked the box on the application form for "no"

4.8 The conditions on employment That were put in place by the SRA upon granting the application, were as follows:

- Mr Moore's work will be directly supervised by Oliver Saxon.
- All incoming and outgoing correspondence is first reviewed by Mr Saxon.
- Mr Moore has no direct contact with clients.
- It is Mr Saxon's responsibility to ensure that no conflicts of interest arise with any matters Mr Moore is asked to work on.
- Mr Moore does not have access to any office or client account, is not a signatory to any office or client account and does not have any responsibility for the firm's accounting functions.
- Mr Moore will not be responsible for supervising any other member of staff.
- Mr Moore's employment at Tyto Law Limited is limited to that described in the Section 43 Approval of Employment form signed by Mr Saxon, on 28 July 2021, and the firm's email, dated 7 September 2021.
- Any proposed variation to Mr Moore's job description, duties, or arrangements as to his supervision are notified to the SRA in advance of the change taking place and that the variation must not take place until permission is granted by the SRA.
- This approval will lapse if Mr Moore's employment with the firm is terminated.

- This approval and the conditions attached to it are subject to review at the absolute discretion of the SRA.

4.9 Mr Moore had been employed by the Respondent via an agency, CRA

Consulting ("the Agency"), as a Temporary Locum Will Writer on 22 June 2021.

This was prior to the application being made by the Respondent for permission to employ Mr Moore.

4.10 No permission had been sought to employ Mr Moore in June 2021 when Mr Moore was employed by the Firm via the Agency.

4.11 Subsequent to the application being submitted and before it was granted, Mr Moore continued to provide work as a locum to the Firm.

Compliance with conditions on employment

4.12 Subsequent to the application for employment being granted, Mr Moore was working from home and was not based at the office address as stated on the application form. This was confirmed in a letter from the Respondent dated 17 May 2022 as well as in a letter from Mr Moore dated 16 May 2022.

4.13 In terms of supervision, the Respondent stated on the application for that all work undertaken by Mr Moore would be overseen, supervised and checked by him and that Mr Moore would not take client instructions. However, Mr Moore was liaising with Town and County Law directly. Toan and Country Law were clients of the Firm.

4.14 On 26 October 2021 an attendance note shows that Mr Moore took over a Zoom meeting with Clients A regarding a "*Wills & LPA Matter*"

4.15 On 17 September 2021 there is an attendance note capturing a call to Client B regarding a will and lasting power of attorney

4.16 A further telephone attendance note shows discussions being had with Client C regarding the client wanting to leave £200k to his daughter

4.17 On 5 August 2021 there is an email from 'Stacey' at Town and Country Law to Mr Hurst at Tyto Law providing feedback on a review of files that Mr Moore had worked on

4.18 There is further client communication and taking of client instructions on 12 December 2021

4.19 Mr Moore was also sending emails from the email account of his consultancy business, Yorkshire Wills & Estate Planning. The Respondent did not have access to these emails

4.20 In light of this information, the SRA reviewed the decision made on 24 September 2021, granting the Firm approval to employ Mr Moore as a Legal Assistant. The review was completed on 17 July 2023. The decision to grant the application made by the respondent for permission to employ Mr Moore was overturned.

Allegation 1 - Between 24 June and 28 July 2021, as manager and COLP of the Firm, Mr. Saxon failed to ensure that the Firm complied with an order under S43 of the Solicitors Act 1974 that no recognised body should employ or remunerate Mr. Ben Moore, an unadmitted person, except in accordance with the permission of the SRA

4.21 Mr Moore was made subject to a Section 43 Order on 10 May 2021. In accordance with Section 43 (2)(a)(i) of the Act, a solicitor is prohibited from employing or compensating anyone subject to a Section 43 order in relation to their practice without prior permission from the SRA. The Order was published on the SRA website on 13 May 2021.

4.22 Mr. Moore was initially hired as a locum by the Firm through an agency, CRA Consulting (the Agency), on 22 June 2021

4.23 By way of a letter dated 21 June 2021 addressed to the Respondent, the Agency confirms the assignment for Mr Moore to work as a Temporary Locum Will Writer commencing on 22 June 2021. The letter confirms that the assignment is based working from home.

4.24 Mr Moore submitted invoices to the Agency via his limited company, Yorkshire Wills and Estate Planning Ltd. The Agency subsequently invoiced the Respondent at the Firm, who then compensated Mr. Moore.

4.25 Mr Moore's work was primarily for one of the Firm's clients, Town and Country Law Limited, making his remuneration related to the Respondent's practice as a solicitor.

4.26 No application for permission to employ Mr Moore was made by the Respondent prior to 28 July 2021 when an application was submitted to the SRA.

Paragraph 2.1 of the SRA Code of Conduct for Firms: You have effective governance structures, arrangements, systems and controls in place that ensure:

- (a) You comply with all the SRA's regulatory arrangements, as well as with other regulatory and legislative requirements, which apply to you;
- (b) Your managers and employees comply with the SRA's regulatory arrangements which apply to them;
- (c) Your managers and interest holders and this you employ or contract with do not cause or substantially contribute to a breach of the SRA's regulatory arrangements by you or your managers or employees;
- (d) Your compliance officers are able to discharge their duties under paragraphs 9.1 (b) and 9.1 (c) below

4.27 In order to have effective systems and controls in place to ensure its compliance with the SRA's regulatory arrangements, the Firm needed to undertake due diligence upon prospective employees (including temporary members of staff, or individuals working on an agency basis) to ensure that there was no regulatory impediment to their employment by the Firm. Undertaking such due diligence would have included the basic steps of undertaking a search against the individuals name on the SRA website. Since the Section 43 Order concerning Mr. Moore had been published by the SRA, such a search would have revealed its existence to the Firm.

4.28 As a Manager of the Firm, the Respondent was, by virtue of Paragraph 8.1 SRA Code of Conduct for Firms, responsible for its compliance with Paragraph 2.1 of that Code.

Paragraph 9 of the SRA Code of Conduct for Firms: If you are a COLP you must take reasonable steps to:

9.1 (b) ensure compliance by your firm and its managers, employees or interest holders with the SRA's regulatory arrangements which apply to them

9.2 (c) ensure that your firms' managers and interest holders and those they employ or contract with do not cause or substantially contribute to a breach of the SRA's regulatory arrangements

4.29 As COLP and manager of the Firm the Respondent had an additional responsibility to ensure that his firm and those working within his firm complied with the SRA's regulatory arrangements which applied to them. For the reasons explained above, this required him to ensure that appropriate due diligence was undertaken on Mr. Moore including a search of the SRA website. However, this was not undertaken.

4.30 By failing to ensure compliance as COLP, he has acted in breach of his duties under Paragraph 9 of the SRA Code of Conduct for Firms.

Principle 2 of the SRA Principles 2019: You act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons

4.31 The conduct alleged also amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services.

4.32 Solicitors must act in a way that maintains the trust the public places in them and in the provision of legal services in accordance with Principle 2 of the SRA Principles 2019.

- 4.33 The public would expect the Respondent to have carried out due diligence before employing Mr Moore. This was a basic and obvious step which he needed to take in order to ensure that clients of his Firm were not put at risk by the employment of an individual with an adverse regulatory history. The public, which instructs solicitors to undertake significant transactions on their behalf, would be concerned that a member of the profession had allowed clients' matters to be placed in the hands of someone who had previously shown themselves to be unworthy of that trust when this could have been avoided by undertaking basic checks.
- 4.34 The Respondent had already employed a solicitor who was subject to conditions and who he had to obtain permission from the SRA to employ.
- 4.35 He was aware of his duties in relation to the employment of a person with restrictions on their employment.
- 4.36 By failing to carry out his due diligence as stated above he has acted in breach of Principle 2 of the SRA Principles.

Allegation 2 – It is alleged that Mr. Saxon failed to provide accurate information to the SRA in an application form, dated 28 July 2021, seeking its permission for the Firm to employ Mr Moore

- 4.37 The Respondent submitted an application to the SRA, signed on 28 July 2021, for the employment of a person subject to a S43 order.
- 4.38 The Respondent confirmed in a letter dated 2 December 2022, that he had completed the application form.
- 4.39 Section 3.2 of the Form asks for *“details of any work that you have undertaken since being struck off the roll/suspended from practice or becoming subject to Section 43”*. The Respondent answered 'none' to this question.

4.40 Mr Moore had been employed to work at the Firm as a locum prior to 28 July 2021. He commenced employment on 22 June 2021.

4.41 The Respondent knew or should have known that Mr. Moore was employed by the Firm because invoices for the locum work carried out by Mr Moore for the Firm were sent to the Firm and marked for the attention of the Respondent.

4.42 In the letter dated 2 December 2022, the Respondent confirmed that work carried out by Mr Moore between 22 June 2021 to 1 October 2021 was delivered through an employment agency and the Firm therefore paid the employment agency.

4.43 Section 4.3 of the form requests details of the "*address of the office which will be the prospective employees normal place of work*" In response the Respondent confirms the normal place of work as *90 High Street, Crowle, North Lincolnshire, DN17 4LB*.

4.44 In a letter to the SRA dated 16 May 2022 Mr Moore states: *My place of work is 4 Stoney Croft, Barnsley, South Yorkshire S74 0LZ. This is my home office situated at the registered address of a limited company, Yorkshire Wills and Estate Planning Ltd of which I am the sole director, shareholder and employee.* If the Respondent had checked the position with Mr. Moore before completing Section 4.3, as he should have done, then he would have known that this was the address of the office which would be Mr. Moore's normal place of work.

4.45 Section 4.4. of the form asked whether any of the Firm's managers or employees had ever worked with Mr Moore. The Respondent answered "*no*" to this question. For reasons explained in paragraphs 45 to 47 above, the Respondent knew, or should have known, that the correct answer to this question was "*yes*" because Mr. Moore was already working for the Firm.

Principle 2 of the Principles 2019: Act in a way that upholds public trust and confidence in the solicitors' professions and in legal services provided by authorised persons

- 4.46 The conduct alleged also amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services.
- 4.47 The public places trust in solicitors and they would expect the Respondent to have provided accurate information when completing the form especially one being provided to their regulator and one which is specifically being submitted to assess the viability to employ someone who is subject to restrictions on their employment.
- 4.48 The fact that Mr Moore's restrictions had been imposed as a result of his conduct in relation to the type of work that the Respondent was employing him to undertake, makes the matter even more serious.

Principle 5 of the Principles 2019: You act with integrity

- 4.49 The Respondent's actions amounted to a failure to act with integrity in breach of Principle 5 of the SRA Principles.
- 4.50 A solicitor acting with integrity would not have provided inaccurate and misleading information on an application form addressed to their regulator which he knew, or should reasonably have known, to be incorrect. It is of note that the Respondent also signed the declaration confirming that he had provided all the information relevant to the application, and the information and supporting documentation was correct and complete to the best of his knowledge. This is when he knew that Mr Moore had been working for the Firm as a locum since 22 June 2021.

Paragraph 1.4 of the Code of Conduct: You do not mislead or attempt to mislead your clients, the court or others, wither by your own acts or omissions or allowing or being complicit in the acts or omissions of others (including your client)

- 4.51 The Respondent has admitted that he completed the relevant application Form for permission to employ Mr Moore. The form stated that Mr Moore had not undertaken any work since becoming subject to the Section 43 order.
- 4.52 The Respondent was aware that Mr Moore had been working for the Firm as a locum since 22 June 2021 which was not disclosed in the form. It is submitted by the Respondent that there was a misunderstanding when filling out the form due to Mr Moore having been employed via an Agency. Furthermore, the form stated that Mr Moore's place of work was the Firm's office address when he knew that Mr Moore was in fact working from home.
- 4.53 The Respondent confirms on the form that his Firms' managers or employees had not ever worked with Mr Moore which was clearly incorrect as Mr Moore had been working as a locum since 22 June 2021.
- 4.54 By providing this information the Respondent has misled the SRA in relation to the true position of Mr Moore's dealings with the Firm. This led to the application being approved on the basis of the information that was provided as well as the conditions being drafted on the basis of that information.
- 4.55 By providing the above information, the Respondent has acted in breach of Paragraph 1.4 of the Code of Conduct for Solicitors.

Allegation 3 – From 28 July 2021 until 24 September 2021 as Manager and COLP of the Firm, Mr. Saxon caused or permitted the Firm to continue to employ or remunerate Mr. Moore in knowing contravention of an Order under Section 43 Solicitors Act 1974

- 4.56 The Respondent made an application for permission to employ Mr Moore on 28 July 2021. The application was granted, subject to various conditions, on 24 September 2021.

4.57 Mr Moore continued to carry out work for the Firm between 28 July 2021 and 24 September 2021. Various invoices were sent to the Firm by CRA Consulting for work done by Mr Moore between this period.

4.58 The Respondent confirms in his letter dated 17 May 2022 (TKD1 p79-82) as follows: *In the period between 28 July and 4 October 2021, Ben continued to provide work as a locum through the agency undertaking work for Town and Country Law through Tyto Law. I did not anticipate the S43 application taking as long as it did as a previous application was decided within 2 weeks.*

Principle 2 of the Principles 2019: Act in a way that upholds public trust and confidence in the solicitors' professions and in legal services provided by authorised persons

4.59 The conduct alleged also amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services.

4.60 The public would expect the Respondent to have waited while the application was being considered.

Principle 5 of the Principles 2019: You act with integrity

4.61 The Respondent's actions amounted to a failure to act with integrity (i.e. with moral soundness, rectitude and steady adherence to an ethical code) in breach of Principle 2 of the SRA Principles.

4.62 The Respondent knew that the Firm required the permission of the SRA to employ or remunerate Mr Moore; otherwise he would not have made an application for permission to employ him on 28 July 2021. Despite this, he allowed the Firm, of which he was a Manager and the sole Owner, to continue to employ Mr. Moore whilst such permission was pending. This showed a knowing

disregard for his own regulator's processes and procedures. A solicitor of integrity does not act in knowing disregard of his regulatory obligations.

4.63 In allowing Mr Moore to continue to provide locum services to the Firm in contravention of the section 43 Order, the Respondent failed to uphold the higher standards which society expects from professional people and therefore lacked integrity.

Paragraph 2.1 of the SRA Code of Conduct for Firms: You have effective governance structures, arrangements, systems and controls in place that ensure:

- (a) You comply with all the SRA's regulatory arrangements, as well as with other regulatory and legislative requirements, which apply to you;
- (b) Your managers and employees comply with the SRA's regulatory arrangements which apply to them;
- (c) Your managers and interest holders and this you employ or contract with do not cause or substantially contribute to a breach of the SRA's regulatory arrangements by you or your managers or employees;
- (d) Your compliance officers are able to discharge their duties under paragraphs 9.1 (b) and 9.1 (c) below

4.64 As manager and COLP it was a requirement on the respondent to ensure that his firm complied with the SRA's regulatory arrangements which apply to the Firm.

4.65 The Respondent continued to allow Mr Moore to carry out work for the Firm when he knew that he did not have the approval necessary from the SRA to employ or remunerate Mr Moore and thereby failed to comply with the SRA's regulatory arrangements in breach of Paragraph 2.1 of the SRA Code of Conduct for Firms.

Paragraph 9 of the SRA Code of Conduct for Firms: If you are a COLP you must take reasonable steps to:

9.1 (b) ensure compliance by your firm and its managers, employees or interest holders with the SRA's regulatory arrangements which apply to them

9.2 (c) ensure that your firms' managers and interest holders and those they employ or contract with do not cause or substantially contribute to a breach of the SRA's regulatory arrangements

- 4.66 As Owner, Member, Director and COLP of his firm The Respondent had an additional responsibility to make sure that his firm did not act in breach of or contribute to a breach of the SRA's regulatory arrangements. He did not do so.
- 4.67 He was aware of the process in relation to applications for approval of employment as he had made an application to employ Mr Hurst who had conditions on his Practising Certificate and as such knew that Mr Moore should not be working whilst awaiting approval.
- 4.68 By failing to ensure compliance he has acted in breach of Paragraph 9 of the SRA Code of Conduct for Firms.

Allegation 4 –As Manager and COLP of the Firm, Mr. Saxon failed to ensure that the conditions imposed by the SRA on the approval of employment of Mr Moore by the Firm dated 24 September 2021 were met

- 4.69 The conditions placed upon the approval of employment granted by the SRA required that Mr Moore's work be directly supervised by the Respondent.
- 4.70 By way of a letter dated 28 July 2022, the Respondent advised that his supervision of Mr Moore had been undertaken on the same basis as the Firm had adopted throughout the pandemic for all staff i.e. by email, telephone and video meetings.
- 4.71 The application for approval of employment stated that Mr Moore would be working from the office address of the Firm with his work being supervised and reviewed by the Respondent.
- 4.72 In a supporting email dated 7 September 2021, the Respondent confirms that Mr Moore would only be drafting on files that the Respondent had taken instructions on and that he would oversee all of Mr Moore's work "*before it went out the door*".
- 4.73 Mr Moore's role went beyond that which was stated on the form and the email of 7 September 2021 as he was working on matters for Town and Country Law

(who are clients of Tyto Law) and meeting their clients. Mr Moore states in his letter dated 16 May 2022, that he held several telephone conversations/meetings and Zoom meetings with lay clients of Town and Country Law.

4.74 He further states that on occasion the instructions he has received from Town and Country Law require clarification in order to ensure effective and correct documents can be drafted. In these cases, Town and County Law instructed him to contact their client on their behalf to obtain sufficient clarification to ensure that appropriate documents could be drafted.

4.75 In his letter to the SRA dated 28 July 2022 the Respondent confirms that Mr Moore worked from his home office and not from the Firm's office address as listed on the application for permission to employ Mr Moore.

4.76 Mr Moore was using his Yorkshire Wills and Estate Planning email address account to send emails in relation to the work he was carrying out for the Firm.

4.77 The Respondent and Mr Moore have confirmed that the Respondent did not have access to Mr Moore's Yorkshire Wills and Estate Planning email address.

Principle 2 of the Principles 2019: Act in a way that upholds public trust and confidence in the solicitors' professions and in legal services provided by authorised persons

4.78 The conduct alleged also amounted to a breach by the Respondent of the requirement to behave in a way which maintains the trust placed by the public in them and in the provision of legal services.

4.79 The public would expect the Respondent to have ensured that Mr Moore was working in compliance with the conditions of his employment as specified by the Respondent's own regulator who had specifically placed those conditions on Mr Moore's employment for their protection. The public would be concerned that Mr. Moore had permitted an unadmitted individual, whom the regulator deemed to have acted in a manner which rendered it undesirable for them to be involved in

legal practice without proper supervision, to work in a manner which meant that he was not being adequately supervised.

4.80 The Respondent has allowed Mr Moore to work outside of the conditions placed on his employment and by doing so had acted in such a way that damages the public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.

Paragraph 2.1 of the SRA Code of Conduct for Firms: You have effective governance structures, arrangements, systems and controls in place that ensure:

- (a) You comply with all the SRA's regulatory arrangements, as well as with other regulatory and legislative requirements, which apply to you;
- (b) Your managers and employees comply with the SRA's regulatory arrangements which apply to them;
- (c) Your managers and interest holders and this you employ or contract with do not cause or substantially contribute to a breach of the SRA's regulatory arrangements by you or your managers or employees;

Your compliance officers are able to discharge their duties under paragraphs 9.1 (b) and 9.1 (c) below

4.81 The Respondent failed to ensure that his firm complied with the conditions as Mr Moore did not work at the firm's office but was home based. Furthermore, the Respondent could not fully review Mr Moore's email correspondence as Mr Moore was using his Yorkshire Wills and Estate Planning email account to send emails and the Respondent did not have access to this email account which meant he was unable to supervise Mr Moore's work as required.

4.82 The failure to ensure compliance is even more serious in the Respondent's role as the sole manager of the firm and constitutes a breach of Paragraph 2.1 of the Code of Conduct for Firms.

Paragraph 2.3 of the SRA Code of Conduct for Firms: You remain accountable for compliance with the SRA's regulatory arrangements where your work is carried out through others, including your managers and those you employ or contract with

4.83 The respondent failed to ensure that he and others at his firm complied with the conditions placed on Mr Moore's employment thereby breaching paragraph 2.3 of the SRA Code of Conduct for Firms.

4.84 This failure to ensure compliance posed a serious risk to clients.

Paragraph 9 of the SRA Code of Conduct for Firms: If you are a COLP you must take reasonable steps to:

9.1 (b) ensure compliance by your firm and its managers, employees or interest holders with the SRA's regulatory arrangements which apply to them

9.2 (c) ensure that your firms' managers and interest holders and those they employ or contract with do not cause or substantially contribute to a breach of the SRA's regulatory arrangements

4.85 As manager and COLP of the firm the Respondent had an additional responsibility to ensure that his firm and those working within his firm, complied with the SRA's regulatory arrangements which applied to them and did not substantially contribute to the breach of those arrangements.

4.86 By failing to ensure compliance with the conditions on Mr Moore's employment, the Respondent has acted in breach of paragraph 9 of the SRA Code of Conduct for Firms.

The SRA's investigation

4.87 The SRA has taken the following steps to investigate the allegations which it makes against the Respondent.

4.88 On 1 May 2024, a Notice was sent to the Respondent.

4.89 On 31 May 2024, the Respondent's representative provided submissions on the Notice.

4.90 In summary the Respondent has admitted all the allegations bar a lack of integrity in relation to allegations 2 and 3. It is submitted that as Mr Moore was

carrying out unreserved work for Town and Country Law via Tyto Law it was thought that Mr Moore was not acting in breach of Section 43. It is noted that the invoices for the work carried out by Mr Moore were submitted to the Firm and as such Mr Moore was being remunerated by the Respondent in connection with a solicitors practice.

4.91 On 27 June 2024 an Authorised Officer of the SRA decided to refer the conduct of the Respondent to the Tribunal.

Mitigation

5. The following mitigation is advanced by the Respondent and is not endorsed by the SRA:

- 5.1. The Respondent has put forward that he was not aware of the Section 43 Order when Mr Moore was first engaged on 22 June 2021. He became aware on 28 July 2021 and immediately made an application for approval for Mr Moore's employment.
- 5.2. When making the application to the SRA, the Respondent accepts some information was wrong, however he did not anticipate that the application for approval would take so long and to avoid a negative impact on the work being performed as he did not expect the application to be refused, he allowed the engagement with Mr Moore to continue. The Respondent recognises, on reflection, that this was not the correct action.
- 5.3. At the time, the Respondent submits that he had considered that due to the work being performed and who the work was being performed for and that it was unreserved legal work that the answers he provided were not incorrect. On reflection the Respondent now accepts and acknowledges that they were not correct, and he should have answered then differently.
- 5.4. The Respondent was under the genuine belief that as Mr Moore was working on Town and Country matters that he was not misinforming the SRA. As noted, he accepts this was wrong on reflection, but he did not deliberately set out to mislead the SRA.

- 5.5. The Respondent does not regard there to have been a wilful disregard of professional practice or his general obligations. He accepts a rule breach has occurred but also seeks to establish there was no intention to cause damage or harm.
- 5.6. No client has been negatively affected by the breach occurred and no person or entity had suffered any loss. Neither the Respondent, nor the Firm has profited from the breach.
- 5.7. The breaches were an isolated instance and happened over a short period of time.
- 5.8. There have been no breaches caused by the Respondent or the Firm before or since the breaches referred to in this matter.

Outcome

6. Having considered the Solicitors Disciplinary Tribunal's Guidance Note on Sanctions (10th Edition), the SRA contends, and the Respondent accepts that:
- 6.1. The Respondent was an experienced solicitor who was also the COLP for his firm and who was ultimately responsible for the misconduct described at paragraphs 2 and 4 above. However, that misconduct was as a result of error rather than deliberate actions. The Respondent's level of culpability is therefore high.
- 6.2. However, there was no impact of the Respondent's actions on the public as no client has suffered any actual loss. Harm will nevertheless have been caused to the reputation of the profession.
- 6.3. Aggravating factors: By allowing Mr Moore to conduct work before permission was given by the SRA, the Respondent has permitted a person, who the SRA decided due to his prior conduct should not be involved in a legal practice, to complete work for clients of his practice without control and then allowed that person to work mostly unsupervised once approval had been received in non-compliance with the conditions placed upon the employment. The allegations include a lack of integrity.

6.4. Mitigating Factors: the principle factors that mitigate the Respondent's actions are his admissions and cooperation with the SRA investigation and the fact that the misconduct occurred over a limited time period.

6.5. The seriousness of the admitted allegations therefore warrants sanction greater than a reprimand or a fine, however neither the protection of the public nor the protection of the reputation of the profession requires the Respondent to be struck off the Roll of Solicitors.

6.6. Considering the seriousness of the misconduct described at paragraphs 2 and 4 above and giving effect to the purpose of sanction to protect the public and the reputation of the legal profession an order of a one month suspension, would be a proportionate and proper sanction. The suspension should come into effect on 1 August 2025 to allow for the Respondent as the owner and COLP of the Firm to put in place cover for his period of suspension. This is to protect current clients and staff of the Firm.

6.7. Costs

5. The Respondent agrees to pay the SRA's costs of the application in the sum of £4,000.00 + VAT.

Dated this 18 day of June 2025

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on behalf of the SRA

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[NAME]

