

# **SOLICITORS DISCIPLINARY TRIBUNAL**

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 12700-2024

## **BETWEEN:**

SOLICITORS REGULATION AUTHORITY LTD

Applicant

and

ELIZABETH JANE RADCLIFFE

Respondent

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Before:

Mrs C. Evans (in the Chair)

Ms H Hasan

Mr P Hurley

Date of Consideration: 3 July 2025

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## **Appearances**

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

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## **JUDGMENT ON AGREED OUTCOME**

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## **Allegations**

The allegations against the Respondent made by the SRA were that:

While in practice as a Solicitor and Sole Practitioner at Rowe Radcliffe (“the Firm”)

1. Between 25 November 2019 and 30 September 2021, caused or allowed a shortage on the client account to occur and failed to replace this shortage promptly.

By so doing she has breached the following professional standards: Principles 2 and 5 of the SRA Principles 2019 (“the Principles”) and any or all of Rules 5.1, 5.3 and 6.1 of the SRA Accounts Rules (“SRA AR”) and Paragraph 4.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs (“the Code for Solicitors”).

2. Between 25 November 2019 and 23 March 2023, failed to keep and maintain accurate and/or contemporaneous and/or compliant account records.

By so doing she has breached the following professional standards: Principle 2 of the Principles and Rule 8.1 of the SRA AR.

3. Between 25 November 2019 and 31 August 2021, failed to complete reconciliations for all client accounts held or operated by the Firm at least every five weeks

By so doing she has breached the following professional standards: Rule 8.3 of the SRA AR.

4. Between 21 June 2021 and 23 March 2023, failed to adequately engage and cooperate with the SRA and respond to the Legal Ombudsman in relation to ongoing investigations

By so doing she has breached the following professional standards: Principles 2 and 5 of the Principles and any or all of Paragraphs 7.3 and 7.4 of the Code for Solicitors.

## **Documents**

- The Form of Application dated 16<sup>th</sup> October 2024.
- Rule 12 Statement and Exhibits dated 16<sup>th</sup> October 2024.
- Statement of Agreed Facts and Proposed Outcome dated 27<sup>th</sup> June 2025

## **Factual Background**

5. The Respondent is a solicitor, having been admitted to the Roll on 1 April 1976. The Respondent practised at the Firm from 31 March 1989 until its closure on 31 August 2021.
6. The Respondent was Senior Partner at the Firm from 31 March 1989 until 30 November 2018 and was a recognised sole practitioner from 30 November 2018 to 31 August 2021 (which included the period of time relevant to the allegations).

7. The Respondent was the compliance officer for finance and administration (COFA), the compliance officer for legal practice (COLP) and the Money Laundering Reporting Officer (MLRO) of the Firm at the material time.
8. The Respondent does not have a current practising certificate, and her last practising certificate ended on 8 December 2022.

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

9. 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**

10. 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 her private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
11. The Tribunal reviewed all the material before it and was satisfied on the balance of probabilities that the Respondent's admissions were properly made.
12. The Tribunal considered the Guidance Note on Sanction (11<sup>th</sup> Edition/February 2025). In doing so, the Tribunal assessed the culpability and harm identified together with the aggravating and mitigating factors that existed.
13. The Respondent was an experienced solicitor who was also the COLP and COFA for her firm and was ultimately responsible for the proven misconduct. The Tribunal found that the Respondent's level of culpability was high.
14. The Respondent's actions impacted upon clients in that she continued to make payments to clients without knowing whether sufficient funds were held to meet client liabilities. The Tribunal found that there was harm caused to the reputation of the profession as a consequence.
15. The Respondent's misconduct continued over a significant period of time and the Tribunal had found proved an allegation of lack of integrity.
16. The Respondent made early admissions in respect of the allegations and cited the impact of her health on her ability to operate the Firm which the Tribunal took into consideration. The Respondent has now retired and has not held a Practising Certificate since 2022.
17. The Tribunal considered that the seriousness of the admitted allegations warranted a sanction greater than a reprimand or a fine, however neither the protection of the public nor the protection of the reputation of the profession required the Respondent to be struck off the Roll of Solicitors

18. The Tribunal determined that a suspension for a period of one year, along with practicing conditions that would take effect after the period of suspension has concluded, as representing an appropriate and proportionate sanction that was commensurate to the misconduct admitted by the Respondent and found proved by the Tribunal.
19. Therefore, upon the expiry of the fixed term of suspension referred to above, the Respondent shall be subject to conditions imposed by the Tribunal as follows:  
The Respondent may not:
  - Practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body; or as a freelance solicitor; or as a solicitor in an unregulated organisation;
  - Be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorised or recognised body;
  - Be a Head of Legal Practice/Compliance Officer for Legal Practice or a Head of Finance and Administration/Compliance Officer for Finance and Administration;
  - Hold client money
  - Be a signatory on any client account;
  - Work as a solicitor other than in employment approved by the Solicitors Regulation Authority Ltd.

### **Costs**

20. There was no application for costs by the Applicant.
21. **Statement of Full Order**
  1. The Tribunal Ordered that the Respondent, ELIZABETH JANE RADCLIFFE solicitor, be suspended from practice as a solicitor for the period of 12 months to commence on the 3<sup>rd</sup> day of July 2025 and it further Ordered there be no order for Costs.
  2. Upon the expiry of the fixed term of suspension referred to above, the Respondent shall be subject to conditions imposed by the Tribunal as follows:
    - 2.1 The Respondent may not:
      - 2.1.1 Practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body; or as a freelance solicitor; or as a solicitor in an unregulated organisation;
      - 2.1.2 Be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorised or recognised body;

- 2.1.3 Be a Head of Legal Practice/Compliance Officer for Legal Practice or a Head of Finance and Administration/Compliance Officer for Finance and Administration;
  - 2.1.4 Hold client money;
  - 2.1.5 Be a signatory on any client account;
  - 2.1.6 Work as a solicitor other than in employment approved by the Solicitors Regulation Authority Ltd.
3. There be liberty to either party to apply to the Tribunal to vary the conditions set out at paragraph 2 above.

Dated this 31<sup>st</sup> day of July 2025  
On behalf of the Tribunal

*C. Evans*

C Evans  
Chair

**Number:12700-2024**

**IN THE MATTER OF THE SOLICITORS ACT 1974**

**SOLICITORS REGULATION AUTHORITY LTD**

**Applicant**

**ELIZABETH JANE RADCLIFFE**

**Respondent**

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**STATEMENT OF AGREED FACTS AND PROPOSED OUTCOME**

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1. By its application dated 16 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 Elizabeth Jane Radcliffe ("the Respondent").

**The allegations**

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

*While in practice as a Solicitor and Sole Practitioner at Rowe Radcliffe ("the Firm")*

1. *Between 25 November 2019 and 30 September 2021, caused or allowed a shortage on the client account to occur and failed to replace this shortage promptly.*

*By so doing she has breached the following professional standards:*

*Principles 2 and 5 of the SRA Principles 2019 ("the Principles") and any or all of Rules 5.1, 5.3 and 6.1 of the SRA Accounts Rules ("SRA AR") and*

*Paragraph 4.2 of the SRA Code of Conduct for Solicitors, RELs and RFLs  
("the Code for Solicitors")*

2. *Between 25 November 2019 and 23 March 2023, failed to keep and maintain accurate and/or contemporaneous and/or compliant account records .*

*By so doing she has breached the following professional standards:*

*Principle 2 of the Principles and Rule 8.1 of the SRA AR*

3. *Between 25 November 2019 and 31 August 2021, failed to complete reconciliations for all client accounts held or operated by the Firm at least every five weeks*

*By so doing she has breached the following professional standards:*

*Rule 8.3 of the SRA AR*

4. *Between 21 June 2021 and 23 March 2023, failed to adequately engage and cooperate with the SRA and respond to the Legal Ombudsman in relation to ongoing investigations*

*By so doing she has breached the following professional standards:*

*Principles 2 and 5 of the Principles and any or all of Paragraphs 7.3 and 7.4 of the Code for Solicitors*

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 was born on December 1951 and is a solicitor who was admitted to the Roll on 1 April 1976.

- 4.2 The Respondent practised via the Firm from 31 March 1989 until its closure on 31 August 2021. The Respondent was Senior Partner from 31 March 1989 until 30 November 2018 and was a recognised sole practitioner from 30 November 2018 to 31 August 2021 (which includes the material time) in relation to the Firm. The Respondent was the compliance officer for finance and administration (COFA), the compliance officer for legal practice (COLP) and the Money Laundering Reporting Officer (MLRO) of the Firm at the material time
- 4.3 The Respondent does not hold a current Practising Certificate, and her last practising certificate ended on 8 December 2022.

### **Background**

- 4.4 On 1 April 2019, the Firm acquired a law firm called Percy Holt & Nowers ('PHN').

#### Letter of Advice

- 4.5 On 23 November 2019, an Investigation officer employed by the Applicant sent a letter of advice to the Firm ("the advice letter"). The advice letter confirmed that an investigation had been completed into concerns that the Firm had failed to have adequate internal procedures in place to ensure that client money was dealt with correctly. The Firm had persistently failed to check and verify its client account reconciliations against the residual balances held on the account. Various breaches of the SRA Principles 2011 and the SRA Accounts Rules 2011 were identified. Whilst no further action was taken, the Respondent was advised to make sure that her and her staff were familiar with the provisions which were relevant in the matter and was warned that the Applicant would take the advice letter into account when deciding appropriate action if the Applicant received any future allegations or concerns. The specific provisions of the SRA Handbook breached were:

#### **Principle 5 of the SRA Principles 2011**

You must provide a proper standard of service to your clients.



### **Principle 8 of the SRA Principles 2011**

You must run your business or carry out your role in the business effectively and in accordance with proper governance and sound financial and risk management principles.

### **Rule 6.1 of the Solicitors Accounts Rules 2011**

All the principles in a firm must ensure compliance with the rules by the principles themselves and by everyone employed in the firm.

### **Rule 7.1 of the Solicitors Accounts Rules 2011**

Any breach of the rules must be remedied promptly upon discovery. This includes the replacement of any money improperly withheld or withdrawn from a client account.

### **Rule 29.12 of the Solicitors Accounts Rules 2011**

You must, at least once every five weeks:

- (a) compare the balance on the client cash account(s) with the balances shown on the statements and passbooks (after allowing for all unrepresented items) of all general client accounts and *separate designated client accounts*, and of any account which is not a *client account* but in which *you* hold *client money* under rule 15.1(a) or rule 16.1(d), and any *client money* held by *you* in cash; and
- (b) as at the same date prepare a listing of all the balances shown by the client ledger accounts of the liabilities to *clients* (and other persons, and *trusts*) and compare the total of those balances with the balance on the client cash account; and also
- (c) prepare a reconciliation statement; this statement must show the cause of the difference, if any, shown by each of the above comparisons.

### Production Notice

- 4.6 On 2 June 2021, the Applicant sent a Notice under Section 44B of the Solicitors Act 1974 (as amended) to the Respondent requiring documentation and information to be provided in relation to two client files ("the production notice"). The production notice further requested documentation and information showing compliance with the SRA AR.
- 4.7 An email response was received on behalf of the Respondent from Richard Nelson of Richard Nelson LLP on 6 July 2021. The email sets out a number of issues that the Firm had experienced with the books of account following the

Firm's accounts' function being outsourced in 2018 and then the acquisition of PHN on 1 April 2019. It was accepted on the Respondent's behalf that:

- 4.7.1 there were Accounts Rules breaches because of the failure to keep ledgers up to date, rename the client account, undertake reconciliations in a timely manner or at all
- 4.7.2 as a consequence, necessary accountants' reports "...had not been completed and could not be completed because of delays in proper financial records."
- 4.7.3 there were shortcomings with the conduct of the caseload for PHN
- 4.7.4 *"One of the issues has been an inability to motivate and drive herself to address these often time consuming queries which have often related to relatively small individual amounts of money"*
- 4.7.5 the current position was as a result of the Respondent's management shortcomings and that she had been in breach of both the Rules and Principles.

#### Applicants Forensic Investigation

- 4.8 In August 2021 the Applicant received a Firm Closure Notification form from the Respondent which confirmed that the Firm would be closing on 31 August 2021. The Firm Closure Notification Form stated that the total balance held in the Firm's client account was £3,922,190.45 and provided an indication that the client account would reach a nil balance by 1 February 2022
- 4.9 As a result of a failure on the part of the Respondent to provide all the information requested under the production notice, the SRA's Forensic Investigation Unit was commissioned to inspect the Firm. This inspection commenced on 23 August 2021.
- 4.10 Following the closure of the Firm, the Respondent instructed her accountants, Dua & Co, in late 2021 to bring the Firm's books of account up to date

4.11 The Firm maintained separate books of account for Rowe Radcliffe matters and PHN matters. Cheque and manual CHAPS payments could only be authorised by the Respondent and Ms Deborah Burrows (an assistant solicitor) in respect of Rowe Radcliffe matters. For Percy Holt & Nowers matters, cheques and manual CHAPS could only be authorised by the Respondent.

4.12 Derek Patterson (a former partner at PHN) agreed, after the acquisition of PHN by the Firm, to bring the accounts of PHN up to date. In interview on 15 September 2021, the Respondent confirmed that the accounts relating to PHN matters were manual, and that Mr Patterson had taken them away to his home address and that she did not have sight of the reconciliations

Applicant's Forensic Investigation Reports

4.13 During the investigation an Interim Forensic Investigation Report, dated 30 September 2021, was produced as well as a Supplementary Forensic Investigation Report dated 24 September 2022.

4.14 The reports, amongst other matters, showed that:

4.14.1 the last client account reconciliation took place on 30 June 2019, despite the Firm only ceasing to trade on 31 August 2021.

4.14.2 The Firm's books of account had not been updated for at least two years, and, as a result the Forensic Investigation Officer (FIO) was unable to calculate whether or not the Firm had sufficient funds to match its liabilities.

4.14.3 At the date of extraction, namely 30 June 2021, there was a cash shortage of 122,263.25 which had been rectified.

4.15 The FIO conducted two interviews with the Respondent, the second of which was as a result of the Respondent's failure to provide relevant information to finalise the books of account which would have enabled the effective closure of the Firm. The second interview took place on 17 August 2022 during which the

Respondent stated that it was probably going to be three months before she expected to achieve a nil balance on the Firm's client accounts

Decision to intervene

4.16 On 28 March 2023, a decision was made by an SRA Adjudication Panel to intervene into the practice of the Respondent on the grounds that she had failed to comply with the SRA Accounts Rules 2019, and it was necessary to intervene to protect the interests of clients and former clients, and/or the beneficiaries of any trust to which the Respondent is or was a trustee.

**Allegation 1 - causing or allowing a cash shortage**

4.17 As a result of the books not having been properly written up since June 2019, the FI Officer was unable to calculate the full extent of the Firm's liabilities to clients. She could however establish that at the date of extraction, namely 30 June 2021, there was a minimum cash shortage of £122,263.25.

4.18 The cash shortage was caused by four incorrect payments to residuary beneficiaries, an incorrect payment to a third party and incorrect transfers for costs on two matters.

Client A Deceased- £46,175.82

4.19 The Firm had client ledgers in the names of Client B Deceased and Client A Deceased. Client B estate had been handled by PHN and Client A estate, Client B having died later, was being handled by the Respondent.

4.20 On 24 January 2019, the client ledger for Client B recorded a balance of £46,175.82 as an unpaid cheque. On 1 April 2019, an inter-ledger transfer was made for £46,175.82 from Client B Deceased's ledger to the client ledger of Client A Deceased.

4.21 In interview the Respondent confirmed that the family had been aggressive in insisting that PNH were holding money for Client B. When the Respondent looked at that ledger, it appeared that that was a balance of £46,175.82 because

there was an unpaid cheque. On the PHN file for Client B there was a note which stated that Client A had not paid in the cheque and, as such, it looked like there was still money available. The Respondent therefore paid the family's expenses from the client account and recorded the payments on the client ledger of Client A.

4.22 The Respondent explains in interview that it turned out the probate manager at PHN had taken Client A to the bank to pay in the cheque and therefore the money was not available. The money was repaid on 8 July 2021.

Client C Deceased - £50,000.00

4.23 As at 17 February 2020, the FIO found that the client ledger for this account recorded I was overdrawn by £50,000.00.

4.24 On 13 September 2019, the Respondent paid two interim payments of £25,000.00 each to the children of the deceased.

4.25 On 17 February 2020, the Respondent completed the Probate and Estate accounts and withdrew £50,000.00 for the beneficiaries.

4.26 The Respondent confirmed in interview that she had made the two interim payments of £25,000.00 each and then on 17 February 2020 stated *"I transferred from Percy Holt & Nowers £50,000.00 having overlooked the fact that I had already paid them from Percey Holt & Nowers account. And that was when I completed the Probate and the Estates Accounts."*

4.27 Repayment was made on 15 and 21 July 2021.

Client D Deceased - £12,956.92

4.28 On 18 March 2019, the Client D deceased client ledger recorded a payment of a legacy of £12,956.92 to SS.

4.29 On 25 July 2019, a duplicate payment was made to SS causing this ledger to become overdrawn.

4.30 This was a PHN file and, in interview, the Respondent stated that she had not looked at the PHN ledger at the time when she made the payment to SS on 25 July 2019.

4.31 Repayment was made on 2 July 2021, approximately two years later.

Client D1

4.32 The forensic investigation reports record that the Firm had two client ledgers for Client D1 Deceased. The first ledger recorded transactions from 26 May 2020 to 11 June 2021 and the second recorded transactions from 17 June 2020.

4.33 The second ledger recorded an overdrawn balance in the amount of of £175,000.00 which was caused by a payment of the same amount to a beneficiary on 17 June 2021.

4.34 There was a failure to bring forward the credit balance of £172,232.17 recorded on the first ledger which meant the balance on the second ledger was not accurate.

4.35 The second ledger should have recorded a debit balance of £2,767.83.

4.36 The debit balance was not corrected until 7 September 2021.

Incorrect transfers Clients E, F,G and H

4.37 The Interim Forensic Investigation Report records that client ledgers were opened in the name of Client E deceased, Client F, Client G and Client H.

4.38 On 20 December 2019 on the client ledger of Client H, a transfer was made of £420.00 from the client side of the ledger to the business side to settle a bill. The Respondent in interview confirmed that she had no confirmation that the bill of £420.00 had ever been paid and therefore the sum of £420.00 had been paid back.

4.39 The amount of £420.00 was replaced on 7 September 2021.

4.40 Client G was an executor of the estate of Client E Deceased. On 28 October 2019, it is recorded on this client ledger that costs of £1,164.00 were transferred from the client to the business bank account. On 1 November 2019, it is recorded

on the client ledger for Client H that costs of £1,164.00 were transferred from the client to business bank account.

4.41 The Respondent confirmed in interview that there was only one bill for £1,164.00 and she had inadvertently taken costs twice. The costs were replaced on 16 August 2021.

4.42 On 5 July 2021, it is recorded on the client ledger for Client E that costs of £2,400.00 were transferred from the client to the business account.

4.43 The Respondent confirmed in interview that there was only one bill for the estate matter for an amount of £3,000.00. The amount of £2,400.00 was replaced on 16 August 2021.

4.44 The Interim Forensic Investigation report identified that there were three client ledgers for the matter Client I deceased.

4.45 On 7 July 2021, £900.00 in costs was transferred in error for the matter for Client I and the replacement was made on 16 August 2021

Incorrect transfers to a third party

4.46 The statement for account 90706833 shows a payment out of £6,379.50 for Client J Deceased Estate to J Pidgeon and Son on 28 February 2020. There is a handwritten note on this statement which stated: *"This should have been from office a/c but was taken in error from Clients account"*

4.47 At interview the Respondent stated that she had paid the funeral directors from PHN client account which overdrawed the ledger as money was not held for Client J.

4.48 The Respondent confirmed that the overdrawn ledger had come to her attention on 8 July 2021, having paid the final distribution to the beneficiaries.

***Principle 2 of the SRA Principles 2019***

4.49 A member of the public would expect a solicitor to ensure that money held on client account was only used in connection with that client's matter. Client account should be sacrosanct, and proper stewardship in relation to it is vital. The trust placed in solicitors to hold and account for client account monies is enshrined in the Principles and the SRA AR. A solicitor improperly transferring client money and failing to replace it promptly would necessarily impair the good repute of and diminish the trust and confidence the public placed in the solicitors' profession and in legal services provided by authorised persons.

4.50 By making such transfers, the Respondent failed to behave in a manner which upheld public trust and confidence in the solicitors' profession and in legal services provided by authorised persons and, in doing so, breached Principle 2 of the SRA Principles.

***Principle 5 of the SRA Principles 2019***

4.51 A solicitor of integrity would understand that money held on client account belonged to others and was therefore to be treated as sacrosanct. They would therefore ensure that under no circumstances were monies to be transferred out of client account in circumstances other than those permitted by SRA AR and which would result in a cash shortage occurring on that client account. If such a shortage be allowed to occur on client account, she would ensure that steps were made to remedy that shortage as soon as possible.

4.52 The Respondent was at least aware by the date of the letter of advice the importance of ensuring that her client account was accurate, yet she continued to make incorrect transfers and failed to rectify these promptly.



4.53 Members of the public would expect a solicitor who had already received a letter of advice from the SRA in connection with their compliance with the SRA AR to ensure as a matter of urgency that the accounts were brought up to date and any errors rectified as well as ensuring that there were no further errors going forward.

4.54 By allowing a cash shortage to occur as at 30 June 2021, and failing to rectify or remedy this shortage promptly, the Respondent failed to act with integrity and therefore breached Principle 5 of the SRA Principles 2019

***Paragraph 4.2 of the Code for Solicitors, RELs and RFLs 2019:***

4.55 Paragraph 4.2 of the Code for Solicitors states that you must safeguard money and assets entrusted to you by clients.

4.56 By failing to ensure that correct payments were made from the client account resulting in a significant shortage occurring on client account, the Respondent has failed to safeguard client money and therefore breached Paragraph 4.2 of the Code for Solicitors. The client account shortage was caused by multiple failings to comply with the SAR AR over an extended period on account of improper payments out and transfers.

***Rule 5.1 of the SRA Accounts Rules 2019***

4.57 By making improper and unauthorised transfers from the Firm's client account to its office account, in circumstances other than those prescribed by Rule 5.1 of the SRA Accounts Rules, the Respondent caused a resulting shortage on that client account. The Respondent has breached Rule 5.1 of the SRA Accounts Rules.

***Rule 5.3 of the SRA Accounts Rules 2019***

4.58 The Respondent allowed improper withdrawals from client account to happen on at least four matters over an extended period of time. In an example (Client C), the client ledger was overdrawn by £50,000 because the Respondent said she overlooked the fact she had paid the beneficiaries £25,000 each and this this sum again resulting in an overpayment. There remained eight overdrawn ledgers as at 17 August 2022. By doing this she has repeatedly put client money at risk and demonstrated a failure to protect client money. The FI reports show she has withdrawn money from client account when she did not hold sufficient funds on behalf of the client in question, and by doing so, used money held for other clients' matters. This meant the money she used was not for the purpose intended. By acting in this way, the Respondent has breached Rule 5.3 of the SRA Accounts Rules 2019

***Rule 6.1 of the SRA Accounts Rules 2019***

4.59 By failing to immediately repay the cash back into the Firm's client account to replace the shortage promptly that had occurred as a result of her improper transfers from the Firm's client to its office account, the Respondent breached Rule 6.1 of the SRA Accounts Rules 2019.

**Allegation 2 – failure to maintain accurate and compliant books of account**

4.60 The Firm maintained two books of account, one for Rowe Radcliffe and one for PHN.

**Liabilities to clients**

4.61 The Interim Forensic Investigation Report notes the Forensic Investigator was unable to calculate whether the firm held sufficient funds in client bank account to match its liabilities to clients as at 31 July 2021.

Failure to keep accurate client ledgers

Client Ledgers for Clients E, F, G and H

4.62 The following issues were identified in relation to these ledgers:

- 4.62.1 the entries on the client ledger of Client G and Client H were not in chronological order
- 4.62.2 the client ledger for Client F did not contain a running balance
- 4.62.3 multipole ledgers had been used to record transactions for the estate of Client E which meant the balance at the time of the Interim Forensic Investigation Report could not be readily ascertained.

Client ledger for Client I

4.63 Issues with this ledger were identified as follows:

- 4.63.1 There were three client ledgers for the matter of Client I deceased, one that had been opened by PHN, a computerised Rowe Radcliffe client ledger and an electronic spreadsheet maintained by the Respondent
- 4.63.2 The Respondent confirmed in interview that she had transferred an incorrect balance from the PHN client account to the Rowe Radcliffe client account in the sum of £9,790.52, she had failed to take account of a bill in the sum of £900 and the reason the ledger entries for the PHN ledger jumped from August 2017 to 31 March 2021 was because the intervening entries were recorded on the Rowe Radcliffe ledger

Ledgers for Clients K, L and M

4.64 In summary these ledgers had not been accurately maintained. Errors included

- 4.64.1 a transfer recorded on this ledger for the sum of £7,458.00 to the ledger of Client L was an error

4.64.2 there were entries on the Client L ledger that should have been on the Client M ledger

4.64.3 ledger entries were not in chronological order

4.65 As at 17 August 2022, there were eight overdrawn client ledgers identified in the Supplementary Forensic Investigation Report to the value of £4,852.16.

Accountants reports and liabilities to clients

4.66 The Interim Forensic Investigation Report confirms that the Firm could not provide a client matter list setting out its client liabilities.

4.67 It was further identified that the Firm failed to obtain and submit SRA

Accountants' Reports since 2018. In interview, the Respondent explained that the problems with the Firm's accounts had an impact on her ability to submit reports as she did not have the data in a form that her accountants could easily extract.

4.68 In light of the significant numbers of errors, adjustments and incorrect postings on the client account, it cannot be said that or that the Respondent had kept accounting records properly written up to show her dealings with client money, or that the Firm's accounts were an accurate, contemporaneous and chronological record of her client ledgers.

***Principle 2 of the SRA Principles 2019***

4.69 A member of the public would expect a solicitor to ensure that she complied with the accounts rules put in place by her regulator to ensure that client money was protected. A purpose of the SRA Accounts Rules is to ensure that account records held by solicitors and firms are up-to-date and clear so that they can be considered by others, if necessary, including the Applicant. This is an important safeguard to ensure effective regulation by the Applicant and the protection of the public. Members of the public would expect a solicitor to ensure they have accurate and up to date books of account so that they are easily able to identify

which money belongs to which client. Consequently, by virtue of her failure to duly account for her dealings with client money in accordance with those rules, the trust and confidence the public placed in the Respondent, the solicitors' profession and the provision of legal services would necessarily be diminished. The Respondent therefore breached Principle 2 of the Principles

***Rule 8.1 of the SRA Accounts Rules 2019***

4.70 By failing to keep and maintain accurate, contemporaneous and chronological accounting records to show the Firm's dealings with client money and office money in respect of client matters from, at the earliest, November 2019 until March 2023 ( the date of the Applicant's intervention into the Firm), the Respondent breached Rule 8.1 of the SRA Accounts Rules 2019.

**Allegation 3 – failure to ensure that reconciliations took place every five weeks**

4.71 The Firm maintained two books of account, one for Rowe Radcliffe and one for PHN.

4.72 The Interim Forensic Investigation Report confirms that the last compliant three-way client account reconciliation for Rowe Radcliffe was carried out on 30 June 2019. No reconciliations were therefore carried out subsequent to, and despite, the Respondent's letter of advice dated 23 November 2019

4.73 In relation to PHN, the Interim FIR records that the Respondent stated that the accounts had been reconciled up to the end of March 2019. The Respondent stated that Mr Patterson started dealing with the reconciliations probably around April 2021 but she was unable to say exactly when Mr Patterson had written up the reconciliations because he had them at home and she did not have them.

- 4.74 The Respondent in interview on 15 September 2021, confirmed that she had not carried out any reconciliations for PHN, “...*probably the entire period since I took them over, until Mr Patterson started dealing with them earlier this year. Probably around April about April, but I don’t have any, I didn’t have reconciliations.*”
- 4.75 Dua and Co did produce a reconciliation for the Firm for July 2019 but it was not accurate as it failed to include the PHN accounts.

***Rule 8.3 of the SRA Accounts Rule 2019***

- 4.76 Rule 8.3 of the SRA Accounts Rules 2019 requires as follows:

*You complete at least every five weeks, for all client accounts held or operated by you, a reconciliation of the bank or building society statement balance with the cash book balance and the client ledger total, a record of which must be signed off by the COFA or a manager of the firm. You should promptly investigate and resolve any differences shown by the reconciliation*

- 4.77 As COFA of the Firm, the Respondent should have been aware of the importance of ensuring the Firm’s books of account balanced by undertaking such reconciliations in accordance with the SRA AR. The Respondent had responsibility for making sure that systems were in place to produce three-way reconciliations at the required intervals, that any differences were properly investigated and that they were signed off by her, as manager and COFA. By failing to have reconciliations for the Firm subsequent to 30 June 2019, by not carrying out any reconciliations for PHN between April 2019 and April 2021, the Respondent has breached Rule 8.3 of the SRA Accounts Rules 2019.

**Allegation 4 – Failed to adequately cooperate with and respond to the SRA and Legal Ombudsman’s enquiries**

4.78 The Legal Ombudsman ("LeO") dealt with a complaint made by Client N in relation to the Respondent's handling of the estate of his deceased parents.

4.79 As a result of the Respondent failing to engage appropriately and further concerns with communication from the Respondent, a second complaint was made to LeO.

4.80 The Applicant contacted Leo to enquire about the complaint and the Respondent's engagement with the investigation process. The investigator at the Legal Ombudsman provided the following information on 22 February 2024.

*I can confirm that we initially closed the case on the basis that I had insufficient evidence to form strong views on the complaints.*

*However, our enforcement team became involved and tried to contact Ms Radcliffe, but were unable to do so, but we found her last home address from her bankruptcy petition.*

*I sent letters on 18 December 2023 and 3 and 18 January 2024 asking Ms Radcliffe to co-operate and provide a copy of the complete case file. We have had no response from her.*

*Mr Criscuolo then informed me he had managed to obtain a partial file from the intervention agent, but this lacks many invoices and does not appear to have accounted for the sale of shares for example in the estate accounts at all.*

*There are poor handwritten copies of some calculations and workings on finances, but there appears to be a general exhibition of poor record keeping and I have not been able to obtain an electronic copy of the time or cash ledger to help me.*

*I am therefore going to review all of the fresh evidence and see if I can at least answer some of Mr Criscuolo's complaints, but without the testimony and working knowledge of Ms Radcliffe it is going to be impossible to give him all the answers he requires.*

*There are now fresh heads of complaint added to the original ones after Mr Criscuolo worked through the papers himself.*

4.81 On 8 March the Applicant wrote to the Respondent confirming that a report had been received and requesting her comments on the matter. No formal response was received to this letter.

4.82 In the Intervention Decision the Adjudication Panel highlighted various clients who had made complaints to Leo about the standard of service provided by the Respondent. The decision states “*Mrs Radcliffe failed to comply with directions and order made by it. The matters were referred to the SRA and Mrs Radcliffe was asked for information. She failed to provide the requested documentation.*”

4.83 As part of the ongoing Forensic Investigation and between 5 November 2021 and 20 May 2022, the FIO was in contact with the Respondent on numerous occasions requesting information. There was intermittent engagement from the Respondent and obtaining the relevant information proved very difficult.

4.84 The relevant information that had been requested was needed in order for the accountants, Dua & Co, to be able to finalise the books of the Firm to ensure proper closure and to be able to provide a final report on the accounts of the Firm

***Principle 2 of the SRA Principles 2019***

4.85 The public expects solicitors to supply information, documentation, and explanations to their regulator and other relevant bodies when requested. The evidence presented above indicates that the Respondent failed to cooperate with her regulator and other organisations, causing unnecessary stress and anxiety for clients and beneficiaries whose matters she was handling. This conduct undermines public trust and confidence in her and in the profession as a whole.

***Principle 5 of the SRA Principles 2019***



4.86 The SRA Guidance on Acting with Integrity (23 July 2019 updated 1 September 2022) gives an example of a lack thereof as showing a “*wilful...disregard of standards, rules, legal requirements or ethics, including an indifference to what the applicable provisions are or to the impacts or consequences of a breach*”

4.87 A solicitor of integrity would ensure that they provided timely and full information that has been requested from them in accordance with the Applicant’s standards and regulations. The Respondent has not cooperated with both LeO and the Applicant.

4.88 A solicitor of integrity and one with the Respondent’s many years of experience would understand the impact of their failures to engage on the effective closure of the Firm and the impact that any delays would have on clients.

***Paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs 2019***

4.89 Paragraph 7.3 of the Code for Solicitors requires cooperation with the Applicant, other regulators, ombudsmen, and those bodies with a role overseeing and supervising the delivery of, or investigating concerns in relation to, legal services.

4.90 By her failure to engage with the Leo, the Respondent has acted in breach of Paragraph 7.3 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

**Paragraph 7.4 of the Code of Conduct for Solicitors 2019**

4.91 Paragraph 7.4 of the Code for Solicitors requires that a solicitor responds promptly to the SRA, providing full and accurate explanations, information and documents in response to any request or requirement; and ensures that relevant information which is held by them, or by third parties carrying out functions on their behalf which are critical to the delivery of their legal services, is available for inspection by the SRA.

4.92 By her failure to respond promptly to the requests and queries by the FIO and in some cases failing to respond at all, the Respondent has breached Paragraph 7.4 of the Code for Solicitors, RELs and RFLs.

### **The SRA's investigation**

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

4.94 On 29 April 2024, a Notice was sent to the Respondent.

4.95 On 11 June 2024, the Respondent provided her response to the Notice.

4.96 In summary the Respondent acknowledged the errors and the subsequent breaches of the Solicitors Accounts Rules and did not seek to challenge the factual statements made by the Forensic Investigation reports.

4.97 She advises at the outset of her representations that she had no intention of finding herself in breach of the rules, which despite her suffering from dyscalculia, she has always endeavoured to observe. She notes that her difficulties started with the illness, and subsequent death, of her husband in 2008. They worked together in the practice, and she says they complemented each other's professional and administrative skills.

4.98 The Respondent explains that her difficulties continued to 2019 when in April of that year she merged her practice with that of PHN. She accepts that there were unintended breaches of the account rules for which she is responsible, but she states that at no time does she believe that she was wilful, or reckless, in her dealings with client money; rather she made accounting errors which were subsequently rectified.

4.99 She further advises that she did not show any disregard of, or failure to take responsibility for her duties. The dramatic and serious effects the situation had taken on her physical and mental health demonstrated the stress she was experiencing and the more pressure she was under, the less able she became to rectify the situation.

4.100 On 2 July 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 advises that the breaches of the allegations occurred as a result of the retirement of her legal cashier as well as the employment of a firm called My Cashiers which proved unsatisfactory. The Respondent accepts that it was her responsibility to ensure accurate and compliant records were kept.
- 5.2. The Respondent further advises that the issue of engagement with the SRA and the Legal Ombudsman was not intentional and that she had health issues at the time.
- 5.3. A report from her GP, dated 23 January 2025, has been provided which sets out the background to the Respondent's long term health issues. It sets out that the death of the Respondent's husband under very upsetting circumstances resulted in her becoming significantly depressed. She remains on anti-depressants.
- 5.4. The report confirms further medical problems including colitis, gastritis and diabetes (which is not always managed well by the Respondent). A TIA is also highlighted which occurred in 2022.
- 5.5. The report states that the Respondent's persistent low mood in spite of high doses of anti-depressants, her diabetes and her cerebrovascular disease continue to make life difficult for her.
- 5.6. A Diagnostic Assessment Report from Dr Vana Avgerinou, dated 24 November 2024 has also been provided by the Respondent. This report was obtained to consider a diagnosis of Dyscalculia. Dyscalculia as explained in the report is a *specific and persistent difficulty in understanding numbers which can lead to a diverse range of difficulties with mathematics. Mathematics difficulties are best thought of as a continuum, not a distinct category, and they have many causal factors. Dyscalculia falls at one end of the spectrum and will be distinguishable from*

*other maths issues due to the severity of difficulties with number sense, including subitising, symbolic and non-symbolic magnitude comparison, and ordering. It can occur singly but often co-occurs with other specific learning difficulties, mathematics anxiety and medical conditions.*

5.7. The Respondent had advised in response to the referral Notice that she had no intention of finding herself in breach of the Solicitors Accounts Rules, which despite her dyscalculia, she had always endeavoured to observe. As a result of her raising the fact that she suffered with dyscalculia and had always struggled with accounts, the Diagnostic Assessment Report was obtained.

5.8. The outcome of the report is as follows:

*“After carefully considering the test results, background information, and observations made during the assessment, this assessor is of the opinion that Elizabeth experiences maths anxiety and has a weakness in her auditory and spatial working memory leading to considerable challenges with mental arithmetic, organisation and planning. These challenges make her feel overwhelmed when managing numerical information or making decisions related to spatial orientation and direction, often requiring extra time to process. Although these challenges do not reach a threshold for a formal diagnosis, they resemble dyscalculia-type difficulties and should be supported with similar strategies, such as providing additional time and guidance when working with numerical tasks.*

*Background information and completed questionnaires as part of this assessment highlight significant weaknesses in executive functions, including attention, planning, self-monitoring, and task initiation, with a highly elevated risk of ADHD. These executive function challenges hinder Elizabeth's ability to retain and apply key information, such as remembering details, following instructions, and completing tasks in the correct sequence. They also affect her ability to evaluate her actions, making it difficult to identify and correct mistakes, recognise when help is needed, or determine when a task is complete. These difficulties extend to practical tasks, such*

*as managing belongings, multitasking, and organising thoughts and activities.*

*Elizabeth struggles with time management, maintaining organised work, and developing strategies to achieve goals, including planning and decision-making, which further complicates her ability to manage daily tasks. Her difficulties with mental arithmetic make these challenges particularly pronounced when handling numerical tasks.*

5.9. The Respondent has submitted that her difficulties started with the illness, and subsequent death of her husband. He and the Respondent had worked together in the Firm and his untimely death in November 2008 was devastating on both a personal and professional level.

5.10. The Respondent advises that she thought she could continue the practice on her own but acknowledges that it is clear now that this was an error of judgement.

### **Outcome**

6. Having considered the Solicitors Disciplinary Tribunal's Guidance Note on Sanctions (10<sup>th</sup> Edition), the SRA contends, and the Respondent accepts that:

6.1. The Respondent was an experienced solicitor who was also the COLP and COFA for her firm and who was ultimately responsible for the misconduct described at paragraphs 2 and 4 above. However, that misconduct was as a result of inadvertence rather than deliberate actions. The Respondent's level of culpability is therefore high.

6.2. The Respondent's actions impacted upon clients in that she continued to make payments to clients without knowing whether sufficient funds were held to meet client liabilities. Furthermore, harm will have been caused to the reputation of the profession.

6.3. Aggravating factors: The misconduct is not a one off and continues over a period of time. The allegations also include a lack of integrity. The Respondent held the roles of COLP and COFA.

- 6.4. Mitigating Factors over and above what has been put forward at paragraph 5: the principle factors that mitigate the Respondent's actions are her early admissions and the impact that her health has had on her ability to run the business. Furthermore the Respondent is now retired and has not held a Practising Certificate since 2022.
- 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 year suspension, would be a proportionate and proper sanction.
- 6.7. Upon the expiration of the aforementioned suspension and in light of the misconduct identified in this matter, the following restrictions should apply to the Respondent for an indefinite period:
- 6.7.1 She may not practise as a sole practitioner or sole manager or sole owner of an authorised or recognised body
  - 6.7.2 she may not be a partner or member of a Limited Liability Partnership (LLP), Legal Disciplinary Practice (LDP) or Alternative Business Structure (ABS) or other authorised or recognised body
  - 6.7.3 She may not be a Compliance Officer for Legal Practice or a Compliance Officer for Finance and Administration
  - 6.7.4 She may not hold client money
  - 6.7.5 She may not be a signatory on any client account
  - 6.7.6 She may not work as a solicitor other than in employment approved by the SRA

### **Costs**

7. A statement of means has been provided by the Respondent in this matter. The Respondent receives a state pension. She is unemployed and receives a housing benefit.

8. The case of *D'Souza v The Law Society* [2009] EWHC 2193 (Admin) highlighted that the means of a solicitor could be a relevant consideration when a Tribunal approached sanction and costs. Exceptional circumstances, if present, should be taken into account.
9. The Tribunal should not make an order for costs where it is unlikely ever to be satisfied on any reasonable assessment of the Respondent's current or future circumstances (The Guidance Note on Sanction 11<sup>th</sup> Edition, *Barnes v SRA Ltd* [2022] EWHC 677 (Admin).
10. The Applicant is therefore not seeking its costs in this matter.

Dated this 27<sup>th</sup> day of June 2025

.....  
upon behalf of the SRA

Sensitivity: General

Elizabeth Radcliffe