

# Jacque Aitken

## Employee

### 690710

[Agreement Date: 4 June 2024](#)

## Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 4 June 2024

Published date: 20 June 2024

## Firm details

### Firm or organisation at time of matters giving rise to outcome

Name: Simpkins & Co Solicitors

Address(es): 59 High Street, Lyndhurst, Hampshire, SO43 7BE

Firm ID: 621412

## Outcome details

This outcome was reached by agreement.

### Decision details

#### 1. Agreed outcome

1.1 Jacque Aitken ('Ms Aitken'), a non-admitted, former employee of Simpkins and Co Solicitors ('the Firm'), agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority (SRA):

- a. to the SRA making an order under section 43 of the Solicitors Act 1974 (a section 43 order) in relation to Ms Aitken that, from the date of this agreement:
  - i. no solicitor shall employ or remunerate her in connection with his practice as a solicitor
  - ii. no employee of a solicitor shall employ or remunerate her in connection with the solicitor's practice
  - iii. no recognised body shall employ or remunerate her
  - iv. no manager or employee of a recognised body shall employ or remunerate her in connection with the business of that body



- v. no recognised body or manager or employee of such a body shall permit her to be a manager of the body
- vi. no recognised body or manager or employee of such body shall permit her to have an interest in the body

- cept in accordance with the SRA's prior permission
- b. to the publication of this agreement
- c. she will pay the costs of the investigation of £400.

## **2. Summary of facts**

2.1 Ms Aitken was employed by the Firm (a recognised sole practice) as an Office Manager between March 2015 and April 2023.

2.2 Ms Aitken had access to the Firm's bank accounts and was partly responsible for the payment of the Firm's invoices and expenses.

2.3 In April 2023, Ms Aitken alerted the SRA to the fact that there was a significant shortage on the Firm's client account in relation to the matters of Client A and Client B which prompted a forensic investigation.

2.4 During an interview on 15 August 2023, Ms Aitken made the following admissions to the SRA:

- a. Between August 2022 and March 2023, Ms Aitken made numerous transfers from the client account in respect of Client A's matter (in excess of invoices delivered) to the Firm's office account without Client A's knowledge or consent. Ms Aitken's conduct contributed to a minimum cash shortage of £160,500 on Client A's matter.
- b. Between November 2022 and March 2023, Ms Aitken made numerous transfers from the client account in respect of Client B's matter (in excess of invoices delivered) to the Firm's office account without Client B's knowledge or consent. Ms Aitken's conduct contributed to a minimum cash shortage on Client B's matter of £15,913.78.
- c. The transfers made by Ms Aitken were used to pay for office expenses, including staff wages and the repayment of the Firm's business loans.
- d. Ms Aitken was aware that it was wrong to make such transfers.

2.5 Ms Aitken left the Firm on 12 April 2023.

2.6 The SRA is continuing to investigate the matter with the Firm.

## **3. Admissions**

3.1 Ms Aitken makes the following admissions which the SRA accepts:

- a. By transferring money from client account to office account, in excess of invoices delivered on two clients' matters, without their



knowledge or consent, to pay Firm expenses she:

- i. contributed to a failure to protect client money; and
  - ii. contributed to a significant shortage on client account; and
- b. that her conduct set out above was dishonest.

#### **4. Why a section 43 order is appropriate**

4.1 The SRA's Enforcement Strategy and its guidance on how it regulates non-authorised persons, sets out its approach to using section 43 orders to control where a non-authorised person can work.

4.2 When considering whether a section 43 order is appropriate in this matter, the SRA has taken into account the admissions made by Ms Aitken and the following mitigation which she has put forward:

- a. Ms Aitken was the first to alert the SRA as to the minimum shortage on the Firm's client account in respect of the matters of Client A and Client B. She has remained co-operative throughout the investigation
- b. she is incredibly apologetic and expresses remorse for her actions
- c. the transfers were not made for Ms Aitken's own financial gain but rather to stop the Firm from failing
- d. at the time of the conduct, Ms Aitken was experiencing a high level of stress and was not, in her view, afforded support by her employer
- e. Ms Aitken held the belief that the money taken from the matters of Client A and Client B would be replaced promptly by the payment of invoices and costs due to the Firm.

4.3 The SRA and Ms Aitken agree that a section 43 order is appropriate because:

- a. Ms Aitken is not a solicitor
- b. her employment or remuneration at the Firm means that she was involved in a legal practice
- c. by transferring client money (in excess of invoices delivered) to the Firm's office account to pay for the Firm's expenses, and without the client's knowledge or consent, Ms Aitken has occasioned or been party to an act or default in relation to a legal practice. Ms Aitken's conduct in relation to that act or default makes it undesirable for her to be involved in a legal practice.

4.4 Ms Aitken's conduct makes it undesirable for her to be involved in a legal practice because:

- a. Ms Aitken's role as an Office Manager involved her having access to client monies, she was therefore held in a position of trust within the Firm and was expected to protect client money
- b. Ms Aitken knew she should not have transferred the funds from the Firm's client account in the way that she did and accepts her actions were wrong. She did so to 'prop-up' the Firm and meet business

expenses. Ordinary and decent people would regard her conduct as dishonest

- c. there is a risk that Ms Aitken may act in a similar way in the future if she were to be employed in a comparable role in a law firm and there is a strong public interest in controlling Ms Aitken's employment at firms we regulate.

## **5. Publication**

5.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory process. Ms Aitken agrees to the publication of this agreement.

## **6. Acting in a way which is inconsistent with this agreement**

6.1 Ms Aitken agrees that she will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

## **7. Costs**

7.1 Ms Aitken agrees to pay the costs of the SRA's investigation in the sum of £400. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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