

Robert Dallinson
Employee
7012402

[Agreement Date: 6 September 2022](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 6 September 2022

Published date: 26 September 2022

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Harrowells Limited

Address(es): Moorgate House, Clifton Moorgate, York YO30 4WY

Firm ID: 615304

Outcome details

This outcome was reached by agreement.

Decision details

1.1 Mr Dallinson has been a Chartered Legal Executive for over twenty years and has worked for the same firm throughout that time. His current work involves advising clients about Powers of Attorney, wills and other aspects of inheritance planning. He is also a specialist in matters relating to probate and the administration of Estates.

1.2 On 24 May 2017, Mr Dallinson was instructed to prepare Lasting Powers of Attorney (LPAs), for health and welfare and property and financial affairs. Two managers of the firm were to be appointed as the attorneys.

1.3 On 12 June 2017, the client's doctor, acting as the certificate provider, signed and then dated both LPAs.

1.4 On 3 July 2017, Mr Dallinson met the client and the client signed both LPAs. Realising that his client should have signed the LPAs prior to the certificate provider, Mr Dallinson wrote in the date alongside the client's

signature, so to give the impression the client had signed the LPAs on 12 June 2017.

1.5 On 4 September 2017, the Office of the Public Guardian (OPG) told Mr Dallinson that the health and welfare LPA contained an error.

1.6 Mr Dallinson re-drafted the health and welfare LPA and asked the client's doctor, acting as the certificate provider to re-sign it, which he did on 1 October 2017.

1.7 On 2 October 2017, Mr Dallinson told his client that she would need to re-sign the health and welfare LPA. The client signed it at some point after 2 October 2017. After the client signed the health and welfare LPA, Mr Dallinson wrote in the date alongside the client's signature to give the impression that the client had signed it on 1 October 2017.

1.8 Mr Dallinson registered the property and financial affairs LPA with the OPG on 27 September 2017 and he registered the health and welfare LPA on 19 December 2017.

1.9 In 2020, the client's circumstances changed, and the local council obtained new LPAs with different attorneys.

1.10 On 16 March 2022, the firm reviewed the case file after the local council asked it some questions about the earlier attorney-ship.

1.11 During the case file review, the firm identified the two occasions when Mr Dallinson backdated the client's signature on the both sets of LPAs. It carried out a disciplinary investigation which resulted in Mr Dallinson being issued with a Final Written Warning.

1.12 The firm reported Mr Dallinson's conduct to the SRA on 23 March 2022.

2. Admissions

2.1 Mr Dallinson makes the following admissions which the SRA accepts, namely that:

- a. he wrote in dates purporting to be those on which his client had signed when he knew that his client had not signed on those dates.
- b. his conduct in writing those dates was dishonest.
- c. his conduct in writing those dates was an act or default in relation to a legal practice which in our opinion is undesirable.

3. Why a section 43 order is appropriate

3.1 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.

3.2 When considering whether a section 43 order is appropriate in this matter, the SRA has taken into account the admissions made by Mr Dallinson during the firm's and the SRA's investigation and the following mitigation which he has put forward:

- a. he has shown insight and remorse for his actions and accepted responsibility for backdating the signatures. He accepts that he should have taken steps to correct his errors in the appropriate way.
- b. his conduct caused no actual harm or impact to his client.
- c. his conduct was isolated to that client matter alone and he has not acted in that way before.

3.3 The SRA and Mr Dallinson agree that a section 43 order is appropriate because:

- a. he is not a solicitor
- b. his employment as a Chartered Legal Executive at the Firm means that he was involved in a legal practice
- c. by backdating the signatures on the LPAs which he drafted for a client, he has occasioned or been party to an act or default in relation to a legal practice.

3.4 Mr Dallinson's conduct makes it undesirable for him to be involved in a legal practice because it was dishonest. He is a Chartered Legal Executive, with over twenty years' experience and was aware that by backdating the LPAs he was concealing the fact he had not followed the correct process.

3.5 By backdating the documents rather than rectifying the situation by starting the process from scratch Mr Dallinson deliberately misled the OPG about the dates the documents were signed. This conduct diminishes the public's confidence in the legal profession and the provision of a trustworthy and reliable service.

4. Publication

4.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Mr Dallinson agrees to the publication of this agreement.

5. Acting in a way which is inconsistent with this agreement

5.1 Mr Dallinson agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

6. Costs

6.1 Mr Dallinson agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs

due being issued by the SRA.

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