

Charles Westwood

Solicitor

643952

[Agreement Date: 23 July 2024](#)

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 23 July 2024

Published date: 26 July 2024

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Irwin Mitchell LLP

Address(es): Riverside East, 2 Millsands, Sheffield S3 8DT

Firm ID: 570654

Outcome details

This outcome was reached by agreement.

Decision details

Agreed outcome

1.1 Mr Charles Westwood, a solicitor formerly of Irwin Mitchell LLP (the Firm) agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is rebuked
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £300.

Summary of Facts

2.1 Mr Westwood was a solicitor at the Firm.

2.2 Mr Westwood had conduct of a criminal matter where the client had been convicted and sentenced to a term of imprisonment.



2.3 Mr Westwood was instructed to submit an appeal against sentence to the Court of Appeal. The time limit for submitting the appeal was 28 days from the date of the sentencing hearing.

2.4 Mr Westwood prepared the appeal documentation in conjunction with counsel. He believed that he submitted the appeal to the court, by email. He confirmed that it was not unusual to have no further update or notification from the court for some time after filing the appeal.

2.5 Mr Westwood did not then check receipt of the appeal with the court, nor his file or the Firm's case management system to verify that he had sent it by the deadline. Despite not carrying out these checks, he told several interested parties that he had submitted the appeal to the court. He later found out that because he had not submitted the appeal by the deadline, his client's opportunity to appeal was out of time.

2.6 Mr Westwood was later dismissed from the firm following a disciplinary investigation.

Admissions

3.1 Mr Westwood makes the following admissions which the SRA accepts:

- a. he did not ensure that the service provided to the client was competent and delivered in a timely manner which placed obligations on him, in breach of paragraph 3.2 of the Code of Conduct for Solicitors, RELs and RFLs.
- b. he failed to act in a way that upholds the public trust and confidence in the legal services provided by authorised persons, in breach of Principle 2 of the SRA Principles.
- c. he failed to act in the best interests of his client in breach of Principle 7 of the SRA Principles.

Why a written rebuke is an appropriate outcome

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Westwood and the following mitigation which he has put forward:

- a. he has cooperated fully with the SRA investigation.
- b. he has shown insight and remorse for his actions and accepted that the appeal had not been submitted as required. He also accepted that he had not taken steps to check the position, despite being subsequently asked about it by interested parties.
- c. his conduct was isolated to that client matter alone and he has not acted in that way before or since.

4.3 The SRA considers that a written rebuke is the appropriate outcome because:

- a. Mr Westwood was directly responsible for his own conduct. He was aware that the appeal was required and the deadline for submitting it.
- b. there was an impact on the client as the opportunity to appeal was out of time.
- c. the behaviour was reckless as Mr Westwood should have checked that such an important submission to the Court of Appeal had been received and that the updates he provided to interested parties was an accurate reflection of the status of the appeal.

Publication

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

Acting in a way which is inconsistent with this agreement

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

6.2 If Mr Westwood denies the admissions or acts in a way which is inconsistent with this agreement, the conduct which is subject to this agreement may be considered further by the SRA. That may result in a disciplinary outcome or a referral to the Solicitors Disciplinary Tribunal on the original facts and allegations.

6.3 Denying the admissions made or acting in a way which is inconsistent with this agreement may also constitute a separate breach of Principles 2 and 5 and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

Costs

7.1 Mr Westwood 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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