

BEFORE THE ADJUDICATION PANEL OF THE
COUNCIL FOR LICENSED CONVEYANCERS

BETWEEN:

COUNCIL FOR LICENSED CONVEYANCERS

Applicant

AND

GEMMA TAYLOR

Respondent

ADJUDICATION PANEL
DECISION AND REASONS

1. A three-member panel of the Adjudication Panel, comprising a professional member, an independent member, and a legally qualified chair, convened remotely for the hearing of the allegations against Gemma Taylor on 22 January 2024. It was agreed by all parties that the hearing could be heard fairly and properly via remote means.
2. The Respondent Gemma Taylor was a Licensed Conveyancer, regulated by the Applicant, at all material times in relation to the conduct alleged in this case. She surrendered her licence on 14 August 2023, and as at the day of the hearing, was not licenced for practice by the Applicant.
3. The allegations relate to the Respondent's conduct whilst employed at a firm ("Firm A") in its residential conveyancing department. The first allegation relates to her conduct of a transaction on behalf of Client A in 2020 and subsequent correspondence with him. The second allegation relates to her false representation of her disciplinary history to the Applicant in an application to notify a change in employment, in 2022.
4. At the hearing, the Applicant was represented by Mr Sykes of Counsel. The Respondent was not present and not legally represented.

5. The Panel confirmed that, prior to the hearing, it had read all the documents with which it had been provided by the parties including:

The bundle of evidence prepared by the Applicant

An email from the Respondent, setting out written submissions

Applicant's opening note

Applicant's submissions on sanction (which the Panel did not read until after it had reached its decisions on the allegations and findings of fact and misconduct).

The Respondent's statement of means

Preliminary issues

6. At the outset of the hearing, the Panel heard submissions from Mr Sykes as to whether it should proceed in the absence of the Respondent.
7. The Panel saw evidence in the form of correspondence between the Applicant and the Respondent, and the Panel Assistant and the Respondent, which indicated that the Respondent was aware of the date and venue of the hearing, had been provided with the required information to enable her to attend the hearing, was aware of the purpose of the hearing and that it could proceed in her absence.
8. The Panel noted that the Respondent had not requested an adjournment of the hearing, had not indicated that if the hearing was adjourned she would attend on any other date, and was clear and consistent that she would not attend the hearing.
9. The Panel also noted the age of the alleged conduct (now two years ago) and the importance of avoiding delay in accordance with its overriding objective. It therefore concluded it was in the interests of justice to proceed with the hearing in the absence of the Respondent using its power under rule 25 Adjudication Panel Procedure Rules 2013 (as amended).
10. In her prior correspondence with the Applicant and her email to the Panel, the Respondent indicated that she did not deny the allegations, and set out her mitigation. The Panel has therefore taken it that the Respondent makes full admissions to all the allegations, which are set out below as Schedule A to this decision.

Overview

11. The Respondent joined Firm A as an associate in the residential conveyancing department in April 2018. In July 2021 she was promoted to become a partner in Firm A.
12. In September 2020, the Respondent was instructed by Client A to act on his behalf in the purchase of a flat. The purchase was completed in December 2020.

13. On 18 January 2022, Client A wrote to the Respondent querying a Notice under Section 20, Landlord and Tenant Act 1985 (“the Notice”), relating to the removal of asbestos items in the exterior of the flat, and the fitting of replacement plastic items. He told the Respondent that the Notice had been sent to him by his local authority on 4 January 2022. The Notice indicated that the works would result in a charge to Client A. He noted that an earlier Notice in the same terms had been served upon the sellers of the flat he had purchased, in August 2020. He asked the Respondent why she had not informed him of this and advised him on the implications of the Notice for him. Client A had become aware of the Notice only when a neighbour had asked him about it, which had prompted his enquiry with the local authority.
14. The Respondent replied to Client A on the same day, telling him that she had been aware of the earlier Notice, which had formed part of a pack of documents received from the managing agents of the flat. The Respondent included in her response a copy of the original notice, dated 24 August 2020. In her email of 18 January 2022 sent at 12:07, the Respondent said the following:

“We had a copy of the s20 notice as part of the management pack which I requested to be forwarded on to you as it arrived during my absence. I hope this was sent to you, but if not I sincerely apologise now.”
15. Client A responded indicating that he had not previously seen or been informed of the existence of the Notice, and asking for proof of the letter being sent. The Respondent replied on the 19 January 2022 (the following day), explaining that Firm A did not keep proof of posting, and attaching a copy of the letter she purported was sent (“the Letter”). The Letter was dated 11 November 2020, and headed “Second letter”. It referred to “attached copy s20 Notices, which have been provided by the Council as part of the management pack...”
16. Client A made a formal complaint to Firm A about the Respondent’s conduct, in an email dated 26 January 2022. His complaint was that the Respondent had not communicated with him via email as agreed in the Firm’s terms of engagement, had failed to adequately advise on and/or seek his instructions in relation to the Notice, and failed to respond to his concerns in an appropriate manner. He complained that as a result of the Respondent’s failures to provide an adequate standard of service, he had incurred future losses of £6,077.83.
17. The Firm undertook appropriate enquiries into the complaint, including searching on the Firm’s practice management system for a copy of the Letter. No copy was able to be found, and so a forensic IT analysis was undertaken by the Firm’s IT department. That analysis revealed that the Letter was created after Client A had contacted the Respondent on 18 January 2022.
18. On 21 February 2022, the Firm’s senior partner (Person A) held a meeting with the Respondent and suggested to her that the Letter had been created after the date on which it was purported to have been written, and was therefore falsified. The Respondent denied

falsifying the Letter, and maintained that it had genuinely been written on 11 November 2020, indicating she would ask her secretary to confirm this. An arrangement was made to interview the secretary when she was next back at work (as she was not working on 21 February 2022).

19. The Respondent asked to meet again with Person A on the following day (22 February 2022), and at that meeting she admitted that she had falsified the Letter. She told him that she had been suffering from high levels of stress. As she had initially denied the falsification and therefore lied to Person A on the previous day, the decision was made following a disciplinary meeting on 3 March 2022 to dismiss her from the Firm for gross misconduct and report her to the Solicitors Regulation Authority and to the Applicant.
20. The Firm later upheld and settled Client A's complaint to his satisfaction.
21. The Respondent provided a written statement to the Firm for the disciplinary meeting held on 3 March 2022. The Panel has read that statement, and notes that the Respondent relies on her comments made within the statement as mitigation in this case.
22. In brief, she set out the following:
 - a. She had been in a state of shock and fear during the first meeting on 21 February 2022. She had originally intended to "explain the position" but in panic, she did not.
 - b. It was for that reason that she requested a further meeting the following day with Person A. She wanted to tell him the "honest position". She did so, and (on her account) Person A advised her that "he did not expect this to go any further and that I would likely be issued with a formal warning which would go on record".
 - c. Once Person A had discussed the events with the Management Board of the Firm, he informed her that they had been advised to report the events to the professional regulatory bodies and that a disciplinary hearing would follow. This again raised panic in the Respondent.
 - d. That Person A told her that she had the full support of the Partners in the Firm.
 - e. She had realised at the time that there was likely to be a complaint about the Notice from Client A, which would normally be dealt with by her head of department, but out of concern for his own stress levels she acted as alleged.
 - f. That her actions, which were out of character, also resulted from the immense workloads and pressure under which she (and the department) were working, which led her to make a "spur of the moment" decision which she deeply regrets.
 - g. She is ashamed of her conduct, and admits her action in falsifying the letter was dishonest.
 - h. She makes reference to her personal circumstances, and her previous good character.

23. The Panel notes that she also makes some reference to a negative atmosphere within the firm and the failures of others in the department.
24. In relation to the second set of allegations, these relate to the Respondent's notification to the Applicant that she had moved to a new Firm (Firm B), where she had been employed as Head of Residential Property. She began that role in March 2022, very shortly after her dismissal from Firm A on 7 March 2022.
25. Firm A required the Respondent to notify the Applicant of her change of employment. She did so, by completing an electronic form ("Notification about a change of employment") on 4 May 2022. The Panel was provided with a copy of the form. In it, the Respondent was asked "*While employed by this practice, have you ever been subject to any disciplinary investigations, suspensions or dismissal?*".
- The question related to her employment at Firm A. She placed a cross (x) next to "No". This was not true.
26. She also made the following declarations, by virtue of marking them with a 'x' and signing underneath:
- "A. To the best of my knowledge and belief the information I have given above is correct and complete, and none of the answers I have given on this form are false or misleading
B. I shall inform the CLC immediately if I become aware that any information provided in this form is no longer correct or complete or has become false or misleading, I shall inform the CLC immediately."*
27. On 15 September 2022, the Respondent submitted a "CLC Licence Renewal 2022-23 – Declaration to renew your Individual Licence" electronic form. In it, the Respondent made a declaration that she had not been the subject of a disciplinary investigation by her past or current employer, and that she had not been dismissed from employment. That was not true.
28. The Respondent, in mitigation, said that these false declarations had been errors rather than deliberate attempts to mislead, and that she simply had not read the forms properly. She said that so far as the renewal form was concerned, she had completed them routinely for over 10 years, and therefore perhaps had been complacent. She did not provide a further explanation in relation to the notification of change of employment form, which she did not routinely complete.
29. The Respondent co-operated with the Applicant's investigation into these matters, but once it was determined that there was a case to answer and it would proceed to a hearing, the Respondent asked for an Agreed Resolution, to avoid the need for a hearing, and explained about the impact there would be on her health if there were to be a hearing. The Panel has seen no medical evidence in support, but notes that these proceedings are by their very nature stressful and difficult for those involved, and bears in mind that which the Respondent has

raised as to why she did not attend the hearing and how these proceedings have impacted upon her. The Panel draws no adverse inference from her decision not to attend.

The Panel's findings on the allegations

30. The Panel noted that paragraphs 1 to 6 of the allegations effectively set out the factual basis of the alleged misconduct. The Panel noted that the Respondent did not challenge any of those facts, and had indicated in correspondence with both the Applicant and the Panel Chair that she admitted all the allegations. The Panel carefully considered the supporting evidence, and found that the facts set out by the Applicant in paragraphs 1 to 6 of the allegations were **found proved**.
31. **Allegation 7** – this allegation related to the Respondent informing Client A that, having searched Firm A's case management system, she could confirm that a letter had been sent to him advising him of the Notice and its implications.
32. The Panel has found that there is evidence, following the analysis undertaken by Firm A's IT department, that in fact there was no letter sent (as purported by the Respondent) on 11 November 2020 setting out the existence and implications of the Notice. The Panel therefore finds that the Respondent lied to Client A in making the statement which is the subject of Allegation 7.
33. The Panel is satisfied that the Respondent would have known that there was no such letter, because:
- i. it has accepted the evidence that the purported letter of 11 November 2020 was created on the case management system after 18 January 2022
 - ii. the Respondent has admitted that she created the letter after 18 January 2022
34. The Panel is therefore satisfied that, in making that statement to Client A, she would have known that she was not telling the truth and therefore that she was acting dishonestly.
35. The Respondent says that she panicked, and acted without thinking. The Panel considers it likely that the Respondent did panic, and did act initially on the spur of the moment, but that the writing of an email to that effect was a conscious and deliberate action, which took time to undertake. There would have been sufficient time, in the Panel's judgement, to realise that what she was doing was dishonest, as she knew what she was saying was not true and she was misleading Client A into believing that she had sent a letter which she had not. The Panel is also satisfied that the action was dishonest by the standards of the ordinary decent person. Misleading and lying to a client is self-evidently an action lacking in integrity.
36. The Panel therefore finds **allegation 7a), 7b) and 7c) proved**.

37. **Allegation 8** – this allegation relates to the Respondent telling Client A, following his enquiry as to why the letter of 11 November 2020 was not originally sent (i.e. on 11 November 2020) by email in accordance with the terms of engagement of Firm A, that she could not answer that question. The Panel notes that this statement was made on 19 January 2022. Having found that the letter of 11 November 2020 was not in fact sent at all, and the version sent to Client A on 18 January 2022 had in fact been fabricated on that date, it was untrue for the Respondent to say she did not know why the original letter had not been sent by email. It had in fact not been sent by email because it did not exist at that time.
38. The Panel notes that this exchange between the Respondent and Client A was the day after Client A had raised his concern about the Notice, and the Respondent had had plenty of time to reflect on her actions in fabricating the letter and misleading Client A as to its existence. Instead, she continued to mislead him by failing to admit her error and dishonest actions on the previous day. The Panel is clear that the Respondent’s actions in making the statement to Client A on 19 January 2022 were misleading, and lacked integrity for the same reason as found in Allegation 7.
39. **Allegation 8a) and 8b) are therefore found proved.**
40. **Allegation 9** – this allegation relates to the Respondent sending the falsified letter of 11 November 2020 to Client A. The Panel notes that the Applicant submits that the Respondent’s actions were dishonest in that she sent the falsified letter in the knowledge that it was falsified, and that whilst she was purporting to be sending a copy of a letter previously sent, it had not in fact ever been sent before.
41. The Respondent, in her mitigation, refers generally to having panicked and acted without thinking properly of the consequences of her actions. She admits that she sent the letter which had been created on the Firm’s case management system after 18 January 2022.
42. This allegation, in the Panel’s view, is effectively an extension of allegation 7, in that it is founded on the same facts but reflects the further action of attaching a purported copy of a letter which had in fact only then been created. The Panel finds that the Respondent’s actions in doing so were dishonest because she knew that the letter had been created with a false date. In sending the letter she was misrepresenting that it was a copy of an earlier letter and that it would lend weight to her assertion that she had originally advised Client A about the Notice, which was untrue. The Panel finds this to be an act motivated by the desire to avoid the Respondent being found to have failed to advise Client A appropriately, and one which would be considered dishonest by the standards of the ordinary decent person. For the same reasons as it made its findings at allegation 7, the Panel finds **allegation 9a), 9b) and 9c) proved.**

43. **Allegation 10** – this allegation relates to a meeting on 21 February 2022 where, in response to Person A putting to the Respondent that there was evidence that the letter of 11 November 2020 had been ‘concocted’, she maintained that the letter was genuine, and had been sent. She said she would ask her secretary to confirm the same.
44. The Respondent set out, in her written explanation of events which has been provided to the Panel, that she had received an email from Person A on the evening of 20 February 2022 asking her to attend a meeting with him the following day. When she attended, she was surprised to see that her head of department was also present, and that this caused her to ‘panic’. She indicates in her explanation that therefore she *“became suddenly very emotional, felt backed into a corner, and as a result my defences went up automatically and I didn’t say what I had intended.”* She accepts that she continued to misrepresent that the letter was genuine and that it had been sent in November 2020.
45. The Panel was shown an email dated 26 January 2022 from the Respondent to her head of department, in which she says
- “You will likely note that the letter does not appear in chronological order in P+. I deleted it by mistake when I emailed it to him when I found it last week, but it was printed and rescanned albeit it now appears on 19th Jan instead...”*
- The Panel found this to be further evidence that, at that stage and up to her admission to Person A on 22 February 2022, the Respondent was continuing to make dishonest statements to ‘cover her tracks’
46. The efforts the Respondent made to prevent her actions being discovered leads the Panel to conclude that she continued those efforts in the meeting on 21 February 2022, even when confronted by the evidence from the IT analysis, and that her words in the meeting were deliberately chosen, rather than a response in panic.
47. The Panel notes that on the following day, 22 February 2022, the Respondent made full admissions to her actions. However it has concluded that by that time she had demonstrated a pattern of dishonest behaviour in lying to Client A, her head of department and Person A.
48. The Panel has therefore found that the Respondent’s actions at the meeting on 21 February 2022 were dishonest, that she misled the other attendees at the meeting, and that those actions lacked integrity. Accordingly **allegations 10a), 10b) and 10c) are found proved.**
49. **Allegation 11** – this allegation relates to the Respondent’s actions in submitting the two forms to the Applicant which contained false information.
50. The Panel notes that the Respondent sets out in her written statements how she was acting in haste at the time, that she was still recovering from the shock of the manner of her departure from Firm A, and that she acting simply without properly considering her responses.

51. The evidence is clear, that positive assertions were made by the Respondent in the forms she completed, and that those assertions were incorrect. The Panel carefully considered whether the Respondent could have made mistakes, through complacency and haste in completing the forms, rather than deliberately tried to conceal information about the circumstances of her dismissal from Firm A.
52. Whilst the Panel acknowledges it likely that the Respondent was emotionally upset by the events of January and February 2022, it notes that she was trying to “distance herself” from Firm A because of the embarrassment and shame she felt about the events. The Panel also considers that in May 2022, having so recently been dismissed for dishonest conduct, the Respondent should have been even more vigilant than usual about the accuracy and truthfulness of any statement or declaration she made.
53. The Panel has concluded that this conduct fell within a pattern of behaviour of misrepresenting the true position in order to deflect attention from the adverse circumstances which had arisen.
54. On that basis, it has rejected the Respondent’s assertion that both forms were inaccurately completed through haste and complacency, and has also concluded that at the time of completing the two forms (in May and September 2022), the Respondent knowingly entered false information. Therefore, the Panel has found that the Respondent acted dishonestly in knowingly making false representations to her regulator, and that the ordinary decent person would find such conduct to be dishonest. Making false representations to your regulator is clearly an action lacking in integrity.
55. Accordingly, the Panel has found **allegations 11a), 11b) and 11c) proved.**

Seriousness of the conduct found proved

56. The Panel agreed with the Applicant’s submissions as to the breaches of the CLC Code of Conduct (set out in Schedule A) flowing from the Respondent’s found misconduct. There are multiple breaches of parts of the Code which are integral to maintaining proper standards in the profession.
57. The Panel has noted that the Respondent’s conduct as found proved amounted to a pattern of dishonest behaviour, which included dishonesty in interactions with a client, her colleagues and her regulator. There were two separate incidents where there were multiple dishonest acts carried out by the Respondent. The Panel therefore found that the conduct found proved was very serious, and certainly amounted to misconduct.

Sanction

58. Having found misconduct, the Panel heard submissions from the Applicant on the appropriate sanction to apply in this case. It reminded itself of the various written representations by the Respondent as to mitigation of her actions, and her personal circumstances.
59. The Panel also reminded itself of the purpose of sanctions within these proceedings, set out for clarity below:

3.1 To uphold the CLC's regulatory objective of protecting the public and consumers of legal services;

3.2 To maintain and uphold public confidence in the reputation of the profession;

3.3. To declare and uphold proper standards of conduct; and

3.4. To promote public and professional confidence in the CLC's complaints and disciplinary processes.

3.5. To mark the seriousness (actual or potential) of the proven misconduct. It is well established that the purpose of imposing sanctions is not to punish the respondent, but to protect the public. This is consistent with and does not prevent the imposition of a sanction which may have a punitive effect on the respondent when it is necessary to meet its objectives at 3.1 to 3.2 above.

60. The Respondent did not hold a licence at the time of the hearing.

61. The Panel had the following sanctions therefore available

- Taking no further action
- A reprimand
- A fine and/or
- Disqualification – for a fixed period or permanent.

Harm

62. The Panel began its consideration of sanctions looking at the harm caused by the Respondent's misconduct. It concluded that there was actual harm caused to Client A, including the stress and distress of having to complain to Firm A after he discovered he was facing a significant financial liability about which he not been advised. Whilst his complaint was later upheld and settled to his satisfaction, it remains the case that he would have suffered some emotional harm during the period between learning from a neighbour about the Notice, and the settling of his complaint.

63. Actual harm was also caused to Firm A, which settled the complaint and were therefore financially disadvantaged.
64. Finally the Panel has concluded that there was the potential for harm to the reputation of the profession, because dishonest conduct in professionals significantly undermines the confidence of the public.
65. Therefore the Panel concluded that the Respondent's misconduct had caused serious harm.

Insight

66. The Panel noted that the Respondent set out her shame and embarrassment at her conduct, her regret and remorse, but agreed with the Applicant's submission that a good deal of regret and remorse appeared to focus on the impact on the Respondent herself and those around her. The Panel saw no evidence of insight into the harm caused to Client A, and little evidence of insight into the seriousness of her misconduct. The Respondent made a number of requests for the hearing to be foregone, and submitted that the ongoing proceeds were not in the public interest and a "waste of time" as she was not intending to practice as a licensed conveyancer at any point in the future. Whilst she indicated that she respected the professional regulatory process, the Panel could see in those communications no understanding of the importance of a public hearing of allegations of this seriousness, nor an understanding of upholding public confidence and ensuring there is a deterrence against future conduct of such a nature.
67. The Panel accepts that the Respondent is distressed by these proceedings and that her submissions are likely to have been prompted by those feelings. However, it looked for evidence of insight into those areas, and was unable to identify significant insight.

Aggravating factors

68. The Panel found the following aggravating factors in this case:
 - A failure to self-report to the CLC
 - Attempt to conceal wrong-doing
 - Likelihood of repetition (based on the Panel finding that here there was a pattern of dishonest behaviour, with two separate incidents of dishonesty with multiple layers to each incident, and noting the difficulty in remediating dishonesty)
 - Abuse of position and breach of trust both in using the case management system to fabricate a letter to mislead Client A, and in attempting to involve her secretary after 18 January 2022
 - Motivated by desire for personal advantage, namely to avoid detection of her failure to advise correctly, and thereby potentially enabling her to retain her employment

- Lack of insight, some remorse and lack of apology to Client A (set out above and not double-counted for the purpose of deciding the seriousness of sanction required)
- Dishonesty
- Serious breach of the CLC's regulatory arrangements
- Repeated failure or pattern of behaviour
- Significant risk of harm to others, and increased likelihood of damage to the reputation of the profession (as set out above and again not double-counted for the purpose of deciding the seriousness of the sanction required).

Mitigating factors

69. The Panel found the following mitigating factors in this case:

- The Respondent had no previous findings of misconduct
- She had co-operated fully with the CLC's investigation into events.
- The Panel saw a positive reference from her former employer, albeit they were unaware that she had gone on from the first incident to act dishonestly towards her regulator, which led the Panel to attach limited weight to the reference.
- The Panel took into consideration the impact of these proceedings and the events on the Respondent, but had no medical evidence on which it could rely in support of the assertions relating to her health.

70. The Panel then considered their available sanctions, starting with the least onerous and working up the sanctions ladder.

No further action

71. Given the seriousness of the findings, taking no further action would not meet the purpose of sanctions or the interests of justice in this case.

Reprimand

72. Given the seriousness of the findings, the imposition of a reprimand would also not meet the purpose of sanctions or the interests of justice in this case.

Fine

73. The Panel concluded that a fine was appropriate in this case, as when taken together with another sanction, it would serve as a deterrent effect to other professionals and as a reminder of the seriousness of misconduct found. The Panel was satisfied it was proportionate to impose a fine in this case when it had determined not to impose a permanent disqualification.

Disqualification

74. Given the findings of dishonesty, the pattern of dishonest behaviour, the impact on others from the Respondent's behaviour, and the importance of maintaining public confidence in the profession, the Panel was satisfied that this case falls within the category of cases where only a sanction of disqualification will adequately reflect the seriousness of the misconduct.
75. The Panel considered whether permanent disqualification was necessary. It has concluded that it was not, because
- a. Whilst there had been findings of multiple actions of dishonesty, none related to misappropriation of client money which the Panel considers to be at the most serious level of dishonest conduct
 - b. The misconduct, whilst involving two separate incidents, took place in one incident over approximately a month, and the second incident was limited to two separate actions of short duration. Whilst, therefore, there was a pattern in the behaviour, the dishonesty was not incremental and sustained over a prolonged period.
 - c. Whilst the Respondent made calculated decisions in each case which were serious and had serious impact, according to the Panel's findings, the Panel accepts that these were in effect attempts to 'cover her tracks' after making a mistake in failing to advise a client properly, rather than a calculated campaign to profit financially.
76. The Panel then considered the shortest period necessary to reflect the seriousness of the misconduct, and bearing in mind proportionality, it has concluded that a period of 10 years is the least period which adequately meets the purpose of sanctions in this case.

Sanction imposed

77. The Panel therefore determined to **disqualify the Respondent for a period of 10 years, and to impose a fine of £1,500**, having taken into consideration the Respondent's statement of means.

Costs

78. The Applicant made an application that the Respondent pay its reasonable costs in bringing this case, which were set out in schedule within the hearing bundle and amounted to £3,525.00.
79. In light of its findings, the Panel could find no reason why the Respondent should not bear the responsibility of the costs incurred by the Applicant. Having scrutinised the Applicant's schedule of costs, it found that the amounts claimed were reasonable.
- 80. The Panel therefore orders that the Respondent pay the Applicant's costs in the sum of £3,525.00.**
81. It will be for the parties to discuss the method and timing of the payment of both the fine and the costs in this case.

Dated: 22 January 2024

Victoria Goodfellow

Legally Qualified Chair

Gillian Seager

Independent panel member

Catherine Fewings

Licensed Conveyancer panel member