

Ross Clayton

Employee

7266411

[Employee-related decision Date: 14 January 2025](#)

Decision - Employee-related decision

Outcome: Control of non-qualified staff (Section 43 / Section 99 order)

Outcome date: 14 January 2025

Published date: 20 May 2025

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Buchanan & Co Solicitors LTD

Address(es): Suite 121 High Street, Staveley, Chesterfield, S43 3UU, England

Firm ID: 621897

Firm or organisation at date of publication

Name: Fiddler & Pepper

Address(es): 1 Low Street, Sutton in Ashfield, Nottinghamshire, NG17 1DH

Firm ID: Not regulated by SRA

Outcome details

This outcome was reached by SRA decision.

Decision details

The SRA has put restrictions on where and how Mr Clayton can work in an SRA regulated firm. It was found that: Mr Clayton, who is not a solicitor, was involved in a legal practice and has occasioned or been a party to an act or default which involved such conduct on his part that it is undesirable for him to be involved in a legal practice in any of the ways described in the order below.

The facts of the case



On 4 November 2021, Mr Clayton whilst employed by Buchanan & Co solicitors, signed Lasting Powers of Attorney (LPA's), as a certified provider, for property and financial affairs and for health and welfare for a Mrs Bird, appointing her son, Mr Marc Bird (Mr Bird) as the sole attorney (the attorney). This has been challenged and by an Order dated 18 December 2023, the Court of Protection has declared that Mrs Bird lacked mental capacity to execute the LPAs. Mr Clayton signed and witnessed the LPAs despite being related to the sole attorney, contrary to the relative restriction in Section 10 of the LPA. Mr Clayton failed to carry out a capacity assessment or if he did, it was wholly inadequate, on the donor of the LPAs and therefore failed to carry out his role as certificate provider

Reasons/basis

An order pursuant to section 43(2) of the Solicitors Act 1974 was imposed as Mr Clayton's conduct meant that it was undesirable for him to be involved in a legal practice without the SRA's prior approval. The order pursuant to section 43 was made with effect from the date of the letter or email notifying Mr Clayton of this decision: Mr Clayton's conduct was serious because the donor was a vulnerable, if not extremely vulnerable, individual who lacked mental capacity. Mr Clayton was also ordered to pay the SRA's costs of £1,350.

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