



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case Reference: PC 2021/8083/D3.

Mr Amjad Hussain

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of: Lincoln's Inn, 1999.

Disciplinary Tribunal

Mr Amjad Hussain

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 25 April 2024, I Geoffrey Williams KC, sat as Chairman of a Disciplinary Tribunal on 29 May 2024 to hear and determine 8 Charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Amjad Hussain barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The other members of the Tribunal were:

Hayley Firman - (Barrister Member)

Andrew Ward - (Lay Member)

Charges

3. The following charges were admitted save for the elements of Charges 1, 5, 6 and 7 which related to his integrity. These Mr Hussain denied.

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Charge 1

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or rC8 of the Code of Conduct of the Bar Standards Board Handbook (9th Edition).

Particulars of Offence

Mr Amjad Hussain, a registered barrister, acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession and/or acted in a way which could reasonably be seen by the public to undermine his integrity in that he failed to inform the Bar Standards Board that he was the subject of disciplinary or other regulatory or enforcement action by another Approved Regulator, the Solicitors Regulation Authority, ('SRA') upon receipt of the SRA's notice recommending disqualification dated 29th March 2021.

Charge 2

Statement of Offence

Professional misconduct, contrary to conduct rules rC65.3 and rC65.7 of the Code of Conduct of the Bar Standards Board Handbook (9th Edition).

Particulars of Offence

Mr Amjad Hussain, a registered barrister, failed to report promptly to the Bar Standards Board that he had committed serious misconduct and that he was the subject of disciplinary or other regulatory or enforcement action by another Approved Regulator having been disqualified by the Solicitors Regulation Authority ('SRA') as a Head of Legal Practice ('HOLP') and Head of Financial and Administration ('HOFA') or a manager of a licensed SRA body following the SRA's Decision of the Adjudicator dated 30 September 2021.

Charge 3

Statement of Offence

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Professional misconduct, contrary to Core Duty 5 of the Code of Conduct of the Bar Standards Board Handbook (9th Edition).

Particulars of Offence

Mr Amjad Hussain, a registered barrister, acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession in that as the manager, HOLP and HOFA of Saffron Solicitors ('the firm') and during his tenure he failed to ensure that client information was kept confidential, namely 242 client wills, which having been removed from the firm's premises, were stored in a manner which was not secure.

Charge 4

Statement of Offence

Professional misconduct, contrary to Core Duty 10 of the Code of Conduct of the Bar Standards Board Handbook (9th Edition).

Particulars of Offence

Mr Amjad Hussain, a registered barrister, failed to take reasonable steps to manage his practice, or carry out his role within his practice, competently and in such a way as to achieve compliance with his legal and regulatory obligations in that as the manager, HOLP and HOFA of Saffron Solicitors ('the firm') and during his tenure failed to ensure that client information was kept confidential, namely 242 client wills, which having been removed from the firm's premises, were stored in a manner which was not secure.

Charge 5

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or rC8 of the Code of Conduct of the Bar Standards Board Handbook (9th Edition).

Particulars of Offence

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Mr Amjad Hussain, a registered barrister, acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession and/or acted in a way which could reasonably be seen by the public to undermine his integrity in that as the manager, HOLP and HOFA of Saffron Solicitors ('the firm') and during the material time he failed to ensure that compliant account reconciliations were properly recorded in accordance with the relevant provisions of the SRA's Accounts Rules 2011 and 2019 as the firm did not have a cash book to do so.

Charge 6

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or rC8 of the Code of Conduct of the Bar Standards Board Handbook (9th Edition).

Particulars of Offence

Mr Amjad Hussain, a registered barrister, acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession and/or acted in a way which could reasonably be seen by the public to undermine his integrity in that as the manager, HOLP and HOFA of Saffron Solicitors ('the firm') and during the material time he failed to ensure that the firm's dealings with client money were appropriately recorded in accordance with the relevant provisions of the SRA's Accounts Rules 2011 and 2019, as the firm did not have a cash book to do so.

Charge 7

Statement of Offence

Professional misconduct, contrary to Core Duty 5 and/or rC8 of the Code of Conduct of the Bar Standards Board Handbook (9th Edition).

Particulars of Offence

Mr Amjad Hussain, a registered barrister, acted in a manner which was likely to diminish the trust and confidence which the public places in him or in the profession and/or acted in a way

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which could reasonably be seen by the public to undermine his integrity in that as the manager, HOLP and HOFA of Saffron Solicitors ('the firm') he failed as soon as reasonably practicable, promptly or at all to report the following material breaches of the relevant provisions of the SRA's Code of Conduct 2011, Authorisation Rules 2011 and Code of Conduct for Firms 2019 to his Regulator, the Bar Standards Board, namely:

- i. to ensure that client information was kept confidential, namely 242 wills which were removed from the firm and not properly secured.
- ii. to ensure that the firm's dealings with client money were properly recorded
- iii. to ensure that compliant client reconciliations were undertaken at the firm

Charge 8

Statement of Offence

Professional misconduct, contrary to Core Duty 10 of the Code of Conduct of the Bar Standards Board Handbook (9th Edition).

Particulars of Offence

Mr Amjad Hussain, a registered barrister, failed to take reasonable steps to manage his practice, or carry out his role within his practice competently and in such a way as to achieve compliance with his legal and regulatory obligations, in that as the manager, HOLP and HOFA of Saffron Solicitors ('the firm') he failed, as soon as reasonably practicable, promptly or at all to report the following material breaches of the relevant provisions of the SRA's Code of Conduct 2011, Authorisation Rules 2011 and Code of Conduct for Firms 2019 to his Regulator, the Bar Standards Board, namely:

- i. to ensure that client information was kept confidential, namely 242 wills which were removed from the firm and not properly secured.
- ii. to ensure that the firm's dealings with client money were properly recorded
- iii. to ensure that compliant client reconciliations were undertaken at the firm

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Parties Present and Representation

4. The Respondent was present and was represented by Bernard Tetlow KC. The Bar Standards Board (“BSB”) was represented by David Welch

Preliminary Matters

5. Amendments to the particular’s of Charge 1 were made at the request of the Respondent with no objection from the BSB.

Evidence

6. The Panel’s findings upon the eight Charges are set out below.
7. The Panel had due regard to the bundles of documents placed before it, the submissions of Counsel for the Bar Standards Board (“BSB”), Leading Counsel for Mr Hussain (“AH”) and paid due regard to its Sanctions Guidance.
8. AH admitted all Charges save for the elements of Charges 1, 5, 6 and 7 which related to his integrity. These he denied.
9. AH was contrite and had cooperated fully with BSB and the Tribunal in the disciplinary process. He had been open and courteous with all concerned.
10. Where Charges were found proved but the Panel imposed no separate penalty the reason was that the conduct found proved with respect to those Charges was a duplication of the conduct referred to in previous Charges.
11. The Panel had regard to the fact that AH had already been sanctioned by the Solicitors Regulation Authority (“SRA”) in a manner which effectively prevented any repetition of the conduct referred to in Charges 3 – 6.

Findings and Sanction

Charge 1

12. On 29th March 2021 AH had received a Notice from the SRA raising serious allegations of professional misconduct against him in his capacities of Head of Finance and administration (“HOFA”) and Head of Legal Practice (“HOLP”) of Saffron an Alternative business Structure regulated by SRA.

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13. AH failed to report this development to the BSB. AH was and is an experienced barrister and should have been aware of his obligation to report to his regulator. In any event that obligation was easily ascertainable. There was a 9 month period between receipt of the Notice and the first report to BSB by AH which related to the outcome of the SRA investigation and not to the inception of it.
14. This was AH's first transgression in a lengthy career. The Panel found that AH had been careless with respect to his obligations towards the BSB. His failure could reasonably be seen by the public to undermine his integrity. His culpability was assessed as moderate and any harm was limited.
15. Given the seriousness of the matter the Panel imposed a fine of £5,000.00.

Charge 2

16. On 30th September 2021 AH received a Decision of SRA disqualifying him from holding the roles of HOFA, HOLP and manager of any body licensed by SRA.
17. AH reported this matter to the BSB on 21st December 2021 via the portal – a delay of virtually 3 months. By this time SRA had itself reported the matter to BSB although AH was unaware of this development.
18. In self-reporting AH demonstrated insight and remorse but the Panel found that his delay in complying with his professional responsibilities would adversely impact upon the confidence that the public is entitled to have in the profession of barristers.
19. The Panel imposed a Reprimand.

Charge 3

20. The Panel considered that in accepting the roles at Saffron AH had not taken proper steps to acquaint himself with the responsibilities that he was taking on. In consequence there were no adequate systems in place at Saffron to protect client confidentiality.
21. The removal of 242 Wills from Saffron's office to a residential address was a serious breach of client confidentiality. Fortunately there was no actual data breach. After an enquiry the Information Commissioner decided to take no action.
22. The Wills were removed unbeknown to AH. When he found out they were quickly returned to the office. There was low culpability and, fortunately for AH, no harm.
23. The Panel imposed a Reprimand.

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Charge 4

24. This Charge duplicated Charge 3. The matter had been dealt with by SRA and it was inappropriate to impose any separate penalty upon AH.

Charge 5

25. When AH joined Saffron there was an established computer system to carry out the required bank reconciliations. However as no cashbook was maintained within the system it was impossible to carry out the three way reconciliations required by the SRA Accounts Rules.

26. When the accounts were properly reconciled the discrepancy on client account amounted to only £10.00.

27. Once more it was AH's failure to acquaint himself with the duties that he was assuming that contributed to this failing. No clients were adversely affected.

28. The Panel concluded that this matter had caused damage to the trust and confidence that the public is entitled to have in the profession but the Panel did not conclude that it impacted upon AH's integrity.

29. The Panel imposed a Reprimand.

Charge 6

30. This matter was proved save for the reference to integrity. It duplicated the factual element of Charge 5 and it was considered inappropriate to impose any separate penalty upon AH.

Charge 7

31. This matter was proved save for the reference to integrity. It duplicated the factual elements of Charges 1 and 2 and it was inappropriate to impose any separate penalty upon AH.

Charge 8

32. This Charge was found proved but it duplicated the factual elements of Charges 1 and 2. Accordingly it was inappropriate to impose any separate penalty upon AH.

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Costs

33. The Panel ordered AH to pay the costs of BSB in the sum of £2,670.00. AH did not dispute the costs application and the Panel considered that the costs sought were fair and reasonable.

Dated: 10th June 2024

Geoffrey Williams KC
Chairman of the Tribunal

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