

Brockbank Curwen Cain & Hall Limited
44 Duke Street, Whitehaven , CA28 7NP
Recognised body
384225

[Sanction Date: 4 November 2025](#)

Decision - Sanction

Outcome: Rebuke

Outcome date: 4 November 2025

Published date: 6 November 2025

Firm details

No detail provided:

Outcome details

This outcome was reached by SRA decision.

Decision details

Agreed outcome and undertakings

Brockbank Curwen Cain & Hall Limited (the Firm), a recognised body agrees to the following outcome to the investigation of its conduct by the Solicitors Regulation Authority (SRA):

- it is rebuked
- to the publication of this agreement
- it will pay the costs of the investigation of £300.

Each of the Senior members of the Firm (set out in Schedule 1) provide the following undertakings to the SRA:

- As soon as reasonably practicable, but in any event no later than 12 months, the Firm will take all reasonable steps to return the remaining Residual Balances (as defined in Schedule 1) to whom the money belongs, subject to receiving instructions and bank details or distribute in accordance with Rule 5.1(c) of the SRA Accounts Rules where the client (or other person for whom the money is held) cannot be identified or located, and
- To keep written records of all steps taken to (i) locate and identify for whom the Residual Balances are held and (ii) distribute the



Residual Balances, and to provide a copy of such records or other information and documents to the SRA promptly upon request.

Summary of Facts

The Firm's Accountants' Report for accounting period ending 30 June 2020 was qualified; one of the qualifications related to residual balances. The report highlighted balances of £324,010 on 216 matters as at 30 June 2019 and balances of £288,280 on 214 matters as at 30 June 2020. In the report, the reporting accountant noted that the Firm acknowledged its progress in addressing the balances was slow.

In 2020, the SRA carried out an on-site inspection which included a review of all residual balances. At the end of the inspection, the Firm held balances of £232,065.37 on 188 matters. The oldest balance dated back to 2016. The largest balance was £50,291.95. At the time we reminded the Firm of SRA guidance (the guidance is set out in Schedule 1) on addressing Residual Balances and received assurances that the Firm would hold monthly compliance meetings until the balances were cleared.

The Firm responded to the Accounts Rule spot check questionnaire on 22 January 2025. At that time, we were told that the Firm held residual balances of £140,910 on 85 matters. The largest balance was £31,569 and the oldest balance had been held for more than 2 years. The Firm subsequently clarified that some of these balances incorrectly included retentions and conveyancing transactions awaiting registration.

Due to the Firm's replies to the questionnaire, we commenced a further investigation into the Firm. During this subsequent investigation, the Firm provided updates on progress made to reduce the Residual Balances. The Firm confirmed that it held residual balances of £48,317.40 on 81 matters as at 2 July 2025 and £34,840.70 on 47 matters as at 22 August 2025.

The lists of Residual Balances provided by the Firm during the subsequent investigation showed that three of the remaining balances dated back to 2016 and so had been present when the previous SRA onsite inspection took place, and these balances still remain.

Admissions

The Firm makes the following admissions which the SRA accepts:

- The Firm has failed to return client money promptly to the client or the third party for whom the money is held since 2016. Accordingly, the Firm has breached Rule 2.5 of the SRA Accounts Rules since those Rules were introduced on 25 November 2019 (and previously Rule 14.3 of the Accounts Rules 2011).



- After prompting to return the 2016 balances during the SRA's investigation in 2020, the Firm failed to take adequate steps to return the balances to clients. In doing so, the Firm has breached Rule 6.1 of the SRA Accounts Rules.

Why a written rebuke is an appropriate outcome

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.

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

The Firm has reflected on the ongoing failure to address aged residual balances. They have now put in place a 3-step process to reviewing balances, escalating any lack of attention through the steps to the senior management team which should prompt the necessary engagement with fee earners to address any persistent balances.

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

The conduct relates to the Firm's handling of client money. The Firm's failure to adequately address these residual balances for nearly 10 years, despite being drawn to its attention in 2020, demonstrates a pattern of failing to comply with its regulatory obligations.

The Firm has taken, and continues to take, steps to address the balances and the Firm's Senior members have provided an undertaking to the SRA to address the remaining residual balances.

The Firm has improved its processes and procedures for dealing with residual balances, but the problem has persisted longer than is reasonable.

During this time, the residual balances have been kept securely in the Firm's client account and there has been no lasting or significant harm to clients caused by clients by the Firm's actions. No clients have reported to the SRA that the Firm has failed to return their money.

There is a low risk of repetition due to the reduced levels of balances now held, and the steps taken to improve the process for reviewing balances, ensuring they are promptly returned to the client or third party for whom they are held.

Some public sanction is required to uphold public confidence in the delivery of legal services.

Publication

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

Acting in a way which is inconsistent with this agreement

Brockbank Curwen Cain & Hall Limited agrees that it will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

If the Firm denies the admissions, or acts in a way which is inconsistent with this agreement, or if the Senior members of the Firm breach the undertakings referred to in paragraph 1.2 above 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.

Acting in a way which is inconsistent with this agreement may also constitute a separate breach of principles 2 and 5 of the SRA Principles and paragraph 3.2 of the SRA Code of Conduct for Firms.

Costs

The Firm 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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