



Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 03 October 2017

Committee name: INVESTIGATION COMMITTEE

Details of IP: **Andrew Wilkinson, of Stockport**, an IPA member and Licensed Insolvency Practitioner.

Summary of complaint: This Order is made in relation to a complaint that Mr Wilkinson breached Statement of Insolvency Practice 3.3 ('SIP3.3') and/or the fundamental principle of professional competence and due care of the Ethics Code by:

- Failing to carry out six monthly and annual review of the debtor's financial circumstances.
- Failing to request tax returns in a timely manner and failing to carry out reviews of income from received documentation in a timely manner.
- Failing to adequately communicate with the debtor in respect of the progress of the PTD, reviews being carried out into income and any arrears that required payment.
- Reporting to creditors in the annual reports of 9 September 2014 and 8 September 2015 that regular reviews have been carried out and there were no changes required to contributions when review had not been carried out as required.

Summary of sanctions: Accordingly, Mr Wilkinson was found liable to disciplinary action under the IPA's Articles of Association.

The Common Sanctions Guidance provides for a severe reprimand and a fine of between £500 and £7,500 where there is a material failure to comply with the provisions of a SIP.

The Committee found that a prima facie case had been made out on all heads of complaint. Reviews had not been conducted, reports to creditors were inaccurate and a review overdue by 2 years revealed that the debtor was required to pay the additional contributions despite previous advice that nothing further was due.

In mitigation the Committee noted that Mr Wilkinson had acknowledged the errors that had occurred during the administration of the estate and had compensated the debtor.

The Investigation Committee decided to impose a disciplinary order that Mr Wilkinson receive a Reprimand, a fine of £1,000 and costs.