



Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 6 March 2018

Committee name: INVESTIGATION COMMITTEE

Details of IP: **Mr Paul Atkinson**, of **Essex**, an IPA member and Licensed Insolvency Practitioner.

Summary of complaint: This Order is made in relation to a complaint that Mr Atkinson in his role as Trustee in Bankruptcy

1) breached the fundamental principle of Professional Competence and Due Care of the Ethics Code, between 31 March 2009 and 18 December 2015 when he:

- Failed to take steps to oversee or verify the actions of those he instructed to act on his behalf in connection with his responsibilities as Trustee in Bankruptcy;
- Failed to check the content and veracity of statements prepared on his behalf;
- Signed, as statement of truth, witness statements prepared on his behalf when he had not checked the content or veracity of those statements;
- On 4 November 2013 allowed representations to be made to the court to the effect that all relevant material had been disclosed to the Applicant, when this was not the case;
- Failed to safeguard financial records and documents belonging to an associated partnership.

2) Breached the fundamental principle of Professional Behaviour of the Ethics Code between 22 December 2015 and 5 April 2016 as Trustee in Bankruptcy and Respondent in the High Court of Justice when he failed to comply with Court Orders dated 3 November 2013 and 22 December 2015 to provide documents to the Applicant.

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

The Common Sanctions Guidance provides for a Severe Reprimand and fine commensurate with the breach where there

has been a material breach of the fundamental principles of the Insolvency Ethics Code.

The Committee agreed that whilst it was not unreasonable to pursue the chosen course of action, the way in which this was conducted was far below the standard of a competent professional and despite the fact that initial errors were brought to Mr Atkinson's attention steps were not taken to address these.

The sanction took into account the fact that Mr Atkinson as an officer of the court, has ultimate responsibility for the conduct of the case failed to comply with some court orders which was considered to be very serious. In mitigation it was agreed that the conduct was neither dishonest nor deliberate and Mr Atkinson asked for and acted on professional advice, later found to be erroneous.

The Investigation Committee decided to impose a disciplinary order that Mr Atkinson receive a Severe Reprimand, pay a fine of £6,500 and the associated costs incurred by the IPA.