



Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 17 April 2018

Committee name: INVESTIGATION COMMITTEE

Details of IP: **Ms Susan Wriglesworth**, an IPA member and Licensed Insolvency Practitioner.

Summary of complaint: This Order is made in relation to a complaint from a debtor, that **Ms Wriglesworth**, in her role as a Supervisor of an IVA, breached the fundamental principle of Professional Competence and Due Care in that;

- 1) *there was a period of delay of 24 months, post the effective termination of an IVA by expiry of time in November 2014, until a final report and termination certificate was issued in November 2016.*
- 2) *she failed to undertake a diligent review of a debtor's case file following appointment as Supervisor on 6 December 2013, which contributed to the following failings;*
  - a) *an error by the former Supervisor in the level of total creditors liabilities, (through the existence of two proposals), was propagated in the incumbent Supervisor's subsequent reports to creditors*
  - b) *that a variation meeting was called for 15 October 2014 erroneously, stating the level of claims had increased by more than 15%*
  - c) *that payment for an asset in the sum of £1,000 detailed in the Statement of Affairs was not pursued by the Supervisor*
  - d) *identified as a breach, on Notice of Breach to debtor dated 25 August 2016 an incorrect amount as regards level of liabilities disclosed in proposal*
- 3) *the sum of £300 in regards to a variation fee, for a meeting on 15 October 2014, was drawn without authority*
- 4) *there were a number of inconsistencies and errors in the Final Report and Certificate of Termination to creditors, both dated 14 November 2016, suggesting a lack of attention to detail*

Accordingly, Ms Wriglesworth was found liable to disciplinary action under the IPA's Articles of Association.

Summary of sanctions:

The Common Sanctions Guidance provides for a Severe Reprimand and fine of £5,000 where there has been a serious failure to comply with the fundamental principle of professional competence and due care.

The Committee considered that the conduct here, whilst not deliberate, was serious. It also considered that there was no mitigation to reduce the level of sanction and while a significant aggravating factor was the effect the conduct has had on the debtor, the Committee agreed that the sanction ought to be as indicated in the Common Sanctions Guidance.

The Investigation Committee has decided to impose a disciplinary order that Ms Wriglesworth be severely reprimanded, fined £5,000; and make a contribution towards the costs.