



Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 03 July 2018

Committee name: INVESTIGATION COMMITTEE

Details of IP: **Mr Philip Duffy, of Manchester**, an IPA member and Licensed Insolvency Practitioner.

Summary of complaint: This Order is made in relation to a complaint that Mr Duffy, in his role as Administrator of a Company breached Statement of Insolvency Practice 16 by:

1. *failing to disclose;*
  - *whether efforts were made to consult with major or representative creditors and the upshot of any consultations.*
  - *why it was not appropriate to trade the business and offer it for sale as a going concern during the administration.*
  - *details of requests made to potential funders to fund working capital requirements.*
  - *details of registered charges and dates of creation, and*
2. *failing to provide a statement as to whether;*
  - *the connected party had been made aware of their ability to approach the pre-pack pool.*
  - *failing to provide a statement as to whether the pre-pack pool had been approached by the connected party or not.*
  - *failing to provide a statement as to whether a viability statement had been requested from the connected party but not provided.*

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

The Committee agreed that the matter was less serious with reference to the Common Sanctions Guidance. The Common Sanctions Guidance provides for a Reprimand and a fine of £1,500 when the matter is considered to be less serious.

The Committee considered that the matter was aggravated given the publicity SIP16 has received, highlighting the importance of complying with this standard.

The Investigation Committee decided to impose a disciplinary order that Mr Duffy receive a Reprimand, a fine of £2,000 and costs.