



Type of Order: DISCIPLINARY CONSENT ORDER
Date of Order: 03 July 2018
Committee name: INVESTIGATION COMMITTEE
Details of IP: **Ms Samantha Warburton**, of **Bolton**, an IPA member and Licensed Insolvency Practitioner.

Summary of complaint: This Order is made in relation to a complaint that Ms Warburton as Supervisor of an Individual Voluntary Arrangement has breached the fundamental principles of Professional Competence and Due Care and/or Professional Behaviour of the Insolvency Code of Ethics by:

- (a) Failing to ensure that the creditor received proper notice of a meeting of creditors in a timely manner
- (b) Failing to respond to the creditor in relation to this matter, as follows:
 - i) On 11 August 2017 the creditor telephoned Ms Warburton to register dissatisfaction and was advised that as 75% of the creditors were already in agreement, nothing further could be done.
 - ii) The creditor asked that, if a postal error had occurred, why the meeting could not have been rearranged to allow the creditor to participate; and
 - iii) emailed Creditfix on 19 August 2017 referring to his letter of 11 August 2017 to which a reply had not been received.

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

The Common Sanctions Guidance provides for a reprimand and a fine of £2,000 where there has been a failure to comply with the fundamental competence and due care.

The Committee considered that the Complainant was given incorrect information and not advised of what action he could take to address the matter. The Complainant made a formal complaint which was not dealt with adequately.

In mitigation, the Committee noted that the complaint arose from a clerical error.

The Investigation Committee decided to impose a disciplinary order that Ms Warburton receive a Reprimand, a fine of £2,500 and costs.